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Salla NazarenkoPLURALIST MEDIA IN A PLURALIST SOCIETY –
JUST AN ILLUSION IN CENTRAL ASIA?

First of all I want to say that the things I say in this presentation do not represent the official viewpoint of International Freedom of Expression Exchange, but are my own personal opinions and views.

This is the third time, at least, that I am taking part in this conference, and the first time that I am here making a presentation.

When starting to prepare my presentation, I kept thinking of the constructive and positive things that I could say. I did not want to start by saying that things have gotten worse and future looks bad. I actually thought of how great it would be to say that in fact these kind of events have become unnecessary, since Central Asian media has become more free and professional, and that the Presidents that run these countries have finally understood that there is no Soviet Union anymore, and the concepts of collective propagator, agitator and organizer have also expired long ago. It would be great to go home and tell my husband, who is Kyrgyz citizen, that you know what, Mr. Bakiev did bring democracy to Kyrgyzstan, and that there will be an interesting rally for presidency in Kazakhstan, since Nazarbayev is giving room to other candidates.

Needless to say, none of this has happened.

IFEX, the organization that I represent, is a network of 64 free expression organizations in the world that monitor and report on free expression violations, with the aim of bringing worldwide attention on the perpetrators.

A short check-up in our website told me that our members, that include such organizations as Reporters Without Borders, Committee to Protect Journalists, Adil Soz, Freedom House, Human Right Watch and so on, have reported numerous cases of violation of freedom of expression in Central Asia this year. Practically every two or three days we got news from the region, with headlines like “newspaper blocked from publishing”, “journalist attacked”, “issue of newspaper seized”. This does not even count the dozens of more subtle interferences with freedom of expression that occur weekly such as illegal dismissals of journalists or denials of access to information. This gives you an idea of the situation. The details can be found in our website as well as the site of local free expression organizations that do very valuable work of monitoring the violations of journalists’ and media outlets’ rights. But this all can be found in the Internet, so let me move towards the topic of our session.

Pluralism

Pluralism is usually agreed to mean a means of avoiding the conflicts that naturally arise between people of differing opinions. It means that one is open to other peoples' views, meaning that one is willing to ignore the fundamental differences in opinions and practices for the sake of „harmony“ and promotion of a „marketplace of ideas.“

Whenever differences arise, one is supposed to „respect“ the other, and permit the other to live as they see fit, even if it contradicts one's sincere understanding of what is real and right. This is the theory of pluralism. Everyone has different ideas, but if everyone simply lets each think as they please, everyone can get along.

This is a definition I found in the Internet. It also said that historically, pluralism has turned out to be completely impractical, however, it remains an ideal. The idea of pluralism is always there, when one thinks about democracy and human rights.

In joining the OSCE in early 1990s the Central Asian governments agreed that pluralist democracy based on the rule of law is the only permissible system of government.

In this commitment the Central Asian governments also agreed that only a democratic state is able to guarantee human rights.

Let us take a look of what has happened to these ideas of pluralism and freedom of speech this year. I am not discussing Turkmenistan here.

- Uzbekistan. All of you know what happened in the city of Andijan in May this year.

Free expression news from this year include human rights activist forced into psychiatric detention, media support organization Internews being closed down, reporter being jailed for insulting a security officer.

I have been to Uzbekistan twice. Of those people that I used to work and meet with, two have received prison sentences, two have immigrated and the rest have either lost their jobs or prefer not to know anything anymore. The atmosphere, even before the terrorist attacks in Tashkent and Andijan, was paranoid. When you have a meeting with local journalists, the person you meet tells you that the previous person you met works for the government, and this goes on and on. Journalists, who in an ideal world are supposed to work together to fight for freedom of speech, are going slightly mad.

- Tajikistan

After the end of the civil war the situation seemed promising. Reporters Without Borders as well as other media freedom watchdogs used to rate Tajikistan the best country in the region in terms of press freedom.

However, President Rakhmonov's honeymoon with journalists was not a long one.

According to the National Association for Independent Mass Media in Tajikistan, NANSMIT, since the year 2000, cases of threat, attack, and even murders of journalists have been regularly registered in the country. This year the OSCE Representative on Freedom of the Media, Mr. Miklos Haraszti, already has expressed concern over the issues of broadcasting licences as well as the situation around four newspapers that are not being published anymore. President Emomali Rakhmonov is making the life of opposition press very difficult.

- Kyrgyzstan

In Kyrgyzstan, this year was historic. The revolution in March was partly a result of the work of certain fearless journalists. Revolution brought people new hopes of anti-corrupt government, democracy and eventually, better life. President Kurmanbek Bakiev has promised to reform state television and gradually get rid of the system of state media. Newspaper *MSN* has become a legitimate voice instead of a constantly harassed enemy of the government.

President Bakiev has not been criticized much yet. Time will tell, what happens, when the critique starts. Yet a normal phenomenon in a pluralist democracy, criticism is a hard thing to cope with for Central Asian Presidents.

- Kazakhstan

Kazakhstan, the host country of the conference, wants to become the Chair of the OSCE in 2009.

This despite the fact that in all rankings on freedom of speech or media freedom, the country has gone downhill from year to year. Right now we are only about two months away from the Presidential elections, and just a bit less than two weeks ago six newspapers that have covered an opposition candidate's presidential campaign were prevented from publishing their current editions. New York-based Committee to Protect Journalists stated that this already questions the legitimacy of upcoming elections.

After spending a considerable amount of time in this country I see the situation in Kazakhstan the following way: pluralism in Kazakhstan today means sharing opinions and views in a framework strictly defined and controlled by President Nazarbaev and his family.

If the OSCE members agree that this country is ready for Chairmanship, it is time to question the value of the OSCE.

If we compare the four countries, I need to say that I have been happy to see the amount of NGO's in Tajikistan and Kyrgyzstan growing. Severe free expression violations in these countries are followed by a wave of protest not only internationally but locally. This does not happen in Uzbekistan, where registering a free expression NGO is a mission impossible, and until this year it was a rarity in Kazakhstan as well. Luckily, as Tamara Kaleyeva said earlier today, the amount of free expression organizations is growing here.

As a conclusion I want to get back to the concept of pluralism.

If we talk about pluralism together with democracy and democracy together with transparency, there is one thing that I have already mentioned, that stops this development from taking place in Central Asia.

That is corruption and the overwhelming power that the Presidents in all of the countries have over judiciary and executive.

The same way as in Kyrgyzstan Askar Akaev promised to fight against corruption, and it turned out that his government and family are very much involved, in other countries the presidents denounce corruption and still think it is normal that their family members get jobs as ambassadors or heads of big companies.

Earlier this year, Kurmanbek Bakiev of Kyrgyzstan named Rina Prijivoit, a journalist famous for her courage, as the OSCE Ambassador in Vienna. He also named Samira Sydykova, another famous editor-in-chief, as the Ambassador of Kyrgyzstan in the US. As a result people started to think that things are changing. Qualified people instead of relatives and acquaintances are getting the jobs. And what happens next? Bakiev's brother becomes the Ambassador for Kyrgyzstan in Germany. Not to mention how things are in Kazakhstan.

All the years I have spent in Central Asia have taught me one thing: as long as tribalism and corrupt practices are as widespread as they are, on all the levels of all the societies, from kindergarten to the highest instances of power, little will be achieved. The thing that really has to change is that it is time to understand that presidency of a country is not a family business. This is where corruption begins, and dreams about pluralism remain dreams.

IFEX and its partner groups in each Central Asian country will keep documenting the free expression situation as it continues to deteriorate, in the hope that it will force regional and international bodies such as the OSCE and others to find more effective ways to improve the situation in the region.

Ardak Doszhan**KAZAKHSTAN'S MASS MEDIA:
THE PRESENT STATE AND PROSPECTS**

Right from the start, upon acquiring its sovereignty and independence, the Republic of Kazakhstan got down to introducing fundamental changes in the sphere of mass information, which consisted in creating the necessary conditions for the development of independent mass media. This was prompted by the awareness of the fact that the existence of developed, organizationally strong and free mass media is one of the fundamental features of a democratic society. Thus, under Kazakhstan's legislation, it is forbidden to interfere in any way with the activity of the mass media, provided this activity is in accordance with the law. Also, the Constitution of the country prohibits censorship.

