

ARTICLE 19

Kyrgyzstan: Protection of freedom of expression online

Country report

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ARTICLE 19 works for a world where all people everywhere can freely express themselves and actively engage in public life without fear of discrimination. We do this by working on two interlocking freedoms, which set the foundation for all our work. The Freedom to Speak concerns everyone's right to express and disseminate opinions, ideas and information through any means, as well as to disagree from, and question power-holders. The Freedom to Know concerns the right to demand and receive information by power-holders for transparency, good governance, and sustainable development. When either of these freedoms comes under threat, by the failure of power-holders to adequately protect them, ARTICLE 19 speaks with one voice, through courts of law, through global and regional organisations, and through civil society wherever we are present.

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The programme's overall goal is to promote freedom of expression and the related rights in digital environment in Central Asia by challenging restrictive legislation, policies and practices both domestically and internationally through strengthening ability of civil society organisations working in the field of the media to promote and protect digital rights, increasing the availability of quality digital rights training resources and capacity, encouraging governments and legislative bodies to address laws and policies restricting online freedom of expression through coordinated national and international advocacy.

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Contents

Executive summary	5
Recommendations	7

Introduction	10
Applicable international human rights standards	12
The right to freedom of expression	12
The right to privacy	13
Access to the internet and digital technologies	14

Protection of human rights online in Kyrgyzstan	17
New legislative developments concerning freedom of expression online	17
Misuse of hate speech laws against minorities	18
Attacks against those critical of authorities	20
Self-censorship	21
Protection of privacy and civic space	22
Blocking and filtering	23
Non-transparent actions by social media platforms	23
Democratic participation online	25
Safety of journalists and activists online	26

ARTICLE 19's recommendations	29
Appendix: Monitoring framework	32
Freedom of expression online	32
Right to privacy online	32
Internet infrastructure	33

Use of digital technologies in protests	34
Safety of journalists and activists online	34
<hr/>	
Endnotes	35

Executive summary

In this report, ARTICLE 19 maps the protection of the right to freedom of expression and information online in Kyrgyzstan based on information from local partners.

The report finds that the full enjoyment of the right to freedom of expression is impeded by flawed laws that do not meet international freedom of expression standards. In 2021, the country began undertaking a full 'inventory' of national legislation with the aim of 'optimising and improving the entire legislative framework'. This review includes laws that relate to freedom of expression, access to information, and media freedom. Despite claiming that the process will improve citizens' rights, our report found that Kyrgyzstan has adopted laws that instead hinder the exercise of freedom of expression:

- The Draft Law on Protecting against False and Inaccurate Information was initially rejected by parliament but was adopted at the special request of the President. This law is not only overbroad in scope but also goes beyond the permissible restrictions on freedom of expression. It contains vague due diligence obligations to companies and creates an administrative authority with decision-making powers over online content which is not independent. Ultimately, this law replicates existing defamation legislation in the online space.
- The law on licensing activities related to the identification and verification of the authenticity of international unique identification codes of operating and imported devices was also adopted during this time and raises severe privacy concerns. Civil society warned that this law aimed at controlling imports of communications devices would only strengthen the country's existing surveillance practices. In theory, the attribution of an identification code under this unified system means that any sale or import of a device must be declared to the government.
- Article 313 of the Criminal Code that prohibits incitement offences does not meet international freedom of expression standards. In particular, it prohibits a wide range of conducts without providing adequate assessments to characterise the offence, and it

does not require the concerned expression to intentionally advocate for incitement to violence of any kind.

Apart from the problems with legislation, the report found that the existence of these overbroad and vague laws has contributed to the development of problematic practices:

- While legislation protecting the 'honour' of the President does not meet international standards, its application raised even more concerns. It shows that there is a very low tolerance for criticism of public officials. Indeed, law enforcement has carried out searches in the homes of individuals based on accusations of publishing materials considered 'provocative' and inciting hatred. In several cases, the concerned individuals have opposed or criticised the government in one form or the other. This shows that there is clearly a severe lack of understanding of the very nature of the right to freedom of expression in the country.
- Self-censorship is common. There have been several reported cases where media outlets have removed content from their online platforms as the content was considered to criticise the government too heavily. This directly impacts the independence of the media and its ability to report on matters of public interest.
- The widespread use of biometric technologies, particularly facial recognition, without proper human rights safeguards is highly problematic. For example, a wide range of data is collected by the 'safe city' programmes, but individuals are not provided with effective protection mechanisms in case of privacy violations. This is highly concerning when instances of wiretapping communications of opposition political party members, lawyers, and activists are at their highest.
- Decisions to restrict access to social media are non-transparent. Removals of content are often left unexplained by the social networks themselves. More often than not, the removals appear to be arbitrary and simply exist to obstruct the free flow of information.

- Coordinated inauthentic behaviour or ‘troll farms’ consistently undermine the country’s democratic processes. These activities are often directed towards journalists, particularly women.
- Threats and intimidation tactics against journalists, both online and offline, are on the rise. Increased interrogations of journalists and activists by law enforcement coupled with frequent online harassment have gone unchallenged and have created a total state of impunity. This only favours an increase in attacks and further undermines democracy.

Recommendations

- Article 313 of Kyrgyzstan’s Criminal Code should be substantially revised. The advocacy of discriminatory hatred that constitutes incitement to hostility, discrimination, or violence should be prohibited in line with Articles 19(3) and 20(2) of the International Covenant on Civil and Political Rights (ICCPR), establishing a high threshold for limitations on free expression as set out in the Rabat Plan of Action, as well as prohibitions on direct and public incitement to genocide and incitement to crimes against humanity.
- Other speech offences, particularly those on extremism, should also be amended in light of ARTICLE 19’s recommendations.
- The government should develop a comprehensive plan for the implementation of the Rabat Plan of Action. In particular, it should adopt and implement a comprehensive plan for training law enforcement authorities, the judiciary, and those involved in the administration of justice on issues concerning the prohibition of incitement to hatred and hate speech.
- In any criminal or administrative case concerning online speech, the courts should ensure that if a sanction is applied, it is proportional and that their judgments satisfy the requirement of necessity and proportionality of the three-part test.

- State authorities should make a greater effort to appreciate the importance of freedom of expression for democracy and the special watchdog role which independent media play in a democratic society. For this purpose, specialised training programmes for public officials should be developed and implemented, and dialogues involving civil society and media representatives should be organised on a regular basis. The government should create more platforms for inclusive public discussion both online and offline.
- Law enforcement and other public authorities should refrain from violating the right to privacy online and ensure adequate protection of personal data that they obtain and store in the course of their work. Law enforcement agencies should also develop their own internal expertise in the investigation of cases of infringement of the right to privacy online. Further, public authorities should implement systemic awareness-raising and educational policies to counteract gender discrimination, harassment, and bullying online.
- Social networks should ensure that their content moderation policies and practices comply with the *Santa Clara Principles 2.0* and that they safeguard human rights online proactively rather than reactively responding to ongoing violations. They should provide clear and detailed information about the reasons why certain content and/or accounts were blocked, and there should be an easily accessible appeal procedure available to the users who disagree with content moderation decisions. Social media companies should have operational and accessible contact focal points for all countries that they work in.
- Social media companies should continue and enhance their cooperation with the local civil society in order to ensure that coordinated inauthentic online behaviour, like ‘farms’ of trolls and/or bots, does not jeopardise democratic processes and/or online safety of journalists and civic activists in the country.

