



KYRGYZSTAN

	2012	2013
INTERNET FREEDOM STATUS	PARTLY FREE	PARTLY FREE
Obstacles to Access (0-25)	13	12
Limits on Content (0-35)	10	10
Violations of User Rights (0-40)	12	13
Total (0-100)	35	35

POPULATION: 5.7 million
INTERNET PENETRATION 2012: 22 percent
SOCIAL MEDIA/ICT APPS BLOCKED: No
POLITICAL/SOCIAL CONTENT BLOCKED: Yes
BLOGGERS/ICT USERS ARRESTED: No
PRESS FREEDOM 2013 STATUS: Not Free

* 0=most free, 100=least free

KEY DEVELOPMENTS: MAY 2012 – APRIL 2013

- Illegally blocked news website *Ferghana News* was officially unblocked by the State Communication Agency in April 2013 (see **LIMITS ON CONTENT**).
- While instances of filtering controversial content continued, including the blocking of videos, there was also an increase in the successful use of online platforms to mobilize against potentially harmful legislation (see **LIMITS ON CONTENT**).
- A journalist was physically assaulted by a member of parliament after posting online comments in defense of another politician (see **VIOLATIONS OF USER RIGHTS**).

INTRODUCTION

Shortly before the overthrow of President Kurmanbek Bakiev's regime in 2010, political pressure on the media—both traditional and online—intensified. The video portal Stan.tv was closed as punishment for covering opposition meetings,¹ the country's largest online portal that was serving as the main platform for political discussions was shut down,² and all internet service providers (ISPs) were forced to cut off their connections to the international internet in order to prevent information from leaking out.³

After Bakiev's removal in April 2010, however, these restrictions were lifted and the flow of information returned to normal. In 2011, the environment was relatively favorable to internet freedom, as the interim government was stable and presidential elections in October 2011 were deemed competitive, though flawed. Despite such improvements, internet access remains limited primarily to urban areas, and a number of legal and technical restrictions on online content continue to inhibit internet users.

Over the past year, the government continued to sporadically block certain types of content that were deemed harmful or indecent, such as the “Innocence of Muslims” video that was available on YouTube, and a film festival entry about being gay and Muslim. Additionally, the parliament passed a law in October 2012 aimed at protecting children from harmful content online that was almost identical to legislation passed by Russia; however, the Kyrgyz legislation is less clear regarding restrictions on online media and was met with widespread opposition.

The 2012 court case against independent journalist and blogger Vladimir Farafonov is also likely to have a chilling effect on journalism related to political content. In February 2012, Kyrgyzstan's security service charged Farafonov with “inciting national hatred” for publishing articles online about Kyrgyz-language media and the potential effects of the 2011 presidential election on ethnic minorities living in Kyrgyzstan.⁴ On July 3, 2012, Farafonov was found guilty and fined the equivalent of \$1,000, avoiding the prison sentence recommended by the prosecution.

OBSTACLES TO ACCESS

Access to information and communications technologies (ICTs) has grown in Kyrgyzstan in recent years, with internet penetration rates among the highest in Central Asia, though still low by global standards. According to the International Telecommunications Union (ITU), the internet

¹ “Newspaper suspended, TV station raided in Kyrgyzstan,” Committee to Protect Journalists, April 2, 2010, <http://cpj.org/2010/04/newspaper-suspended-tv-station-raided-kyrgyzstan.php>.

² “Страна, устремленная в будущее... Кыргызстан-2010. Хроника событий” [The country directed to the future... Kyrgyzstan-2010. Chronicle of events], August 30, 2010, <http://pda.kabar.kg/kabar/full/18890>.

³ “Блокировка продолжается” [Blocking goes on], Namba.kg (blog), April 6, 2010 <http://blogs.namba.kg/post.php?id=470>.

⁴ “Kyrgyzstan must drop charges against journalist,” Committee to Protect Journalists, February 29, 2012, <http://www.cpj.org/2012/02/kyrgyzstan-must-drop-charges-against-journalist.php>.

penetration rate in 2012 stood at 21.7 percent, an increase from 14 percent in 2007.⁵ Kyrgyzstan's State Communication Agency (SCA) reported a notably higher 2012 figure of 3.5 million people, or about 50 percent of the population.⁶ However, a USAID-funded survey by M-Vector Consulting Agency in 2011 found that only 16 percent of respondents reported ever using the internet.⁷ Among them, 51 percent were located in the capital Bishkek and 32 percent in Osh, the country's second largest city. By contrast, only 5 percent of rural respondents reported ever going online, reflecting the urban-rural divide in penetration. Similar research conducted in 2012 by the M-Vector Consulting Agency indicated about 30 percent of the population was using the internet, of which around 70 percent were using mobile devices.⁸ Cybercafes are a relatively popular means of obtaining internet access, with over one-third of internet users reporting that they had accessed the internet at such a venue.⁹

Fixed-broadband access, via either fiber-optic cables or DSL, is accessible mainly in Bishkek, with broadband in the provinces provided only by the state-run KyrgyzTelecom. Broadband speeds range from 24 Mbps for DSL to 100 Mbps for the FTTX (fiber to the x) network, which is well-developed in Bishkek. The government has launched a CDMA450 mobile telephone and broadband network to expand telecom infrastructure into more rural areas, though it has only become partially active. CDMA450 phones have become popular in rural areas with more than 30,000 subscribers as of November 2011.

