

Kyrgyzstan

Partly Free

61

100

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Last Year's Score & Status

62 100 Partly Free



Overview

Kyrgyzstan registered a slight decline in internet freedom during the coverage period, reflecting technical attacks against online news outlets. Connectivity remained a challenge, although access rates are improving. The government's ongoing fight against extremism, featuring disproportionate censorship of web resources, continues unabated, while a pair of problematic Criminal Code articles led to at least one lengthy prison sentence for a user and frivolous charges against another.

After two revolutions that ousted authoritarian presidents in 2005 and 2010, Kyrgyzstan adopted a parliamentary form of government. Governing coalitions have proven unstable, however, and corruption remains pervasive.

Key Developments

June 1, 2018 - May 31, 2019

- Under the guise of an initiative to tax internet service providers (ISPs), in April 2019, the government attempted to centralize control over the information and communication technologies (ICT) infrastructure, a move that was ultimately abandoned ([see A3](#)).
- Several websites, including Vimeo, were blocked during the coverage period as part of the government's ongoing fight against extremism ([see B1](#)).
- A new Criminal Code came into force in January 2019, restricting the circumstances under which users can be prosecuted for possessing "extremist materials" ([see C2](#)).
- In February 2019, a user was given a four-year prison sentence for inciting interethnic hatred after sharing a video of a fight between ethnic Kyrgyz people and Uzbeks on WhatsApp ([see C3](#)).
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Distributed denial-of-service (DDoS) attacks affected the prominent news site Kaktus Media, as well as a new website affiliated with a political figure ([see C8](#)).

A Obstacles to Access

Although broadband fiber access remained limited, internet penetration rates increased, reflecting the introduction of unlimited plans by mobile service providers and the development of both 3G and 4G service. External bandwidth increased as well. A digital divide between urban and rural areas persists, as telecommunications companies have few incentives to expand outside major cities.

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?

36

Access to the internet continues to expand, with the overall penetration rate reaching 78.6 percent in 2018, according to State Communication Agency (SCA) statistics.¹ As of December 2018, there were approximately five million internet users out of a population of 6.2 million, including 3.3 million 3G users and 2.8 million LTE users. However, the reliability of the SCA's data on internet penetration rates has been called into question by some analysts, and the number of internet users provided by the agency is based on data from service providers. According to 2018 data from the International Telecommunication Union (ITU),² the fixed-line penetration rate is 4 percent, while the mobile broadband penetration rate is 94 percent, and just 21 percent of households have access to the internet at home.

In January 2018, the Digital Central Asia and South Asia (CASA)-Kyrgyz Republic project came into effect.³ Funded by the World Bank, it is developing digital infrastructure and public electronic services in Kyrgyzstan. The project aims to provide 60 percent of the population with broadband internet via nearly 400 miles of fiber-optic links in five years.

Kyrgyzstan's overall mobile penetration rate, estimated at 166.4 percent by the SCA, is significantly higher than its internet penetration rate.⁴ Beeline, a mobile service provider, launched a 3G network in 2010 that covers nearly the entire country. Another large firm, Megacom, launched its own 3G network in 2012, which

covered most of the population by 2019.⁵ As of October 2018, Nur Telecom, one of the largest mobile service providers (along with Beeline and Megacom), claimed to cover 74.5 percent of the population with its 4G network.⁶

Despite being more readily available, mobile internet connections are slower and of lower quality than fixed ones. According to May 2019 data from Ookla, the average download speed on mobile internet connections was just 16.2 Mbps, compared to 23 Mbps on fixed-line connections.⁷ Kyrgyzstan lags behind neighboring Kazakhstan in terms of average speeds but compares favorably to other Central Asian countries.

During the coverage period, the overall internet bandwidth increased more than tenfold, from 50 Gbps in 2017 to almost 600 Gbps in 2019, while the number of first-tier providers reached 10.⁸

Internet connections in rural areas rely on vulnerable infrastructure from the state-owned ISP KyrgyzTelecom. In March 2019, the Issyk-Kul region was disconnected for 13 hours after a KyrgyzTelecom fiber-optic cable was intentionally damaged.⁹ In 2017, three regions lost internet access for approximately three hours after KyrgyzTelecom's cables were damaged during construction work.¹⁰

- ^{1.} Annual report of the State Communication Agency for 2018
https://www.nas.gov.kg/media/dynamic_pages/report_2018.pdf
- ^{2.} <https://www.itu.int/net4/itu-d/icteye/CountryProfileReport.aspx?country...>
- ^{3.} Проект «Digital CASA – Кыргызская Республика» [Project “Digital CASA – Kyrgyz Republic], March 01, 2018,
<http://www.ict.gov.kg/index.php?r=site%2Fpress&pid=58&cid=1>
- ^{4.} Annual report of the State Communication Agency for 2018
https://www.nas.gov.kg/media/dynamic_pages/report_2018.pdf
- ^{5.} https://www.megacom.kg/pages/map_kg?locale=ru
- ^{6.} 24.kg, Оператор О! — лидер по емкости сети 4G в Кыргызстане, [Operator O! is a leader on 4G network capacity in Kyrgyzstan], November 18, 2018,
https://24.kg/biznes_info/101112_operator_o_lider_poemkosti_seti_4Gvkyi...
- ^{7.}
<https://web.archive.org/web/20190629201034/https://www.speedtest.net/gl...>
- ^{8.} Statistics provided by State Communication Agency as of December 2018

- [9.](http://kt.kg/news/?ELEMENT_ID=3434) KyrgyzTelecom, Преднамеренное повреждение линии злоумышленниками, привело к аварии сети. [Intentional damage of the cable by adversaries led to the network failure] March 01, 2019 http://kt.kg/news/?ELEMENT_ID=3434
- [10.](https://24.kg/obschestvo/49283_abonentov_kyrgyztelekoma_vnov_podklyuc...) Абонентов «Кыргызтелекома» вновь подключили к Интернету [Internet for “KyrgyzTelecom” subscribers were switched on again] April 11, 2017 https://24.kg/obschestvo/49283_abonentov_kyrgyztelekoma_vnov_podklyuc...

