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Kyrgyzstan

Country:

Kyrgyzstan Year:

2017

Status: Partly Free

Total Score:

(0 = Best, 100 = Worst)

Obstacles to Access:

(0 = Best, 25 = Worst)

Limits on Content:

(0 = Best, 35 = Worst)

Violations of User Rights:

(0 = Best, 40 = Worst)

Population:

6.1 million

Internet Penetration:

34.5%

Social Media/ICT Apps Blocked:

Political/Social Content Blocked:

Bloggers/ICT Users Arrested:

Press Freedom Status:

Not Free

Key Developments:

June 1, 2016 - May 31, 2017

- · An independent news website was forced to remove articles that criticized the president of Kyrgyzstan (see Content Removal).
- Online journalists faced legal sanctions, including fines, for criticizing state officials (see Prosecutions and Detentions for Online Activities).
- · A social media user was handed down a one year suspended sentence under Kyrgyzstan's ant-extremism laws for "liking" posts published by a controversial imam. (See Prosecutions and Detentions for Online Activities).

Introduction:

Internet freedom declined in 2017 after news outlets faced pressure and legal sanctions over criticism of officials, including the president.

Internet freedom has improved in recent years, with fewer restrictions since the overthrow of President Kurmanbek Bakiev's regime in 2010. But some restrictions have crept back. The authorities have proven sensitive to criticism, forcing an online news outlet to remove articles critical of the president. Meanwhile, critical online journalists have faced disproportionate fines for their reporting.

Though the government does not engage in widespread censorship, the authorities used anti-extremism rules to justify blocking a handful of websites, including the entire Internet Archive, a digital library. In some instances, internet users were prosecuted for criticizing the government online and for "liking" controversial content on social media

Like many states in the former Soviet Union, the Kyrgyzstan uses SORM technology for surveillance purpose, and recently required all ISPs and mobile providers to install the latest version of SORM to facilitate government surveillance. Evidence indicates that the government is abusing this technology to monitor the political opposition.

Obstacles to Access:

Internet access in Kyrgyzstan is relatively limited, though internet penetration continues to increase, with the introduction of unlimited plans by mobile operators and the development of 4G services helping to improve access. There is still a digital divide between urban and rural areas, as telecommunication companies have fewer incentives to expand services and infrastructure outside major cities. The state-owned telecommunications company, KyrgyzTelecom, controls the majority of the market for fixed internet access, with a market share of 60 percent.

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Availability and Ease of Access

Access to the internet in Kyrgyzstan continues to expand, though the percentage of the population with internet access is still low by global standards.

Fixed-broadband access, via either fiber-optic cables or DSL, is accessible mainly in the capital, Bishkek, with broadband in the provinces provided mainly by the state-run internet service provider (ISP) KyrgyzTelecom. KyrgyzTelecom has launched a CDMA 450 mobile telephone and broadband network to expand telecom infrastructure into more rural areas, though it was only partially active during the coverage period. CDMA 450 phones have become popular in rural areas with more than 30,000 subscribers as of October 2016.

Mobile phone penetration is significantly higher than internet penetration. Beeline, one of the largest mobile phone carriers, launched a 3G network in 2010 that covers the entire country. Another large firm, Megacom, launched its own 3G network in 2012, covering more than 50 percent of populated territory by 2013. Megacom and Beeline announced the launch of 4G LTE networks in major cities in March and May 2016, respectively, with plans for expansion across the entire country. NurTelecom (under the brand O!) launched a 4G LTE network covering Bishkek and surrounding areas in 2014.

In recent years, the price for internet has decreased, becoming more affordable for much of the population, though primarily in the capital where the infrastructure is well-developed and there is greater competition among providers. The average monthly price for a fixed-line broadband subscription offering 1 Mbps was KGS 576 (US\$8.40) in 2017, which is affordable to much of the population. The average cost for a mobile broadband package was approximately KGS 511 (\$7.40) in 2017. Rates in rural areas served mainly by KyrgyzTelecom, are significantly higher than in urban areas. The development of mobile networks provides an alternative to fixed broadband access.