- Kyrgyzstan should elaborate and adopt a national action plan on the safety of journalists, with particular reference to online safety and gender-responsive approaches. Expertise among judicial personnel and law enforcement on issues of freedom of expression, safety of journalists, and harassment and abuse, offline and online, with a gender-responsive approach should be developed. Furthermore, Kyrgyzstan authorities are urged to implement all ARTICLE 19 recommendations proposed in its 2021 overview of the deteriorating online safety situation in Kyrgyzstan.’
- Civil society and media organisations should invest more effort into developing their digital security skills and practices and in raising public awareness about the importance of ‘digital hygiene’.

Introduction

In recent years, freedom of expression in Central Asia has become increasingly restricted, especially in relation to digital technologies. As physical civic space becomes more and more controlled by governments and with the Covid-19 pandemic heightening the risk of in-person engagements, the internet has become one of the last bastions of civic space in the region. A free and inclusive online environment is increasingly necessary for people to conduct activism, access health services and education, find employment, and promote gender equality. However, broadly-worded legislation providing for disproportionate sanctions, combined with abuse of this legislation by governments and their law enforcement agencies, has been having a chilling effect on freedom of expression. Independent media websites are often being blocked, either temporarily or permanently, without legal recourse to appeal. Journalists are having cases brought against them for public comments on their online articles.

The defence of freedom of expression online is compounded by the fact that relatively few lawyers in Central Asia specialise in media law and have 'digital rights' expertise. Journalism and law faculties in higher education institutions across the region do not include human rights and digital environment training in their educational programmes and, as a result, graduates are ill-equipped to uphold and defend these rights.

According to ARTICLE 19's *Global Expression Report*, Kyrgyzstan is a country where freedom of expression is restricted.¹ Similarly, it ranked 79th in the 2021 Press Freedom Index² and moved to 72nd in the 2022 Index. Despite this improvement, Kyrgyzstan's freedom of expression situation has been marred by massive online attacks against journalists and activists, hasty attempts at legislative reforms, and a continuous lack of appreciation of the important role of independent media for democracy in addition to public authorities.

With this report, ARTICLE 19, together with its partners in Kyrgyzstan, aims to contribute to such initiatives. Following a comprehensive training course on freedom of expression and

the related rights in the digital environment, partners engaged in regular and disaggregated monitoring of digital rights violations in the country throughout 2021, based on the agreed monitoring and research methodology. The monitoring also covered emerging legislation and regulatory activities (such as new draft laws and amendments to existing laws), cases of impeded or distorted practical realisation of rights online either because of incorrect interpretation of the respective laws or because of technical barriers to implementation, and court cases raising the issues of implementation or violation of rights online. Monitoring findings were assembled quarterly and informed the ongoing advocacy activities.

This report presents the key findings from the monitoring and recommendations on how to ensure better protection of human rights online. It does not aim to cover all possible incidents of violations of freedom of expression and related rights in the digital space. Instead, it focuses on high-profile cases – those which had justified publicity and/or those that local partners considered to be strategic in terms of their potential influence over the online sector.

This report is intended to support advocacy efforts of the local civil society at the national, regional, and international levels. It will also inform international assistance programmes to Kyrgyzstan in the area of freedom of expression and serve as a guideline for the reform of media law and policy in the country.

Applicable international human rights standards

The right to freedom of expression

The right to freedom of expression is protected by Article 19 of the Universal Declaration of Human Rights,³ and given legal force through Article 19 of the International Covenant on Civil and Political Rights (ICCPR)⁴ and in the regional treaties.⁵

The scope of the right to freedom of expression is broad and applies to all forms of electronic and internet-based modes of expression. It requires states to guarantee to all people the freedom to seek, receive, or impart information or ideas of any kind, regardless of frontiers, through any media of a person's choice. Under international human rights standards, the legal framework regulating mass media should consider the differences between the print and broadcast media and the internet,⁶ as the telecommunications and broadcasting sectors could not simply be transferred to the internet.⁷ States should adopt a tailored approach to address illegal content online and promote self-regulation as an effective tool in redressing harmful speech online.⁸

Under international human rights standards, states may, exceptionally, limit the right to freedom of expression, provided that such limitations conform to the strict requirements of the three-part test. This requires that limitations be:

- **Provided for by law:** any law or regulation must be formulated with sufficient precision to enable individuals to regulate their conduct accordingly (requirement of *legality*);
- **In pursuit of a legitimate aim:** listed exhaustively as the respect of the rights or reputations of others, or the protection of national security or public order (*ordre public*), or of public health or morals (requirement of *legitimacy*); and
- **Necessary and proportionate in a democratic society:** requiring inter alia that if a less intrusive measure is capable of achieving the same purpose as a more restrictive one, the less restrictive measure must be applied (requirement of *necessity*).⁹

Further, Article 20(2) of the ICCPR provides that any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence must be prohibited by law. The same principles apply to electronic forms of communication or expression disseminated over the internet.¹⁰

The **right of access to information** is recognised as an element of the right to freedom of expression. The UN Human Rights Committee, a body tasked with interpreting the ICCPR, interpreted the scope and limits of the right to information in 2011, stating that Article 19 of the ICCPR ensures the right to information held by public bodies. It requires that states proactively disseminate information in the public interest and that the access is ‘easy, prompt, effective and practical’.¹¹ The Committee also stipulated that ‘States must enact “necessary procedures” such as legislation to give effect to the right to information and that fees for access must be limited, responses to requests must be timely, authorities must provide explanations for withholding information, and States need to establish appeals mechanisms.’¹²

The right to privacy

The right to privacy, as enshrined in Article 17 of the ICCPR, includes the right of individuals to respect for their private and family life, home, and communications and the right to the protection of the law against arbitrary or unlawful interference or attacks against them. The right to private life extends to aspects relating to personal identity, such as a person’s name, images, or physical and moral integrity; it is primarily intended to ensure the development, without outside interference, of the personality of each individual in their relations with other human beings.¹³

The right to personal data protection, which may be derived from, and be related to, the right to privacy, regulates the way information about individuals, which may be either private or public, is collected, processed, stored, and retained electronically by both public and private bodies. Personal data must be processed lawfully and fairly for specified purposes and on the basis of the informed consent of the person concerned, or some

other legitimate basis laid down by law. Everyone should have the right of access to data held by third parties (data controllers) concerning them, and the right to have it rectified or deleted, subject to legitimate exceptions.

Guaranteeing the right to privacy in online communications is essential for ensuring that individuals have the confidence to freely exercise their right to freedom of expression.¹⁴ The inability to communicate privately substantially affects individuals' freedom of expression rights.

