



“Restriction of media’s freedom of speech in Kazakhstan”

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Abstract - Every day in our restless world, not familiar with peace, different types of events occur, both good and bad. And news is what helps us, ordinary people, to understand our world around us. Those could be amazing discoveries of science, a conflict, or political action. Those who take on the courageous role of covering them, those who give people awareness of the general situation within the country - journalists - face daily restrictions on their freedom of speech and different types of censorship. This research paper seeks to explore the challenges faced by journalists, its consequences, media independence, as well as the complex dynamics of state, corporations and media relations, in the context of democratic values in Kazakhstan. The results highlight the importance of protecting freedom of speech as a fundamental human right and highlight the ongoing struggle for press freedom and media pluralism in Kazakhstan. Topics such as ethics, freedom of expression, abuse of power, corruption and others were touched upon.

I. INTRODUCTION

Keywords are: restriction, freedom of speech, journalism, state, media, control, censorship, security.

I) **How to define journalism?**

Journalism - an occupation, which serves such activities as collecting, analysing, interpreting and distributing information about certain events, trends, issues and ideas to a larger audience through various media channels such as newspapers, magazines, television, radio, and online platforms.

II) **Brief history of journalism:**

Journalism is a very old business and has been with us for a very long time. The development of journalism is directly connected to the development of politics, government structures, technology and society as a whole. The origin of the art of eloquence occurs in Ancient Greece and the Roman Empire. In the Middle Ages (XI – XII centuries) written information and promulgation of political information (commands, orders) were preserved. The word journalism itself goes back to the French “Journal”, meaning “diary”. Even under the Roman Emperor Julius Caesar, daily reports of events were kept.

In China, in the 10th century, its own “Capital Bulletin” was published. It printed the emperor's decrees and reported on the most important events. Newspapers were printed from wooden boards, on which hieroglyphs were cut out, and then covered with ink and made impressions. This technology was progressive for its time, but extremely inconvenient and costly.

Among the first newspapers reminiscent of modern publications is the newspaper La Gazette, published in France since 1631. The political influence of this French printed publication was so great that some notes in it were personally written by the King of France Louis XIII, as well as by Cardinal Richelieu. For the first time in history, paid advertising began to be published there.

But the year 1605 is considered to be the year of birth of European journalism. The first edition appeared in the city of Strasbourg. In 1609, the first newspaper that has survived to this day, Aviso, was published.

The development of journalism went hand in hand with the development of the paper industry, and with the invention of typesetting, its progress could no longer be stopped. With each new

stage, the replication of news and other information relevant to readers of those times was simplified.

When TV and radio were invented, the new age of journalism had started. These new inventions helped reach a mass audience. It was a new word in a big world of propaganda and social media, because neither books nor newspapers could achieve this level of influence.

In Kazakhstan:

The collapse of patriarchal-feudal relations in Kazakhstan in the second half of the 19th century, the development of capitalist relations had a significant impact on the development of public opinion. The founders of national journalism and the real tribunes of people's aspirations were the Kazakh enlighteners Chokan Valikhanov (1835-1865), Ibray Altynsarin (1841-1889), Abay Kunanbaev (1845-1904). The educational activities of leading intellectuals of the Kazakh public acted as a factor in the formation of national identity (Ministry of Education and Science of the Republic of Kazakhstan, Pavlodar State University named after S. Toraiyrov, Department of Journalism).

Nevertheless, echoes of the Soviet regime had a significant impact on the restriction of freedom of speech of journalists in Kazakhstan even after receiving independence in 1990. Suppression of free speech and control of the media were characteristic features of the Soviet system, and many of these practices survived the collapse of the USSR. After gaining independence, Kazakhstan faced a number of problems, including political instability and economic difficulties. In such a context, the authorities could use restrictions on freedom of speech as a tool to control public opinion and suppress the opposition.

III) Why is it important?

Freedom of information - the freedom to "seek, receive and impart information" (Article 19 of the Universal Declaration of Rights) - is an integral part of self-expression.