Mobile phone penetration is significantly higher than internet penetration in Kyrgyzstan, with a penetration rate of nearly 122 percent in 2012.¹⁰ Mobile phone companies claim that their networks cover 90 percent of the populated territory in the country, thus extending the possibility of internet use for most people as mobile web access expands. At the end of 2010, Beeline (one of the largest mobile phone carriers) launched a 3G network that currently covers the entire country. In January 2012, another large firm, Megacom, launched its own 3G network in Bishkek and reported plans to cover the entire country within six months, though as of 2013 they had not implemented these plans. Saima Telecom has launched a 4G network covering Bishkek and some suburbs.

Despite the spread of ICT infrastructure across the country in recent years, the price of internet access remains beyond the reach of much of the population. As an indication of the limited access among lower income brackets, an M-Vector study conducted in 2011 found that only 6.7 percent of individuals with an average monthly income of less than KGS 2,000 (about \$44) use the internet, compared to about 40 percent of those with a monthly income of KGS 20,000 to 30,000 (about

5 International Telecommunication Union (ITU), "Percentage of individuals using the Internet," 2007 & 2012, accessed July 13, 2013, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>.

6 Report of the State Communication Agency under the government of Kyrgyz Republic for 2012, accessed July 13, 2013, http://nas.kg/images/god_ot4et2012.docx.

7 "Media Consumption & Consumer Perceptions Baseline Survey," M-vector Consulting Agency, April 2011, http://m-vector.com/upload/news/media_survey_eng/5SectionDIInternet.pdf.

8 Media Consumption & Consumer Perceptions Baseline Survey 2012 (2nd Wave) Kyrgyzstan, M-vector Consulting Agency, April 2012, http://m-vector.com/upload/media_presentation/Presentation_media_2wave_fin_EN_general.pdf

9 Ibid.

10 Report of the State Communication Agency under the government of Kyrgyz Republic for 2012, accessed July 13, 2013, http://nas.kg/images/god_ot4et2012.docx

\$440 to 662).¹¹ Moreover, given the high poverty rates in rural areas, accessing the internet is not a high priority for many people.¹² Individuals living in rural areas largely rely on mobile phone internet access because the fixed-line infrastructure is very underdeveloped. Such service costs on average between \$20 and \$150 per gigabyte for mobile internet access; by comparison, the average monthly income per capita is \$190.¹³ A lack of equipment and low computer literacy also render internet use difficult for many people in rural areas. Prices for unlimited data plans, which are primarily available in the capital, are more affordable, ranging from \$5 to \$100 per month for fixed-line broadband, depending on speed.¹⁴ At the end of 2012, mobile operators began to implement data plans with unlimited internet traffic but with limited bandwidth. They are accessible at the price of \$0.25 to \$0.50 per day.

Fixed-line internet service providers impose different fees for accessing domestic versus international content. All fixed-line operators charge about 10 times less in fees, or do not charge fees at all, for domestic traffic compared to international traffic. Mobile phone operators do not make this distinction in their data plans and charge the same for accessing information, regardless of where it is hosted.

Many social media outlets such as YouTube, Facebook, and Twitter are freely available. However, some international blog-hosting services are subject to filtering from ISPs based in Kazakhstan. ISPs in Kyrgyzstan are not required to use government-owned channels to connect to the international internet and can establish their own. In 2010, the state-owned ISP KyrgyzTelecom completed the construction of a fiber-optic cable connection to China, but it has yet to begin functioning.¹⁵ Currently, three out of four of Kyrgyzstan's first-tier ISPs are linked to the international internet via Kazakhstan and its state-run provider KazakhTelecom; the fourth connects through Russia.¹⁶ As a result, websites that are blocked by the government of Kazakhstan can sometimes become inaccessible to users in Kyrgyzstan as well. For example, sites such as LiveJournal, the news website Newsland.ru, and some Google services have been blocked in Kazakhstan, making them inaccessible for some users in Kyrgyzstan. As of May 2013, only Saima Telecom still receives filtered traffic from Kazakhstan, whereas other ISPs receive unfiltered traffic.

Kyrgyzstan's telecommunications sector is relatively liberalized and competitive compared to that of other countries in the region. The state-owned KyrgyzTelecom is the largest ISP with a market share of about 60 percent. The other three first-tier ISPs (Elcat, Megaline, and Saima Telecom) are privately owned. The largest among them is Megaline, which provides broadband service in

11 "Media Consumption & Consumer Perceptions Baseline Survey," M-vector Consulting Agency April 2011, http://m-vector.com/upload/news/media_survey_eng/5SectionDIinternet.pdf

12 In rural areas, about 60 percent of the population lives below the poverty line, while in cities, this number is about 30 percent. Source: "USAID Local Development Program," USAID Kyrgyz Republic, accessed September 17, 2012, <http://ldp.kg/en/tasks/chas-sector/sectors/agriculture/meat/>.