Restrictions on Connectivity

ISPs are not required to use government-owned channels to connect to the international internet and can establish their own. Kyrgyzstan's six ISPs have international internet connections via Kazakhstan. In the past, the blogging platform LiveJournal, which was blocked in Kazakhstan, was also accidentally blocked for some internet users in Kyrgyzstan, though this problem appears to have been resolved. In 2010, the state-owned ISP KyrgyzTelecom said it had completed the construction of a fiber-optic cable connection to China. ⁷

Kyrgyzstan's dependence on Kazakhstan's upstream providers became particularly problematic when ISPs in Kyrgyzstan more than doubled the price of traffic in August 2016. Following negotiations between the two countries, the ISPs agreed to return to the previous prices.⁸

Internet connections in rural areas rely on infrastructure from KyrgyzTelecom, so vulnerabilities can have a significant impact. In April 2017, three regions in Kyrgyzstan lost access to the internet for approximately three hours after KyrgyzTelecom's fiber-obtic cables were damaged during construction work.⁹

Fixed-line ISPs no longer charge differently for domestic versus international content. However, since the introduction of unlimited data plans, providers offer different bandwidths for domestic compared to international traffic. Mobile phone operators do not make this distinction in their data plans and provide the same bandwidth for accessing information, regardless of where it is hosted.

ICT Market

Kyrgyzstan's telecommunications sector is relatively liberalized and competitive compared to that of other countries in the region; however, the state-owned KyrgyzTelecom is still the largest ISP with a market share of about 60 percent. The other 6 first-tier ISPs (Elcat, Megaline, Saima Telecom, Beeline, NurTelecom, RTC) are privately owned.

There are three mobile phone operators providing voice and data services under brands Megacom (32 percent of the market), Beeline (41 percent), and O! (27 percent), Mobile operator O! has experienced market growth in the past two years due to its launch of 4G services. Megacom was nationalized in 2010 amid the political upheaval.

Regulatory Bodies

In July 2016, the State Committee of Information Technologies and Communication was created, taking on many of the regulatory functions previously performed by the State Communication Agency (SCA). The SCA was absorbed as a department under the Committee, removing its independence.

The Committee's responsibilities include developing information communication technology (ICT) policy, facilitating the development of the ICT sector, as well as governing the ICT sector. Whereas the SCA was a semi-independent regulatory body, the State Committee of Information Technologies and Communication is funded from the state budget and is therefore closely tied to the government. Though the Committee is a relatively new body, it is already apparent that it does not operate transparently.

Limits on Content:

While the government does not systematically block or filter content, an online outlet was forced to remove articles that criticized the President within the coverage period. The government generally focuses its online censorship efforts on content deemed extremist, and a number of websites were newly-blocked in the past year.

Blocking and Filtering

The authorities in Kyrgyzstan do not systematically block political and social material online, though some restrictions are periodically reported. Websites were newly blocked in the past year, often on grounds that they promoted extremism. At least one news website was affected. Social media outlets such as YouTube, Facebook, and Twitter are freely available.

In June 2017, the website of the independent regional news agency Ferghana News as blocked by court order. Daniil Kislov, the agency's editor in chief, said the site was not informed about the order and the reason was unclear. The authorities opened a criminal investigation against Ferghana News reporter Ulugbek Babakulov the same month on charges of inciting interethnic hatred for publishing an article about hate speech directed at Kyrgyzstan's Uzbek minority. Ferghana News was subject to periodic blocking for a number of years in the past. 11

In July 2017, a court ordered that the Internet Archive, a platform offering access to billions of archived webpages, be blocked. The authorities claimed that the platform made extremist content accessible in Kyrgyzstan, though some users speculated that the blocking was related to an archived copy of a deleted article available on the platform that depicted a Czech company that had recently been awarded a government contract in a bad light. 12

Courts in Kyrgyzstan have in the past occasionally blocked politically sensitive content. In August 2015, a court ruled in favor of Ainagul Chylabaeva, blocking a website which accused the former public official of corruption and connections with criminal networks. **

Kloop, an independent news outlet, was blocked for several weeks in December 2014, after it reposted a video showing children from Kazakhstan training in Islamic State camps. **

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On May 13, 2013, the parliament passed amendments to the Law on Counteracting Extremist Activities, which allow the government to order the blocking of websites hosted outside the country for "extremist" content. 15 Parliamentarians said the amendments were inconsistent with other legislation, and proposed regulating online content under the rubric of mass media, which would give the government greater control over online content. 16 The amendments were intended to make the blocking process more transparent, since they oblige corresponding bodies to publish the list of blocked resources. 17 The Ministry of Internal affairs reported that it blocked 21 extremist websites in 2016.

In May 2016, parliament adopted further amendments to the Law on Counteracting Extremist Activities. The amendments expand the range of activities subject to the law to include expressions of approval or justifications of extremism or terrorism online, provisions which are framed broadly and may be subject to abuse.¹⁸

Content Removal

The government does not often force outlets to remove content, though journalists have occasionally removed political content under threat of violence from unknown actors (see Intimidation and Violence).