To restrict citizens' speech is to disrespect their status as free and equal moral agents, who have a moral right to debate and decide the law for themselves (Rawls 2005)

Freedom of speech in the media is an indicator of a democratic and legal state. Thus, it is through the media that people gain access to reliable information about events taking place in the country. Journalists act not only as educators, but also as the voice of the public in covering ideas and problems.

The level of safety of journalists always indicates the state of democracy in the country. Journalists who act without fear and are protected in their activities and privacy can communicate information that is important to them correctly and professionally. This way, by criticising and pointing out problems in the public to the authorities, journalists can contribute to the progress of the state.

One of the significant examples of the positive influence of the media on resolving acute social problems in Kazakhstan: the tightening of the law on the criminalization of violence against minors. Criminal liability is introduced for sexualized molestation of children under 16 years of age, unlawful imprisonment, kidnapping or murder of a minor: lifelong restriction of freedom is excluded - previously it acted as an alternative punishment.

IV) Journalism in Kazakhstan. Characteristics, issues:

Article 20 of the Constitution of Kazakhstan states: "Freedom of speech and creativity are guaranteed. Censorship is prohibited." Along with

the freedom of speech, there are also certain reasons, which cause limitations of it :

- 1) The profit of the whole market economy. Since the media are owned by transnational companies, complete freedom of expression is not guaranteed due to a number of reasons:

-Reputation. Statements by journalists suggesting the disclosure of secrets of large companies, which, in particular, may imply illegal actions, harm to the welfare of clients, contradictory statements can have a negative impact on the reputation of a particular company. To avoid this, companies keep silent about such incidents, silencing journalists.

-Finance. In cases where journalists, through their articles, compromise the quality of a company's products, which is undesirable for the company's income and can worsen the confidence of investors and customers, they may be silenced.

-Legal Risks: No company wants journalists to reveal internal illegal processes, if they exist, because this will have such serious consequences as a lawsuit, monetary losses, and damage to reputation.

- 2) The government regulation of the media. Censorship is used to control the media and suppress criticism of government policy decisions, official ideology, and public conflicts.
- 3) The professional codes of reporters and journalists, accepted in different countries by the professional community. Journalists also have their own codes. However, sometimes these codes are also shaped by threats to journalists themselves.

Those factors provide communities with security in the information field and protection from extremist conflicts inciting separatism,

disinformation, and discrimination based on race, age, religion or gender, as well as the media's abuse of their powers and, for example, from violation of privacy. One example of unacceptable behaviour of journalists is the story of one journalist, Raushan Barazbay : "Being still far from journalism, I witnessed the following picture: a car drove along a busy highway, violating traffic rules, we stood on the side of the road, the car was stopped by a traffic police patrol, a woman got out of the car and started loudly screaming, showing some kind of crust. But she shouted that she was a well-known journalist from an opposition media, and threatened to write about the traffic police service, and even clicked the camera several times, they let her go without even looking at her driving documents."

However, referring to the history of journalism's formation in Kazakhstan and observing the current situation, there's still a tendency of silencing journalists and the problem is that, as practice shows, there are restrictions happening that directly contradict the principles of democratic and civil society prescribed in the Constitution of the Republic of Kazakhstan.

Instead of fulfilling their duty of media protection, governments abuse their power to silence the voices of those whose opinions do not align with their ideology. It results in some independent media outlets being closed; journalists who pursue goals of educating society and reporting end up being victims of being shut down, criminalisation or even arrested . The legislation has become stricter, there are more claims against the media, more government supervision - both in the form of monitoring and in the form of government orders. Compare: for violating the right to freedom of religion, a sanction is provided in the form of six months of arrest for the violator, for freedom of association - a fine and several months of restriction of freedom, and when it comes to freedom of expression - sanctions from

three years for libel to 12 years for dissemination of false information

As an example of how government influences mass-media space : the law on “Mass Media” //02.02.2023// and “protection of the rights of the child, education, information, and informatization” , which was also announced on World Press Freedom Day //03.03.2022//. Both of those imply greater control and , subsequently , further restrictions over freedom of free expression of people in journalism .