13 World Bank, "Gross national income per capita 2011, Atlas method and PPP," World Bank Databank, 2011, accessed July 18, 2012, <http://databank.worldbank.org/databank/download/GNIPC.pdf>.

14 The information is obtained by comparisons of tariff plans from the sites of ISPs.

15 "Годовой отчет 2010, Кыргызтелеком" [Annual report 2010, Kyrgyztelecom], Kyrgyztelecom, accessed September 17, 2012, http://www.kt.kg/about_us/documents_and_tender/#ui-tabs-3.

16 "Internet Service Providers in Kyrgyzstan," Tilekus.com (blog), updated January 6, 2012, accessed July 24, 2013, <http://www.tilekus.com/interests/internet-in-central-asia/internet-providers-in-kyrgyzstan>.

Bishkek. In addition to the first-tier providers, there are 69 licensed second-tier ISPs, though only 15 are active.

There are seven mobile phone operators providing voice and data services via a variety of technical standards. The two largest competitors, with nearly equal market share, are Megacom and Beeline. Megacom was nationalized in 2010 amidst the political upheaval. There are 12 companies with frequencies for deploying 4G networks, but only 4 of them have begun to use the frequencies for this purpose, due to the large investment required in the first stage of deployment.¹⁷

The main body regulating the ICT industry, including radio spectrum allocation, is the State Communication Agency under the Government of Kyrgyzstan (SCA), a government body with a director and 137 members. The director and two deputies are appointed by the prime minister.¹⁸ Some facets of the agency's work have been criticized, such as the inefficient and non-transparent allocation of radio frequencies and restrictions on wireless mesh networks. Another problematic issue has been the requirement that communication devices (including computers, modems, and wireless access points) be locally certified by the SCA. While this requirement is not systematically enforced, its selective application could serve as an instrument of political pressure and pretext for authorities to seize "uncertified" property, though this has not yet occurred.

LIMITS ON CONTENT

The government does not significantly censor the internet, but some political and news websites, as well as specific content that is deemed controversial or harmful, have been sporadically blocked in the past few years. In 2011 there were several attempts by government bodies to block political content or entire news websites, such as the case against Ferghana.ru. In 2012, the Prosecutor General's Office ordered ISPs to block access to the video "Innocence of Muslims" on YouTube, and to restrict access to a film festival entry titled "I am Gay and Muslim." In the second example, the film festival organizer brought the case to court, arguing that the restriction violated the right to freedom of expression. Additionally, following Russia's enactment of legislation to protect children from harmful content on the internet, the Kyrgyz parliament proposed similar legislation that was met with strong opposition by a variety of stakeholders.

Although the government has taken efforts to censor certain content on the internet, in general there are fewer restrictions placed on material that is available online. This may be because television remains by far the dominant medium through which citizens obtain information about their country, and thus censorship efforts have focused on broadcast media.¹⁹ For example, in the

17 Из 12 компаний только 4 подтвердили, что развертывают сети WiMax и LTE в Кыргызстане [Only 4 from 12 companies confirmed that they are rolling out WiMax and LTE networks in Kyrgyzstan] December 5, 2012, <http://www.gipi.kg/archives/4092>

18 "Regulation on the State Telecommunication Agency under the government of Kyrgyz Republic," passed by a Resolution of the government of KR № 124, as of February 20, 2012.

19 According to the 2012 M-vector survey, TV still remains the primary source of information for 82.6 percent of the population. Source: Media Consumption & Consumer Perceptions Baseline Survey 2012 (2nd Wave) Kyrgyzstan, M-vector Consulting Agency, April 2012.

run-up to the 2011 presidential elections, the government passed a statute placing stringent regulations on foreign television broadcasts related to the elections and imposing high fines for violations.²⁰ Given the difficulty of parsing content, television carriers chose to cut off access to most foreign television channels—whether they were Russian, American, or European—in order to avoid the fines. By comparison, the websites of broadcasters such as CNN, the BBC, or Russia Today remained available throughout the campaign. Online resources were not affected by this statute as they are not considered to be mass media. Nevertheless, there have been several incidents of government entities ordering blocks of online content, including at least one news website.