This was recognised in several reports by David Kaye, the UN Special Rapporteur on Freedom of Expression, in which he expressed concerns over states and private actors monitoring and collecting information about individuals' communications and activities on the internet. These practices can constitute a violation of internet users' right to privacy, and ultimately impede the free flow of information and ideas online.¹⁵ The Special Rapporteur on Freedom of Expression also recommended that states should ensure individuals can express themselves anonymously online and refrain from adopting real-name registration systems.¹⁶ Further, he recommended that states should not make the identification of users a precondition for access to digital communications and online services and from requiring SIM-card registration for mobile users.¹⁷ He also recommended that corporate actors reconsider their own policies that restrict encryption and anonymity (including through the use of pseudonyms).¹⁸

Access to the internet and digital technologies

As the internet has become a vital communications medium that individuals use to exercise their right to freedom of expression and other human rights, states, in cooperation with the private sector and civil society, should develop strategies which promote sustainable economic growth via competitive market structures in order to stimulate investment into critical internet resources and information and communications technologies, especially in areas with a low communication and information infrastructure.¹⁹

International human rights bodies have expressed their deep concern about blocking/filtering measures.²⁰ In particular, the four special mandates on freedom of expression in their 2011 Joint Declaration on Freedom of Expression on the internet held that:²¹

- Mandatory blocking of entire websites, IP addresses, ports, network protocols, or types of uses (such as social networking) is an extreme measure – analogous to banning a newspaper or broadcaster – which can only be justified in accordance with international standards, for example where necessary to protect children against sexual abuse.
- Content filtering systems which are imposed by a government or commercial service provider and which are not end-user controlled are a form of prior censorship and are not justifiable as a restriction on freedom of expression.
- Products designed to facilitate end-user filtering should be required to be accompanied by clear information to end users about how they work and their potential pitfalls in terms of over-inclusive filtering.

At the same time, the Special Rapporteur has recognised that website blocking may be justified in limited circumstances in order to deal with categories of content which are prohibited under international law, namely: child sex abuse images (child pornography); incitement to commit genocide; advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence; and incitement to terrorism.²² In the case of child pornography, he opined that this was one of the clear exceptions where website blocking may be justified.

Nonetheless, he made it absolutely clear that blocking measures must always comply with the three-part test under Article 19(3) of the ICCPR.²³ In this respect, he laid down some minimum criteria that must be met in order for website blocking and filtering to be justified under international law, namely:²⁴

- Blocking/filtering provisions should be clearly established by law.
- Any determination on what content should be blocked must be undertaken by a competent judicial authority or body which is independent of any political, commercial, or other unwarranted influences.
- Blocking orders must be strictly limited in scope in line with the requirements of necessity and proportionality under Article 19(3).
- Lists of blocked websites together with full details regarding the necessity and justification for blocking each individual website should be published.
- An explanation as to why a page has been blocked should also be provided on a page that is substituted in for the affected websites, and HTTP status code 451²⁵ should be served.

These standards have been echoed by regional mechanisms for the protection of human rights, including the Council of Europe,²⁶ the European Court of Human Rights,²⁷ and the Organization of American States Special Rapporteur on Freedom of Expression.²⁸ Importantly, they have confirmed that:

- Search engines and other intermediaries should not be required to monitor their networks proactively in order to detect possible illegal content.²⁹
- It should be possible to challenge blocking and filtering orders before an independent and impartial tribunal and seek clarification and remedies.³⁰ In this regard, the Human Rights Committee has clarified that there should be no generic bans on the operation of sites or systems.³¹

More generally, international human rights bodies have recommended that filtering should be end-user controlled and that, at minimum, users should be informed when a filter is active and given as much control as possible over the level of filtering.³²

Protection of human rights online in Kyrgyzstan

New legislative developments concerning freedom of expression online

During the monitoring period, Kyrgyzstan started to undertake a large-scale 'inventory' of national legislation, following the initiative of President Sadyr Japarov. Presidential Decree No. 26 of 8 February 2021 states that this 'inventory' initiative is aimed at 'optimising and improving the entire legislative framework, carrying out a large-scale qualitative change based on the review of existing values and principles as well as protecting the rights and interests of citizens and legal entities'. In terms of the 'inventory', it was planned to review and revise approximately 356 existing laws, including several laws concerning freedom of expression, freedom of the media, and access to information. International organisations called on the Kyrgyz authorities to extend the period of the legislative inventory noting unreasonably short deadlines, hasty assessments of existing laws, and a lack of consultations with the direct beneficiaries. The Cabinet of Ministers Decree of 3 December 2021 extended the 'inventory' process until 1 April 2022.

In view of this large-scale legislative reform process, it is especially problematic that the section on draft legislative initiatives on the parliamentary website has been down for more than a year, thus adding to the technical difficulties of the reform process.³³

During this period, Kyrgyzstan made some improvements in its legislation concerning online spaces. In particular, on 14 September 2021, the State Agency for Personal Data Protection was established under the Cabinet of Ministers of the Kyrgyz Republic by the Decree of the President. This step was necessary to finally implement the Law on Personal Information of 20 July 2017. In accordance with the law, the Agency should ensure appropriate protection of personal data, protection of the rights of personal data subjects, registration of personal data holders, and other related tasks.

At the same time, Kyrgyzstan adopted two laws that restrict freedom of expression online in 2021:

- **Prohibitions of ‘false information’:** In June 2020, the parliament adopted the Law on Manipulating Information. However, the law was not signed by the President and was returned to the parliament ‘for improvement’. The law has been substantially criticised by local and international human rights organisations, including ARTICLE 19.³⁴ In March 2022, constitutionality of this legislation was contested by MP Dastan Bekeshev.³⁵ In the summer of 2021, the Draft Law on Protecting against False and Inaccurate Information³⁶ was rejected by the parliament, but it was later adopted following a special request from the President. The final draft was a revised version of the earlier draft law and is equally problematic. In particular, the scope of the law is overbroad and goes beyond permissible restrictions on freedom of expression, as provided by international freedom of expressions standards. It also introduces vague due diligence obligations on the companies, threatens online anonymity, contains unduly tight compliance period and creates a non-independent administrative authority with decision-making power over online content. The law in fact duplicated defamation legislation in the online space.
- **Surveillance of communication devices:** The government put forward a bill that introduced licensing of the activities related to the identification and verification of authenticity of the international unique identification codes of the operating and imported devices. In this way, the government claimed to strengthen state control over the import and operation of communication devices (quality of imported products, control over the payment of customs and taxes, etc.). The bill was speedily adopted despite opposition from certain MPs like Dastan Bekeshev who was against outsourcing this sector to private companies.³⁷ Local lawyers and digital rights activists warned that the creation of a unified database of International Mobile Equipment Identity (IMEI) codes of mobile devices would facilitate the work of the System for Operative Investigative Activities (SORM).³⁸ Apart from raising serious privacy concerns, linking IMEI codes to specific individuals will mean that in case of donation, sale, or disposal of a device relevant state authorities should be duly notified.

Misuse of hate speech laws against minorities

Kyrgyzstan's hate speech provisions are highly problematic from a freedom of expression perspective and have been repeatedly criticised by the local and international organisations.