V) Examples

- Askhat Niyazov, a journalist, shared: “on the Khabar, 24 KZ and Kazakhstan TV channels, these days, there is not a word about Bishimbayev’s trial.” The probable reason for this restriction was that Kuandyk Bishimbayev, being an ex-minister, is suspected of an illegal act, the murder of his wife, which provoked distrust of the authorities among the people, and also in the current situation of the active development of feminism, this served as a clear example of toughness towards women.
- The parcel was anonymously sent to the editorial office of Orda.kz. It contained a pig's head and a torn photo of editor-in-chief Gulnara Bazhkenova, and the Orda.kz website was repeatedly hacked by a DDoS attack.
- A DDoS attack was also carried out on UlysMedia. The employees shared: “We know why they do this. Our materials are perceived very painfully by those who have something to hide. Those who are closer to the morals of Old Kazakhstan than the construction of New Kazakhstan. These people are ready to spend a lot of money to promote weak custom-made materials, and they are just as willing to

spend incredible amounts of money to block the truth.”

- Journalist Vadim Boreyko reported that three unknown people tried to block the door of his apartment and possibly set it on fire.
- Police broke down the door to Olesya Vertinskaya’s house, forcibly took her out of the house, interrogated her at the Atyrau City Police Department, threatening her with violence. After 2 days, she was taken from her home again and taken to the Dynamo Gym, then beaten.
- An example is the closure of the magazine “Adam bol” (“Be a Man”) and the seizure of circulation for the article “Ours in Someone Else’s War” , published at the end of August 2014. The interview spoke of the intention to create a so-called international battalion to participate in the anti-terrorist operation in Ukraine. The magazine was closed for violating the constitution , the registration of the magazine was revoked, a case was opened “for war propaganda,” and an explanatory note was taken from the editor G. Ergalieva.
- On the night of January 14, 2023, the famous journalist Dinara Egeubaeva reported that a car was set on fire.
- For 10 years Julian Assange, the creator of the WikiLeaks website, in which secret service documents are declassified, is pressed and cases are fabricated against him.

VI) What did we know about the topic before?

The main resource that sheds light on this problem is social media. To this day, more often it is through social networks that people implement

their right to freedom of speech, including journalists who have been silenced. For instance, the story of one blogger states:

“One girl came to me with the problem that she began to greatly overpay for utilities in her apartment complex and she decided to find out what the reason was. And she asked me, when she started to deal with this problem, to be a witness at every meeting, at every event and to film it. Each filmed video with conversations and investigations was posted on the popular Tik Tok application on the same day (the day of filming). In the end, we learned that, in fact, this apartment complex did not pay its bills, had debts and was paying them off with the residents' money. The videos began to gain popularity and comments were written against the apartment complex. But one day all my videos were deleted and my account was blocked.”

This story was one of the reasons for writing this research.

In addition, in journalism in Kazakhstan there is also a problem of inequality based on gender, which complicated this problem and served as another exigence for writing this research.

II. METHODOLOGY

The main three methods that we used to write this paper are the following:

- Literature review of research papers of other researchers who have studied the same or similar problem.
- The social networks of journalists and journalistic organisations were monitored.
- An interview was conducted with three journalists- Saltanat Tashimova, Alina Seregina and Damira Dauletkyzy.

Study of other research papers and articles

Due to the fact that this research work heavily relies on literature review, the main work was to search, analyse and interpret other research works that speculate on this problem. The main resource was Google Scholar. When selecting research papers, the following factors were taken into account:

- **Geographical location.** Since journalism is studied on the scale of Kazakhstan, articles from journalists and researchers who directly observe these processes within the country are of paramount relevance.
 - **Language.** Most of the articles are presented in Russian, since it is used more widely in the Kazakh media due to the historical factor of Kazakhstan belonging to one of the former countries of the USSR, the multinationality of Kazakhstan and, accordingly, the greater availability of the Russian language in the media information space. In addition to Russian-language sources, English-language sources were also studied more in order to understand the importance of the phenomenon of freedom of speech in politics and society and its importance as a whole.
 - **Detail and controversy.** Preferred research papers are those that look at the problem from different points of view and consider different concepts and statements of people who are experts in their field and not only.
- 1) This research paper [1] provides a description of the importance of journalism in a democratic society. It asserts that freedom of expression in the media is an indicator of respect for human rights and is a prerequisite for the enjoyment of other

rights. However, this work also lists all the contradictory aspects of the media: the abuse of power by journalists, the use of the media for propaganda purposes by power structures, and the incitement of xenophobia against vulnerable groups. Thus, it gives a broad and more controversial view of this problem in a situation where journalists themselves violate the rights of others.

- 2) This research paper [3] identifies four concepts that argue for the importance of free speech: the marketplace of ideas, autonomy-based theory, self-actualization, and democratic rationale. The opposition to complete freedom of speech is also discussed here. Interestingly, they are minorities who cite the same values as liberals: autonomy, dignity and equality, which emphasises that this topic is quite subjective. When talking about restricting journalists: this is a violation of the right to freedom of expression, but what about violating the boundaries of minorities when journalists allow themselves unpleasant statements.
- 3) This research study [4] examines in great detail the problem of restrictions on freedom of speech in general, in particular from a philosophical point of view. Also outlines that there is disagreement about the extent to which the law should reflect the moral right to free speech.

Arguments for:

- Open discussion and exposing lies is preferable to censorship.
- Freedom of speech is justified by interests in self-expression and exchange of opinions.

- Freedom of speech promotes the development and functioning of thinkers and communication between them.

Arguments against:

- Some types of speech may be contrary to moral values: propaganda of national, racial, religious hatred and war.
 - Measures restricting freedom of speech should be minimised, however, they are necessary for general regulation.
- 4) This article [12] examines the internal situation of journalism specifically in Kazakhstan. The article provides concrete examples of how journalists were subjected to silence, threats, attacks and other manifestations of violence. It also describes the historical context of this problem in Kazakhstan.
 - 5) This research work [13] illustrates measures to restrict the media in the PRC: cleansing cyberspace, imprisonment for using VPN, blocking websites, phrases, using the army and police as a resource for influence. This proves a direct correlation between the political situation and media freedom. What this means is that both China and the USSR, which included Kazakhstan, adhered to the same political constitution and ideology - communism.

Monitoring social media

Coverage of the issue was monitored via social media, such as Instagram, Telegram, and Reddit, since at the moment, a lot of journalists use social networks to implement their professional skills: disseminate information, interact with the audience and this is where it is possible to learn about the subjective opinion of representatives of different social groups about this problem.

We have examined the following accounts :

- zakon.kz
- holanewskz
- kozachkov_offside
- vertinskayaolesya19
- ulysmmedia.kz
- kaztagkz
- manshuq_media
- misk_kz
- ordakazakhstan
- deputat_almaty
- thestepppe
- asianflashh
- abzhannews
- asshot.inc
- masa.media.kz
- dana_ateshova
- obshestvojet
- oshakbayev
- tilkespekjoq

Below are screenshots of posts from these accounts. All of them, to one degree or another, relate to the problem of limiting the media: refusals to hold a march; collective statements by journalists; refusals to accredit journalists; a ban on publishing a book by a journalist; numerous attacks on social networks and blocking of journalists' accounts; criminal cases being investigated against the founder of the "Don't Be Silent" foundation, which aims to help women victims of violence; a film produced jointly by journalists about the protests that took

place in January 2022 : The protests were provoked by sharp increases in gas prices, income inequality, corruption, torture and brutality by government agencies and restrictions on media freedom of speech.

