

Editorial

NO ACCESS TO INFORMATION FOR MASS MEDIA IN CENTRAL ASIA

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Journalists' entitlement to free information in Central Asian countries is guaranteed by appropriate laws. However, information holders regularly defy or skillfully sidestep these laws.

Theoretically, Central Asian mass media-related laws proclaim freedom of access to information and guarantee the protection of journalists against obstruction of their functions. What the laws do allow is restricted access to information comprising state or any other special legally-protected secrets. In addition, the regulations establish procedures for data holders to provide information and even define time limits within which to respond to such inquiries.

There are even laws specifying actions to be taken against individuals or structures abusing citizens' – including journalists' – right to access information they need. But the real situation of Central Asian news media indicates that most of the laws lie dormant in the absence of precedents for cases tried on charges of abusing citizens' or the news media's right to be informed.

CONFIDENTIALITY ISSUE

This is a provision requiring the government, a company or a private person to withhold information containing a state, commercial or any other law-protected secret. However, it is positively unlawful to restrict, un-

der the pretext of guarding secrets, access to information of general public concern. Nargis Zairova's story (see MICA No. 26) deals with the case of a typhus outbreak in Tajikistan, without even a comment given to reporters by officials about what was going on. "It was not until after a few articles had appeared in Tajikistan's private newspapers and the Russian *Nezavisimaya Gazeta*, criticizing the Republican Health Ministry, that the Ministry agreed to issue an official release denying suggestions that there was a typhus epidemic," Nargis Zairova says. He continues, "what makes the situation all the more absurd is that it was at the time that Tajikistan's television was waging a full-scale typhus-prevention campaign."

In Uzbekistan, journalists describe freedom of access to official sources of information by rating ministries and other structures as simply "classified", all the way up to "super-classified". Leading in the latter category is the Energy Ministry, where the spokesman has an order posted in his office forbidding the provision of information to journalists (see Nadezhda Stepanova's contribution, MICA No 26). An "accessibility"

poll conducted by Asia Plus newspaper in Tajikistan named a number of foreign organizations and embassies, in addition to local institutions, as "secretive".

In Kyrgyzstan, Marina Sivashova writes (see "Information Gap in Kyrgyzstan: Whence So?", MICA No 26) that "classified may range from livestock population statistics to death-rates in the army – in other words, any data of social concern and, therefore, of vital importance for society." She also highlights another aspect of the problem regarding access to information in Kyrgyzstan - the financial one. In some cases cash must be paid to the official source of information for what is otherwise proclaimed as a journalist's lawful right. "A worker for the Youth Human-Rights Group, Nadira Eshmatova, said that when her organization submitted a request to the Information Center of Government House for official statistics regarding mental hospitals in the Republic, they were formally asked to pay a small sum of money," added Sivashova.

BLOCKING INFORMATION

Nadezhda Stepanova, a reporter from Uzbekistan, points out that "journalists can basically-only draw information at press conferences and presentations arranged by the ministries and insti-

tutions of Uzbekistan, various international organizations and funds, foreign embassies and national and overseas business people”, (see her contribution “Journalists’ Access to Information Under Control of Officials”). Remarkably, she writes, at a press conference “reporters may also ask questions. But not always will they receive exhaustive answers.” Indeed, a convincing picture of access to information in a country where all other sources of information are plainly blocked by tacit bans.

Not so with sources of information that comply with the legal time limit for a response and actually give a reply. However, the problem here may be that, firstly, the reply comes after the deadline

(ranging from 10 to 30 days in various countries), and, secondly, may refer a journalist to a different institution. In a situation like this, Marina Sivashova points out, “...the material either becomes outdated or appears in print with no solid figures and facts. Altogether, these are factors affecting the quality of journalist reports.” According to Aigul Omarova (see “Kazakhstan Imposes Selective Access To Information”, MICA No 26), officials in Kazakhstan simply refuse to provide information... without giving any reasons why.

These problems bring journalists to the conclusion that it is the professional inadequacy of the press services on the one hand,

and the unwillingness of officials to provide mass media with any data on the other, that are responsible for official secretiveness.

In the journalists’ view, the general trend to restrict access to information – one clearly visible in Central Asian countries today – will, most likely, gather momentum. Private mass media are not able to turn to the law to protect their access to information or the right to discharge their functions amid governments’ efforts to reinforce state-run media outlets and tighten control over sources of information. They have serious doubts about the legality of rulings by local authorities, while dependent courts are too cash-strapped to appeal to international courts.