In June 2011, the parliament passed a resolution instructing the government to block the independent Central Asian news website *Ferghana News*, based on charges that its content could incite national strife.²¹ In February 2012, the SCA sent letters to all ISPs delineating the requirement to block the news website.²² As of April 2012, only KyrgyzTelecom had implemented the blocking.²³ On November 19, 2012, the human rights defender organization “Partner Group Precedent,” representing *Ferghana News*, filed a lawsuit against the SCA claiming that the ban on the news site violated the right to freedom of expression.²⁴ During the court hearings, the SCA representative stated that their letter to ISPs requiring them to take measures on blocking *Ferghana News* was of a voluntary nature and that ISPs were not forced to block the website.²⁵ In April 2013, the SCA sent official letters to ISPs in Kyrgyzstan confirming that they were not required to block the site. Subsequently, all ISPs—including the state one, KyrgyzTelecom—unblocked the site, though the legal status of the original parliamentary resolution is still unclear.²⁶

After Russia passed a law titled “On Protection of Children from Negative and Harmful Information” in July 2012, a group of parliamentarians in Kyrgyzstan initiated similar legislation titled “On protection of children from information threatening to their health and development.”²⁷ Although almost identical to the Russian law, this act is less specific regarding internet regulation, and if passed it could be used as a tool for internet censorship by allowing the government to close down sites without a court decision. The criteria upon which the government would make these decisions are unclear. The proposal sparked public outrage, and an internet movement named Kyrnet.kg conducted advocacy activities that compelled members of parliament to postpone the bill until it could be amended.

20 According to the statute, all overseas channels during an election campaign can only be broadcasted from recorded sources and must not contain any information about candidates that can be considered as propaganda or that can discredit them. See Article 22 of the Constitutional Law № 68, “On elections of the President of Kyrgyz Republic and deputies of Jogorku Kenesh of Kyrgyz Republic,” as of July 2, 2011.

21 “Resolution of Jogorku Kenesh,” Kenesh.kg, June 17, 2011, <http://kenesh.kg/RU/Pages/ViewNews.aspx?id=8&NewsID=2678>.

22 “Пресс релиз Государственного агентства связи при Правительстве Кыргызской Республики” [Press release of the State Telecommunication Agency under the government of Kyrgyz Republic], February 22, 2012.

23 “Independent News Website Partly Blocked in Kyrgyzstan,” Radio Free Europe/Radio Liberty, February 22, 2012, http://www.rferl.org/content/independent_news_website_partly_blocked_in_kyrgyzstan/24492408.html.

24 Законность блокирования сайта Fergana.ru [Legality of Fergana.ru blocking], December 3, 2012, <http://precedent.kloop.kg/2012/12/03/zakonnost-blokirovaniya-sajta-fergana-ru/>.

25 Судебное оспаривание законности блокирования сайта Fergana.ru [Litigation of Legality of Fergana.ru blocking], December 22, 2012, <http://precedent.kloop.kg/2012/12/22/sudebnoe-osparivanie-zakonnosti-blokirovaniya-sajta-fergana-ru/>.

26 “Kyrgyzstan: News Site Unblocked, Yet Still Illegal,” Eurasianet.org, May 7, 2013, <http://eurasianet.org/node/66936>.

27 На общественное обсуждение выносятся законопроект «О защите детей от информации, причиняющей вред их здоровью или развитию» [Protection of Children from Negative and Harmful Information Act is submitted for public discussion], July 10, 2012, <http://bit.ly/1bhGZy9>.

According to the legal requirements in place under the 2005 statute “On Counteraction to Extremist Activities,”²⁸ the procedure by which a website can be blocked must first begin with a request to the prosecutor.²⁹ After the request is issued, a review committee must be assembled consisting of representatives from different organizations (linguistic, religious, legal, and so forth) that can confirm the extremist nature of the site. However, members of the committee are appointed by the government, calling into question the committee’s independence and level of objectivity. Once confirmation is granted, a court issues a judicial decision to block the website.

In November 2012, the Ministry of Internal Affairs proposed amendments to the law “On Counteraction to Extremist Activities” originally passed in 2005, which would allow the government to order web hosting services to shut down websites hosted in Kyrgyzstan, or block any sites hosted outside the country, if the government recognizes the content as “extremist.”³⁰ These amendments gave rise to criticism from parliamentarians who noted that in this case websites should be included in the category of mass media, and that the amendments need further discussion.³¹ At the same time, these amendments are intended to make the process for blocking websites more transparent, since they oblige corresponding bodies to publish the list of blocked resources on their official sites. Despite the criticisms, the amendments were passed on May 8, 2013.³²

The video “Innocence of Muslims,” which provoked a wave of protests throughout the Islamic world, caused a controversy in Kyrgyzstan as well. On September 19, 2012, the Prosecutor General’s Office, based on the expert conclusion of the State Commission for Religious Affairs, filed a claim that asked the court to recognize the video as extremist and ban it from show and dissemination in Kyrgyzstan.³³ At the same time, the Prosecutor General’s Office instructed the SCA to take measures to restrict access to the video on YouTube.³⁴ Parliamentarians debated that question and were divided in opinion, with some of them calling to ignore the video and others affirming the need to protest against it. Finally, the parliament issued a resolution to block the video temporarily before the court issued a decision, which is against the constitution and other laws.³⁵ One day later, the court decided to recognize the video as extremist and banned it from

28 Dmitry Golovanov, “Kyrgyzstan: Extremism Outlawed,” IRIS Merlin, August 2005, <http://merlin.obs.coe.int/iris/2005/8/article26.en.html>; “The statute on counteraction against extremist activities” as of February 20, 2009.