In August 2017, a court ordered the online media outlet *Zanoza* to take down several articles that were critical of the president of Kyrgyzstan, some containing accusations of corruption. The General Prosecutor successfully sued *Zanoza* for defaming the president's "honor and dignity," fining the outlet 12 million som (US\$175,000). Description in the containing accusations of corruption in the president's "honor and dignity," fining the outlet 12 million som (US\$175,000). Description in the containing accusations of corruption in the containing accusations of corruption.

Media, Diversity and Content Manipulation

There are no specific economic restrictions imposed by the government that negatively impact users' ability to publish content online, or that restrict online media outlets' ability to remain financially sustainable. There are several popular blog-hosting platforms in Kyrgyzstan (such as Namba.kg, Kloop.kg, Diesel.elcat.kg, and Taboo.kg), but most blogs focus on entertainment or reprint reports from other news agencies.

There are no particularly popular blogs specifically devoted to political or social issues. Most blogs are in Russian, though some are in the Kyrgyz language, but the latter are not as popular. The internet in general has become an important source of alternative information for users, but since it is primarily the wealthier segments of the population who can afford consistent internet access, these are the main participants in online communities.

Self-censorship exists online to a certain degree, primarily as a result of government restrictions on inciting national hatred. All posts on forums are strictly moderated to limit this type of content, and online journalists and bloggers generally try to avoid issues concerning ethnic relations. Other laws may increase self-censorship, such as amendments to the criminal code signed by the president in May 2014, which introduced criminal penalties of up to three years in prison for disseminating false accusations regarding the commission of crimes (see Legal Environment).

Online platforms such as forums and social networks are actively used for manipulating public opinion, usually by trolls hired by different political actors to influence discussions and express favorable views.

Digital Activism

Digital activism efforts remain limited in Kyrgyzstan. However, in October 2015, social media users launched a campaign against the government's plan to spend US \$40,000 on 120 chairs to be used in Kyrgyzstan's parliament, replacing chairs purchased as recently as 2010. The #120Kpeceπ (#120Chairs) campaign received extensive coverage on Twitter and news outlets, and the government abandoned the plan.²¹

Violations of User Rights:

While internet users are not generally imprisoned for their expression, a growing number of users faced fines and other legal sanctions for critical expression online in this coverage period. In addition, the government's capacity for surveillance of ICTs increased in recent years. A regulation requiring upgrades to SORM-3 technology, also instructed service providers to install black boxes on their networks, allowing intelligence agencies unfettered access without a court order.

Legal Environment

The rights to freedom of speech and freedom of expression are legally protected Kyrgyzstan's constitution. Article 31 guarantees the right to freedom of thought, expression, speech, and press. Article 29 protects privacy, including private communications shared by phone, or electronic methods, and forbids the collection or dissemination of confidential information without the subject's consent. Nevertheless, the judiciary is not independent and remains dominated by the executive branch. Corruption among judges, who are generally underpaid, is also widespread, hindering the fairness of decisions in freedom of expression cases and others.

Authorities in Kyrgyzstan have responded to the threat of international terrorism by passing legislative amendments which expand the state's power to crack down on a wider range of activities. The amended Law on Counteracting Extremist Activities criminalizes public expressions of approval and justification of extremism or terrorism, raising concerns about possible restrictions on legitimate expression online.

In July 2011, the government decriminalized libel to bring legislation in line with the new constitution. Nevertheless, "insult" remains a criminal offense and is punishable by a fine. The criminal code contains several provisions (Articles 299 and 299-1) that prohibit "inciting national, racial, religious or interregional hostility." In some cases, the government has sought to apply these provisions to restrict nonviolent political speech.

On May 17, 2014, the president signed an amendment to the criminal code that criminalizes the dissemination of "knowingly false messages about the commission of crimes," with the stated goal of preventing individuals from making such accusations for political reasons or to damage someone's reputation. The amendment includes fines and sentences of up to three years in prison. Detracting from the progress made through the decriminalization of libel, this amendment could potentially have a chilling effect on online journalists and regular internet users, ²⁴ given that it is unclear exactly how the law will be interpreted. On May 28, 2014, an association of domestic nongovernmental and non-commercial organizations challenged the constitutionality of the amendment before the Constitutional Chamber of the Supreme Court of Kyrgyz Republic; the Court upheld the amendment as constitutional on January 14, 2015. ²⁵

In February 2014, some members of parliament submitted a draft law penalizing gay "propaganda" similar to a law passed in Russia, which includes criminal and administrative penalties for "propaganda of non-traditional sexual relationships." The draft received substantial criticism and was withdrawn; however, a revised version was considered in parliament later that year. En the draft law includes penalties of fines or imprisonment up to one year for anyone sharing positive images of non-traditional sexual relationships through mass media or the internet, but it did not appear to have progressed by mid-2017.

