



# The media in Kyrgyzstan: **A window of opportunity**

REPORT

Report from the IMS Mission to Kyrgyzstan in April 2010

International Media Support

June 2010



# Contents

	<b>Introduction</b>	<b>4</b>
	<b>Timeline of events 2005–2010</b>	<b>5</b>
<b>1</b>	<b>Executive summary</b>	<b>6</b>
1.1	Structure of the report	7
<b>2</b>	<b>Current situation</b>	<b>8</b>
2.1	Political situation	8
2.2	Economic situation	9
2.3	The Interim Government (IG)	10
2.4	NGO engagement	11
<b>3</b>	<b>Legal and policy framework for the media</b>	<b>13</b>
3.1	Draft constitution	13
3.2	Public TV and radio	14
3.3	Libel and insult	14
3.4	Internet policy	15
3.5	Access to information	15
<b>4</b>	<b>Situation of the media and journalists</b>	<b>16</b>
4.1	Public broadcasting	16
4.1.1	KTR	16
4.1.2	ELTR	17
4.2	Private television	17
4.3	Radio	18
4.4	Print media	18
4.5	Internet media and press agencies	19
4.6	Social media	20
4.7	Mobile communication	20
4.8	Journalists	20
4.8.1	Restrictions on journalists' work and censorship	21
4.8.2	Ethics	21
4.8.3	Security	22
4.8.4	Ethnic tensions	22
4.9	Regional challenges	22
4.9.1	Regional media's technical equipment	24
<b>5</b>	<b>Recommendations</b>	<b>25</b>
5.1	Media law and policy	25
5.2	Capacity building	26
5.3	Monitoring	27
<b>6</b>	<b>Annexes</b>	<b>28</b>
6.1	List of organisations and individuals with whom mission members met	28
6.2	National and international media support activities	29
6.2.1	National organisations	29
6.2.2	International organisations	31

# Introduction

Kyrgyzstan is a country in transition that has experienced political turmoil since the break-up of the Soviet Union in the mid 1990s. While Kyrgyzstan saw an opening of its media environment following the fall of the Akayev government in 2005, the following President, Bakiyev, failed to act on pledges to reform media laws.

Press freedom in Kyrgyzstan further deteriorated after the re-election of President Bakiyev in 2009. In the six months preceding the outbreak of violence in April 2010, which led to the fall of President Bakiyev, various violations were registered by Reporters without Borders<sup>1</sup> and others. These included:

- Refusal to register new media outlets (newspapers, TV channels etc)
- Closure of media outlets under the pretext of libel and insult charges under the criminal code, insolvency proceedings, "Nazar" («Назар») and "Achyk Sayasat" («Ачык Саясат»), "Forum"
- Killings and intimidation of journalists
- Blocking of Internet sites: press agencies, social websites, online newspapers and audio-visual media outlets.

In the transition phase after the fall of the government of President Bakiyev, the landscape of the Kyrgyz media changed dramatically. A window of opportunity led to a newfound self-confidence amongst media leaders in the country.

Against this backdrop, IMS carried out a mission to Kyrgyzstan in April 2010 to assess the possibilities and challenges of Kyrgyz media entering this new era.

This report provides a detailed analysis of the situation that developed in Kyrgyzstan between April and May 2010 including some updates on events that took place in Osh following the initial IMS assessment mission in April 2010. While some immediate needs are highlighted, the recommendations are of a mainly medium and long-term nature.

An in-depth analysis of the media situation in Southern Kyrgyzstan following the violence in June 2010 is not provided in this report.

<sup>1</sup> This section of the note is based on the RSF text (<http://www.rsf.org/en-rapport113-Kyrgyzstan.html>)

# Timeline of events 2005-2010

2005	2006	2007
<p><b>March 24<sup>th</sup></b> Tulip revolution President Askar Akaev overthrown</p> <p><b>July</b> Kurmanbek Bakiev wins presidential elections. Promise to transform the biggest national broadcaster KTR from state to public broadcaster and improve conditions for the press</p> <p><b>December</b> ELTR given status as public broadcaster</p>	<p><b>January</b> Government stops transmission to some regions of Kyrgyz New TV Net (NTS) and replaces it with ELTR</p> <p><b>November</b> Public protests against lack of reforms under Bakiev</p>	<p><b>April</b> Law on National Radio and Television Corporation adopted</p> <p>Law on Access to Information held by State Bodies and Local Self-Government Bodies of the Kyrgyz Republic adopted</p> <p><b>October</b> Murder of editor Alisher Saipov</p>