Kazakhstan believes that ensuring the rights and freedoms of citizens to receive and impart information is a necessary condition for the building of a democratic state. The Republic fully shares the views expressed in Article 9.1 of the Document of the Copenhagen Conference on the Human Dimension: "The right to freedom of expression ... will include freedom to hold opinions and to receive and impart information and ideas..." The Republic also shares the views contained in Article 24 of the Document which says: "The participating States will ensure that the exercise of all the human rights and fundamental freedoms ... will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law..." As you may know, the lower house of Kazakhstan's Parliament has recently voted for ratifying the International Covenant on Civil and Political Rights without any reservations.

It should be noted that freedom of speech is the necessary condition for exercising most of the constitutional rights and freedoms, above all political ones, and that it is part of the inalienable right of every citizen to take an active part in the life of civil society.

The provisions set forth in Paragraphs 1 and 2 of Article 20 of the Constitution deal with the constitutional right to the freedom of speech. According to them, "The freedom of speech and creative activities shall be guaranteed. Censorship shall be prohibited. Everyone shall have the right to freely receive and disseminate information by any means not prohibited by law..." These provisions are fully reflected in Paragraphs 1 and 2 of Article 2 of the Law on the Mass Media of the Republic of Kazakhstan. In fact, this article makes

those constitutional provisions more concrete.

The Republic's legislation contains no norms or regulations which prohibit citizens to receive or disseminate information. The only exception is information which constitutes state secrets or some other kind of secrets protected by the law.

Today, the essential, basic elements of the information market have been formed in Kazakhstan. They include non-state-owned mass media, which is now a dominant segment, a wide differentiation of information subjects, and the appearance of fairly large media companies. Whereas until 1990 there were only ten republican newspapers and magazines and 21 television and radio channels in Kazakhstan, each of them state-owned, today the Republic has 2,110 media outlets, including 1,325 newspapers and 590 magazines, 184 television and radio companies, and 11 information agencies. Seventy-seven per cent of Kazakhstan's mass media are not state-owned. Public organizations own 218 media outlets, and 17 belong to religious associations.

It is known that practically all the political parties, including opposition ones, as well as a number of public organizations, have their own periodicals and access to the programmes of both republican and regional broadcasting media.

At the coming presidential elections all the candidates without exception will be afforded equal access to the republican and regional mass media. This is stipulated in the Law on Elections as well as in a special presidential decree.

In addition to Kazakh and Russian, the main two languages in Kazakhstan, the Republic publishes newspapers and magazines and runs broadcasts in 11 other languages, including Ukrainian, Polish, English, German, Korean, Uighur, Turkish and Dungan. Furthermore, the state renders financial support to the national mass media. Every year, following an open contest, state support is granted to four national press organs published in German, Korean, Ukrainian and Uighur.

Current on Kazakhstan's information market are products of 2,265 foreign mass media, including 2,183 newspapers and magazines and 82 television and radio programmes.

Such a great multiformity and linguistic variety, far from hindering, only stimulates the boisterous development of Kazakhstan's own mass media and broadens the scope of information. This is largely promoted by the annual placing of a budget-financed state order for the conduct of a state information policy. This order is awarded according to the results of open contests among the mass media, regardless of their form of ownership.

Working productively in the country are such public organizations concerned with upholding the rights of journalists as the Congress of Kazakhstan's Journalists, the Union of Kazakhstan's Journalists, television and radio broadcasters' associations of Kazakhstan, various media centres, and representative offices of international organizations. The freedom of speech situation in the country is being monitored by all sorts of human rights organizations, and we are aware of the fact that besides positive comments there often are critical remarks on the situation in that sphere.

The appropriate state bodies carefully examine all of the mentioned facts concerning violation of citizens' rights and freedoms and take the necessary corrective and preventive measures, all in keeping with Kazakhstan's legislation.

Moreover, within the framework of financing socially significant projects of non-governmental organizations, in order to facilitate the development of the mass media, grants were allocated early this year to such authoritative non-governmental mass media organizations as the National Association of Television and Radio Broadcasters which represents more than 30 TV and radio companies, the Association of Kazakhstan's Television and Radio Broadcasters which expresses the interests of TV and radio companies as well as of space satellite communication operators, the Public Foundation "North Kazakhstan's Media Centre" (the city of Kostanai), and the Association of Mass Information Media Workers (Zhambyl Region). These organizations conduct training seminars for journalists on problems of civic development in Kazakhstan.

As for further improving the legislation in our sphere of activity, particularly the draft law on the mass media, we all know that the Congress of Journalists in Kazakhstan, an authoritative public organization, has prepared a new draft of the said law, which is being presented in Astana today at a meeting of the National Commission on Problems of Democracy, in which the President of the Republic is taking part. Our position is this: in view of the Government's readiness to consider the draft law, we have held several working meetings with its developers, the Congress of Journalists.

And so I think we'll soon start discussing the draft in Parliament.

The process of forming the country's mass media has been far from simple; at the same time it has not been spontaneous or strictly predetermined. I believe that ensuring the further free and effective development of the country's information space is not so much a prerogative of the state and its structures only, which are working in the right direction and doing all they can, as, first and foremost, of society as a whole: the journalistic community, all sorts of public associations, and citizens. Everyone must contribute to this process.

We hope that holding forums like this one will make it possible in the future to find optimal solutions to problems that have been outlined here today.

Nurali Davlatov, Adolat Umarova

PLURALISM IN THE MASS MEDIA OF TAJIKISTAN: THE EXPERIENCE OF THE PAST YEAR – GAINS AND LOSSES

In any contemporary society, political pluralism is manifested in a respectful attitude towards law and current traditions, along with religious sentiments and moral values, so long as human rights are protected and there is political openness. It is impossible, however, to guarantee the above criteria if there are no independent (or, more properly, non-governmental) mass media.

An analysis of Tajikistan's mass media in the period under review shows that there is pluralism, but not to the degree that one might wish. This is because, as last year's parliamentary elections drew ever nearer, such independent media outlets as *Ruzi Nav*, *Nerui Sukhan* (Power of Speech), *Odamu Olam* (Man and the World), and *Adolat* (Justice) ceased publishing. Officially, not one of these newspapers was closed; nevertheless, the government and private printers in Tajikistan stopped collaborating with them, even though it is reliably known that many printers (both government and private) are standing idle due to a lack of customers. This demonstrates that the refusal to publish non-governmental media did not come about without interference from government authorities. The government thus showed it will not under any circumstances tolerate non-conformism in Tajik society, even though leaders of different rank talk from their high rostrums about supporting pluralism.

Only *Nerui Sukhan* kept operating, for the time being: it switched over to a non-standard A4 format. We say "for the time being" because the Kaikhon print shop was closed on 26 January exactly one month before parliamentary elections, on the grounds of "illegal use of electrical energy". As a result, Mukhtor Bokizoda was sentenced by Firdavsinsky district court of Dushanbe to two years' probation in September of this year.

The above measures were taken with the aim of bringing political pluralism in Tajikistan, if not to zero, then to a minimum.

The following situation now attains: the government media continue to close their eyes to the country's worst problems, while the existing non-governmental media cover matters of secondary importance. In other words, the most burning issues are covered very carefully in order to avoid trouble with the authorities. This has been demonstrated by a number of recent publications dealing with the sensational criminal investigations against former Tajikistan Minister of Internal Affairs Ya. Salimov and former Presidential Guard Com-

mander G. Mirzoyev (People's Front field commanders who made a huge contribution to the strengthening of E. Rakhmonov's government), and former Democratic Party and Tajikgaz Chairman M. Iskandarov (another influential ex commander of the armed Tajik opposition).

In August of this year, *Nerui Sukhan* and *Odamu Olam* each published one issue. Another newspaper, *Ruzi Nav*, still comes out from time to time in a run of 100 copies, all in A4 format. This paper has now declared itself to be an opposition paper.

