

Kyrgyzstan

	2013	2014		
Internet Freedom Status	Partly Free	Partly Free	Population:	5.7 million
Obstacles to Access (0-25)	12	12	Internet Penetration 2013:	23 percent
Limits on Content (0-35)	10	9	Social Media/ICT Apps Blocked:	Yes
Violations of User Rights (0-40)	13	13	Political/Social Content Blocked:	Yes
TOTAL* (0-100)	35	34	Bloggers/ICT Users Arrested:	No
			Press Freedom 2014 Status:	Not Free

* 0=most free, 100=least free

Key Developments: May 2013 – May 2014

- There were fewer cases of removal of content during the coverage period compared to the previous period, which saw instances of forced removal of specific online content, such as controversial videos (see **Limits on Content**).
- In May 2014, the president signed an amendment to the criminal code, which introduced criminal penalties of up to three years in prison for disseminating deliberately false accusations of committing a crime (see **Violations of User Rights**).
- New legislation was passed in February 2014 requiring the registration of SIM cards (see **Violations of User Rights**).

Introduction

The environment for internet freedom in Kyrgyzstan has improved over the past few years. Shortly before the overthrow of President Kurmanbek Bakiev's regime in 2010, political pressure on the media—both traditional and online—intensified. During this time, the video portal Stan.tv was closed as punishment for covering opposition meetings,¹ the country's largest online portal and main platform for political discussion was shut down,² and all internet service providers (ISPs) were forced to cut off their connections to the international internet as part of an effort 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.

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 few years, the government continued to sporadically block certain types of content that were deemed harmful or indecent, though these incidents have declined over the past year.

In May 2014, the president signed an amendment to the criminal code introducing criminal liability for distributing information that includes deliberately false accusations of committing a crime, leading to increased concerns about the potential impact of this law on self-censorship in the media. Additionally, legislation was passed in February 2014 requiring the immediate registration of SIM cards as a way of legally regulating the relationships between consumers and service providers; however, this regulation also limits the ability of citizens to use information and communications technologies (ICTs) anonymously.

Obstacles to Access

Access to ICTs has grown in Kyrgyzstan in recent years, with internet penetration rates among the highest in Central Asia, though still low by global standards. Internet penetration rates reported by the International Telecommunication Union (ITU), Kyrgyzstan's State Communication Agency (SCA), and independent research groups vary. According to the ITU, the internet penetration rate in 2013 stood at over 23 percent, an increase from about 16 percent in 2008.⁴ In contrast, the SCA reported that in 2013 there were 4 million internet users in Kyrgyzstan, or approximately 70 percent of population.⁵

Similar to the ITU report, research conducted in a USAID-funded survey in 2013 by the M-Vector Consulting Agency indicated that about 28 percent of the population was using the internet, with

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 International Telecommunication Union (ITU), "Percentage of individuals using the Internet," 2008 & 2013, accessed August 2014, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>.

5 General work results of State Communication Agency under the government of Kyrgyz Republic for 9 month of the year, October 30, 2013, http://nas.kg/index.php?option=com_content&view=article&id=474%3Aitogi-deyatelnosti-agentstva-svyazi-za-9-mesyaczev-tekushhego-goda&lang=en.

64 percent of users in urban areas and 36 percent of users in rural areas.⁶ Internet users in Bishkek account for 41 percent of all users, while in four of the seven regions, users account for less than 5 percent the total. The majority of respondents—77 percent—mentioned using mobile internet, while 29 percent reported using the internet at home. Cybercafes have become less popular due to the growing popularity of mobile internet and the spread of broadband infrastructure.⁷ The average internet speed in Kyrgyzstan by the end of 2013 was 2.5 Mbps.⁸

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 CDMA 450 mobile telephone and broadband network to expand telecom infrastructure into more rural areas, though it has only become partially active. CDMA 450 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 123 percent as of October 2013, according to the SCA (ITU statistics report a mobile phone penetration rate of 122 percent for 2013).⁹ 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, which by the end of 2013 reportedly covered more than 50 percent of the populated territory of Kyrgyzstan.¹⁰ Saima Telecom has launched a 4G network covering Bishkek and some suburbs.