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?

23

In recent years, the average price of an internet connection has decreased, becoming more affordable for much of the population. Prices offered by ISPs in Bishkek, the capital, where the ICT infrastructure is well-developed and competition is greater, are lower than in rural areas. Additionally, the quality of connections is better in the capital than in rural areas. The majority of the population lives in rural areas.[1](#)

According to the ITU, a monthly entry-level fixed broadband subscription cost 8.9 percent of gross national income (GNI) per capita in 2017, while a monthly mobile broadband plan offering 1 GB of data cost just 4.6 percent of GNI per capita.[2](#) The monthly price for one 2 Mbps fixed broadband subscription in Bishkek was 517 soms (\$7.40) in 2019, which is affordable for much of the population.[3](#) The monthly price for the same subscription in the rural Batken region was 614 soms (\$8.80).[4](#)

The development of mobile networks increasingly provides a viable alternative to fixed-line broadband internet connections. According to 2018 research by the UK-based company Cable, Kyrgyzstan has the second-least expensive mobile data rates in the world, with the price for 1 GB of mobile data averaging \$0.27.[5](#)

The World Bank has observed digital divides in terms of geography, gender, and language (90 percent of online content is in English or Russian) in Kyrgyzstan.[6](#)

- [1.](http://stat.kg/ru/statistics/download/operational/769/) <http://stat.kg/ru/statistics/download/operational/769/>
- [2.](https://www.itu.int/en/ITU-D/Statistics/Pages/ICTprices/default.aspx) <https://www.itu.int/en/ITU-D/Statistics/Pages/ICTprices/default.aspx>
- [3.](http://jet.kg/jet/internet/rates/bishkek/) <http://jet.kg/jet/internet/rates/bishkek/>, accessed May 2019
- [4.](http://jet.kg/jet/internet/rates/batken/) <http://jet.kg/jet/internet/rates/batken/>, accessed May 2019
- [5.](#) Cable, Worldwide mobile data pricing: The cost of 1GB of mobile data in 230

countries, <https://bit.ly/2FIAb8q>

- [6.](http://documents.worldbank.org/curated/en/233891521770539859/pdf/Kyrgyz...)
<http://documents.worldbank.org/curated/en/233891521770539859/pdf/Kyrgyz...>

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?

56

The government periodically attempts to increase its control over the internet. Using security or economic issues as pretexts, officials or members of parliament sometimes call for the centralization of the country's internet infrastructure. Their initiatives seldom gain traction. One of the latest initiatives was an April 2019 draft regulation that would oblige ISPs to install special equipment for monitoring internet traffic, ostensibly to enforce tax laws. However, the draft named the State Committee of National Security (SCNS) as the body that would oversee the equipment. The resolution also failed to explain the equipment's functions, although one anonymous official claimed that it would have allowed the SCNS to shut down the domestic internet.¹ In May 2019, the Ministry of Economy stated that it was rewriting the regulation to remove the SCNS' involvement.²

ISPs are not required to use government-owned channels to connect to the international internet, though getting their own channel can be challenging, as it requires permission from the Border Control Service. Kyrgyzstan's 10 major ISPs operate international internet connections via Kazakhstan and China. In the past, the blogging platform LiveJournal, which was blocked in Kazakhstan, was also accidentally blocked for some internet users in Kyrgyzstan,³ though this problem appears to have been resolved. Since some of Kazakhstan's connections to the international internet are channeled through Russia, web resources blocked in Russia are sporadically blocked in Kyrgyzstan as well.⁴ Chinese filtering does not influence access to web content in Kyrgyzstan.

There are three internet exchange points (IXPs) in Kyrgyzstan: two managed by a telecommunications industry group, the Association of Telecommunications Operators,⁵ as well as one by the Kyrgyz branch of the Internet Society (ISOC).⁶

- ¹. Kloop.kg, ГКНБ и минэконом хотят отслеживать интернет-трафик. Объясняем, может ли это привести к тотальному контролю [SCNS and Ministry of Economy want to wiretap Internet traffic. Explaining why it can lead to total control.], May 07, 2019, <https://bit.ly/2J76qwu>

- [2.](#) Kloop.kg, ГКНБ не будет заниматься отслеживанием интернет-трафика в Кыргызстане — минэконом. [SCNS will not be wiretapping traffic in Kyrgyzstan — Ministry of Economy.], May 07, 2019, <https://kloop.kg/blog/2019/05/07/gknb-ne-budet-zanimatsya-otslezhivanie...>
- [3.](#) Кыргызстан отрезал доступ к популярному блог-порталу LiveJournal [Kyrgyzstan blocked access to the popular blog-portal LiveJournal], October 18, 2008, <https://centrasia.org/newsA.php?st=1224309420>
- [4.](#) Contributor's own observations
- [5.](#) <http://aoc.kg/ru/content/point>
- [6.](#) <http://fvixp.isoc.kg/>

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?

46

Though there are no direct obstacles for ISPs and mobile service providers seeking to enter the market (besides getting licensed, a formality), there must still confront several indirect barriers. One is the high cost of building ICT infrastructure. Existing ISPs are not obligated to share their infrastructure, and there is no cap on the prices they can charge for renting out bandwidth. Another is the obligation to install surveillance equipment on all communications networks, which increases start-up costs (see C5).[1](#)

The telecommunications sector is relatively liberalized and competitive compared to other countries in the region; however, the state-owned KyrgyzTelecom remains the largest ISP, with a market share of about 70 percent.[2](#) The other major ISPs that have their own international internet channels are privately owned.