For the sake of fairness, it should be noted that these non-governmental newspapers made their own contribution to the development of pluralism in Tajikistan. For the first time since the 1992 civil war, Tajikistan's journalists had conquered their fears and begun to cover issues that worried the public. There were a great many such problems: presidential and parliamentary elections, bureaucracy, corruption, unemployment, and the narcomafia, to name a few.

Non-governmental media began to cover these issues in particular. We believe that they made mistakes: for example, instead of carrying out their indirect responsibilities (i.e., impartially covering existing problems), they began to passionately accuse the Government and President of all the deadly sins. It is no secret that the Tajik authorities have a great many shortcomings. It would therefore have been more correct for the media to use analyst and expert opinions rather than make crude personal attacks. Our journalists took an untried path and began to foist their own opinions onto their readers. Another serious problem was that the independent media frequently failed to observe professional ethics. Mukhtor Bokizoda, the editor-in-chief of *Nerui Sukhan*, had this to say on the matter: "We did not always debate things properly and were not always tolerant of others' views".

It was probably for this reason that some of the paper's "targets" considered the criticism aimed at them to be libellous. The affair ended up in court, with one of the paper's correspondents getting a year's probation. For his response, published in the paper, the court fined journalist N. Aminov 50,000 somoni, or more than \$16,000. The plaintiff, however, N. Abdullayev, an instructor at the National University's Faculty of Law, waived the compensation for the emotional suffering he had incurred.

We then saw that the government media began to talk about the government only in positive terms, while the independent media spoke of it only negatively. Whether the government media began to sharply criticize independent newspapers and their heroes voluntarily or because they were ordered to is unimportant. Government figures who had once been influential but were now

chafing under their retirement became the main heroes of the non-governmental papers. Former Presidential Guard Commander G. Mirzoyev and former Tajikgaz Chairman M. Iskandarov can also be included in this list: the former is now awaiting trial, while the latter was sentenced last week to 23 years. The main thing, however, is that far from everyone in Tajikistan saw these men as champions of justice.

When one considers that the battle in Tajikistan took place against the backdrop of victorious coloured revolutions, it is not hard to guess what made government officials start thinking of how to rid themselves of the troublesome non-governmental media.

Mukhtor Bokizoda believes that, in the pages of *Nerui Sukhan*, he provided all political party leaders with a rostrum to voice their views from, but they limited their statements to criticism of other political parties, especially the ruling party: "There was a great deal of just criticism in their words, but at the same time they themselves did not offer any serious political programmes for leading Tajikistan out of its crisis".

Now there is only one year left before presidential elections in Tajikistan. As we mentioned above, the non-governmental media in Tajikistan now avoid covering major problems in a serious manner. They do not want to be closed down due to their criticism of the President, the Government, or the ruling party. They are either very cautious in their coverage or write about things that present no threat to their newspapers. There are today virtually no political discussions in the pages of the media, and the activities of political parties are not covered. When one considers that, among these organizations, only two parties – the ruling NDPT and the IRPT – have their own press organs, it is easy to imagine how the remaining parties' participation in the elections will be covered, given the absence of pluralism in the mass media. It is not known how they are preparing for the presidential elections.

Meanwhile, the official media write about President Rakhmonov's wise politics, and nothing else. The founders and chief editors of newspapers do not want them to be closed down due to their criticism of the President, the Government, or the ruling party. Now that among the six political parties only two have their own press organs, it is only natural that they use the independent media for their own ends. The experience of Tajikistan media shows that they do not care a sixpence about journalist ethics, because the main goal of any political party is coming to power.

As we see it, no journalist has such a goal. The journalist is not a political or opposition leader and even less a revolutionary. The journalist has a totally

different mission.

The sole gain this year will most likely be the registration of the new non-governmental political paper *Millat* (The Nation), which started coming out on 1 September 2005.

Will new newspapers be registered in Tajikistan in the next few months? It is hard to answer this question. It is easier to answer another one: What should the independent media expect once the presidential campaign gets under way in Tajikistan?

In our opinion, the authorities will do their best to try and restrict pluralism in the independent media. This is clear from court rulings in respect of journalists, cases of preventing printing houses from printing newspapers, and stepped-up propaganda in the official mass media. Therefore, under the circumstances, the independent media should work out joint tactics and behaviour patterns. First, solidarity among journalists of the independent media is a must. Second, each media outlet should have on its staff a journalist well-versed in election law to cover the election process. In order to save their face, the independent media should treat all political parties on an equal basis, because showing preference to any one party would discredit them.

In the area of pluralism, one can see that it is very difficult today to speak of gains over the last year for Tajikistan's mass media; it is easier to speak of their losses. The issues raised in non-governmental media are not presented forcefully, while government media avoid serious issues altogether.

A situation now attains in which subscriptions to government newspapers are basically growing, since many of these papers' readers are government officials, who, we are sure, had to subscribe to these papers. Independent distributors refuse to put them on sale, because there is no demand for them. In our view, we today need several professional Tajik-language newspapers that will competently cover the current problems in Tajik society.

Bakyt Ibraimov**MEDIA PLURALISM IN KYRGYZSTAN:
BEFORE AND AFTER THE REVOLUTION**

This report analyses the development of the mass media in the light of the latest events in Kyrgyzstan. In particular, it considers the state of the country's mass media before and after the Revolution of 24 March 2005. It also considers the attitude of the new powers that be towards the principles of democracy, freedom of expression and pluralism in the mass media, as well as the de-nationalisation of the official mass media which last has aroused heated discussions both among journalists and government officials.

In recent years the media situation in Kyrgyzstan has been determined by the actions of the authorities, which caused tension in civil society. Access to socially significant information has been limited, and freedom of expression frequently violated.

The predictions of media experts that this problem would be particularly acute during the pre-election period have come true. At the same time, the experts insisted that this problem should be resolved at the legislative level. The right of everyone freely and without hindrance to seek, receive, analyse, produce, transmit and disseminate information was laid down in the law of the Kyrgyz Republic "On Guarantees and Freedom of Access to Information". It proclaims that the state must protect the right of everyone to information, while access to information may only be restricted by law. Parliament alone has the right to restrict access to information by adopting an appropriate law, and no other government agency can do that.

The scarcity of information or refusal by government agencies to make it available to journalists negatively affects not only the image of the mass media but also the entire process of social development. In some cases, the public, unable to learn about the views of the other side, is compelled to receive one-sided information. Media workers admit that they often have to tell the public that the other side is unwilling to comment on, or to give its appraisal of, this or that event, thereby contributing to the bias of the published material.

Although the right of journalists – just as that of every citizen – to freedom of receiving and disseminating information (except such information as may constitute a state secret) is guaranteed by the country's Constitution and the relevant laws, the former authorities of Kyrgyzstan used all sorts of methods to limit journalists' access to socially significant information. These

methods included direct and indirect refusal by government officials to make information available to journalists, as well as illegitimate denial of accreditation. Furthermore, preferences and privileges were given to the government-controlled media, while others were restricted in gaining access to meetings of government agencies, court sessions, and press conferences held by high-ranking officials.

The authorities gave an unjustly broad interpretation of the threat presented by extremist groupings, referring to the need of ensuring “information security of the state and society” and creating “a system of opposing information expansion”. This was repeatedly mentioned by ex-President Askar Akayev. Speaking at a Security Council meeting on 23 October 2004, he declared that “the activity of certain mass media outlets was detrimental to the stability of society, imparting to it elements of civil confrontation and conflict”. Already then, the authorities were aware that certain non-governmental media outlets engaged in publicizing the political opposition blocs and movements which had made their appearance in Kyrgyzstan on the eve of the parliamentary and presidential elections.

At a press conference held on the eve of 2005, the country’s first President remarked, in a live broadcast of a government-owned television channel, that such blocs and movements had been created with the funds of some international organizations for the purpose of generating discord among the people and organizing revolutions patterned on those carried out in Georgia and Ukraine.