In recent years, the price for internet has decreased and has become more affordable for much of the population, though primarily in the capital where there is well-developed infrastructure and greater competition among providers. Prices for 3 Mbps access (the minimal bandwidth offered by many operators) in the capital range from US\$15 to \$45 per month. KyrgyzTelecom traditionally has the highest rates for internet access and is the only provider available in most rural areas. An internet connection of 128 Kbps for rural inhabitants costs around US\$18 per month. At the same time, KyrgyzTelecom has deployed 34 Wi-Fi hotspots in 16 different locations throughout Kyrgyzstan with free access up to 256 Kbps. The development of mobile networks provides an alternative to fixed broadband access. The cheapest unlimited data plan at Beeline provides 2 GB of data per month at maximum speeds, decreasing to 64 Kbps after reaching the data threshold. This plan costs around

6 Исследование поведения и восприятия медиа аудитории 2012 г. (3-я волна) [Media Consumption & Consumer Perceptions Baseline Survey 2012 (2nd Wave)] Kyrgyzstan, M-vector Consulting Agency, March 2013, http://m-vector.com/upload/news/media_report_3th_wave/ru/Section_D_Internet_ru.pdf; <http://www.netindex.com/download/allcountries/#>

7 Исследование поведения и восприятия медиа аудитории 2012 г. (3-я волна) [Media Consumption & Consumer Perceptions Baseline Survey 2012 (2nd Wave)] Kyrgyzstan, M-vector Consulting Agency, March 2013, http://m-vector.com/upload/news/media_report_3th_wave/ru/Section_D_Internet_ru.pdf

8 Akamai, "Average Connection Speed: Kyrgyzstan," map visualization, *The State of the Internet 6:2* (2013), <http://www.akamai.com/stateoftheinternet/soti-visualizations.html#stoi-map>.

9 General work results of State Communication Agency under the government of Kyrgyz Republic for 9 month of the year, October 30, 2013, http://nas.kg/index.php?option=com_content&view=article&id=474%3Aitogi-deyatelnosti-agentstva-svyazi-za-9-mesyaczev-tekushhego-goda&lang=en; ITU, "Mobile-cellular subscriptions per 100 inhabitants," accessed August 2014, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#..>

10 MegaCom продемонстрировал уверенный рост зоны покрытия сети 3,75G в 2013 году [Megacom demonstrated steady growth of 3.75 network coverage in 2013] January 16, 2014, <http://megacom.kg/rus/press/news/3052.html>

US\$9 per month. Megacom offers similar options, with monthly 2 GB packages costing around US\$10. By comparison, in 2013 the average monthly wage was KGS 11,085 (US\$225).¹¹

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 amount 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 as of 2014.¹² 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.¹³ 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 January 2014, 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 78 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 Bishkek, the capital city. 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 amid 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.¹⁴ In November 2013, the Bishkek inter-district court declared the CDMA network mobile provider Aktel (Fonex) bankrupt. Currently, a special administrator from the government is assigned to deal with the company's affairs.¹⁵ At the same time, the director of SCA stated that Aktel's liquidation will likely

11 Основные показатели социально-экономического развития Кыргызской Республики в январе-декабре 2013г. [Main indicators of social-economic development of Kyrgyz Republic in Jan-Dec 2013] January 14, 2014, <http://stat.kg/images/stories/Express%2012.pdfz>

12 "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.

13 "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>.

14 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>

15 Фонех начали спасать от банкротства. [Fonex is started to be save from bankrupt] January 10, 2014, http://www.vb.kg/doc/257402_fonex_nachali_spasat_ot_bankrotstva.html

have very little effect on the telecommunication market, given that the subscriber base of Aktel is very low compared with other operators (about 27,000 customers). Nevertheless, the director of the Association of Communication Operators pointed out that the loss of Aktel as a mobile phone provider will affect those who need confidentiality in mobile calls, since CDMA provides higher security standards for voice calls.¹⁶

The main body regulating the ICT industry, including radio spectrum allocation, is the State Communication Agency (SCA), a government body with a director and 137 members. The director and two deputies are appointed by the prime minister.¹⁷ 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

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.¹⁸ For example, in the 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.¹⁹ 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. There have been several incidents of government entities ordering blocks of online content in the past, though there were fewer cases over the past year.