There are three mobile service providers offering data services: Beeline (with 41 percent of the market in 2017), Megacom (with 32 percent), and Nur Telecom, operating under the brand O! (with 27 percent).[3](#) O! has experienced market growth in the past two years due to its launch of 4G services. Megacom was nationalized in 2010 amid political upheaval.

As of May 2019, there were no obstacles to providing free and open internet access through Wi-Fi hotspots.[4](#)

- [1.](#) Ministry of Justice, Инструкция о порядке взаимодействия операторов электросвязи и операторов мобильной сотовой связи с государственными

органами Кыргызской Республики, осуществляющими оперативно-розыскную деятельность [Instruction on cooperation of communication operators and mobile operators with state bodies of Kyrgyz Republic in operative investigative activities], June 30, 2014,

<http://cdb.minjust.gov.kg/act/view/ru-ru/96622>

- [2. https://www.itu.int/en/ITU-D/Statistics/Documents/publications/misr2018...](https://www.itu.int/en/ITU-D/Statistics/Documents/publications/misr2018...)
- [3.](#) Digital.Report, Обзор телеком рынка Кыргызстана: Фиксированная, мобильная и международная связь, June 2, 2017, <https://digital.report/kyrgyzstan-svyaz/>
- [4.](#) State Communication Agency. Положение о лицензировании деятельности по использованию радиочастотного спектра [Regulations on the licensing of activities on the use of the radio frequency spectrum] https://world.nas.gov.kg/images/Poloj_RCHS-18.docx, accessed May 2019

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?

14

The regulatory bodies that oversee service providers do not always operate in a free and fair manner. The State Committee of Information Technologies and Communication (SCITC) was created in 2016, assuming many of the regulatory functions previously performed by the SCA.¹ The SCA was absorbed as a department under the SCITC. In 2018, the SCITC ignored requests from private sector and civil society experts and slowed down the digital transformation process by focusing on infrastructure projects with large tenders.

The SCITC's responsibilities include developing ICT policy, governing the ICT sector, and facilitating the sector's development. The committee also issues licenses for ISPs, sets standards, and ensures those standards are followed. The scope of the committee's activities depend on the personality of its head, who must be nominated by the prime minister and approved by the parliament before taking office. Committee heads from the private sector have tended to push reforms forward, while those from a government background have been more resistant to change. Institutional memory is also limited, as incoming SCITC heads usually change all key staff.

- [1. http://www.ict.gov.kg/index.php?r=site%2Fabout](http://www.ict.gov.kg/index.php?r=site%2Fabout)

B Limits on Content

An increasing number of websites were blocked during the coverage period as part the government's ongoing efforts to limit "extremist" content online. However, blocks on individual social media pages remain unimplemented. The coverage period also saw limited online mobilization.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content?

46

The authorities continued to engage in disproportionate and arbitrary blocking of web content during the coverage period, reflecting growing government concerns about extremism. An archiving platform, blog-hosting sites, and even a music and podcast streaming service have become collateral damage in the government's—specifically, the courts'—broad application of anti-extremism laws. While popular social media platforms such as YouTube, Twitter, and Facebook are freely available, authorities are examining methods for censoring individual pages on these platforms.

During the coverage period, the University of Pennsylvania's online library (onlinebooks.library.upenn.edu) and a Wikipedia mirror (readtiger.com) were officially blocked, along with several websites and individual Blogger, LiveJournal, and WordPress blogs carrying "extremist" content.[1](#) The video hosting service Vimeo was also unofficially blocked, according to reports.

A series of court decisions in 2017 led to the blocking of a number of websites, including the music and podcast streaming platform SoundCloud, for hosting "extremist" content. The action against SoundCloud specified that SoundCloud files can no longer be distributed or stored, which seemingly applies even to popular songs by famous artists.[2](#) A request to the court submitted by the online news outlet Kloop revealed that the blocking request came from the Prosecutor General's Office. Courts have ordered blocks on several subdomains of Blogger, LiveJournal, and WordPress; some ISPs that do not utilize deep packet inspection (DPI) technologies were forced to block all subdomains that share the blogs' internet protocol (IP) addresses.[3](#) Courts have also ordered the blocking of URLs that link to specific content on Facebook, the Russian social media platform OK, and YouTube.[4](#)

However, the blocks were not carried out due to the technical challenges associated with blocking individual pages on social media platforms by URL.

Also in 2017, courts ordered the blocking of the Internet Archive and JustPaste.it in their entirety under an anti-extremism law, and they remained blocked as of May 2019. The Internet Archive, which offers access to billions of deleted webpages, was apparently blocked for allowing local users to bypass restrictions on extremist content normally inaccessible in the country. Some users speculated that the decision was related to a deleted article available on the site that depicted a Czech company which had been awarded a government contract in a negative light.⁵ JustPaste.it is a widely used text publishing tool that inadvertently became popular with extremist movements as a means to spread propaganda.⁶

The website of the independent regional news agency Fergana News was first blocked in June 2017. The site has several domains, some of which were available in Kyrgyzstan at the end of the coverage period, while at least two remained blocked. Daniil Kislov, Fergana's editor-in-chief, said that the site was not informed about the block in advance and that the rationale for the decision was unclear.⁷ That same month, authorities opened a criminal investigation against Fergana News reporter Ulugbek Babakulov for allegedly inciting interethnic hatred by publishing an article about hate speech directed at Kyrgyzstan's Uzbek minority (see C3).⁸ Fergana News had been blocked for a number of years in the past.⁹

- ^{1.} Megaline. Список заблокированных ресурсов. [List of blocked resources] <https://megaline.kg/klientam/zablokirovannyye-resursyi/>
- ^{2.} Суд в Кыргызстане признал экстремистским музыкальный сервис SoundCloud [The court in Kyrgyzstan judged extremist the musical service SoundCloud] Kloop.kg, May 11, 2018, <https://kloop.kg/blog/2018/05/11/sud-v-kyrgyzstane-priznal-ekstremistsk...>
- ^{3.} Список экстремистских материалов [The list of extremist materials] <http://minjust.gov.kg/upload/files/2018-02-22/5ef8d6cbd9fc8e912a750413a...>
- ^{4.} Список экстремистских материалов [The list of extremist materials] <http://minjust.gov.kg/upload/files/2018-02-22/5ef8d6cbd9fc8e912a750413a...>
- ^{5.} "Kyrgyzstan blocks Archive.org on extremism grounds" Global Voices, July 21, 2017, <https://globalvoices.org/2017/07/21/kyrgyzstan-blocks-archive-org-on-ex...>