In particular, there have repeatedly been calls for a substantive review of Article 313 of the Criminal Code which prohibits 'incitement of racial, ethnic, national, religious or inter-regional hatred (discord)'. It prohibits 'racial, ethnic, national, religious or interregional enmity or discord, at humiliating national dignity or at propagandising the exclusivity, superiority or inferiority of on the basis of their attitude to religion or national or racial affiliation, committed publicly or through the media, as well as on the internet'. The penalty is 5–10 years of imprisonment; receiving a fine as a sanction is not an option. A higher penalty can be imposed when the act is committed 'with the use or threat of violence not dangerous to life or health' or by a group of persons by prior conspiracy.

ARTICLE 19 points out that, as outlined earlier, international law requires that states restrict freedom of expression in limited circumstances, set out in Article 20(2) and Article 19(3) of the ICCPR. Article 20(2) of the ICCPR prohibits the advocacy of hatred that constitutes incitement to hostility, discrimination, or violence. The use of the terms 'advocacy' and 'incitement' implies that only expression that intentionally advocates discrimination, hostility, or violence should be prohibited, and further that such expression must also be likely to and intended to cause hostility, discrimination, or violence towards the protected group. When assessing the incitement offences in provisions of Article 313, the following key features should be mentioned:

- First, Article 313 prohibitions do not meet these requirements because they prohibit conduct without requiring intent and without requiring proof that a prohibited outcome was intended or likely as a consequence of that expression.
- Second, a broad range of conducts are prohibited, beyond the provisions of Article 20(2) of the ICCPR.

- Neither the Criminal Code nor the jurisprudence outline a specific test for assessing incitement cases.

Previously, ARTICLE 19 also recommended substantially revising this criminal law article in its report on anti-extremism legislation in Kyrgyzstan.³⁹ In 2021–2022, the Criminal Code of the Republic of Kyrgyzstan had been under review in the framework of a large-scale legislative ‘inventory’ initiated by the President; however, no information about improving these provisions is available so far.

These provisions are also applied against minority voices. The most emblematic case is the case of Kamran Shenwari, a refugee from Afghanistan, who was sentenced to 5 years in prison for the ‘hateful’ comment on Facebook against Russian nationals. It has been claimed that Shenwari could not be the author of the comments as he does not speak Russian. He claimed that the impugned post was made from a ‘fake’ profile with his ‘stolen’ photo. In 2015, Kamran Shenwari’s tablet was stolen and with it, he lost access to his old Facebook page. That case of theft was reported to the police by his wife. Despite an apparent inadequacy of evidence, the court of first instance sentenced Shenwari to imprisonment and the court of appeals upheld the verdict.⁴⁰ On 25 May 2021, the Supreme Court replaced imprisonment with a fine of KGS 300,000 (USD 3,552)⁴¹ and, apparently, applied the older version of a hate speech article of the Criminal Code which until August 2016 contained a fine as one of the possible sanctions along with imprisonment.

Though the Supreme Court replaced a significant prison sentence with a financial sanction, it is still a case where an apparent lack of evidence resulted in the conviction of a probably innocent person. It also failed to consider the defendant’s poor knowledge of Russian (while the impugned post was made by someone with a good command of the Russian language) and ignored the high probability that the defendant’s Facebook account had been hacked.

Attacks against those critical of authorities

Kyrgyzstan legislation protecting the ‘honour’ of the President is problematic and does not comply with international freedom of expression standards. However, it is not just the application of this legislation that is used against those who criticise the President and/or government. The level of tolerance towards public criticism of those in power is low and opposing voices are often harshly attacked in response to their speech. For instance:

- On 3 February 2021, the private homes of blogger Yulia Barabina, as well as of two other workers of the election team of local politician Abdil Segizbayev, were searched by law enforcement officers based on the accusations of ‘publishing provocative materials aimed at inciting interethnic and regional hatred’ on Facebook. Local media lawyers claim this case looks like persecution of political opponents.⁴² Yulia Barabina left Kyrgyzstan shortly after the searches saying that she was ‘pushed out’ of the country. She also said in an interview that accusations against her resulted from third party comments on her Facebook posts.⁴³
- Later that spring, journalist Kanat Kanimetov faced criminal prosecution for ‘hooliganism’ because of his post criticising authorities and, in particular, the criminal case against Yulia Barabina.⁴⁴ In August 2021, the case against Kanimetov was dropped following publicity and due to the assistance of local media lawyers.⁴⁵

These cases illustrate that among Kyrgyz ruling political forces there is still a serious lack of understanding and appreciation of the role and significance of freedom of expression, freedom of the media, and unhindered public debate in a democratic society.

Self-censorship

Several instances of self-censorship have been reported by the local monitors during the respective period. This is especially worrying where it concerns public services broadcasters, or state-financed media whose main goal is to provide full, accurate, and quality information to all sectors of the Kyrgyz public.

For instance, on 19 February 2021, Ala-Too 24 removed a news item critical of the anti-corruption march from its YouTube channel.⁴⁶ Earlier during the election process, on 31 December 2020, the Public Television and Radio Broadcasting Corporation of Kyrgyzstan (KTRK) deleted a recording of the third day of political debates between presidential candidates from its YouTube channel.⁴⁷ On 18 December 2020, KTRK also disabled comments on its YouTube videos featuring speeches by presidential candidates. This happened after some of the candidates' videos had been disliked.⁴⁸

ARTICLE 19 consistently promotes the idea of transforming all state-owned media into public broadcasting systems. Genuine public broadcasting should enjoy a high degree of independence: editorial, financial, and managerial. Broadcasting content should not be censored because it is critical of the government or unfavourable towards certain political forces. Even in situations where there is a kind of 'hybrid' coexistence of state and public media, it still not acceptable for all media that use state funding to filter content which is deemed 'undesirable' to the government.

Protection of privacy and civic space

Civil society and lawyers in Kyrgyzstan have raised concerns about the increasing use of facial recognition cameras⁴⁹ and lack of mechanisms for protection of personal data collected by the special 'safe city' system installed in the cities.⁵⁰

The most serious privacy-related scandal erupted at the end of August 2021 after politician Clara Sooronkulova accused the Interior Ministry of wiretapping over 100 people including politicians, lawyers, and civic activists.

On 30 August 2021, Clara Sooronkulova, chairperson of the political party 'Reforma', published photos of the ruling of the investigative judge of the Pervomaisky district court of Bishkek granting permission to conduct monitoring and recording of telephone conversations of about 100 citizens from 6 January to 10 February 2021 (more than 1 month). Among those subject to wiretapping were politicians, representatives of political (opposition) parties, acting MPs, lawyers, and civic activists. The Ministry of Internal

Affairs admitted to the wiretapping⁵¹ but claimed that this action was taken in order to ‘verify complicity in a crime and establish possible links between wiretapped persons and the suspects who were subject to pre-trial proceedings’ (in the opened case on the storming of the White House building in Bishkek in October 2020). The Prosecutor General’s Office said that the wiretapping of phones took place in accordance with the law.