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.²⁰ In February 2012, the SCA sent letters to all ISPs delineating the requirement

16 Уход Fonex ударит по избегающим прослушки абонентам [Demise of Fonex strikes subscribers avoiding tapping their phone calls] January 13, 2014, http://www.vb.kg/doc/257436_yhod_fonex_ydarit_po_izbegaushim_proslyshki_abonentam.html

17 "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.

18 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.

19 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.

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

to block the news website.²¹ However, by April 2012, only KyrgyzTelecom had implemented the blocking.²² 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.²³ 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.²⁴ 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.²⁵

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.”²⁶ Although almost identical to the Russian law, this act was less specific regarding internet regulation, and critics argued that if it were 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 were 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.

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 the blocking of websites hosted outside the country if the government recognizes the content as “extremist” (previous legislation for blocking extremist content was based on where the website was hosted, rather than from where it could be accessed).²⁷ These amendments gave rise to criticism from parliamentarians who noted that in order to make the amendments consistent with other legislation, online content should be included in the category of mass media, a proposal which parliamentarians have raised a number of times and which would give the government greater control over online content.²⁸ At the same time, these amendments were intended to make the process for blocking websites more transparent, since they oblige corresponding bodies to publish

21 “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.

22 “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.

23 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/>.

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

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

26 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>.

27 “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>.

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

the list of blocked resources on their official sites. Despite the criticisms, the amendments were passed on May 13, 2013.²⁹ As of May 2014, no list of blocked sites has been created.

According to the legal requirements in place under the 2005 statute “On Counteraction to Extremist Activities,”³⁰ the procedure by which a website can be blocked must first begin with a request to the prosecutor.³¹ 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.

The process by which state authorities block online content has been inconsistent. For example, in September 2012, the video “Innocence of Muslims,” which provoked a wave of protests throughout the world, caused a controversy in Kyrgyzstan as well. On September 19, 2012, the Prosecutor General’s Office filed a claim that asked the court to recognize the video as extremist and ban it from show and dissemination in Kyrgyzstan.³² At the same time, the Prosecutor General’s Office instructed the SCA to take measures to restrict access to the video on YouTube.³³ Parliamentarians debated whether the video should be banned 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 violated the constitution and other laws.³⁴ One day later, the court decided to recognize the video as extremist and banned it from show and dissemination in Kyrgyzstan.³⁵ According to a statement at the time by the State Committee of National Security of Kyrgyzstan, possession of the film on any storage device could lead to criminal prosecution.³⁶

The government has also sought to restrict access to terrorism-related content. In 2013 approximately 20 sites were recognized by courts as extremist or as inciting national or religious hatred. According to the decision of the court, these sites must be blocked on the territory of Kyrgyzstan. However, the blocking is not unified: not all sites are blocked and the blocking varies by service provider. According to last amendments to the statute on counteraction to extremist

29 3В Закон «О противодействии экстремистской деятельности» внесены изменение и дополнения [Amendments are made to the law “On Counteraction to Extremist Activities”] May 13, 2013, http://www.president.kg/ru/news/zakony/2049_v_zakon_o_protivodeystvii_ekstremistskoy_deyatelnosti_vnesenyi_izmenenie_i_dopolneniya/.

30 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.

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

32 «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-vozbuzhdeniya-mezhreligioznoy-vrazhdy.html>

33 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/>

34 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>.

35 “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>

36 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>

activities, the ministry of justice is required to publish the list of blocked sites, but they have not done so as of May 2014.

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 type of content, and online journalists or bloggers generally try to avoid issues concerning ethnic relations. Amendments to the criminal code signed by the president in May 2014, which introduced criminal penalties of up to three years in prison for disseminating false accusations of the commission of crimes, may also cause an increase in self-censorship among bloggers and investigative journalists, though it remains to be seen how these amendments will be applied.

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\$200–700.³⁷

Currently there are no specific economic restrictions imposed by the government that negatively impact users’ ability to publish content online or online media outlet’s ability to remain financially sustainable.