29 Representatives of the 10th department explained the procedure to the author in a private interview in December 2011.

30 “Во втором чтении приняты поправки в закон о противодействии экстремистской деятельности” [The amendments to the law “On Counteraction to Extremist Activities” have passed second reading], February 28, 2013, <http://www.for.kg/news-216159-ru.html>.

31 Поправки о закрытии экстремистских сайтов отправили на доработку [Amendments on closing extremist sites are sent to revision] November 26, 2012, <http://bit.ly/18eWjdw>.

32 Законы Кыргызской Республики за 2013 год [The Statutes of Kyrgyz Republic for 2013] http://minjust.gov.kg/?page_id=11941.

33 «Невинность мусульман» содержит признаки возбуждения межрелигиозной вражды [Innocence of Muslims contains religious hatred traces], September 20, 2012, <http://asiapress.kg/koom/3605-nevinnost-musulman-soderzhit-priznaki-vozvuzhdeniya-mezhreligioznoy-vrazhdy.html>

34 Генпрокуратура хочет запретить в Кыргызстане показ фильма «Невинность мусульман» [General Prosecutor Office wants to ban “Innocence of Muslims” film in Kyrgyzstan], September 19, 2012, <http://www.knews.kg/ru/action/21685/>

35 Жогорку Кенеш выразил позицию по фильму «Невинность мусульман» [Jogorku Kenesh expressed its position for film “Innocence of Muslims”] September 20, 2012, <http://kabar.kg/index.php/politics/full/40755>.

show and dissemination in Kyrgyzstan.³⁶ According to a statement by the State Committee of National Security of Kyrgyzstan, possession of the film on any storage device could have led to criminal prosecution.³⁷ Interestingly, the Religious Administration of Muslims of Kyrgyzstan stated that there was nothing in the video related to Islam and called on Kyrgyz Muslims not to react to the provocation.³⁸

One week later, a film titled “I Am Gay and Muslim” by the Dutch director Chris Belloni was scheduled to screen at the International Documentary Film Festival on Human Rights held in Bishkek from September 24–28, 2012. On September 28, the day the film was supposed to be shown, representatives from the State Committee of National Security (SCNS) confiscated a copy of the film and issued a warning to the festival organizers, stating that the State Commission of Religious Affairs had deemed the film “extremist.”³⁹ That same day, the Pervomaysky District Court recognized the film as extremist and banned it from demonstration and dissemination.⁴⁰ Additionally, the Prosecutor General’s Office ordered the SCA to take measures to restrict access to this film for internet users in Kyrgyzstan, and on October 8, 2012, the human rights group that organized the film festival received a notice from their web hosting company stating that their website might be shut down if it contained any references to the banned film.⁴¹ The organizer of the festival, Tolokan Ismailova, claimed that SCNS representatives did not have the authority to confiscate the film or issue the warning and brought a suit against the State Committee of National Security. Nevertheless, the court dismissed the case.⁴²

The government has also sought to restrict access to terrorism-related content. In November 2011, a top official in the 10th department of the Ministry of Internal Affairs claimed that their unit for countering cyberthreats had identified 12 websites with terrorist and extremist content that were then blocked according to a court order.⁴³ Among the list of blocked websites was Furqon.com, which belongs to the militant group Islamic Movement of Uzbekistan.

Self-censorship exists online to a certain degree, primarily as a result of government restrictions against the incitement of national hatred. All posts on forums are strictly moderated to limit this

36 “Суд запретил распространение и показ фильма «Невинность мусульман» в Кыргызстане” [The court ruled to ban dissemination and show of the film “Innocence of Muslims” in Kyrgyzstan] September 21, 2012, <http://www.kabar.kg/rus/society/full/40796>

37 В случае обнаружения фильма «Невинность мусульман» в компьютере или других электронных носителях, их владелец будет привлечен к ответственности – ГКНБ [In case of discovering of the film “Innocence of Muslims” on computer or any electronic devices, the owner will be criminally prosecuted], September 21, 2012, <http://www.paruskig.info/2012/09/21/68993>

38 ДУМК: В фильме “Невинность мусульман” нет ничего, имеющего отношение к исламу [RAMK: The film “Innocence of Muslims has nothing related to Islam”] September 18, 2012, <http://bit.ly/18AIJBo>.

39 “Kyrgyzstan: Dismissal of the complaint lodged by Mrs. Tolekan Ismailova,” International Federation for Human Rights (FIDH), November 29, 2012, <http://www.fidh.org/Kyrgyzstan-Dismissal-of-the-12515>.

40 Ibid.

41 Ibid.

42 Толекан Исмаилова против Государственного комитета национальной безопасности по делу о фильме «Я – гей и мусульманин» [Tolekan Ismailova vs. State Committee of National Security regarding “I am Gay and Muslim”], December 7, 2012, <http://anticorruption.kg/2012/12/07/1057/>.

43 “12 сайтов заблокировано на территории Кыргызстана за распространение слухов экстремистского характера” [12 sites have been blocked in Kyrgyzstan as spreading rumors of extremist kind], Kyrgyz Telegraph Agency (KirTAG), November 28, 2011, <http://www.kyrtag.kg/?q=news/13260>.

type of content, and online journalists or bloggers generally try to avoid issues concerning ethnic relations.