- [6.](#) Jacob Silverman, “Loose Tweets Sink Ships” Politico Magazine, August 28, 2014, <https://www.politico.com/magazine/story/2014/08/islamic-state-twitter-1...>
- [7.](#) “Kyrgyzstan censors leading news agency Ferghana” IFEX, June 14, 2017, <https://www.ifex.org/kyrgyzstan/2017/06/14/ferghana-news-censorship/>
- [8.](#) “Kyrgyzstan censors leading news agency Ferghana” IFEX, June 14, 2017, <https://www.ifex.org/kyrgyzstan/2017/06/14/ferghana-news-censorship/>
- [9.](#) “Independent News Website Partly Blocked in Kyrgyzstan,” Radio Free Europe/Radio Liberty, February 22, 2012, <http://bit.ly/1WXZ1wW>

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content?

24

The government does not often force outlets to remove content. The law does not oblige publishers or hosts to remove any content except for extremism- or terrorism-related content. Journalists who work online have occasionally removed political content under threat of violence from unknown actors (see C7).

In 2018, the government did not issue any content removal requests to Facebook.[1](#) However, it issued 19 content removal requests to Twitter, which did not comply with any of them.[2](#) That year, Google received one content removal request from the government, which was related to a defamation claim; Google complied with the request.[3](#)

In January 2019, the Supreme Court set a disturbing precedent when it ordered the media outlet AKIpress to remove an online video of a press conference that was found to offend the “honor and dignity” of factory owner Elena Bulatova.[4](#)

In September 2018, after publishing satirical memes based on photos from current President Sooronbay Jeenbekov’s vacations, a Bishkek-based designer was summoned to the Prosecutor General’s Office for an explanation. There, he was confronted with a complaint from an unnamed citizen who was outraged by his satire. The case did proceed any further as Jeenbekov’s spokesperson said the president found the memes funny.[5](#)

Prior to the coverage period, in 2017, the now-defunct online news outlet Zanoza was forced, after a series of court decisions, to remove several articles deemed to insult the “honor and dignity” of the president (see C2).[6](#) Also in 2017, online

journalist Ernis Kiyazov took down a post criticizing then president Almazbek Atambayev after being threatened by unknown persons.

- 1. <https://transparency.facebook.com/content-restrictions/country/KG/jan-j...>; <https://transparency.facebook.com/content-restrictions/country/KG/jul-d...>
- 2. <https://transparency.twitter.com/en/countries/kg.html>
- 3. <https://transparencyreport.google.com/government-removals/by-country/KG...>
- 4. Kaktus.media, Верховный суд создал нездоровый прецедент - постановил удалить статью в отсутствие нормы [The Supreme Court made an unhealthy precedent - decided to delete an article in absence of regulatory norm], January 30, 2019, <https://bit.ly/2U5TgVk>
- 5. Kloop.kg, Дизайнера вызвали в генпрокуратуру из-за мемов про Жээнбекова.] October 1, 2018 <https://bit.ly/2QoCDPs>
- 6. <https://globalfreedomofexpression.columbia.edu/cases/prosecutor-general...>; <https://globalfreedomofexpression.columbia.edu/cases/prosecutor-general...>

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?

24

Court orders are frequently used to block websites and remove content in Kyrgyzstan. Courts justify blocking sites, such as the Internet Archive and SoundCloud, under Article 299-2 (as of January 2019, Article 315) of the Criminal Code, which prohibits extremist materials. These are expansively defined under the Law on Countering Extremist Activity as anything that stokes “ideological, political, racial, national, or religious hatred or enmity.”¹ The Prosecutor General’s Office can also issue blocking and content removal requests to courts, as was the case with the online media outlet Zanoza. The reasons for blocks are indicated in the court materials, which are only shared with the parties involved and not the public. Thus, in most cases, it is almost impossible for civil society to ascertain why a website was blocked and if the decision was proportional. Furthermore, the appeals process for challenging blocking orders is only open to the owner of the web resource being blocked or their official representative.

The Ministry of Justice’s official site, which hosts the official list of banned extremist and terrorist materials,² contains outdated information and does not offer a full picture of website blocking. Compounding this lack of transparency, only a few ISPs

publish lists of blocked sites and display a descriptive page when these sites are reached.

While ISPs are not directly liable for the content on their networks, they can lose their licenses if they fail to carry out court order to block content.

- 1. <https://www.hrw.org/report/2018/09/17/we-live-constant-fear/possession-...>
- 2. <http://minjust.gov.kg/ky/content/951>

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?

34

Self-censorship exists online to a certain degree, primarily as a result of government restrictions on inciting hatred. All posts on online forums are strictly moderated to limit hateful content, and online journalists, bloggers, and everyday users generally try to avoid issues concerning ethnic relations. Other laws may increase self-censorship, such as those governing defamation.

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?