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, these are the main participants in online communities. Social media applications such as Facebook have not yet gained widespread popularity; however, as of November 2013, there were about 168,000 Facebook users in Kyrgyzstan, three times more than there had been in 2011.³⁸

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 the pre-election debates, some forum topics were created to collect questions for the candidates.

Perhaps the most successful online mobilization campaign of the past few years 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

37 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>.

38 Число пользователей соцсети Facebook в Кыргызстане достигло почти 170 тыс [Facebook users number in Kyrgyzstan reached almost 170,000], November 29, 2013, http://www.knews.kg/society/40838_chislo_polzovateley_sotsseti_Facebook_v_kyrgyzstane_dostiglo_pochti_170_tyis/

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 a group of parliamentarians, representatives of Kyrnet.kg showed the results of the online vote and explained the act's shortcomings. 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.³⁹

Violations of User Rights

The number of prosecutions targeting online journalists and internet users has decreased over the past year in comparison to previous years. At the same time, it appears that the government may be moving toward more restrictions on communications, including passing a law requiring the registration of SIM cards, following the examples of neighboring Russia and Azerbaijan.

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, electronics, 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.⁴⁰ 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.

On May 17, 2014, the president signed an amendment to the criminal code that criminalizes the dissemination of "knowingly false messages about the commission of crimes," with the stated goal of preventing individuals from making such accusations for political reasons or to damage someone's reputation.⁴¹ The amendment includes fines and sentences of up to three years in prison. Detracting from the progress made through the decriminalization of libel, this amendment could potentially

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

40 "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>.

41 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] 22.10.13 <http://www.media.kg/news/deputat-zhk-iniciirovala-zakon-predusmatrivayushhego-nakazanie-za-zavedomo-lozhnye-obvneniya-soderzhashhixsya-v-publichnyx-vystupleniyax-publikuemyx-v-smi/>

have a chilling effect on online journalists and bloggers,⁴² given that criminal penalties can now be levied for such content and that it is unclear exactly how the law will be interpreted.

In 2013 there were several legal initiatives put forth by members of parliament to pass laws that could potentially have an impact on freedom of expression. One of these was an initiative that was almost identical to a law passed in Russia that obliged NGOs receiving financing from international organizations to register as foreign agents. A draft of the bill was proposed in September 2013 by two deputies, one of whom is a former Ombudsman. Given the vague definitions in the law, critics worried that all forms of civil activities could fall under this law and that NGOs could be shut down without a court decision.⁴³ This initiative was widely debated and several international organizations expressed concern about its potential effects on freedom of expression and assembly.⁴⁴ On May 26, 2014, the bill was introduced in parliament, but as of the end of this report's coverage period it has not been passed.

In the past, journalists and bloggers have been subject to prosecution for posting material online, though there have been no reported cases since May 2013. In February 2012, independent journalist and blogger Vladimir Farafonov was charged with inciting national hatred based on his publications on News-Asia.ru, Centrasia.ru and Parus.kg.⁴⁵ 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.⁴⁶ 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.⁴⁷ The prosecution had asked for a sentence of 8 years in jail for Farafonov; however, the judge decided to reduce the sentence to a fine of KGS 50,000 (approximately US\$1,000). The case became widely known and provoked a wave of indignation from journalists,⁴⁸ as there were many cases of similarly tactless expressions by other authors in Kyrgyz language media outlets who received no punishment, indicating that the government applies laws selectively.

All traditional media outlets must register with the government. In June 2011, the Prosecutor General's Office proposed amending the statute that regulates mass media⁴⁹ to include internet

42 "Joint Submission to the UN Universal Periodic Review of Kyrgyzstan," ARTICLE 19 and PEN International, June 14, 2014, <http://www.pen-international.org/wp-content/uploads/2014/07/ARTICLE-19-Joint-Submission-to-UPR-of-Kyrgyzstan.pdf>.

43 А.Токмаков: В Кыргызстане могут определить "иностранцев" как в России ["Foreign agents" can be recognized in Kyrgyzstan as in Russia], October 11, 2013, <http://www.centrasia.ru/newsA.php?st=1381474020>

44 "Joint Submission to the UN Universal Periodic Review of Kyrgyzstan," ARTICLE 19 and PEN International, June 14, 2014, <http://www.pen-international.org/wp-content/uploads/2014/07/ARTICLE-19-Joint-Submission-to-UPR-of-Kyrgyzstan.pdf>.