On 1 October 2021, lawyer Zamir Zhoshev reported that the documents on the wiretapping of activists and politicians had been destroyed.⁵² The lawyer reportedly requested access to the documents of the criminal case on the mass public disorder of October 2020 but was refused access. On the same day, Clara Sooronkulova along with a couple of other politicians published an open appeal to the Prosecutor General calling the case of wiretapping a ‘criminal invasion of privacy’.⁵³

Blocking and filtering

Though Kyrgyzstan is not as ‘active’ in blocking access to internet (shutdowns) and online content as some other states in the region, there were cases of connectivity disruptions during public unrest, as well as blocking of certain content and web resources in the country.

In 2021, local monitors recorded a positive development in a long-standing case of blocking access to the petition platform change.org in Kyrgyzstan; namely, on 1 March 2021, the Supreme Court overturned the decision of the lower instance court which allowed for blocking of the petition site change.org in Kyrgyzstan.⁵⁴ Change.org was blocked in the country in July 2020 after it had hosted a petition calling for the resignation of former Kyrgyzstan President Sooronbay Jeenbekov. The site was later recognised as ‘extremist’ by the court. The Supreme Court sent the case for revision to the court of the first instance.

Non-transparent actions by social media platforms

In a number of cases, there have been non-transparent restrictions on access to social media and removals of content by the social networks themselves. In such instances, a well-known problematic pattern could be observed: there is a profound lack of transparency and clarity where it concerns the reason(s) why a certain piece of content has been removed. Decisions of the social networks seem to be taken arbitrary, and there is an impression that moderators do not have adequate language knowledge and understanding of the local context(s). Finally, if there was some kind of cooperation with the authorities where it concerns content moderation and/or removal, that was not openly disclosed.

For instance, on 26 November 2021, YouTube removed a video from the channel of a leading Kyrgyz online media, Kloop, on the grounds that it allegedly contained ‘harassment and bullying’, and it restricted access to Kloop’s channel for a week.⁵⁵ According to Kloop, the video in question was in fact a video manual for Kloop election observers posted in the Kyrgyz language in the wake of the 28 November 2021 parliamentary elections. Kloop’s editorial statement of 3 December 2021⁵⁶ informed the public that YouTube restored the deleted video on 1 December and unblocked access to Kloop’s channel. However, no official explanation, justification or apology was provided by YouTube, and since the video was intended to help observers’ work during elections, its restoration after the election day was of little use.

This was not the first case of global social media companies obstructing the use of their platforms in Kyrgyzstan. For example, on 1 October 2020, according to media reports,⁵⁷ OMKS or One Million Kyrgyz Stories, and several prominent Kyrgyzstani public groups were blocked on Instagram. All publications of the groups omks_kg, omks_video, omks_media, and omks_press as well as numbers indicating the quantity of their followers disappeared. Network users speculated that the content had been hacked and deleted because omks_video published a video about controversial Kyrgyzstani politician Raim Matraimov and Mekenim Kyrgyzstan (a political party allegedly linked to the Matraimov family) and called not to vote for the party in the forthcoming elections.

At the end of December 2020, a number of Kyrgyz social media users saw their accounts on Facebook and Instagram switched off without any explanation.⁵⁸ For some reason, affected users worked in public relations or media management. It remains unclear whether that case was somehow related to the election processes or not.

According to local media lawyers, partial or complete blocking of content by the social media companies is quite common in Kyrgyzstan and in most cases content creators are reluctant to appeal through dispute resolution systems provided by social media. Individuals do not take any cases to court; civil litigation would be almost impossible due to the lack of domicile of social media in the country.

Social media platforms have a long-term tendency of taking a reactive rather than a proactive approach towards the improvement of their content moderation practices: across different regions it usually takes place only after they are faced with substantial criticism due to a lack of response to the outbreaks of hate speech, disinformation, etc. Central Asian States, including Kyrgyzstan, would definitely welcome better implementation of the Santa Clara Principles on content moderation⁵⁹ by the tech platforms in the region.

Democratic participation online

The use of troll 'farms' has become ubiquitous in Kyrgyzstan, especially in the context of the election process as well as for other political and publicity purposes.

The main operating principle of internet trolls has been to disseminate deliberately false information in order to shape public opinion in a desired way. In most cases, politicians and celebrities are 'customers' of troll farms' 'services'.⁶⁰ Reports on the widespread use of troll 'farms' started circulating since at least autumn 2020. Due to the joint research efforts of investigative journalists and experts from the Media Policy Institute, Kyrgyzstan, Facebook identified and deleted approximately 400 fake accounts involved in meddling with public opinion in the context of the election processes in 2020 and 2021.⁶¹ An investigative team comprised of journalists and civil society activists analysed more than

800 accounts and identified key 'customers' of the troll 'farms' and their shadow economy. The deletion of about 400 fake accounts was the first response of Meta to the developments in the Kyrgyz social media sector.

Coordinated inauthentic online behaviour in the form of troll 'farms' or bots can negatively affect democratic processes such as elections by massively spreading disinformation, hate speech, or otherwise misleading the public. In Kyrgyzstan, it is also often employed against independent journalists, activists, or political opponents and aims at discrediting their voices or intimidating them.

Safety of journalists and activists online

In 2021, Kyrgyzstan media lawyers noted an increased use of summoning for interrogation as a method of psychological pressure on journalists and activists who are outspoken in their criticism of the government actions and policies. At the same time, the situation related to the online safety of journalists has been alarming: journalists often become targets of online bullying, harassment and threats; entire 'farms' of bots and trolls have been actively used to discredit and/or intimidate investigative reporters;⁶² and accounts of journalists, activists, and oppositional politicians have been hacked.

Online attacks and harassment thrive in the atmosphere of impunity, which is only made worse by the claims of certain politicians, including President Zhaparov, blaming journalists for 'distorting' information or calling them 'enemies of the people'.⁶³ The worrying trend gained traction in late 2020 after contested parliamentary elections had led to mass unrest and, eventually, a change of government in the country.

At the end of November 2020, Kyrgyz media reported that threats and intimidation were on the rise in the Kyrgyzstani social media sector: journalist Kanyshay Mamyrkulova was called an 'enemy of the people' for criticising a new version of the Constitution, and politician Klara Sooronkulova, another vocal opponent of the proposed constitutional changes, became a target of threats.⁶⁴

On 1 December 2020, the Media Policy Institute published an open statement warning that online attacks on Kyrgyzstan's journalists undermine democracy in the country.⁶⁵ In this statement, Kyrgyzstan's media community expressed serious concerns over an emerging threat to press freedom associated with the massive online harassment of Kyrgyz journalists and activists. Online attacks aimed at stifling critical voices. Thus, journalists Kanyshay Mamyrkulova, Aizada Kasmalieva, Nazira Aitbekova, presidential election candidate Klara Sooronkulova, lawyer Saniya Toktogazieva, and others were subjected to massive online harassment for criticising a new version of the Constitution.