Certain media actions staged by various organizations have shown that freedom of expression – one of Kyrgyzstan’s main achievements – was losing ground from year to year. Journalists and media experts, including foreign ones, stated that Kyrgyzstan’s “fourth estate” was living through hard times, being attacked and pressured from all sides. And this despite the fact that our legislation contains no restrictions on access to information and that our law “On the Mass Media” is one of the most liberal in the Commonwealth of Independent States.

According to some international organizations, official Bishkek began curtailing freedom of expression upon President Akayev’s statement, made in his annual address to the nation, to the effect that certain media outlets, purporting to exercise their right to freedom of expression, have chosen ideological terrorism as a means of attaining their ends.

For instance, Rachel Denber, a prominent Human Rights Watch activist, declared on 28 December 2004 that the government of Kyrgyzstan had taken

measures to tighten its control of the news media and other institutions of civil society just before the parliamentary elections scheduled for 27 February 2005.

There is no doubt that the authorities expected the non-governmental media – just as the government-controlled ones – to become the chief link between the powers that be and the electorate, while during the election campaign they did not exclude a clash of interests. Formerly, the power structures had the possibility of exerting pressure via printing houses or by putting forward multimillion claims. Later on, this niche was occupied by the supervisory agencies.

From January 2005 on, the confrontation between the authorities and the mass media intensified. The cause of that was the publication, in a number of opposition newspapers, of the verbatim report of a “secret” meeting of Kyrgyzstan’s government which, allegedly, considered the problem of neutralizing the opposition during parliamentary elections. Against this background, the government-owned mass media began fervently upholding the interests of the authorities and, as a result, an information war flared up. Commenting on this situation at the Media and Elections forum, Kuban Mambetaliyev, chairman of the Journalists public association, noted that the “media war” in Kyrgyzstan was gathering momentum, and that new technologies were employed to pit Kyrgyzstan’s government-controlled media against their non-governmental counterparts.

Clearly, there can be no talk of pluralism in a situation like that. The coalition For Democracy and Civil Society appealed to the government, requesting it to ensure strict observance by the government-owned media of the rules prescribed by the Election Code for coverage of the election campaign. The statement said that the voters in Kyrgyzstan were deprived of the opportunity to obtain complete and authentic information on the events taking place in the country from the government-controlled media. In this connection, two pro-government newspapers were pointed out in particular – the *Erkin Too* and *Slovo Kyrgyzstana*.

Quoting the editor-in-chief of a pro-government Kyrgyzstan newspaper, the Integrated Regional Information Network (IRIN) of the UN Office for the Coordination of Humanitarian Affairs reported that this newspaper was compelled to cover the election campaign in the country in accordance with the recommendations issued by the presidential staff. The report said further that the editors of all the government-controlled mass media had received strict instructions concerning coverage of the elections. In particular, these instructions recommended creating an information vacuum round the opposition candidates.

In an open letter to President Akayev, the Human Rights Watch expressed concern over the media situation in the Kyrgyz Republic, noting that the opposition's access to television broadcasts had been limited, while the government was using its influence on the broadcasting mass media for the vilification of those who criticized the powers that be. The letter pointed out that for many years the government, or those connected with it, maintained strict control over the national television channels. The letter also expressed regret that the authorities still used lawsuits against critically-minded newspapers and invented new methods of exerting pressure on them, including on their administrative resources. By way of example, the letter referred to what it called the instance of illegitimate application of anti-trust legislation against a leading independent newspaper.

The situation reached its climax on 17 February 2005, when, speaking on a government-controlled television channel, President Akayev accused the newspaper *MSN* of slandering his family. He threatened to institute a lawsuit and called upon the people to support him. Appearing on the same television channel two days later, State Secretary Osmonakun Ibraimov conducted a live show in which prominent personalities took part. A noted academician and doctor of medicine stated then that he would like to destroy some of the journalists he hated so much right on the operating table. According to a number of journalist organizations, that live broadcast exceeded all limits of common sense.

A few days before the start of parliamentary elections two incidents occurred which laid bare the true policy of the government: the Azattyk radio station was turned off its frequencies in the VHF and FM bands, and the American printing house called "Mass Media Support Centre", which published local and regional newspapers, was cut off from its electric power supply. Those incidents were assessed as curtailment of voters' rights to free access to information.

After the first round of parliamentary elections Sulaiman Imanbayev, head of Kyrgyzstan's Central Election Commission, refuted the statements that pressure had been exerted on the mass media during the election campaign. According to him, over 90 mass media outlets took part in the election canvassing for candidates, and only 18 of these were government-owned. He said that each candidate, regardless of his/her political orientation, was afforded free time for appearing on the government-owned radio and television channels to take part in the debates. Also, each candidate was allowed to submit one page of typewritten text for publication in the press. "No one's freedoms were curtailed; all of the parliamentary candidates enjoyed equal rights, and all statements to the contrary are not true," Sulaiman Imanbayev declared.

On the eve of the storming of the Government House in Bishkek, the non-governmental organization Internews-Kyrgyzstan published a statement on the information situation in the electronic mass media with regard to the events in the south of the country. The statement expressed concern about the information blockade which was established in the country on the eve of the revolution. In this connection, the organization called on the government agencies to abstain from exerting pressure on the mass media and from abusing the air time of the government-owned channel maintained with the taxpayers' money. "Because of the interference of the authorities in the work of the electronic mass media," the statement ran, "the people of Kyrgyzstan did not receive authentic information about what was really happening. The absence of adequate, well-balanced coverage of the events in the south and in some northern parts of the country gave rise to all sorts of rumours and led to the manipulation of public opinion, which destabilized the situation even more."

A similar opinion was voiced by Anvar Artykov, Chairman of the Regional Kenesh (Parliament) of the Osh Region (now the acting governor of the Osh Region). On 21 March 2005, he told the AKI press news agency that unless the staff of the Osh-3000 television company started covering the events taking place in the southern capital objectively, the protesters would have no choice but to capture the premises of that company. Similar statements were made by the protesters in the neighbouring Jalal-Abad Region, who accused the government-controlled mass media of distorting the meaning of the events taking place in the south of Kyrgyzstan.

In any case, one can say that the mass media have played a decisive role in the pre-revolutionary situation in Kyrgyzstan. Following the change of government in Kyrgyzstan on 24 March 2005, acting President Kurmanbek Bakiev stated in a live television broadcast that all of the newspapers, including government-controlled ones, should be free. He also supported the idea of transforming the National Television and Radio Corporation (NTRC) into a public television channel. Furthermore, he stressed the importance of providing authentic and objective information. To perform this function, he said, the mass media must be free from any kind of pressure.

But all that was said on the spur of an euphoric moment when the new authorities in the person of its high-ranking officials promised to give the government-owned mass media "free rein". Right after the revolution Bakiev spoke of the need for modernizing the foundations of the state as soon as possible and for strengthening freedom of expression. But so far, none of that has been done. The acting President appointed new editor-in-chiefs of three

government-controlled newspapers and the chief of the NTRC, who, as before, take their orders from the head of state.

On 31 May 2005, addressing the heads of the official press organs gathered at a media forum, Adakhm Madumarov, acting Vice-Prime Minister of the Kyrgyz Republic, said: "Write whatever you want, sail wherever you want." But soon the authorities realized that the promised reform of the government-owned mass media might negatively affect the coverage of the activities of the government agencies themselves. The problem is still unresolved despite the fact that a task force for government-controlled media de-nationalisation has been set up by a decree of Kyrgyzstan's acting President.

The question of whether the government needs the press should be re-framed as follows: "Does the public need the press?" If there is market demand for the press, the press will survive; and if there is no demand, do the new authorities have the right to maintain the press with the taxpayers' money? Some people have suggested a new incorporation approach whereby 51 per cent of the stock is owned by the government and the rest by the paper's staff. Media experts believe, however, that this approach would hardly change anything: most of the government-owned media would simply become semi-governmental.