2008	2009	2010
<p><b>June</b> New Law on National Radio and Television Corporation granting Bakiev more power over supervisory council</p> <p><b>March to September</b> Pressure and civil complaints against two independent newspapers end with both newspapers forced to close</p> <p><b>December</b> KTR refuses to transmit Radio Free Europe and Radio Liberty (RFE/RL) content without prior government approval</p>	<p><b>July</b> President Bakiev reelected with 76% of the votes – an election criticized by the OSCE for biased media coverage</p> <p><b>December</b> Murder of independent journalist Genadiy Pavliuk</p>	<p><b>January to March</b> Prices increase on basic commodities Demonstrations against Bakiev in several cities across the country Several media outlets closed, radio transmissions disturbed and internet sites blocked by the government</p> <p><b>April</b> 6<sup>th</sup>: Demonstration in Talas turned violent 7<sup>th</sup>: Large uprising in Bishkek 8<sup>th</sup>: Interim Government (IG) announced 15<sup>th</sup>: Bakiev flees the country</p> <p>IG declares that KTR will again broadcast RFE/RL content and that reform to transform KTR to public broadcaster will be pursued</p> <p><b>May</b> 19<sup>th</sup>: Large pro Bakiev demonstrations in Jalal-abad 21<sup>st</sup>: Draft Constitution published by IG Charter on ethical principles for journalists and media adopted</p> <p><b>June</b> 10 - 14<sup>th</sup>: Violent upraise in Osh 27<sup>th</sup>: Referendum on IG and new Constitution</p> <p><b>October</b> 10<sup>th</sup>: Parliamentary elections planned</p>

# 1 Executive summary

On 7 April 2010, all major cities in Kyrgyzstan were racked by street riots sparked by commodity price-hikes. In the capital Bishkek shots were fired at the Parliament building and several people were reportedly killed or wounded in riots.

Prior to the riots of 7 April, the situation of media rapidly deteriorated. The online TV station Stan was shut down by the regime in April 2010 for reporting on the media's downhill development. In March 2010 three newspapers were closed. All 7,000 copies of the newspaper Forum were seized without explanation by police in Bishkek on 15 March and the editor, Ryskeldi Mombekov, as well as five other journalists, were arrested briefly.

The BBC was inaccessible inside the country from 15 March and Azattyk (Radio Free Europe / Radio Liberty) programmes could not be heard on nationwide radio frequencies of KTR network. Local radio stations transmitting Azattyk programmes were threatened with closure if they did not follow orders and halt transmissions. On 18 March two other newspapers were closed after arrest orders were issued and libel cases initiated against them. The Internet in general was closed down from 5 to 6 April. Prior to the events of 7 April, the social Internet site [www.diesel.elcat.kg](http://www.diesel.elcat.kg) was blocked as well.

After the riots on 7 April, the situation of the media changed dramatically. Where media organisations had previously adopted a defensive strategy because of constant harassment and attacks, the events of 7 April meant that the tactics had to be changed and the quality of journalists evaluated.

Recommendations for action:

Based on the findings of the media assessment mission and taking into consideration the later developments in June, the following areas are in need of international support and attention by the Interim Government and media community in Kyrgyzstan:

1. Media law and policy reform: short-term action is required to secure long-term goals to establish a truly independent system of media regulation. A review of media laws and policies should be prepared for legitimate adoption in a newly elected Parliament. Any form of censorship or intimidation by the government should be eliminated.
2. Supporting capacity development of journalists: safety remains an issue despite the changing context. While safety threats to journalists previously came from the government, the current instability relating to the ethnic tensions in the South, and further potential provocations expected to take place during the election period requires immediate safety awareness improvement. The skills of journalists also need enhancement, as does journalists' awareness of diversity and ethnic discrimination in a Kyrgyz context. Particular focus should be on conflict sensitive journalism, as well as election reporting. Long-term support should be directed towards building a sustainable and self-sufficient media-training programme.

3. Production and dissemination of professional content: there is a great need for ensuring that balanced and objective content is produced and disseminated throughout the country, utilising both print and broadcast media, as well as internet-based channels (including social media). A worrying vacuum in professional content remains, whilst events in June in the south of the country have led to worsening ethnic tensions which is reflected in the discourse used by the national media. In the longer-term, the development of a strong basis for investigative journalism will also help to ensure the media's role as a watchdog.
4. Support to media development: both private and public media operate with limited technical resources. Different forms of support or investments should be considered to improve the situation. Particularly regional media in the South require emergency support. Civil society media organisations should also receive capacity building to ensure strong national focus on development issues.