34

Online platforms, such as forums and social networks, have been used to manipulate public opinion. Trolls hired by various actors influence online discussions by expressing favorable or unfavorable views on politicians and political issues. For example, research by FactCheck.kg posted in July 2018 exposed a small-scale network of fake Facebook accounts supporting President Sooronbay Jeenbekov and another group supporting his rival, former president Atambayev.¹

Various online media outlets, some of which are owned by politicians or powerful business interests, are also used as tools of political influence. The TV channel "September," affiliated with opposition leader Omurbek Tekebaev, was under pressure during Atambayev's presidential term and actually ceased broadcasting in August 2017, becoming an online-only outlet,² while the TV channel "April," affiliated with Atambayev himself, has come under pressure after Atambayev moved into opposition. In August 2019, after the cover period, the government raided the offices of "April," ostensibly in connection with a corruption probe into Atambayev, restricting journalists' access to the studio and forcing them to

broadcast exclusively over the internet.³

Media outlets, including those that publish online, are sometimes given editorial guidance by their owners. According to the US State Department, in Kyrgyzstan, “Some news outlets instructed their reporters not to report critically on certain politicians or government officials.”⁴ These instructions are sometimes the result of government pressure.

- ¹. factcheck.kg. Профессиональная фабрика троллей в Кыргызстане. [Professional fabric of trolls in Kyrgyzstan], July, 2018, <http://factcheck.kg/ru/post/74>
- ². <https://kloop.kg/blog/2017/08/28/sentyabr-budet-veshhat-v-internete-kak...>
- ³. <https://www.rferl.org/a/kyrgyzstan-urged-to-protect-media-pluralism-aft...>
- ⁴. <https://www.state.gov/reports/2018-country-reports-on-human-rights-prac...>

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content online?

23

There are no regulations imposed by the government that negatively impact users’ ability to publish content online or restrict online media outlets’ ability to remain financially sustainable. Online media outlets are not required to register with the government. However, according to IREX’s 2018 Media Sustainability Index, “Government pressure skews the advertising market,” which is not especially large to begin with.¹ IREX’s report continues, “Even those [outlets] considered economically viable—AKIpress, Vecherniy Bishkek, Kaktus Media, 24.kg—stay afloat mainly with the support of sponsors, notably politicians who invest in them.”²

- ¹. <https://www.irex.org/sites/default/files/pdf/media-sustainability-index...>
- ². <https://www.irex.org/sites/default/files/pdf/media-sustainability-index...>

B7 0-4 pts

Does the online information landscape lack diversity? 34

There are relatively few popular websites devoted to political or social issues. Most blogs are in Russian, though there are less popular Kyrgyz-language blogs. The internet has become an important source of alternative information for users, but the main participants in online communities tend to encompass the wealthier segments of the population who can afford consistent internet access.

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?

66

Digital activism remains limited in Kyrgyzstan, despite the availability of online mobilization tools. The government does not place any restrictions on these tools or their use.

During the coverage period, at least 30,000 people signed an online petition calling for a ban on uranium mining and processing in the Issyk-Kul region.¹ Following the online campaign, in May 2019, the parliament voted to ban uranium mining throughout the country.²

- 1. <https://eurasianet.org/kyrgyzstan-anti-uranium-mining-protests-persist-...>
- 2. <https://www.reuters.com/article/us-kyrgyzstan-uranium/kyrgyzstan-bans-u...>

C Violations of User Rights

While internet users are not generally imprisoned for their expression, criminal charges were filed during the coverage period for inciting hatred under Article 313 of the Criminal Code, and users faced civil sanctions in retaliation for their online speech. Those critiquing the government online have also been targets of intimidation and harassment. In addition, the government's surveillance capabilities have increased in recent years.

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?

36

The constitution, which was last amended in 2010, contains several legal

protections applicable to online activities. However, these constitutional protections are limited in practice by a judiciary that lacks independence from the executive branch.

Article 31 of the constitution guarantees the right to freedom of thought, expression, speech, and the press.¹ 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.²

Corruption among judges, who are generally underpaid, is also widespread, hindering the fairness of decisions in freedom of expression cases and other litigation. In March 2018, a group of activists, lawyers, and human rights defenders began to compile a blacklist of judges they believe to be corrupt or biased. Several people who claim to have been victimized by biased rulings and judicial corruption joined the activists.³

- 1. <https://www.auca.kg/uploads/Kyrgyz%20Constitution%20-%20adopted%20by%20...>
- 2. <https://www.auca.kg/uploads/Kyrgyz%20Constitution%20-%20adopted%20by%20...>
- 3. Kyrgyz Activists Name and Shame 'Corrupt' Judges, by Kubanychbek Zholdoshev and Farangis Najibullah, Radio Free Europe/Radio Liberty, March 8, 2018, <https://www.rferl.org/a/kyrgyz-corrupt-judges-activists-rally-name-sham...>

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities?

24

There are several vaguely defined laws that are used to penalize legitimate online activities.

In February 2019, a bill entitled "On protecting children from information harmful for their health or development" was submitted for public discussion.¹ The bill would allow the state to police, among other things, online content "containing foul language" or "denying family values." ² Legal analysts have voiced concerns about imprecise definitions in the text, which, in the nongovernmental organization (NGO) Adilet's view, could enable "violations of the right to free speech." ³ The bill remained under public discussion at the end of the coverage period.

In October 2018, the Supreme Court ruled that the Prosecutor General's Office must obtain the approval of the president before filing lawsuits in defense of his or her "honor and dignity." The ruling further required that such defamation lawsuits must only seek nonpecuniary damages.[4](#) The ruling followed a series of defamation lawsuits filed by the Prosecutor General's Office in 2017 against Zanoza for libeling then president Atambayev in articles that compared him to well-known authoritarian rulers and implied that he was corrupt.[5](#) The suits resulted in a fine of 12 million soms (\$175,000) against Zanoza and the court-ordered removal of the allegedly defamatory articles.[6](#)

In April 2018, following criticism from journalists, member of parliament Dastan Bekeshev withdrew legislative amendments to the Civil Code first introduced in 2017, which would have mandated fines of 20,000 soms (\$290) or more for online content deemed to discredit a citizen's "honor," "dignity," or "business reputation."[7](#) In 2011, the parliament decriminalized libel, aligning the law with the 2010 constitution.[8](#) Defamation is only a criminal offense in cases of insult against judges and other participants in legal proceedings or desecration of the state, state symbols, and state institutions.[9](#)

The new Criminal Code, which entered force in January 2019, criminalizes inciting ethnic, national, racial, religious, or interregional hostility (Article 313, previously Article 299-1), and imposes five to ten years in prison for violations.[10](#) The Criminal Code also criminalizes the possession of "extremist materials" with the intent to distribute (Article 315, previously Article 299-2) with up to five years in prison.[11](#) Previously, possession of "extremist materials" was illegal regardless of intent. Critics have long argued that these provisions are vulnerable to abuse. In some cases, the government has sought to apply these anti-extremism laws to restrict nonviolent political speech.