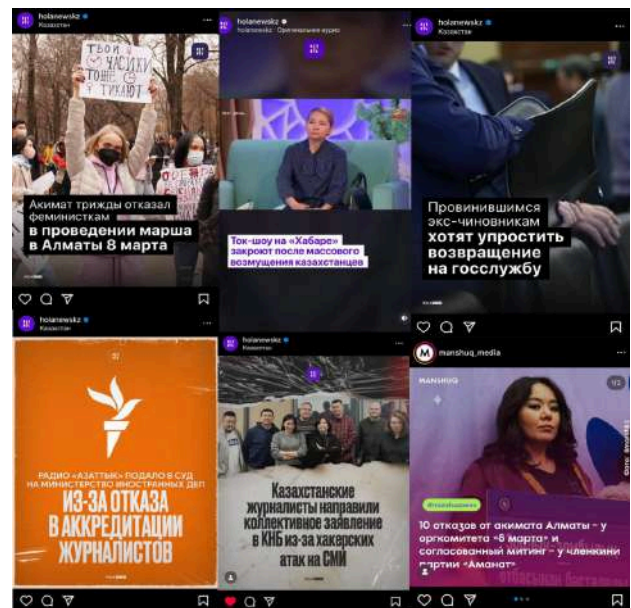


FIGURE 1

CASES OF DENIAL OF PEACEFUL MARCHES, ACCREDITATION OF JOURNALISTS, AS WELL AS COLLECTIVE INDIGNATION OF JOURNALISTS ABOUT THIS, THAT IS, A STATEMENT TO THE NATIONAL SECURITY COMMITTEE, ARE PRESENTED. IN ADDITION, CASES COVERED BY THE MEDIA ARE PRESENTED, POTENTIALLY AIMED AT SOLVING SOCIAL PROBLEMS.

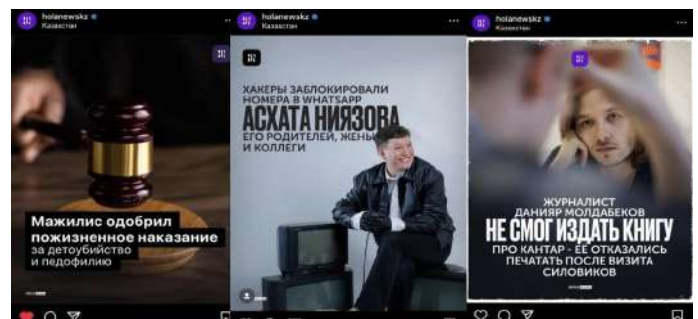


FIGURE 2

CYBER ATTACKS ON WHATSAPP AGAINST THE RELATIVES OF ASKHAT NIYAZOV, A BAN ON PUBLISHING A BOOK BY

JOURNALIST DANIYAROV MOLDABEKOV AND CHANGES
MADE TO THE LAW TO TOUGHEN PUNISHMENT FOR CHILD
ABUSE.

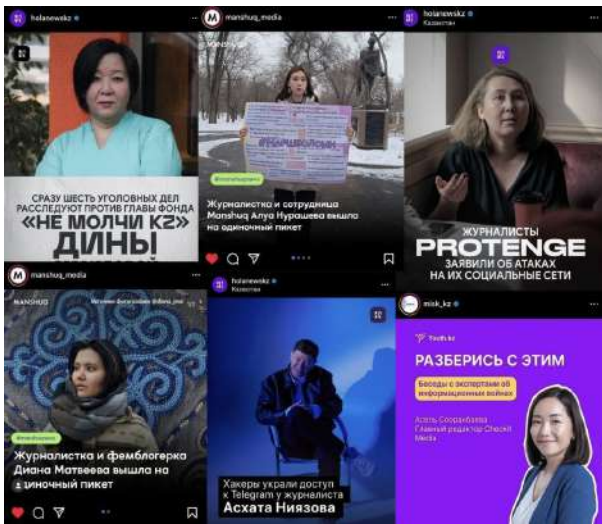


FIGURE 3

JOURNALISTS WITH ALL KINDS OF PICKETS EXPRESS THEIR CONCERNS ABOUT CYBER ATTACKS ON JOURNALISTS' ACCOUNTS, THE INITIATION OF CRIMINAL CASES AGAINST PUBLIC FIGURES, INCLUDING JOURNALISTS.