The same pattern of online attacks continued in 2021. For instance:

- On 14 March 2021, fact-checker, journalist, and civil society activist, Ulan Usein was threatened after he announced a plan of holding a fact-checking event in Osh.⁶⁶
- On 13 October 2021, lawyer and parliamentary election candidate Nurbek Toktakunov reported that his Telegram account had been hacked.⁶⁷ He further accused the Ministry of Communications of wiretapping his phone. The Ministry of Communications denied allegations since 'they do not have either necessary authority or equipment for any kind of surveillance activity'.⁶⁸
- On 18 October 2021, media expert Azim Azimov reported an attempted hacking of his Facebook account.⁶⁹
- On 17 November 2021, the Instagram account of the oppositional politician Dastan Bekeshev was hacked.⁷⁰

Kyrgyz civil society reports that this wave of hacking attacks mostly targeted lawyers, public figures, ex-judges, parliamentarians, journalists, and media experts – all those who are known for their criticism of law enforcement agencies and the current leadership of Kyrgyzstan.

Yet another case of online harassment blended together the issues of online safety and stereotypes about appropriate female behaviour ingrained in Kyrgyzstan's culture and

society. In early December 2021, Nazira Aitbekova, a female journalist and blogger, faced a wave of online abuse after she published explicit photos of herself along with a commentary about the Kyrgyz mentality, attitudes towards such photos, corruption, and theft. She also stated that those who had called her photos 'shameful' did not shame people guilty of corruption or sexual and domestic violence; public shaming in Kyrgyzstan seemed to 'exclusively' concern clothing habits and nudity.⁷¹ This topic was then picked up by Kloop, one of the most progressive Kyrgyz online media.⁷² Nazira Aitbekova has an Instagram audience of 1.2 million followers and frequently posts about sociopolitical issues. She was among activists harassed online for openly criticising the actions of the authorities following the public unrest events of October 2020.

So far, there has been no action taken in this area, neither from the law enforcement agencies nor from the social media companies.⁷³

ARTICLE 19's recommendations

In order to address the violations of the right to freedom of expression online, ARTICLE 19 makes the following recommendations to the Kyrgyzstan Government and other relevant stakeholders:

- Article 313 of Kyrgyzstan's Criminal Code should be substantially revised. The advocacy of discriminatory hatred that constitutes incitement to hostility, discrimination, or violence should be prohibited in line with Articles 19(3) and 20(2) of the International Covenant on Civil and Political Rights (ICCPR), establishing a high threshold for limitations on free expression as set out in the Rabat Plan of Action, as well as prohibitions on direct and public incitement to genocide and incitement to crimes against humanity.
- Other speech offences, particularly those on extremism, should also be amended in light of ARTICLE 19's recommendations.⁷⁴
- The government should develop a comprehensive plan for the implementation of the Rabat Plan of Action. In particular, it should adopt and implement a comprehensive plan for training law enforcement authorities, the judiciary, and those involved in the administration of justice on issues concerning the prohibition of incitement to hatred and hate speech.
- In any criminal or administrative case concerning online speech, the courts should ensure that if a sanction is applied, it is proportional and that their judgments satisfy the requirement of necessity and proportionality of the three-part test.
- State authorities should make a greater effort to appreciate the importance of freedom of expression for democracy and the special watchdog role which independent media play in a democratic society. For this purpose, specialised training programmes for public officials should be developed and implemented, and dialogues involving civil society and media representatives should be organised on a regular basis. The

government should create more platforms for inclusive public discussion both online and offline.

- Law enforcement and other public authorities should refrain from violating the right to privacy online and ensure adequate protection of personal data which they obtain and store in the course of their work. Law enforcement agencies should also develop their own internal expertise in the investigation of cases of infringement of the right to privacy online. Further, public authorities should implement systemic awareness-raising and educational policies to counteract gender discrimination, harassment, and bullying online.
- Social networks should ensure that their content moderation policies and practices comply with the *Santa Clara Principles 2.0* and that they safeguard human rights online proactively rather than reactively responding to ongoing violations. They should provide clear and detailed information about the reasons why certain content and/or accounts were blocked, and there should be an easily accessible appeal procedure available to the users who disagree with content moderation decisions. Social media companies should have operational and accessible contact focal points for all countries that they work in.
- Social media companies should continue and enhance their cooperation with the local civil society in order to ensure that coordinated inauthentic online behaviour, like 'farms' of trolls and/or bots, does not jeopardise democratic processes and/or online safety of journalists and civic activists in the country.
- Kyrgyzstan should elaborate and adopt a national action plan on the safety of journalists, with particular reference to online safety and gender-responsive approaches. Expertise among judicial personnel and law enforcement on issues of freedom of expression, safety of journalists, and harassment and abuse, offline and online, with a gender-responsive approach should be developed. Furthermore, Kyrgyzstan authorities are urged to implement all ARTICLE 19 recommendations

proposed in its 2021 overview of the deteriorating online safety situation in Kyrgyzstan.⁷⁵

- Civil society and media organisations should invest more effort into developing their digital security skills and practices and in raising public awareness about the importance of 'digital hygiene'.

Appendix: Monitoring framework

The research for this report was structured to monitor the following issues.

Freedom of expression online

This category included subtopics such as online hate speech, disinformation, online 'extremist' speech, regulation of social media platforms and intermediaries, online defamation, access to information on the internet, and media/journalistic activities online. Local partners were asked to report on the following developments (non-exhaustive list):

- Instances where hate speech, disinformation, or extremism legislation was used to prosecute journalists, activists, or ordinary citizens for posting something online and how these laws were applied to the online environment;
- Instances where media were prosecuted for their online reporting;
- Defamation cases initiated for online statements;
- Legislative proposals to regulate social media/impose content moderation requirements; and
- Instances where online access to publicly important information was seriously impeded.

Right to privacy online

This category included subtopics such as online data protection, online surveillance, intrusive technologies like facial or emotional recognition, the right to be forgotten, online anonymity, and encryption. Local partners were asked to report on the following developments (non-exhaustive list):

- Requests to remove or delist online information which allegedly infringes upon someone's reputation or privacy rights;

- Legislative proposals to introduce the ‘right to be forgotten’;
- Introduction of facial or emotional recognition technologies (either via new regulatory acts or in practice) and application of these technologies in a way that is targeting individuals for their exercise of the right to freedom of expression (e.g. prosecution of protesters based on footage obtained via these technologies); and
- Legislative initiatives aimed at impeding or scrapping encryption and anonymity online and/or enabling simplified access of the law enforcement authorities to personal or private data online.

Internet infrastructure

This covered subtopics such as access to the internet, online shutdowns and blocking, net neutrality, regulation of Internet Service Providers (ISP), and commercial and business impediments to online freedom. Local partners were asked to report on the following developments (non-exhaustive list):

- High-profile cases of internet shutdowns or blocking (e.g. if supposedly politically motivated or related to important political processes like elections, protests, etc.).
- Systemic attempts to impede access to the internet or block certain content. Local monitors were asked to specify whether such instances were the result of the respective court decisions, administrative orders, or had no known legal basis whatsoever.
- Legislative initiatives to regulate ISPs, including imposing harsher sanctions on them for not complying with the blocking orders, and/or attempts to introduce broader legal grounds for blocking access to the internet or to specific content online.
- Attempts to monopolise internet infrastructure by state or private actors.