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. Reportedly, the compensation of a “troll” for one campaign can be anywhere from US\$200–700.⁴⁴

The Kyrgyz blogosphere is not well-developed. 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, reprint reports from other news agencies, or simply contain a blogger’s personal thoughts on different issues. There are no particularly popular blogs specifically devoted to political or social issues. Most blogs are in Russian, though some are in the local Kyrgyz language, but the latter are not as popular as the former. 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 to consistently access the internet, the wealthy are the main participants in online communities. Social media applications such as Facebook have not yet gained widespread popularity. As of February 2013, there were about 111,000 Facebook users in Kyrgyzstan, accounting for about 10 percent of the online population in the country.⁴⁵

Several online initiatives were launched in the run-up to the 2011 elections, including the website Politmer.kg, created to allow Kyrgyz citizens to monitor the campaign promises made by the presidential candidates, and the crowd-sourcing website Map.inkg.info, created to document and map election violations. During pre-election debates, some forum topics were created to collect questions for the candidates.

Perhaps the most successful online mobilization campaign came in response to the proposed legislation titled “On protection of children from information threatening to their health and development.” This proposal provoked public outrage, and in an effort to bring attention to the issue, many of the largest ISPs and content providers placed banners over their sites with slogans such as “ATTENTION! This site can be closed. Get to know details and vote against.” The proposal also sparked the internet movement Kyrnet.kg, which conducted advocacy initiatives against the act. Within two months, the site had collected approximately 12,000 votes against the act. Furthermore, in a September 2012 meeting with group of parliamentarians from the political group that had initiated the act, the representatives of Kyrnet.kg showed the results of the voting and explained the shortcomings of the act. The parliamentarians agreed that the act needed further elaboration and promised to arrange an extended meeting with all of the parliamentarians who initiated the law for further discussion.⁴⁶

44 Almaz Rysaliev, Yulia Goryaynova, Dina Tokbaeva, Lola Olimova, and Bakhtiyor Rasulov, “Central Asia’s ‘Troll Wars,’” Institute for War & Peace Reporting, February 14, 2012, <http://iwpr.net/report-news/central-asias-troll-wars>.

45 “Kyrgyzstan Facebook Statistics,” Social Bakers, accessed March 2012, <http://www.socialbakers.com/facebook-statistics/kyrgyzstan>.

46 Наши лайки работают [Our likes work!], September 17, 2012, <http://kyrnet.kg/archives/44>.

VIOLATIONS OF USER RIGHTS

Authorities in Kyrgyzstan continued to prosecute individuals for posting material online that was deemed controversial, based on charges such as “inciting national hatred.” Additionally, in February 2013 there was a case of physical assault against a journalist by a member of parliament. While this appears to be an isolated incident, it points to a broader lack of respect for journalists on the part of politicians in the country.

The rights to freedom of speech and freedom of expression are legally protected in the new constitution that was approved by referendum in June 2010, and which strengthens the power of the country’s parliament vis-à-vis the president. Article 31 of the constitution guarantees the right to freedom of thought, expression, speech, and press. Article 29 provides constitutional protections over privacy, including private correspondence (by phone, mail, electronic, or others), and forbids the collection or dissemination of confidential information without an individual’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 as well as others.

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. Officials have long used libel charges to stifle critical media but have not applied these laws against bloggers to date.⁴⁷ The criminal code contains several provisions (Articles 299 and 299-1) that prohibit “inciting national, racial, religious or inter-regional hostility.” In some cases, the government has sought to apply these provisions in a bid to restrict nonviolent political speech as well.

One of these cases involved independent journalist and blogger Vladimir Farafonov, who was charged on February 12, 2012 with inciting national hatred based on his publications on News-Asia.ru, Centrasia.ru and Parus.kg.⁴⁸ Farafonov had written a series of articles that were critical of Kyrgyz politics and which examined the potential effects of the 2011 presidential election on the country’s minority populations.⁴⁹ The charge was based on the opinion of a commission convened by the security service, but given the fact that the commission was composed of only legal and political experts, Farafonov asked for Russian philology experts to review the case. These experts expressed their opinion that Farafonov had used language that was tough and sometimes tactless, but not extremist.⁵⁰ The prosecution had asked for a sentence of 8 years in jail for Farafonov;

47 “OSCE Hails Kyrgyzstan Decision to Discriminate Libel,” The Telegraph, July 19, 2011, <http://www.telegraph.co.uk/news/worldnews/asia/kyrgyzstan/8648135/OSCE-hails-Kyrgyzstan-decision-to-decriminalise-libel.html>.

48 ГКНБ Кыргызстана: Экспертиза подтвердила наличие признаков разжигания межнациональной розни в публикациях Владимира Фарафонова [SCNS of Kyrgyzstan: commission of experts proved the indications of national hatred incitement in publications of Vladimir Farafonov], February 20, 2012, <http://www.24.kg/community/122018-gknb-kyrgyzstana-yekspertiza-podtverdila-nalichie.html>.