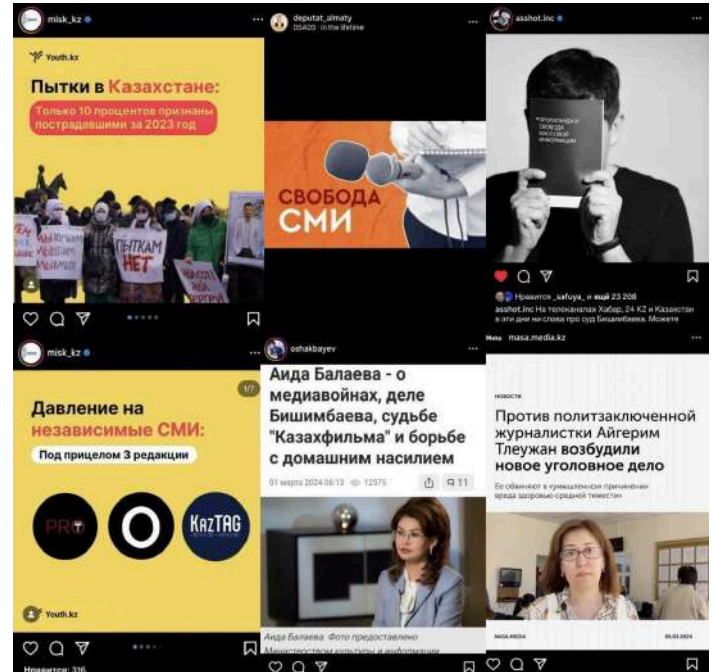


FIGURE 5

A CRIMINAL CASE WAS OPENED AGAINST ANOTHER JOURNALIST, AIGERIM TLEUZHAN. THE PUBLICATIONS ALSO OPPOSE RESTRICTIONS AND PRESSURE ON INDEPENDENT MEDIA.

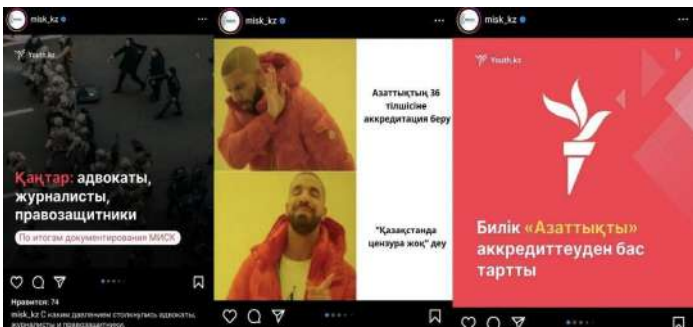


FIGURE 4

MOCKING GOVERNMENT CENSORSHIP, SELF-CENSORSHIP COVERAGE OF THE EVENTS OF JANUARY 2022 [QANTAR] AND WHAT IMPACT IT HAD ON LAWYERS, JOURNALISTS AND HUMAN RIGHTS ACTIVISTS.

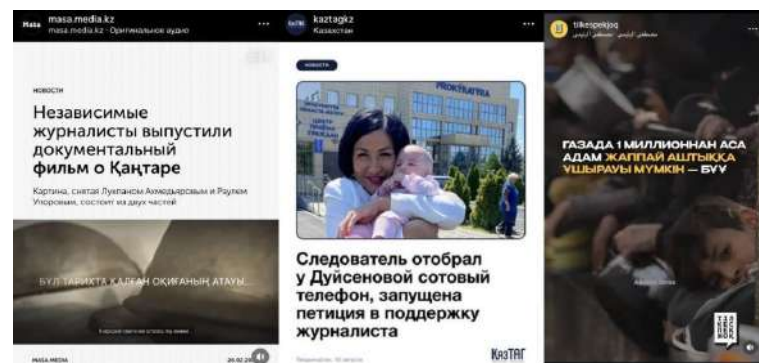


FIGURE 6

INDEPENDENT JOURNALISTS JOINTLY RELEASED A FILM ABOUT THE TRAGIC EVENTS OF JANUARY 2022. A PETITION WAS LAUNCHED IN SUPPORT OF A JOURNALIST WHO WAS DEPRIVED OF HER CELL PHONE BY AN INVESTIGATOR.