Use of digital technologies in protests

This covered subtopics such as the right of assembly and right to protest online, regulation of online election-related expression, and political advertising and campaigning on the internet. Local partners were asked to report on the following developments (non-exhaustive list):

- Legislative proposals potentially restricting the right of assembly online;
- Prosecution of activists/citizens for participation in online protests/campaigns;
- Blocking access to online campaigns/protests websites;
- Regulatory proposals on online political advertising and/or campaigning; and
- Legislative proposals or social media companies' own initiatives aimed at restricting election-related information on social networks.

Safety of journalists and activists online

This covered subtopics such as cases of online harassment, bullying, or online smear campaigns with a special focus on the experiences of female journalists and activists. Local partners were asked to report on the following developments (non-exhaustive list):

- High-profile or systemic instances of online harassment, bullying, or smear campaigns against journalists, activists, and lawyers, especially if they are targeted for their critical views, political position or activism, or because they are women. Where possible, local monitors were asked to verify whether any action was taken in such cases by law enforcement or the courts.
- Instances of government or state-sponsored hacking of online accounts of journalists, activists, or media, especially if allegedly related to their critical reporting, journalistic investigations, or election coverage, etc.

Endnotes

¹ ARTICLE 19, [Global Expression Report](#), 2022.

² Reporters without Borders (RSF), [Press Freedom Index: Kyrgyzstan](#), 2022.

³ Through its adoption in a resolution of the UN General Assembly, the Universal Declaration of Human Rights is not strictly binding on states. However, many of its provisions are regarded as having acquired legal force as customary international law since its adoption in 1948; see [Filartiga v. Pena-Irala](#), 630 F. 2d 876 (1980) (US Circuit Court of Appeals, 2nd circuit).

⁴ International Covenant on Civil and Political Rights (ICCPR), 16 December 1966, UN Treaty Series, vol. 999, p.171. Kyrgyzstan acceded to the ICCPR on 7 October 1994.

⁵ Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, 4 September 1950; Article 9 of the African Charter on Human and Peoples' Rights (Banjul Charter), 27 June 1981; Article 13 of the American Convention on Human Rights, 22 November 1969.

⁶ Human Rights Committee, [General Comment No. 34 on Article 19: Freedoms of opinion and expression](#), CCPR/C/GC/34, 12 September 2011, paras 12, 17, and 39.

⁷ The 2011 [Joint Declaration on Freedom of Expression and the Internet](#), adopted by the UN Special Rapporteur on freedom of opinion and expression (Special Rapporteur on FoE), the Organization for Security and Co-operation in Europe Representative on freedom of the media, the Organization of American States Special Rapporteur on freedom of expression (OAS Special Rapporteur on FoE), and the African Commission on Human and Peoples' Rights Special Rapporteur on freedom of expression and access to information, June 2011.

⁸ 2011 Joint Declaration. See also the Report of the Special Rapporteur on promotion and protection of the right to freedom of opinion and expression to the General Assembly, [A/66/290](#), 10 August 2011, para 16.

⁹ Human Rights Committee, [Belichkin v. Belarus](#), Comm. No. 1022/2001, UN Doc. CCPR/C/85/D/1022/2001 (2005).

¹⁰ General Comment No. 34, para 43.

¹¹ General Comment No. 34, para 18.

¹² General Comment No. 34, para 19. The same language is repeated in regional human rights conventions, most notably Article 13 of the American Convention, Article 9 of the African Charter, Article 10 of the European Convention, and Article 23 of the Association of Southeast Asian Nations Human Rights Declaration.

¹³ This provision should not be used to prevent states from providing full protection of rights as provided for by Article 18 of the ICCPR.

¹⁴ See Article 17 of the ICCPR. The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has argued that, like restrictions on the right to freedom of expression under Article 19, restrictions of the right to privacy under Article 17 of the ICCPR should be interpreted as subject to the three-part test; see the Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, [A/HRC/13/37](#), 28 December 2009.

¹⁵ See Report of the Special Rapporteur on promotion and protection of the right to freedom of opinion and expression, Frank LaRue, [A/HRC/17/27](#), 16 May 2011, para 53.

¹⁶ A/HRC/17/27, para 84.

¹⁷ Report of the Special Rapporteur to the Human Rights Council on the use of encryption and anonymity to exercise the rights to freedom of opinion and expression in the digital age, [A/HRC/29/32](#), 22 May 2015, para 60.

¹⁸ A/HRC/29/32. See also the Special Rapporteur on promotion and protection of the right to freedom of opinion and expression, [Encryption and anonymity follow-up report](#), Research Paper 1/2018, June 2018.

¹⁹ Council of Europe, [Recommendation CM/Rec\(2007\)16 of the Committee of Ministers to Member States on measures to promote the public service value of the Internet](#) (Adopted by the Committee of Ministers on 7 November 2007 at the 1010th meeting of the Ministers' Deputies), chapter II.

²⁰ General Comment No. 34, para 43.

²¹ 2011 Joint Declaration.

²² A/66/290.

²³ A/66/290, para 81.

²⁴ A/66/290. See also A/HRC/17/27, paras 70 and 71.

²⁵ In computer networking, HTTP 451 Unavailable for Legal Reasons is an error status code of the HTTP protocol to be displayed when the user requests a resource which cannot be served for legal reasons.

²⁶ Council of Europe, [Recommendation CM/Rec\(2012\)3 of the Committee of Ministers to Member States on the protection of human rights with regard to search engines](#), para 12 ff.

²⁷ European Court of Human Rights, [Yildirim v. Turkey](#), App No. 3111/10, 18 December 2012.

²⁸ Inter-American Commission on Human Rights, [Freedom of Expression and the Internet](#), December 2013, p.36.

²⁹ 2011 Joint Declaration, para 22; Council of Europe, Recommendation CM/Rec(2012)3, para 13; European Commission, [e-Commerce Directive](#), Article 15; and Council of Europe, [Declaration on Freedom of Communication on the Internet](#), May 2003, Principle 3. See also the Court of Justice of the European Union, [Case C-70/10 Scarlet Extended SA v. Société belge des auteurs compositeurs et éditeurs \(SABAM\)](#), 24 November 2011 and [Case C-360/10 Sabam v. Netlog](#), 16 February 2012.

³⁰ A/HRC/17/27, para 31; Council of Europe, [Recommendation CM/Rec\(2008\)6 of the Committee of Ministers to Member States on measures to promote the respect for freedom of expression and information with regard to Internet filters](#), 26 March 2008, Section III (vi); [Yildirim v. Turkey](#), para 64.

³¹ General Comment No. 34, para 43; also [Yildirim v. Turkey](#), para 68.

³² Council of Europe, [Recommendation CM/Rec\(2008\)6](#), Section I; [Recommendation CM/Rec\(2012\)3](#), para 16.

³³ See e.g. Kloop, [Exactly one year on the website of the parliament does not work section of bills – it is still being restored](#), 26 October 2021 (in Russian).

³⁴ See e.g. ARTICLE 19, [Kyrgyzstan: ARTICLE 19 welcomes the rejection of revised draft False Information Law](#), 13 July 2021.