Several laws also impose disproportionate restrictions on freedom of expression. Notably, the Law on Countering Extremist Activities, last amended in 2016,[12](#) criminalizes public expressions of approval and justification for extremism or terrorism, raising concerns about possible restrictions on legitimate expression online. The law also defines the scope of extremist materials that Article 315 (previously, Article 299-2) of the Criminal Code prohibits.[13](#)

Under a 2014 amendment to the Criminal Code, those found guilty of disseminating

“knowingly false messages about the commission of crimes” faced steep fines and prison sentences of up to three years.¹⁴ In the new Criminal Code, the maximum sentence was increased to five years.¹⁵

In 2014, parliamentarians submitted draft legislation to introduce criminal and administrative penalties for disseminating “propaganda of nontraditional sexual relationships” in line with a similar law passed in Russia. However, after substantial criticism, the legislation has not progressed.¹⁶

- ^{1.} Jogorku Kenesh, The draft of “On protecting children from information harmful for their health or development ” <https://bit.ly/2Fqpem2>
- ^{2.} Adilet, АНАЛИЗ концепции проекта Закона КР «О защите детей от информации, причиняющей вред их здоровью или развитию» [Analysis of the draft of the law “On protecting children from information harmful for their health or development”] <http://www.adilet.kg/ru/news/full/368>
- ^{3.} Adilet, АНАЛИЗ концепции проекта Закона КР «О защите детей от информации, причиняющей вред их здоровью или развитию» [Analysis of the draft of the law “On protecting children from information harmful for their health or development”] <http://www.adilet.kg/ru/news/full/368>
- ^{4.} Decision of Constitutional Palace. <http://constpalata.kg/wp-content/uploads/2018/10/82.-Dzholdoshalieva-B...>
- ^{5.} <https://www.article19.org/resources/kyrgyzstan-stop-legislative-harassm...>
- ^{6.} <https://www.article19.org/resources/kyrgyzstan-stop-legislative-harassm...>; https://24.kg/english/60410_Zanoza_has_to_pay_another_6_million_soms/
- ^{7.} О проекте Закона «О внесении изменений в Гражданский кодекс Кыргызской Республики» [Bill on amendments into Civic Code of Kyrgyz Republic.] <http://www.kenesh.kg/ru/draftlaw/417220/show>
- ^{8.} Azattyk. Клевета - не преступление. [Libel is not a crime], July 22, 2011, <https://rus.azattyk.org/a/24273615.html>
- ^{9.} <https://www.osce.org/fom/303181?download=true>
- ^{10.} Ministry of Justice. Уголовный кодекс Кыргызской Республики. [Criminal Code of Kyrgyz Republic], <http://cbd.minjust.gov.kg/act/view/ru-ru/111527?cl=ru-ru>
- ^{11.} Ministry of Justice. Уголовный кодекс Кыргызской Республики. [Criminal Code of Kyrgyz Republic], <http://cbd.minjust.gov.kg/act/view/ru-ru/111527?cl=ru-ru>
- ^{12.} Ministry of Justice, “О внесении изменений в некоторые законодательные акты в сфере противодействия терроризму и

экстремизму” [On amendments to some legal acts in the sphere of countering terrorism and extremism] August 2, 2016,

<http://cdb.minjust.gov.kg/act/view/ru-ru/111441>

- [13. https://thediplomat.com/2018/09/kyrgyzstans-problematic-extremist-mater...](https://thediplomat.com/2018/09/kyrgyzstans-problematic-extremist-mater...)
- [14.](#) Media Policy Institute, “Депутат ЖК инициировала закон, предусматривающего наказание за заведомо ложные обвинения, содержащихся в публичных выступлениях, публикуемых в СМИ,” [The deputy of JK initiated the bill, providing punishment for deliberately false accusation in public speeches published in mass-media] October 22, 2013, <http://bit.ly/1OxK6GL> ARTICLE 19 and PEN International, “Joint Submission to the UN Universal Periodic Review of Kyrgyzstan,” June 14, 2014, <https://pen-international.org/app/uploads/PEN-international-Joint-Submi...>
- [15.](#) Ministry of Justice. Уголовный кодекс Кыргызской Республики. [Criminal Code of Kyrgyz Republic], <http://cbd.minjust.gov.kg/act/view/ru-ru/111527?cl=ru-ru>
- [16.](#) Resolution of Jogorku Kenesh, сведения о законопроекте 6-11804/14

C3 0-6 pts

Are individuals penalized for online activities? 36

Online critics of the government frequently face defamation suits. During the reporting period, a number of users were arrested for inciting hatred online under Article 299 of the Criminal Code (see C2). According to Human Rights Watch, 100 people were convicted of “possessing videos, literature, and other material alleged to fall under a broad and vague definition of extremism” during the first eight months of 2018.^{[1](#)} An additional 174 criminal inquiries into possession of extremist material were opened during that period.^{[2](#)} The number of convictions and criminal inquiries related to online activities was unclear.

In February 2019, a man was sentenced to four years in prison for inciting hatred on WhatsApp after posting a video of a fight between ethnic Kyrgyz people and Uzbeks.^{[3](#)}

Also in February, journalist Ulugbek Babakulov, who was charged with inciting hatred in 2017, was granted asylum in France.^{[4](#)} The charge stemmed from his article in Fergana News that included examples of social media posts inciting hatred against the Uzbek minority in Kyrgyzstan. The government intensely criticized

Babakulov, who also received a number of death threats (see C7).