49 “Kyrgyzstan must drop charges against journalist,” Committee to Protect Journalists, February 29, 2012, <http://www.cpj.org/2012/02/kyrgyzstan-must-drop-charges-against-journalist.php>.

50 Журналист Владимир Фарафонов обвиняется в разжигании межнациональной розни! [The journalist Vladimir Farafonov is accused in national hatred incitement!], February 24, 2012, <http://polit.kg/newskg/310>.

however, the judge decided to reduce the sentence to a fine of KGS 50,000 (approximately \$1,000). The case became widely known and aroused a wave of indignation from journalists,⁵¹ as there were many cases of similarly tactless expressions by other authors in Kyrgyz language media outlets which received no punishment.

All traditional media outlets must register with the government. In June 2011, the Prosecutor General's Office proposed amending the statute that regulates mass media⁵² to include internet news websites as a form of mass media, requiring them to have a license and to operate with the same responsibilities as traditional media outlets.⁵³ In January 2012, an expert from the Government Office seconded the recommendation;⁵⁴ however, it remains unclear whether online media are to be treated the same under the law as traditional news media outlets.

There are currently no 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. Furthermore, registration for prepaid SIM cards is optional; however, post-paid SIM cards, which are rarely used, do require registration with a passport.

Like many former Soviet states, Kyrgyzstan maintains and updates its surveillance technology in line with Russia's practices. Kyrgyzstan's surveillance network is modeled after Russian SORM technology ("system for operational-investigative activities"), and in August 2012, Kyrgyzstan updated its surveillance network to be on the same level as current Russian interception systems.⁵⁵

In 2010 and 2011, there were several scandals which revealed the abuse of equipment used for intercepting communications. A subsequent study from June 2011 by the non-profit Civil Initiative on Internet Policy (CIIP) analyzed the legislative framework surrounding interception and its enforcement. It concluded that there were many gaps in the law that enabled interception equipment to be used, and even abused, without sufficient oversight.⁵⁶ In April 2011, the parliament passed a decision to switch off all interception equipment deployed on the premises of mobile phone operators.⁵⁷ According to reports from September 2011 by members of parliament,

51 Кыргызстан: После митинга в защиту В.Фарафонова в посольство РФ переданы обращения А.Князева, У.Бабакулова и российских соотечественников [Kyrgyzstan: After rally in support of V. Farafonov, petitions of A.Knyazev, U. Babakulov and Russian countrymen were submitted to Russian Embassy] February 27, 2012, www.fergananews.com/news.php?id=18246

52 The law, "On mass-media," June 16, 2008, <http://www.medialaw.kg/?q=node/9>.

53 "Генпрокуратура Кыргызстана предлагает «законодательно к СМИ отнести интернет-издания и сайты, зарегистрированные в зоне kg» [Prosecutor General's Office suggests "to legalize internet agencies and sites, registered in .kg zone, by inclusion them in the list of mass-media"], 24.kg, June 6, 2011, <http://www.24.kg/community/101891-genprokuratura-kyrgyzstana-predlagaet.html>.

54 Nurzada Тунаева, "Эксперт Аппарата правительства предлагает разработать новый закон «О СМИ», чтобы регулировать информагентства» [The expert of the Government Office suggests to work out the new statute on mass-media to regulate information agencies], Knews.kg, January 17, 2012, http://www.knews.kg/ru/parlament_chro/9145/.

55 Andrei Soldatov and Irina Borogan, "Russia's Surveillance State," World Policy Institute, Fall 2013, <http://www.worldpolicy.org/journal/fall2013/Russia-surveillance>.

56 "Анализ законодательства КР на соответствие применения СОПМ, – предварительное заключение" [Analysis of the Kyrgyz legislation, concerning lawful using of interception equipment -preliminary conclusion], Gipi.kg, accessed September 17, 2012, <http://www.gipi.kg/archives/1743>.

57 Resolution of Djogorku Kenesh № 332-V as of 15.04.2011, "On switching off mobile operators' lawful interception equipment."

however, the equipment continues to function.⁵⁸ Since February 2012, the CIIP, 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 and provide a more adequate legal framework. As of mid-2013, the draft was still being discussed in the parliament because of an ongoing debate between the two bodies looking to take control over the interception equipment: the Ministry of Internal Affairs and the State Committee of National Security.

Amid ongoing ethnic tensions, in 2011, there were several reported instances of physical attacks or intimidation of members of minorities associated with news websites. In August 2011, Sokhrukh Saipov, the editor and publisher of the news website UzPress, was brutally attacked, although it is unclear whether Saipov was attacked specifically for his online activities. The website publishes content in three languages about the social and political challenges affecting ethnic Uzbeks in southern Kyrgyzstan.⁵⁹ In a separate incident in May 2011, followers of the nationalist Asaba party threatened non-ethnic Kyrgyz staff of the online news agency [24.kg](http://www.24.kg).⁶⁰ In 2012, there were 10 instances of physical attacks on journalists.⁶¹ Most of them occurred during the coverage of mass rallies; however, none of these attacks were directly related to online activities.