³⁵ See e.g. Kaktus Media, [Dastan Bekeshev asks the court to recognize Asylbayeva's law on blocking fakes as unconstitutional](#), 29 March 2022 (in Russian).

³⁶ See e.g. Institute of Media Policy, [Analysis to the draft law of the Kyrgyz Republic 'On protection from false and unreliable information'](#), 28 June 2021 (in Russian).

³⁷ See e.g. Tazabek, [Bekeshev to the Cabinet: Why is the identification of phones given to private owners?](#), 29 September 2021 (in Russian).

³⁸ SORM (System for Operative Investigative Activities) is a technical means of allowing the recording of telephone conversations, the interception of text (SMS) and multimedia (MMS) messages, and the access to email, etc.)

³⁹ See ARTICLE 19, [Kyrgyzstan: Freedom of Expression and 'extremism'](#), November 2020.

⁴⁰ See e.g. Kaktus Media, [A woman asks for help to her husband, sentenced to five years for someone else's comment on Facebook](#), 4 December 2020 (in Russian); 24KG, [Five years in prison given to a citizen of Afghanistan for a comment on Facebook](#), 18 February 2021 (in Russian)' or 24KG, [Media experts doubt the objectivity of the court in the case of Shenvari](#), 19 February 2021 (in Russian).

⁴¹ See e.g. Kloop, [Afghan refugee incitement case: Supreme Court commutes real sentence to fine](#), 25 May 2021 (in Russian).

⁴² See Kloop, ['Looks like persecution for dissent': Media Policy Institute called the case against the blogger and staff members of Segizbayev's campaign headquarters 'far-fetched'](#), 5 February 2021 (in Russian).

⁴³ See Kaktus Media, ['I was pushed out of the country'. Blogger Yulia Barabina, whose home was searched, left Kyrgyzstan](#), 15 February 2021 (in Russian).

⁴⁴ See Kloop, [Journalist Kanat Kanimetov prosecuted for his post critical of the government – Media Policy Institute](#), 15 May 2021 (in Russian).

⁴⁵ See Kloop, ['No longer a hooligan'. The charges brought against journalist Kanat Kanimetov over his Facebook post were dropped](#), 13 August 2021 (in Russian).

⁴⁶ See Kloop, [Ala-Too 24 removed the news item critical of the march against corruption](#), 19 February 2021 (in Russian).

⁴⁷ See e.g. Kaktus Media, [KTRK deleted the recording of the last debate](#), 31 December 2020 (in Russian).

⁴⁸ See e.g. Kaktus Media, [KTRK has disabled comments on YouTube to the speeches of presidential candidates](#), 18 December 2020 (in Russian).

⁴⁹ Kaktus Media, KTRK has disabled comments.

⁵⁰ See e.g. 24KG, ['Safe City'. There is no responsibility for the leakage of personal data](#), 7 December 2021 (in Russian).

⁵¹ See e.g. Kaktus Media, [The Interior Ministry admitted that it was engaged in wiretapping politicians. True, they listened to no more than a month](#), 31 August 2021 (in Russian).

⁵² See e.g. Kloop, [Documents on wiretapping of more than 100 activists destroyed – lawyer Jooshev](#), 1 October 2021 (in Russian).

⁵³ See e.g. 24Kg, [Wire. This Criminal Interference in Privacy – Klara Sooronkulova](#), 1 October 2021 (in Russian).

⁵⁴ See e.g. 24Kg, [Change.org should be unlocked. The court's decision is cancelled](#), 1 March 2021 (in Russian).

⁵⁵ See e.g. Kloop, [Statement from Kloop, an independent media outlet from Kyrgyzstan: YouTube must immediately restore our deleted video and lift all the limitations imposed on our channel](#), 27 November 2021 (in Russian); or [OCCRP calls on Google to investigate blocking of Kloop's YouTube channel](#), 1 December 2021 (in Russian).

⁵⁶ See e.g. Kloop, [Statement from Kloop, an independent media outlet from Kyrgyzstan: YouTube has restored access to our channel but we still demand explanation and apologies](#), 3 December 2021.

⁵⁷ See e.g. Kaktus Media, [Well-known OMKS publics in Kyrgyzstan blocked on Instagram](#), 1 October 2020 (in Russian).

⁵⁸ See e.g. Kaktus Media, [Social media users have lost their accounts. With what it can be connected?](#), 25 December 2020 (in Russian).

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- ⁵⁹ The [Santa Clara Principles on Transparency and Accountability in Content Moderation](#), 2nd iteration, 2021.
- ⁶⁰ See e.g. Kloop, [How Asylbek Jeenbekov is connected with the factory of trolls and fakes – RFE/RL](#), 17 January 2021 (in Russian); or [How Bakiyev fakes support Sadyr Zhaparov and Kamchybek Tashiyev – Temirov LIVE](#), 13 May 2021 (in Russian).
- ⁶¹ See e.g. Internews, [Monitoring of digital rights in the framework of the project: ‘Protection of Digital Rights in Central Asia](#), 2021 (in Russian).
- ⁶² See e.g. CPJ, [Kyrgyz journalists on online ‘fake farms’ who threaten to kill them](#), 25 March 2021 (in Russian).
- ⁶³ On 20 December 2020, Mr Zhaparov referred to Radio Azattyk journalists as ‘enemies of the people’ in a (later edited) [Facebook post](#) (in Russian).
- ⁶⁴ See e.g. Radio Azattyk, [Threats and intimidation have become more frequent in social networks of the Kyrgyz segment](#), 23 November 2020 (in Russian).
- ⁶⁵ See e.g. Kaktus Media, [Online attacks on Kyrgyz journalists are undermining democracy in the country. Treatment](#), 01 December 2020 (in Russian).
- ⁶⁶ See e.g. 24Kg, [Factcheck journalists and civil society activist Ulan Usein threatened in Osh](#), 14 March 2021 (in Russian).
- ⁶⁷ See e.g. Kloop, [Lawyer Nurbek Toktakunov reported the hacking of his telegram account](#), 13 October 2021 (in Russian).
- ⁶⁸ See e.g. Kaktus Media, [The Ministry of Communications reacted to the message of Nurbek Toktakunov about the wiretapping of his phone](#), 14 October 2021 (in Russian).
- ⁶⁹ See e.g. [Azim Azimov Twitter post](#), 17 October 2021.
- ⁷⁰ See e.g. Kloop, [Bekeshev: Hacked my account on Instagram](#), 17 November 2021 (in Russian).
- ⁷¹ See e.g. Kaktus Media, [Nazira Aitbekova published candid photos and shamed those who write her ‘uyat’](#), 8 December 2021 (in Russian).
- ⁷² See e.g. Kloop, [Kyrgyz mentality and candid photos of Nazira Aitbekova. What is going on?](#), 9 December 2021 (in Russian).
- ⁷³ See e.g. ARTICLE 19, [Kyrgyzstan: Out from under the bridge trolling and harassment of independent media](#), 10 June 2021.
- ⁷⁴ ARTICLE 19, Kyrgyzstan: Freedom of Expression and ‘extremism’.
- ⁷⁵ ARTICLE 19, Kyrgyzstan: Out from under the bridge.