It is well known that there are no government-owned mass media abroad; there are merely different media bodies which express different viewpoints. If we have a large number of non-governmental media bodies, they will, accordingly, reflect the interests of this or that group of the population. The truth will then be born of such pluralism, of a conflict of opinions. And it is only natural that any business entity can establish a television or radio company or a newspaper and make its own views and interests known to the public and the government.

At present, there is much controversy round the NTRC. The media forum mentioned earlier issued a resolution addressed to Kurmanbek Bakiev, which pointed out the need for adopting a law on broadcasting and for establishing a public television network on the basis of the NTRC. Later on it turned out that the NTRC was not on the list of the mass media subject to de-nationalisation. Adakhm Madumarov explained this fact by a desire not to jeopardize the country's information security as well as the ideological component of the country's development. The NTRC leaders supported this view and declared that its "governmental" status already presupposed expressing the interests of the public at large. Therefore, it was suggested that the NTRC should be left alone and that only the corporation's southern branch, the Osh-3000 TV

company, should be turned into a public television channel.

In an interview to the Bely Parokhod news agency, Abdygany Erkebayev, Zhogorku Kenesh (Parliament) ex-speaker, noted that at the time, there was less media pluralism and difference of opinion than before, and that the leading opposition newspaper had become pro-government. He also noted that so far no progress had been made in reforming the mass media. Still worse, harsh pressure was brought to bear on those media which criticized the authorities.

Obviously, the government has decided not to part with one of its main ideological instruments for the time being. However, many political scientists and media experts see the immediate future of Kyrgyzstan's mass media in different ways. If the government-owned newspapers are allowed to fend for themselves, not all of them will be able to survive in the present conditions, for some of them are not ready to switch over to self-financing. This is especially true of the areas which have, for the most part, government-owned district and regional papers. If that should come about, all of the district newspapers may cease to exist, and then the public there would be deprived of practically any kind of information.

In the opinion of other experts, if no reform is carried out, the present war between the government-owned and non-governmental media will continue, and so will the loud praises sung to various officials and the President. It is also said that the government-owned press has long since become a thing of the past in all democratic countries, while in this country the editors of the leading national periodicals are still being appointed by presidential decrees. On the other hand, if media reform is carried through, some media outlets will close down, and only the fittest of them will survive. And the higher the level of their competitiveness on the media market, the higher the level of their professionalism will be, and this will ensure their customers a higher-quality product.

An important role in the development of the mass media is assigned to a new draft law "On Broadcasting," which today is being considered by one of Parliament's committees. The draft law provides for reforming the electronic mass media, particularly the government-owned television channels. However, certain officials go out of their way to sabotage and boycott this draft law.

The media are bound to face huge obstacles in the near future. Therefore, our main job is finding constructive solutions to our current problems to rule out any limitation of freedom of expression.

Anar Zhailganova

HONOUR, DIGNITY AND BUSINESS REPUTATION PROTECTION IN THE MASS MEDIA IN KAZAKHSTAN

Under the Constitution, every citizen is entitled to the protection of his/her honour, dignity and business reputation. Pursuant to Article 56 of the Code of Civil Procedure [CPC], defamation proceedings shall be instituted on the basis of lawsuits filed by citizens, organizations and other entities entitled to seek legal protection of their rights and the statutory interests of other persons.

Disputes on the protection of honour, dignity and business reputation centre on personal property and non-property relations.

Article 143 of the CPC puts honour, dignity and business reputation in the personal relations category but does not elaborate on these notions, therefore their interpretations will be found in Regulatory Resolution No. 6 passed by the Supreme Court of the Republic of Kazakhstan [RK] on 18 December 1992 and entitled *On the Application in Case-Law of Courts of Legislation on the Protection of the Honour, Dignity and Business Reputation of Individuals and Legal Entities* (as amended by Resolution No. 5 of the Plenum of the RK Supreme Court of 15 May 1998 and Regulatory Resolution No. 10 of the RK Supreme Court of 18 June 2004):

Honour means the social rating of a person, the measure of his/her moral values and civic attitudes.

Dignity means a person's self-appraisal of his/her own qualities and abilities, world outlook and social standing.

Business reputation means a sustainable positive assessment by public opinion of a person's business (professional) qualities.

Article 17 (1) of the Constitution of the Republic of Kazakhstan (hereinafter referred to as the Constitution) provides that a person's dignity shall be inviolable. Under Article 18 (1 and 2) of the Constitution, everyone shall have the right to inviolability of private life, personal or family secrets, protection of honour and dignity, confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph and other messages. Any restrictions of this right shall be permitted only in the cases and according to the procedure directly established by law.

Article 20 of the Constitution guarantees freedom of speech and creative endeavour.

Article 141 (2) of the Civil Code provides that personal non-property rights

shall be protected by a court of law in accordance with the procedure envisaged by the Code of Civil Procedure. Articles 144, 145 and 146 of the Civil Code deal with the right to confidentiality of private life, to one's own personal images and to the inviolability of the home.

Therefore, the right to the protection of honour and dignity, provided for under the Fundamental Law, and the judicial procedure for protecting the said rights established by the Civil Code testify that there are restrictions on freedom of expression and of the media to prevent any abuse of the above rights.

These rules are further elaborated on in more detail in the Republic of Kazakhstan Law On Mass Media of 23 July 1999 (hereinafter referred to as the Media Law).

Since Article 143 (4) of the Civil Code provides that a person's request for the publication of a refutation or response in a media outlet shall be considered by a court of law if this media outlet refused to publish it or failed to publish it within a month or was liquidated, the court has to verify the claimant's statement to the effect that he/she had to move to the court because the media outlet had failed to consider his/her refutation request in due time.

Article 19 of the Media Law lays down in detail the procedure for refuting defamatory information disseminated by the media. Article 143 (2) of the Civil Code stipulates that every citizen shall be entitled to court remedies in any case of defamation.

Under Article 19 (3) of the Media Law, an individual's or legal entity's request for the publication of a refutation or response in a media outlet shall be heard by a court of law, if this media outlet turned down the request or failed to publish it within a month or was liquidated.

In the meantime, most courts do not regard this provision of the law to be mandatory on the grounds that the Constitution entitles everyone to the judicial protection of his/her rights and freedoms and therefore everyone may demand in court that statements encroaching on his/her honour, dignity or business reputation be refuted; the same is true of legal entities in respect of business reputation only. In our opinion, this approach is not quite correct because in this case the procedure for refuting defamatory statements, established by law, is ignored; what is more, we believe that the Constitution and the Mass Media Law are not at variance with each other on that score.

Para 2 of Regulatory Resolution No. 6 passed by the Supreme Court of the Republic of Kazakhstan on 18 December 1992 and entitled "On the Application in Case-Law of Courts of Legislation on the Protection of the

Honour, Dignity and Business Reputation of Individuals and Legal Entities” provides that in hearing civil cases initiated on the grounds, and in accordance with the procedure, provided for under Articles 141 and 143 of the Civil Code, Articles 24 and 152 of the Code of Civil Procedure, the court of law shall make certain (1) whether the information the claimant seeks refutation of has actually been published; (2) whether this information defames the claimant’s honour, dignity and business reputation; (3) whether this information is true. This rule provides for the use of a special remedy to protect a citizen’s honour, dignity and business reputation – refutation of the defamatory statements disseminated by the media; this method can be used if the three above conditions are met in their entirety. At the same time, there are cases of such statements being true but couched in insulting and defamatory terms, or not lending themselves to verification being the defendant’s subjective assessments or judgements. These matters are to be decided at the legislative level.

If information obtained from another source has been reproduced, this source shall be sued in which case the burden of proving the authenticity of the information published shall rest with the defendant.

The defendant shall prove the information published is authentic, while the claimant only has to prove the fact that defamatory information has been published.

This provision found in Article 141 (3) and Article 143 (1) of the Civil Code is only half-met by courts on the assumption that the claimant has to prove just the fact that information was published rather than the fact that the information published indeed defamed the claimant.