45 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-podtverdiila-nalichie.html>.

46 "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>.

47 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>.

48 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

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

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.⁵⁰ In January 2012, an expert from the Government Office seconded the recommendation;⁵¹ 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 strict restrictions on anonymous communication on the internet in Kyrgyzstan. Websites do not need to register, encryption software is freely available, and real-name registration is not required to post content online. However, on February 17, 2014, the government issued a new regulation requiring mobile operators to sell new SIM cards only after they have been registered (previously, SIM cards could be registered within one year of purchase). This new regulation came into force on March 8, 2014, making it more difficult for individuals to use ICT tools anonymously.⁵²

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.⁵³

In 2010 and 2011, there were several scandals that 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.⁵⁴ In April 2011, the parliament passed a decision to switch off all interception equipment deployed on the premises of mobile phone operators.⁵⁵ However, according to reports from September 2011 by members of parliament, the equipment continues to function.⁵⁶ 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.

50 "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>.

51 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/.

52 Об утверждении Правил оказания услуг подвижной радиотелефонной связи [On approval of regulations of mobile telecommunication services] 25.02.2014 bit.ly/SszY8W

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

54 "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>.

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

56 "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, September 8, 2011, <http://www.24.kg/parlament/108440-dastan-bekeshev-v-kyrgyzstane-v-kompaniyax.html>.

In 2013, there were several attacks on journalists, though it is unclear whether the attacks were related to the individuals' reporting. One of the injured stated that he did not exclude the possibility that the attack had been related to his professional activity, though his statement remains unproven.⁵⁷ The leader of the Public Association "Journalist" (PAJ) stated that since the political events in April 2010, there have been fewer attacks on journalists and cases of attacks were not related to their professional activities.⁵⁸ However, there was at least one documented case over the past year in which a blogger and human rights defender was forced to leave Kyrgyzstan because of harassment. In February 2014, a youth group participating in a rally against LGBT people burned a photo of Ilya Lukash and called him a "destroyer of family values." Lukash is an active blogger and an advocate for human rights of LGBT people; he has also made statements against Kyrgyzstan joining the Eurasian Customs Union and protested in solidarity with the Ukrainian "Euromaidan" demonstrations.⁵⁹ Following this incident, Lukash wrote on his Facebook page that he had been forced to leave Kyrgyzstan because of increasing pressure and harassment.⁶⁰

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.⁶¹ In a separate incident in May 2011, followers of the nationalist Asaba party threatened non-ethnic Kyrgyz staff of the online news agency 24kg.org.⁶² In 2012, there were 10 instances of physical attacks on journalists.⁶³ Most of them occurred during the coverage of mass rallies; however, none of these attacks were directly related to online activities.

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.⁶⁴ 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.⁶⁵ In the same month, the news agency Vesti.kg also

57 Избит оппозиционный журналист Кирил Степанюк [Oppositional journalist Kiril Stepanuk has been attacked], November 16, 2013, http://vesti.kg/index.php?option=com_k2&view=item&id=24084:izbit-oppozitsionnyy-zhurnalist-kirill-stepanyuk&Itemid=83.

58 Хотелось бы, чтобы нападения на журналистов расследовались до конца – Марат Токоев [I would like all attacks on journalists to be investigated completely- Marat Tokoev], November 29, 2013, <http://medialaw.kg/?q=node/2412>

59 "Kyrgyzstan: Backsliding on Rights," Human Rights Watch, April 7, 2014, <http://www.hrw.org/news/2014/04/06/kyrgyzstan-backsliding-rights>.

60 В Киргизии правозащитник Илья Лукаш покинул страну из-за угроз [In Kyrgyzstan human rights defender Ilya Lukash left the country because of harassment], June 14, 2014, <http://www.svoboda.org/content/article/25291576.html>

61 "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>.

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

63 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>.

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

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

reported a DDoS attack on its site,⁶⁶ presumably because they had been republishing articles from *Ferghana News*, though the motive remains unconfirmed.

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 vulnerability in the website.

⁶⁶ 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.