Interview with journalist

Through social networks we contacted 6, 3 of which responded, however only 1 gave her consent to an honest interview - Saltanat Tashimova. She agreed to answer the following questions of interest to us, shared her personal experiences, pressing problems of journalism and her desires and actions to change this area in the future. Below are direct quotes.

-----Saltanat Tashimova-----

How do you assess the current situation of journalism and freedom of speech in general in Kazakhstan?

Saltanat: I consider the situation of journalists' beliefs and freedom of speech to be at a very low level.

Have you ever encountered any restrictions/prohibitions on speech in your articles or forced deletion of articles?

Saltanat: I am a blogger with a Facebook audience of 14k subscribers and equate myself to media. Two years ago, I launched an online publication, the Telegram channel Tashimova news. Yes, I have encountered situations where we were not allowed to enter Maslikhat meetings, and I was kicked out of public territory on private property, but the management was unaware they had no right to prohibit me from livestreaming a conflict situation at the racetrack.

Based on your experience in this area, do you think it is necessary to make changes to the legislation, and if so, what specifically would you like to change?

Saltanat: I would like to see more protection of journalists' rights, not to hinder their right to film important public events.

How do you assess the role of social networks in preserving and limiting the freedom of speech of journalists?

Saltanat: The role of social networks is huge. It is with the help of networks it is possible to achieve resonance and fair decisions.

Have you encountered threats or attempts on your life after publishing articles publicly?

Saltanat: Yes, I've encountered issues related to my Facebook posts. I was illegally fined for filming a public gathering. There was even an attempted murder due to my publications.

What would you suggest to improve the journalism community?

Saltanat: I believe it is important to invest in quality education for future journalists to ensure a professional and ethical approach to the practice of journalism. Also be active, stick together and stand up for our rights, don't be silent.

What topics are taboo when writing an article?

Saltanat: For example, I'm focusing on the topic of urban densification and chaotic construction in the city and foothills, and I notice that there are taboos on certain topics, such as the racetrack. At the end of last year, other media outlets were called by the KTK, and they filmed a report in my presence. I also filmed it. We conducted interviews, but none of the other media materials aired. Only my report was broadcasted and caused a stir on social media, leading to the halt of the racetrack demolition process. Now, they've started the process again, kicking horsemen off the racetrack. We see that not all media outlets respond. Recently, I held a press conference on returning the racetrack to state ownership and giving it the status of a national architectural monument, as it currently holds local significance. Only now we see that media outlets are becoming more willing to respond, and there

are already articles printed on this topic. To achieve this, we have to organize press conferences, find venues, and either secure significant funds or negotiate, if there are friendly relations. It's not that simple. There are taboos on the topic of construction.

What do you think , nowadays, with the development of artificial intelligence and technologies , will it be either more difficult or easier for journalists to express their opinions more freely?

Saltanat Tashimova: As for artificial intelligence, I can't confidently say how everything will turn out, to be honest. It matters where and by whom it will be applied: if it's in service of the National Security Committee (KNB), it's not very good, as there may be more control, such as wiretapping, for example. If it's in service of progress, then it's good. Development will happen naturally, in both directions.

Actions

I propose:

1. To eliminate cases where journalists abuse their rights to threaten others, innocent people, violation of privacy rights, unflattering statements based on national, racial, gender, age characteristics, it is worth investing in educating citizens about the media sphere, namely, covering this problem more, achieving public reaction.
2. We consider one of the ways to raise awareness of this problem by creating a petition, which expresses protest against the forced imprisonment of journalists who have not committed any illegal actions. In the long term, he will be able to positively influence the resolution of this problem and will be able to serve as the voice of the people against people committing

these actions that violate basic human rights to freedom of speech.