It is noteworthy that the media shall be free to criticize government agencies if they fail to perform their duties or exercise their powers properly because they are public institutions by definition. Therefore, in the event of government authorities considering any statement carried by a media as an encroachment on their rights and legitimate interests they may come up with a response to that statement in the same media, offering a different interpretation of the matter in hand. This rule ought to have been provided for by the Media Law and legalized, anyway. But even now government agencies may well opt for such a solution to a conflict instead of clamping down on critical publications.

If a statement made public by the media is not defamatory, the lawsuit demanding their refutation shall be dismissed.

A response to a statement of claim shall not be regarded as publication of defamatory information in respect of a litigant because it is neither a statement addressed to an organization or office-holder, nor a message, in whatever form, to several persons or even one person. Such objections may, as already mentioned, be raised as part of exercising a litigant's right to the choice of his/her opinion and stand on the claim pursuant to the provisions of Article 15 of the CPC.

The judiciary should bear in mind that if the information at issue was aired at the hearing of another case by the parties thereto and by witnesses at attendance as testimonial evidence and taken into account by the court when delivering its judgement, it cannot be challenged in accordance with the procedure provided for under Article 143 of the Civil Code because the CPC has established a special procedure for examining and assessing this evidence. Such a demand actually amounts to insistence that the information and evidence on the cases heard previously be reevaluated by the court.

If the above-mentioned persons air such information in court concerning persons who are not parties to the legal proceedings and who regard such information as untruthful and defamatory, the latter may protect their rights in accordance with the procedure provided for under Article 143 of the Civil Code.

Apology as a remedy in a defamation case is not provided for by law. The practice is different, however.

Considering that no one can be compelled to voice his/her opinions or convictions or to forsake them, the court shall not obligate the defendants in such cases to apologize to the claimants in whatever form. A reservation should be made here to the effect that certain courts consider it acceptable practice to obligate defendants in such cases to offer public apologies to the claimants because such practice is in line with the provisions of Para 12 of the current Regulatory Resolution *On the Application in Case-Law of Courts of Legislation on the Protection of the Honour, Dignity and Business Reputation of Individuals and Legal Entities*. Such an interpretation appears to be not quite correct because the above-mentioned paragraph of the Resolution provides for the public exposure of defamatory information as mendacious (at company meet-

ings, in the press, on the radio, television, etc.).

An analysis of judicial practice shows that there have been cases of litigants reaching an amicable settlement on condition that the parties apologize to one another.

It is noteworthy in this connection that the court may approve an amicable settlement whereby the defendant offers an apology to the claimant for spreading false defamatory information with regard to the latter. Such practice neither violates the rights and legitimate interests of third parties, nor runs counter to law.

Having satisfied a claim, the court should specify the defamatory statements found to be false, the way of and procedure for refuting them.

Moral damage assessment, correlation with losses.

The judiciary should bear in mind that property and non-property damage ensuing from impinging upon honour, dignity and business reputation shall be compensated in accordance with the damage covering regulations. The regulations stipulate that material losses shall be compensated only if the person found guilty of spreading defamatory information has been established, and moral damages, irrespective of this.

The amount of moral damages shall be reasonably and fairly determined by the court. This matter is dealt with under Para 13 of the Regulatory Resolution which says that the extent of moral (non-property) damage shall be specified in the court judgement in terms of cash depending on the nature of defamatory information at issue (accusations of criminal offences, administrative and civil offences, immoral acts, etc.), the scope of their spread, the defendant's financial position and other circumstances worthy of attention. The list also specifies the form of the defendant's guilt, which is wrong, to our mind, because this runs counter to the provisions of Article 951 (3.3) of the Civil Code. Notably, judicial practice varies on that score, since the law does not set the clear criteria for determining the extent of moral damage. In our opinion, the court should award damages proceeding from the nature and content of defamatory information and the scope of its spread. The amount of compensation for the moral damage sustained should be commensurate with the harm done and not lead to any infringement of freedom of information.

What criteria do courts go by in judging whether defamatory information is true or false?

Legislation now in force does not establish any information authenticity criteria. However, I agree with the opinion that it is obvious that information about events which did not actually take place where and when they are alleged to have happened is not true.

In this connection it is worth noting that the courts should distinguish between statements of facts whose authenticity can be verified, and value judgements, opinions and views which are not subject to judicial protection under Article 143 of the Civil Code being the defendant's subjective opinions and presumptions which do not lend themselves to verification. If a subjective opinion has been voiced in a form insulting the claimant's honour, dignity and business reputation, the defendant may be prosecuted at law in accordance with Article 130 (insult) of the Criminal Code of the Republic of Kazakhstan.

In our opinion, this issue should best be settled by a civil procedure, with amendments made to the current rules on protecting honour, dignity and business reputation (Article 143 of the Civil Code) and on moral damage compensation (Article 951 (3) of the Civil Code). Article 143 of the Civil Code could be enlarged as follows: "A private citizen or legal entity in respect of whom insulting statements have been made which, even though true, infringe upon his/her honour, dignity or business reputation, may demand compensation for moral damage and losses incurred thereby".

Article 951 (3.3) of the Civil Code may include a novel provision to the effect that moral damage has been incurred through the spread, in insulting form, of information which, even though true, infringes on honour, dignity and business reputation.

If petitions (complaints) filed with government or other authorities have been turned down as ungrounded, can one turn to a court of law for protection of his/her honour, dignity and business reputation?

The judiciary should bear in mind that if a citizen files a petition with various government authorities which they have found to be unsubstantiated, this circumstance cannot in itself serve as grounds for holding the citizen liable under civil law as provided for under Article 143 of the Civil Code because in this case the citizen has exercised his/her constitutional right to apply to agencies which are legally bound to check incoming information rather than made a

false and defamatory statement. Such a petition may be granted only if the court finds a complaint lodged with the government authorities totally ungrounded and motivated not by the applicant's desire to do his/her civic duty or to protect his/her lawful rights and interests but solely by the intention to do harm to another person – in other words, if an abuse of rights has taken place.

Do courts take different approaches to moral damage recovery in hearing cases to protect one's honour and dignity, and cases to protect one's non-material values (inviolability of the home, privacy, etc.)?

Very few claims for damages incurred by impingement on non-material values (Articles 144-146) are filed, but the judiciary should bear in mind that grounds for moral damage recovery vary in terms of form of guilt. For example, if damage has been done by spreading information that impinges on honour, dignity and business reputation, compensation shall be recovered irrespective of the harm-doer's guilt; otherwise, it is necessary to prove the harm-doer guilty.

Courts should distinguish cases of protecting honour, dignity and business reputation (Articles 141-143 of the Civil Code) from cases of protecting other non-material values (provided for under Articles 144-146 of the Civil Code), violated by disseminating information about a citizen the confidentiality of which is expressly protected by the Constitution and other laws and the dissemination of which may cause moral damage even when this information is true and does not defame the claimant's honour, dignity and business reputation.

Stepan Balakin

PLURALISM OR ITS ABSENCE IN UZBEK MEDIA

II

Introduction

“So many men, so many minds”, the old saying goes. However, a difference of opinion often engenders conflicts between people, and not only between individuals, but between groups of people, ethnic groups, and ultimately between states. The problem is that, as a result of this, it is the people themselves that suffer, especially when their vital interests are affected and even more so when these are collective, corporate or clan interests. After all, an idea, as we know from the fundamentals of Marxism-Leninism, becomes a material force when taken up by the masses.

The new century has not brought liberation from conflicts of ideas and the danger of a global catastrophe that might be provoked by such a conflict of opinions, ideas and ideologies, is so real that many have realized that we must learn to come to an agreement on even the most acute issues. Then pluralism would develop smoothly into tolerance, which would allow people with different ideas to coexist in peace. In the USSR, the word pluralism was introduced into common usage by Mikhail Gorbachev, the first and last President of this now almost mythical empire. It was the departure from the common charter and from the undisputed directives of the Central Committee of the Communist Party of the Soviet Union that constituted one of the reasons (in addition to the economic one!) for the collapse of the empire. In the 1920s and 1930s, citizens of the young Land of the Soviets who disagreed with the ideology of socialism that was declared the main one in all social and state development would be sent to labour camps or exterminated. In the 1960s and 1970s, dissidents were imprisoned or exiled. The first shoots of pluralism grew in people’s minds throughout the 70 years of Soviet power – finding expression in various jokes, sayings, anti-Soviet songs and underground literature. In the second half of the 1980s, pluralism finally eroded the once monolithic colossus named the Soviet Union and it fell, splintering into a number of independent states. Thus, the Cold War between world imperialism and the USSR ended in victory for the former. There are justifiable concerns that the integrity of the independent states that made up the former Soviet Union might fall victim to pluralism. Confirmation of this is provided by the colour revolutions. So far, Uzbekistan is successfully standing up against this threat.