In February 2018, Temir Bolotbek, a Bishkek-based university professor, was also arrested for inciting hatred online after posting a combative critique of Soviet-era architecture on Facebook that the authorities deemed insulting to Russians.^{[5](#)} In May 2019, Bolotbek was acquitted, but prosecutors appealed the decision to a higher court.^{[6](#)}

In May 2018, former President Atambayev withdraw his defamation lawsuits against Kaktus Media (formerly Zanoza) and its founders (see B2).^{[7](#)}

In 2017, then presidential candidate Jeenbekov filed a suit for 5 million soms (\$71,000) in damages against the news agency 24.kg and journalist Kabay Karabekov, for an article that accused Jeenbekov's brothers of having ties with radical organizations. Several courts ruled in favor of Jeenbekov and he withdrew his lawsuit against 24.kg but not against Karabekov, who was ordered to pay the fine in February 2018.^{[8](#)} Jeenbekov finally withdrew his case against Karabekov in April 2018.^{[9](#)}

- [1. https://www.hrw.org/world-report/2019/country-chapters/kyrgyzstan](https://www.hrw.org/world-report/2019/country-chapters/kyrgyzstan)
- [2. https://www.hrw.org/world-report/2019/country-chapters/kyrgyzstan](https://www.hrw.org/world-report/2019/country-chapters/kyrgyzstan)
- [3. https://www.rferl.org/a/kyrgyz-court-jails-man-for-using-whatsapp-to-in...](https://www.rferl.org/a/kyrgyz-court-jails-man-for-using-whatsapp-to-in...)
- [4. https://www.rferl.org/a/kyrgyz-journalist-who-denies-hate-incitement-ch...](https://www.rferl.org/a/kyrgyz-journalist-who-denies-hate-incitement-ch...)
- [5. https://www.opendemocracy.net/od-russia/el-nura-alkanova/how-social-medi...](https://www.opendemocracy.net/od-russia/el-nura-alkanova/how-social-medi...)
- [6. Today.kg](https://today.kg). Прокуратура обжаловала приговор преподавателю КГУСТА Темиру Болотбеку [Prosecutors appealed the sentence to the KSUCA teacher Temir Bolotbek], May 20, 2019, https://today.kg/news/61041/?utm_source=last&hl=ru
- [7. Kaktus.media](https://kaktus.media) Атамбаев отзывает материальные претензии к учредителям Zanoza и Джакуповой. [Atambayev is calling back his suits against founders of Zanoza and Djakupovoi] May 21, 2018 <https://bit.ly/2HFrn0C>
- [8. Верховный суд](https://kloop.kg) обязал журналиста Карабекова выплатить 5 млн сомов Жээнбекову [The Supreme Court obliged the journalist Karabekov to pay 5 million som to Jeenbekov] February 22, 2018, Kloop.kg, <http://bit.ly/2GfEySs>
- [9. Сооронбай Жээнбеков](https://24.kg) отказался от материальных претензий к Кабаю 24.kg, April 17, 2018 https://24.kg/vlast/81937_sooronbay_jeenbekov_otkazalsya_otmaterialnyih...

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?

34

There are few restrictions on anonymous communication. Websites are not required to register, although web hosting providers must be licensed. Encryption software is freely available, and real-name registration is not required to post content or comment online. However, in 2014, the government issued a new regulation requiring mobile service providers to sell new SIM cards only after they have been registered. Previously, SIM cards could be registered within one year of purchase. This regulation makes it more difficult for individuals to use ICT tools anonymously.¹

In June 2018, the SCITC submitted draft legislation on registering the serial numbers of mobile devices for public discussion.² The bill had not advanced further at the end of the coverage period.

- ¹. Ministry of Justice, “Об утверждении Правил оказания услуг подвижной

радиотелефонной связи,” [On approval of regulations of mobile telecommunication services], <http://cbd.minjust.gov.kg/act/view/ru-ru/96097?cl=ru-ru#p1>

- [2.](#) SCITC Об утверждении Правил «Идентификации мобильных устройств связи на территории Кыргызской Республики» [On adoption of the rules ‘Mobile communication devices identification on the territory of Kyrgyz Republic’] <http://www.ict.gov.kg/index.php?r=site%2Fdoc&cid=12&did=100>

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ right to privacy?

26

Government surveillance of internet activities often infringes on users’ right to privacy. Kyrgyzstan’s surveillance apparatus is modeled after Russia’s System for Operational Investigative Measures (SORM). Every ISP and mobile service provider is obliged to install SORM-compliant equipment on their ICT infrastructure to allow the authorities unfettered access to internet traffic and subscribers’ information (see C6). If a provider does not comply, its license can be cancelled.

These regulations could enable mass surveillance without judicial oversight, and there has been evidence of abuse since they were implemented. For example, in 2016, telephone conversations between leaders of the People’s Parliament opposition group in which they were apparently plotting a coup were leaked online. The politicians were subsequently arrested.[1](#) Also in 2016, telephone conversations between other opposition figures discussing potential political upheaval were leaked. Those involved were accused of attempting to forcibly seize power.[2](#)

In early 2019, the SCITC started the first phase of its “Safe City” project by installing video cameras on roads in Bishkek.[3](#) The tender for the first phase was won by the Russian company Vega, which also supplies equipment to the Russian military and intelligence services. A Chinese company has reportedly supplied facial recognition technology that can be utilized together with existing video cameras.[4](#)

The parliament passed a personal data law in 2008 that provided for the establishment of an authority for personal data protection. In practice, however, the law has not been effectively implemented; the personal data protection authority has not yet been established. In 2017, new amendments to the 2008 law were passed to more effectively protect personal data.⁵

- ^{1.} “В сеть слили переговоры якобы членов “Народного парламента”” [Conversations between members of the People’s Parliament leaked online] Zanoza, May 12, 2016, https://kaktus.media/doc/338066_v_set_slili_peregovory_iakoby_chlenov_n...
- ^{2.} “В сети появилась аудиозапись, где якобы оппозиционеры обсуждают формирование правительства в случае захвата власти” [An audio record appeared in Internet of opposition leaders discussing seizure of power] 24 News, March 27, 2016, http://www.24.kg/obschestvo/29731_v_seti_poyavilas_audiozapis_gde_yakob...
- ^{3.} https://24.kg/english/114006_Safe_City_Cameras_installed_at_25_points_i...
- ^{4.} <https://eurasianet.org/china-taking-big-brother-to-central-asia>
- ^{5.} <http://www.lorenz-law.com/wp-content/uploads/Article%20on%20amendments%...>

C6 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring the communications of their users?