In February 2013, Member of Parliament (MP) Tursunbai Bakir uulu, a former ombudsman, published a post on his Facebook page in which he indirectly called another MP, Irina Karamushkina, a “guest” in Kyrgyzstan because she did not know the Kyrgyz language. A journalist, Eric Israilov, defended Karamushkina by stating that she not a guest but was rather an MP and a citizen of Kyrgyzstan. The online debate became very heated, and Bakir uulu suggested that Israilov meet him face-to-face. During the meeting Bakir uulu reportedly pushed Israilov and slapped him in his face.⁶² Later, the leader of the political party to which Bakir uulu belongs stated that it was a quarrel between two men and had nothing to do with political issues.⁶³ In a session of parliament

58 “Дастан Бекешев: В Кыргызстане в компаниях сотовых операторов до сих пор действует система СОПМ” [Dastan Bekeshev: Lawful interception equipment still keeps working in mobile operators in Kyrgyzstan], [24.kg](http://www.24.kg/parlament/108440-dastan-bekeshev-v-kyrgyzstane-v-kompaniyax.html), September 8, 2011, <http://www.24.kg/parlament/108440-dastan-bekeshev-v-kyrgyzstane-v-kompaniyax.html>.

59 “Independent Journalist Brutally Attacked in Kyrgyzstan,” Committee to Protect Journalists, August 15, 2011, <http://www.cpj.org/2011/08/independent-journalist-brutally-attacked-in-kyrgyz.php>.

60 “World Report 2012: Kyrgyzstan,” Human Rights Watch, accessed August 30, 2012, <http://www.hrw.org/world-report-2012/world-report-2012-kyrgyzstan>.

61 В этом году в Кыргызстане совершено 10 нападений на журналистов во время выполнения им профессиональных обязанностей [There are 10 physical attacks on journalists happened during performance of their duties in this year] November 9, 2012, <http://www.paruskg.info/2012/11/09/71388>.

62 Депутат Турсунбай Бакир уулу оскорбил и ударил корреспондента ежедневника «Общественный рейтинг» Эрика Исраилова [The deputy Tursunbai Bakir uulu offended and attacked the journalist of daily edition “Public rating” Eric Israilov], February 15, 2013, <http://inkg.info/narusheniya-prav/pravo-na-dostup-k-informatsii/2702-deputat-tursunbai-bakir-uulu-oskorbil-i-udaryl-korrespondenta-ezhednevnik-a-obshchestvennyj-rejting-erika-israilova>

63 Феликс Кулов: Турсунбай Бакир уулу не отрицает, что ударил Эрика Исраилова, это ссора двух мужчин, а не журналиста и депутата [Felix Kulov: Tursunbai Bakir uulu doesn't deny that he slapped Eric Israilov, but it was a quarrel of two men and not deputy and journalist] February 15, 2013, <http://www.24kg.org/parlament/148170-feliks-kulov-tursunbai-bakir-uulu-ne-otricaet.html>.

two months later, members of parliament blamed Israilov as the source of the conflict and recommended revoking his credentials.⁶⁴

Instances of politically motivated cyberattacks are generally rare, including in the run-up to the 2011 presidential elections, but they do occur. 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.⁶⁵ In September 2011, there was one incident of hackers defacing Kabar.kg, the online government news agency website, but this did not significantly obstruct the agency's work. In March 2012, the social entertainment resource Namba.kg experienced a DDoS attack that was apparently part of an extortion attempt.⁶⁶ In the same month, the news agency Vesti.kg also reported a DDoS attack on its site,⁶⁷ presumably because they had been republishing articles from *Ferghana News*.

During 2012 there were several incidents of cyberattacks on government sites. The sites of the Ministry of Defense (Mil.kg), the State Communication Agency (Nas.kg), and the main portal of the government (Gov.kg) were defaced at different times. However, these attacks were attributed to the overall weak security of the sites, rather than to attacks by the opposition, and all attacks were made automatically by finding some vulnerabilities.

64 Журналист Эрик Исраилов депутатам не по зубам [The journalist Eric Israilov is too tough for the deputies], April 13, 2013, <http://rus.kg/news/policy/10473-zhurnalist-erik-israilov-deputatam-ne-po-zubam.html>.

65 "Kyrgyzstan," OpenNet Initiative, December 18, 2010, <http://opennet.net/research/profiles/kyrgyzstan>.

66 As reported by the blog at: <http://blogs.namba.kg/post.php?id=116481>.

67 [Anna Yalovkina](#), "Редактор "Ферганы": Трудно судить, связаны ли DDoS-атаки на "Фергану" и "Вести"" [Editor of *Fergana*: It's hard to judge whether DDoS attacks on Fergana and Vesti are related], Vg.kg, March 29, 2012, <http://www.vb.kg/news/society/2012/03/29/183948-redaktor-fergany-trydno-sydit-sviazany-li-ddos-ataki-na-fergany-i-vesti.html>.