Problems of Journalism in Uzbekistan

When it gained independence, Uzbekistan proclaimed the basic democratic rights for its citizens, including access to information and freedom of expression.

Article 29. Everyone shall have the right to freedom of thought, speech and belief. Everyone shall have the right to seek, receive and disseminate any information, with the exception of information directed against the existing constitutional system and other restrictions established by law.

Freedom of opinions and their expression may be restricted by law on the ground of state or other secrets.

According to the country's Constitution (Article 67), censorship has not been permitted since the very beginning of independence, though it took over ten years for the institution of censorship to actually be dismantled. Liability for the content of publications that in any way embosom violations of guidelines that are not so much constitutional in nature as recommended from above was transferred from the censors to the editors-in-chief of the mass media. These guidelines apply to virtually every sphere of public life, but special attention is focused on domestic and foreign policy of the government. If a journalist covers issues of culture, art, sport, housing and amenities, and the like, he/she must still remember that his/her point of view on current events might go against official guidelines, sometimes tacit ones, which might bring trouble for him/her personally and the publication in which such material appears. For this reason, editors-in-chief, even if they know that material offered by a journalist is correct and does not contain any state secrets or anti-constitutional statements, must always be extremely careful. Quite recently, in mid-August, one journalist of a so-called independent newspaper fished out from the Internet and published information about the OSCE Centre in Tashkent organizing a summer school in the mountains, at one of the health camps (Semurg), for 80 higher education students from Tashkent, the Tashkent and Syr Darya regions. Neither the executive editor nor the editor-in-chief of the paper attached any particular importance to this information, since they had no relevant instructions, and nor had the journalist. After the issue came out, an angry voice from on high made it clear that that information should not have been published, owing to disagreements over evaluation of the Andijan events. The journalist was issued a warning for breaching labour and professional discipline. The

conclusion automatically suggests itself that the newspaper simply needs a competent censor. About a month before the actual abolition of the institution of censorship, a meeting was held in the journalists' club, at which the deputy editor-in-chief of another Tashkent-based independent newspaper boasted that they had no censorship and printed their newspaper without a censor's small stamp and signature. A colleague of his from another newspaper advised him to take on a censor and pay him a salary, so that the editor and the author might both sleep peacefully. If the government is only in the throes of building a democratic society, but it is not yet clear when it will be completed, government control of all the processes taking place in society, particularly in the mass media, is quite explicable and understandable. After all, not for nothing has President Islam Karimov put forward the convincing slogan "From a strong state to a strong society", which explains so much. On the other hand, it is also logical that all contradictions are regulated by Law, which, as we know, applies equally to all members of society. That is, when people have agreed on the rules of the game, they must abide by these rules, especially if these people represent the government authorities. According to the Constitution of the Republic of Uzbekistan, every citizen has the right to express his/her opinion and stand up for it. This applies specially to journalists, who must be allowed to retain this right!

We live, however, in the real world, under real conditions that have taken shape not only over the last decade and a half. The people's mentality, based on local traditions, cannot be changed overnight, nor should it be, since much in this mentality is worthy of emulation: industriousness, collectivism, sincerity in relations, respect for the old, hospitality, and love of children. Yet who would condemn reverence and fear of authority and consumerism? In general, the ordinary people do not really care that there is someone over them – the aksakal (elder) of the local Mahalla (Soviet), the hokim (governor) of the district or town, who, in accordance with **Article 103**, "exercises his/her powers *on the principles of sole command* and is personally responsible for the decisions and actions of the bodies under his/her command" and "*within his/her jurisdiction* makes decisions that are binding on all enterprises, institutions, organizations, associations, as well as officials and citizens on the corresponding territory". This means that if a journalist, as a citizen, lives on this "corresponding territory", he/she is obliged to comply with the decisions of the representative of the local authorities. The system of strict vertical hierarchy from the head of state down to the aksakal of the local Mahalla allows the entire population, including journalists, to be kept within the field of vision. If, then, a journalist

works for a government or departmental newspaper, this control also applies to his/her professional activities, ensuring that the content of the articles complies with the guidelines of the powers-that-be.

Once, about twenty years ago, a Soviet corporate newspaper published by the All-Union Knowledge Society, entitled *Argumenty I Fakty*, very rapidly became extremely popular. The reason for its success was the broad pluralism of the views of the authors writing for it, which contrasted sharply with the monotony of other Soviet newspapers. Today's editors are trying to apply the same method. In 2002, in another independent newspaper, *Business Vestnik Vostoka*, a change of founder occurred. Up to that time, for a period of two years, the paper's four journalists, under the ideological leadership of a very principled deputy editor-in-chief, managed to publish materials concerning matters that were, to put it mildly, better left alone. First of all, this applied to the convertibility of the national currency unit, the sum, as well as problems associated with the environment, small and medium-sized business, and relations between Uzbekistan and the International Monetary Fund. In a short time, the newspaper achieved a very high rating. The time came, however, when a new owner of the newspaper appeared, the private company Saipro, which already owned the Internet portal UzReport. The newspaper team were told either to revise their views, that is, write materials lacking in punch, or leave. The journalists chose the second option and the deputy editor-in-chief, Inna Kogai, who was 48 years old, simply died from a heart attack. This example reminds us how risky it is to have your own viewpoint, your own principled position under an authoritarian regime such as, according to political scientists, the current regime in Uzbekistan.

The Opinion of a Regional Journalist

In central, republican newspapers, where each department has been headed for many years by one and the same, ideologically diehard people, it is quite difficult to find examples of pluralism, even on such issues as public utilities, tourism and the environment. And their first commandment is: thou shalt not criticize the local authorities! Because, if you do, you infringe on the interests of the entire system. For this reason, a multi-level defence mechanism comes into play within the system and the material is simply rejected. The situation in the regions is no better, but rather more routine. Let us take one of the central regions – the Samarkand Region. Here is what independent journalist Solekh Yakhyayev recounts.

“In Samarkand, there are several newspapers that are mouthpieces of the local authorities. One of the main Samarkand newspapers is *Zarafshon*, founded by the local hokimiyat (district council) and the regional Council of People’s Deputies. The former is also the founder of the Russian-language newspaper *Samarkandsky Vestnik* and of the Tajik-language newspaper *Ovozi Samarkand*. These three newspapers are the main press organs through which our regional authorities carry out their propaganda, provide news and dictate the topics that should be imposed on the local readership. Their print-runs are not large – about 1,500 copies and, by the end of the year even fewer – about 600-700 copies. This picture speaks for itself. These newspapers avoid the topics of real interest to our readers. And this answer exhausts the question of pluralism, because if there were pluralism even to the extent of 20-25 per cent, these newspapers would come out in much larger print-runs.

“What are the subjects that really interest the Samarkand readers? First, they would like full information about unusual, extraordinary events, and not just the weather, but also socio-political developments, like the Andijan disturbances that occurred in May this year. Meanwhile, journalists who try to touch on such topics are intimidated and persecuted. The adoption and enforcement of the criminal laws on defamation and infringement on the constitutional system, provide excuses for stepping up the pressure brought to bear on journalists and other media workers to influence their ability to draw justified conclusions, and for restricting their freedom of expression.

“Topics that should really be immediately covered by newspapers are not covered at all or only after the event has already become outdated. And even then such events are covered in a one-sided manner, only from the official position, criticizing those who dare to hold different views about these facts.