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Another bill currently before parliament proposes to equate online news outlets with mass media, requiring them to have a license and to operate with the same responsibilities as traditional media outlets. 27

Prosecutions and Detentions for Online Activities

Authorities in Kyrgyzstan generally do not arrest netizens for expression. However, government officials, including the president, have demonstrated a low tolerance for personal criticism, and have sought to discourage and discredit online critics by pursuing civil suits.

- In January 2017, a district court ordered activist Mavlyan Askarbekov to remove a post from his Facebook page that was critical of parliamentarian Dastan Bekeshev. Askarbekov was found guilty of damaging Bekshev's business reputation.²⁸
- Independent online news outlet *Zanoza* and the outlet's co-founders and journalists Dina Maslova and Narynbek Idinov were sued by the General Prosecutor after they published several articles accusing the president of corruption. In July 2017, the court found that *Zanoza* had defamed the president's honor and dignity, ordering *Zanoza* to pay 12 million som (US\$175,000), while Maslova and Idinov were each ordered to pay 3 million som (US\$43,000).
- In May 2016, Abdullo Nurmatov from Kara-Suu in the south of Kyrgyzstan was given a one year suspended sentence for "storing and disseminating extremist content." He had "liked" photos posted by the controversial religious leader Imam Rashod Kamalov on the Odnoklassniki social network. ** He was detained for 48 hours by the State Committee of National Security and placed under house arrest during the investigation. ** Abdullo said he had been tortured to provide login credentials to allow law enforcement agents to access his Odnoklassniki account and email account.

Surveillance, Privacy, and Anonymity

Like many former Soviet states, Kyrgyzstan maintains and updates its surveillance technology in line with Russia. Kyrgyzstan's surveillance network is modeled after Russian System for Operational-Investigative Activities (SORM) technology, and in August 2012, Kyrgyzstan updated its surveillance network to match current Russian interception systems. 32

On June 30, 2014, the government adopted a resolution with new instructions for ISPs and mobile service providers to update their systems to the latest version of SORM technology. These instructions included requirements for service providers to store the data of their subscribers for up to three years, and to allow the authorities direct, real-time access to communications networks. Service providers are also required to purchase and update equipment at their own expense to ensure compliance.

These new regulations effectively introduced the potential for mass surveillance without judicial oversight, and there have been signs of possible abuse since they were implemented. In March 2016, a recording of telephone communications between opposition figures discussing a potential political upheaval were leaked to the public. Those involved were accused of attempting to forcibly seize power. ³⁴ In May 2016, telephone conversations between leaders of the People's Parliament opposition group were also leaked online, and appeared to show them planning to seize power; they were also arrested. ³⁵ It is not clear how these recordings were obtained but the pattern of targeting opposition leaders suggests abuse of SORM equipment by the government.

Since February 2012, the Civil Initiative on Internet Policy, together with the Kyrgyz State Committee on National Security and several human rights organizations, have been working on amendments to the statute on the Conduct of Investigations—the body responsible for regulating these issues—that would clarify the circumstances surrounding the use of interception technology and provide a more adequate legal framework. The bill is yet to reach parliament for consideration.

There are currently no strict restrictions on anonymous communication on the internet in Kyrgyzstan. Websites do not need to register, encryption software is freely available, and real-name registration is not required to post content online. However, on February 17, 2014, the government issued a new regulation requiring mobile operators to sell new SIM cards only after they have been registered (previously, SIM cards could be registered within one year of purchase). This new regulation came into force on March 8, 2014, potentially making it more difficult for individuals to use ICT tools anonymously.³⁶

Intimidation and Violence

• In general, there is not a significant level of violence or harassment against ICT users in Kyrgyzstan, though some isolated incidents could be related to online activities. In April 2017, independent journalist Ernis Kiyazov stated in a Facebook post that two strangers appeared at his address, called him outside, and threatened him with violence if Kiyazov continued posting criticism of the president. Kiyazov had been writing for online outlet *Kalempir*. Shortly after publishing the post, Kiyazov removed it and deactivated his Facebook account.³⁷

Technical Attacks

Instances of politically motivated cyberattacks are rare, though government web resources are occasionally targeted. Hackers targeted the website of the State Committee on Defense Affairs in June 2016, and website of the State Committee of National Security in July, demonstrating that state websites continue to operate with some security weaknesses.

In 2005, the OpenNet Initiative recorded the extensive use of distributed denial-of-service (DDoS) attacks against opposition and news websites, demonstrating a precedent for such attacks.⁴⁰

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