3. Initiate press conferences for journalists, including live broadcasts, in which they can inform people about their observations and concerns. Thus, for example, one of the journalists who was interviewed, Saltanat Tashimova, shared how she fought the problem of chaotic buildings by personally organizing a press conference, thereby raising the resonance among the media.

Here's petition:

Petition to stop persecution of journalists for political reasons

Dear President of the Republic of Kazakhstan, Kassym Zhomart Tokayev!

We, the undersigned, concerned citizens of Kazakhstan - public figures, journalists, are very distressed about the problem of restricting freedom of the press in our country. We find freedom of expression in the media one of the key characteristics of a democratic and legal state, which is Kazakhstan according to Article 20, paragraph 1 "Freedom of speech and creativity are guaranteed. Censorship is prohibited." However, the cases of Muhammedkarim Duman, Makhambet Abzhan, Sandugash Duysenova, etc., the finding of the Republic of Kazakhstan in 122 place out of 180 in terms of freedom and press (2022), the adoption of laws restricting the activities of the media ("Law and Mass Media") do not allow us talk about the developed institution of freedom of speech in Kazakhstan.

Free, independent media, presenting different views on the current situation in the world, are the key to any developed,

civilised and highly developed society. It is our sincere conviction that Kazakhstan must develop precisely in this direction, which in principle cannot be realised while independent Kazakh reporters are persecuted and imprisoned for their views.

We call on all members of the Senate of the Parliament of the Republic of Kazakhstan to speak out in defense of journalists, ensuring freedom of dissemination of important information and preventing the interests of society from being replaced by the interests of extremist groups.

We demand an amnesty for all political prisoners, including arrested and imprisoned journalists. We also demand the abolition of all laws that impede the development of free media in Kazakhstan and censor them. Surveillance over freedom of speech in the Kazakh press must stop!

*This petition was provided to our school for evaluation. Many actively supported this action and noted that the problem is very relevant and really deserves attention.

III. DISCUSSION/LIMITATIONS

Our research work, first of all, implements the function of alerting and presenting the problem from various perspectives. But what plays a role here are decisions. This problem is quite controversial and has its negative sides, but ignoring this problem and the need to solve it will have unfavourable consequences. It is important to note that solutions suggested assume ideal conditions, excluding such variables as corruption and greater restrictions. Corruption, in turn, is another very pressing problem in Kazakhstan and serves as one of the greatest

barriers in dealing with restrictions; many will confirm that most of the problems in Kazakhstan, and subsequently their failure to be solved, are due precisely to corruption. Unfortunately, wealthy corporations and personas still have great power, including in limiting the media in their own interests.

Additionally, this topic is quite narrowly focused, which to a certain extent limits the breadth of discussion of this topic. It is also important to note that, observations suggest:

Only 3/8 of journalists were ready to interact and answer questions, and in the end only 1/8 agreed to share their opinion. This once again confirms that journalists are suspicious and distrustful of issues of such an oppositional nature, which once again proves how wary they need to behave for the sake of their own safety on social networks.

It is also important to say once again that when studying this topic, most sources tend to consider both sides of the problem of restrictions on freedom of speech and the media, which implies its initial ambiguity and uncertainty, this suggests that even the opinions of journalists themselves are not unconditionally true, despite the fact that the opinions of journalists themselves are not necessarily the same on particular topics.

IV. CONCLUSION

Journalism plays an immeasurable role in any democratic society and performs such functions as informing and providing truthful information to the people, covering acute social problems on behalf of people for the purpose of the overall development of society, and helping people realise themselves as individuals. Nevertheless, in Kazakhstan there is a problem of all kinds of restrictions on the full functioning of the media. Many sources and real incidents were reviewed on behalf of the journalists themselves, as a result, the majority support the existence of this

problem and this in turn leads to dissatisfaction with representatives of independent journalists and journalistic organisations, which ultimately confirms the initial assumptions about the internal situation of the media within the country.

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