“What, then, do the pages of the newspapers actually contain? First of all, reports on labour feats in the cotton fields. This is very reminiscent of Soviet times: how many people gathered to carry out voluntary, unpaid labour, how well students and schoolchildren live in the fields. Official chronicles, directives and resolutions constitute the information found scattered about on the front pages of all the newspapers. At the same time, page proofing skills are very limited and unprofessional – without even knowing the content, one is put off by the very appearance of the newspaper. World news is always a day or two late, when people already know everything by word-of-mouth, such as Hurricane Katrina, which killed thousands of people in the United States. Such is the situation in which the people of one of the central parts of the country, very popular with foreign tourists, find themselves. Yet you will not find any

newspapers in English here advertising tourism, local sites and ancient monuments. One gets the impression that the government is not concerned with as many foreigners as possible knowing about Samarkand's historical monuments. On the other hand, there are three government newspapers, setting the tone for the other newspapers, which bring out repetitious old themes in the same officious manner. True, we have quite a few departmental and private newspapers printing poor quality works of amateur detective writers, crime stories, sometimes based on facts obtained from the prosecutors' offices or judicial authorities. These private newspapers come out in large print-runs, since they are read by people in the countryside, mostly young people, who have no access to quality newspapers – they simply have to read what our press offers. And the only thing of interest there is, in the main, material gleaned from the Internet. A lot of newspaper space is taken up by TV-guides, astrological forecasts and private advertisements on the sale and purchase of real estate and various goods and on job vacancies. Important for the Uzbek reader is the fact that he/she is offered, in the native language, translations from the foreign mass media, magazines and good books, news from the lives of international stars of stage and screen. This rubbish is what the private newspapers use to attract higher and secondary school students.

“Speaking of the newspapers containing discussions of any problems with the participation of political scientists, professional economists and public figures, no such discussions are to be found. The only opinions published are those of scientists, experts and professionals who unambiguously support the position of the government, the country's leadership and the local authorities. This situation could be resolved without particularly irritating the central authorities by publishing only local news and discussing topics of local significance, without touching on government policies. People would participate with considerable interest in newspaper publications, radio and television shows directly concerning their own lives and problems. When you ask people in the street what subjects they would like to see in the newspapers, they always answer, in the first place, information about work and job vacancies. In second place comes crime news – where a murder took place, who was robbed, which organizations were investigated by the prosecutor's office and the tax authorities and how many violations were revealed there. Thus, they are interested in real detective work. In third place come topics associated with health and medicine, followed by problems connected with housing and utilities – leaking roofs, broken water mains, and the like. Yet for all the audacity of the Uzbek editors, they hardly touch on these issues”.

The situation described by the Samarkand journalist is also typical of Karakalpakstan, of Surkhandarya and of other regions, but the journalists I met with there asked me to keep their names out of this article.

Let me add that the newspaper *Novosti Uzbekistana*, which I represent, has a column entitled “Open microphone”, in which readers views are published about various problems in different spheres of life. But they are, as a rule, of a domestic routine nature. There are many urgent problems that I am not even going to try to name.

From Karim Bakhriyev's Book

The press of the Republic of Uzbekistan is under strict government control. In spite of the official existence of an independent press, the founders of which are public organizations or business entities, one cannot speak confidently about their complete independence in the presentation of political events taking place in the country. Like in the other former Soviet republics, as already stated, self-censorship, internal editorial censorship and censorship by the owner are widespread in Uzbekistan. The content of newspapers, magazines, radio and television programmes largely depends on the opinion of government officials, who follow closely what is published and broadcast by the Uzbekistan media. For this reason, it is impossible to find in the press any independent investigations into serious events, such as terrorist acts, or independent views on the political situation in the country. If such material does find its way into print, its authors are persecuted.

In the opinion of the experts, a modern set of laws regulating the mass media has been drafted and passed in Uzbekistan, including the April 1997 law “On Protection of the Professional Activities of Journalists” which is unique for the entire post-Soviet environment. Neither the journalists nor the government agencies apply this law, however, for creating conditions for freedom of expression.

The ineffectiveness of the laws results not only in an independent press virtually failing to develop, but also in serious violations of the rights of journalists and persecution of mass media editors. Over recent years, a number of journalists have been given various prison sentences. Owing to the closed nature of the law-enforcement agencies, it is difficult to judge to what extent these cases are connected with violations of the right to freedom of expression. This year, in connection with the well-known events, more pressure has been brought to bear on journalists.

President Islam Karimov's Opinion About the Mass Media

When congratulating the country's journalists on their professional holiday, Press and Mass Media Day (27 June 2005), the President noted the tremendous importance of the mass media in informing and forming public opinion, especially in the age of globalization. The head of state noted that a journalist should "get to the essence of pressing and priority issues of interest to readers and the broad public".

"Only a journalist who is true to his/her profession and lives by the interests of the country and the people, the concerns of other people, can earn prestige and respect", he stressed.

"Whom does the true journalist serve, for whom does he/she work selflessly and for whom does he/she put his/her life in danger?" the President asked in his message of greeting and answered: "For our hard-working people, so that it gives in to no one for anything. For a bright future, happiness and well-being for this country's young people. For this rich earth, for the sacred Homeland".

Islam Karimov could not ignore the topic of the "information war", supposedly waged by the foreign mass media after the May events in Andijan.

"It is most unfortunate that in various parts of the world the mass media often become a tool for exerting ideological pressure and serve the self-seeking goals of certain political forces. The current conditions, when supremacy in the information sphere decides much, require each independent state firmly to protect its national interests not only from the political, economic and defence point of view, but also from that of information security", the President noted. Assessing the work of the local mass media in this respect, Islam Karimov reprimanded them for "falling far behind in the perception, analysis and interpretation of events taking place in the country and the rest of the world, and coverage of existing shortcomings and problems".

"Our journalists lack resolution and courage in providing the broad and comprehensive coverage of today's life, the hopes and strivings of the people of their country, in fostering democratic values in people's minds, and in challenging the forces and obstacles obstructing our development", he explained.

"For the utmost pluralism of opinion and views taking firm root in our society, the large-scale organization of activities of the non-governmental mass media and the creation of a public television channel are of particular importance. There can be no doubt that work in this direction, especially the organization of an independent public foundation to support the mass media, the opening of two-year higher courses in journalism at the National Uni-

versity of Uzbekistan, encouragement of press workers' activities and worthy recognition of their hard, creative work will soon bring positive results", Islam Karimov concluded.

The main question today for us, as for the other countries of Central Asia, is still how to respond to the challenges of globalization, which are arising throughout the world together with universalization, informatization and standardization. These processes require information openness, and each nation must make its own choice.

Is there a country that can match the global challenges with something unique of its own and even dare to protect this with its own economic possibilities? No! So a recipe has to be found for the only correct strategy that would allow our country to become needed by the rest of the world in the light of this new challenge. Although, moreover, globalization processes have always taken place, since there have always been relations between countries, today, by virtue of new information and telecommunications technologies, everything has changed sharply. The geographical factor has been given in to the need to raise the standard of living, education, healthcare, science and, of course, journalism, in any country. This includes Uzbekistan, where, I can assure you, there are wonderful people and there are, indeed, journalists who try to express and stand up for their opinion on the pages of the newspapers!

In conclusion, I would like to return to the topic with which we began – the influence exerted on the people's mentality by the super-idea, a sort of anti-pluralism. This idea, imposed by force of conviction or simply by raw force, unites bearers of the most diverse points of view and is itself becoming a material force. I believe that there is a certain cyclical pattern in the emergence of such super-ideas in society, as was the case with the ideas of the vulgar socialism of the Bolsheviks and the equally vulgar national-socialism of the Nazis. You all know very well what this led to. Super-ideas are born, live in people's minds and, finally, exhaust themselves. Then pluralism begins to dominate in society once more, until the time a new super-idea emerges, such as the idea of globalism, which is capable of uniting huge cohorts of like-thinking people under its banner, to the detriment of those who will always stand up for their own, particular point of view.