26

Service providers are required to aid the government in monitoring users’ communications. In 2014, the government adopted a resolution requiring ISPs and mobile service providers to make their infrastructure compliant with the latest iteration of SORM (see C5).¹ The resolution further requires providers to store subscribers’ data for up to three years and to allow authorities direct, real-time access to their communications networks without notification and any control, even from prosecutors. Service providers must purchase and update equipment at their own expense to ensure compliance with SORM.

- ^{1.} Ministry of Justice, Инструкция о порядке взаимодействия операторов электросвязи и операторов мобильной сотовой связи с государственными органами Кыргызской Республики, осуществляющими оперативно-розыскную деятельность (Instruction on cooperation of communication operators and mobile operators with state bodies of Kyrgyz Republic in

operative investigative activities), June 30, 2014,

<http://cdb.minjust.gov.kg/act/view/ru-ru/96622>

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in retribution for their online activities?

45

In general, there is not a significant level of violence or harassment against ICT users in Kyrgyzstan, though some isolated incidents do occur.

In November 2018, Sanrabia Satybaldieva, investigative journalist and founder of the Malina TV YouTube channel, was stabbed by an unknown assailant.^{[1](#)} Satybaldieva refused to submit a case to the police, and why she was attacked is unclear.

In September 2018, Bolot Temirov, the editor-in-chief of FactCheck.kg, was attacked by an unknown assailant while he was filming a house said to belong to the former head of SCNS, Adil Segizbaev. When the assailant realized he was being filmed, he quickly disappeared.^{[2](#)}

Also in September, 19-year-old student and singer Zere Asylbek was harassed after posting a music video on YouTube. The song, which contains lyrics promoting women's equality, and the music video, which features women in revealing clothing, stoked outrage. In retaliation, Asylbek received death threats online.^{[3](#)}

In August 2018, Nikolai Potryasov, a journalist from Kaktus Media, was attacked by employees of a private security agency while filming unfinished buildings in Bishkek. The security guards attempted to confiscate Potryasov's mobile phone. Later, the security agency claimed Potryasov was trespassing, although he was standing on a public sidewalk when the incident occurred.^{[4](#)}

Journalist Ulugbek Babakulov was subjected to death threats and intense criticism from government officials after publishing an article in 2017 about online hate speech targeting the Uzbek minority (see C3). Lawmakers even urged the parliament to revoke Babakulov's citizenship. Progovernment media labelled him an "enemy" of the state and a "separatist."^{[5](#)}

Some individuals have reportedly been tortured while being detained for their online activities. Social media user Abdullo Nurmatov was allegedly tortured by

authorities to provide login credentials for his OK and email accounts following his 2016 arrest for “storing and disseminating extremist content.” Nurmatov had liked photos posted by the controversial religious leader Imam Rashod Kamalov on OK. He received a one-year suspended sentence after being convicted on the charges.⁶

- 1. <https://www.rferl.org/a/journalist-stabbed-hospitalized-in-kyrgyzstan-s-...>
- 2. https://kaktus.media/doc/380073_ocherednoe_napadenie_na_jyernalista._nap...
- 3. <https://eurasianet.org/feminist-song-draws-supporters-and-death-threats...>
- 4. Kaktus.media В Бишкеке сотрудники охранного агентства напали на журналиста Kaktus.media [Employees of security agency attacked a journalist of Kaktus.media] August 30, 2019 <https://bit.ly/2uqPrM2>
- 5. “Kyrgyz journalist Ulugbek Babakulov receives death threats,” Committee to Protect Journalists, June 5, 2017, <https://www.ifex.org/kyrgyzstan/2017/06/04/journalist-death-threats/>
- 6. Fergana. Киргизия: Житель Кара-Суу получил один год условного срока за «лайки» в соцсетях [Kighizia: Kara-suu inhabitant got one year suspended sentence for “likes” in social networks], May 18, 2016, <https://www.fergananews.com/news/24777>

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack? 23

Instances of politically motivated cyberattacks are rare, though government and private web resources are occasionally targeted. During the coverage period, Kaktus Media experienced a DDoS attack, as did KyrgyzToday, an online news portal affiliated with a former member of parliament.

Hackers targeted the websites of the State Committee on Defense Affairs¹ and the State Committee of National Security in 2016,² demonstrating the security vulnerabilities of government websites.

- 1. “Сайт Госкомитета по делам обороны был взломан хакерами,” [Website of the State Committee on Defense Affairs hacked] Zanoza, June 21, 2016 https://kaktus.media/doc/340365_sayt_goskomiteta_po_delam_oborony byl v...
- 2. “Взломан сайт ГКНБ,” [Website of SCNS hacked] Kabar, July 27, 2016, <http://kabar.kg/rus/society/full/109156>



Country Facts

- **Freedom in the World Status**
Partly Free
- **Networks Restricted**
No
- **Social Media Blocked**
No
- **Websites Blocked**
Yes
- **Pro-government Commentators**
Yes
- **Users Arrested**
Yes

Previous Reports

- [2018 Report](#)