## **1.1 Structure of the report**

The report is structured to provide an overview of the situation and point to key reform and capacity building needs. An effort is made to provide an insight into events, which took place during the initial mission up until 5 May whilst a description of further developments after 5 May is incorporated. However, as the situation is constantly changing, the short-term recommendations may need to be updated regularly whilst medium and long-term recommendations in principle remain as proposed in the report.

The report gives an overview of the general socio-economic development in the country, as well as a more detailed description of the state of media in Kyrgyzstan. Based on an analysis of the media situation, recommendations are provided. These recommendations are structured around key themes and indicate the actors responsible for implementing them. The mission members carried out meetings in Bishkek and Osh.

Since the mission members visited Bishkek and Osh in April a number of positive measures have been taken including the adoption of a new Constitution on 27 June 27, as well as statements on the preparation of a decree on the establishment of public TV broadcasting. However, the violence in southern Kyrgyzstan in June has shaken these positive developments with the threat of wider destabilisation and national media's mixed response to the crisis. The mission team understands that the rapid development of the situation in Kyrgyzstan means that both the description of events and the proposed solutions and recommendations may need to be updated.

Considering the constraints and constant development of the situation in Kyrgyzstan, this report should be viewed and read as a snapshot in time.

## 2 Current situation



Woman in front of the mourning site of the victims of the 7 April uprising. Photo: Suzanne Moll/IMS

### 2.1 Political situation

The socio-political situation in Kyrgyzstan has been unstable since former President Askar Akaev was overthrown in 2005. Promises of democratic reforms by the new President, Bakiyev, in 2005 have not materialised and measures have been taken to further concentrate power within the presidential apparatus. In 2009, constitutional changes were proposed with the intention of establishing a system of "hereditary" presidency. Moreover, economic reforms have increased basic commodity prices and caused further social impoverishment. In response to arrests of opposition figures and other grievances, including alleged nepotism, mismanagement, increased energy tariffs, growing corruption, and the government's closure of several media outlets, the opposition took to the streets several times in March 2010 and planned nationwide gatherings in April.

The uprising began on 6 April 2010 in the town of Talas. It was caused by rising commodity prices (e.g. fuel) combined with the government ignoring the recommendations of the Kurultai (peoples gathering/representation), 17 March in Bishkek. The Kurultai recommended the cancellation of new tariffs on electricity and heat; to return Kyrgyz telecomm and Severelectro to state ownership; to remove the Central Agency for Development, Investment and Innovation (TSARII) headed by the President's son Maksim Bakiyev; and to remove other relatives of the Head of State from official positions.<sup>2</sup> The demonstration in Talas was followed by rallies in the towns of Tokmak, Naryn, Batken, Osh, Jalalabad, Karakol, Kara-Balta and the villages of Kirby and Tone. Reports told of opposition leaders being arrested after these events, only to be released again on the afternoon of 7 April when the crowds were attacking government buildings in Bishkek.

<sup>2</sup> This section is based on information from the report *Monitoring the political situation in Kyrgyzstan from 6 to 15 April 2010*, Human Rights Center "Citizens against Corruption" (Not published)



On 7 April 2010, the opposition planned to organise a new Kurultai at the "Forum" building of the SDPK party, but security forces disrupted the meeting. People then moved to the central square where shooting between the police and crowds of people began. Rumours said that snipers were placed around the square and were shooting at people and that police was given orders to shoot. There are also accounts of demonstrating participants beating police and taking their weapons and opening fire indiscriminately.

Compared with the 2005 Tulip Revolution, the 7 April uprising was significantly more violent. The death toll of 7 April reached 84 people, with 1,651 injured according to reports from the Ministry of Health. The buildings of the General Prosecutor's Office and Pervomaiskiy Tax agency were completely burned, as were several other buildings around the country belonging to persons associated with incoming President Bakiyev. The White House (Parliament) was badly damaged and some parts burned. The demonstration was followed by severe looting and later citizens' patrol units were organised to prevent further violence. More clashes were registered in Osh and Jalal-Abad in May, and violent clashes escalated in Osh on 10-11 June lasting a week and reportedly resulting in the deaths of several hundred people.

## 2.2 Economic situation

According to the UNDP Human Development Report 2009, Kyrgyzstan is medium human development country ranked 120 out of 182 countries. In UNDP's Poverty Index based on a country's state of education, health and GDP, Kyrgyzstan ranks as 31st of 135 countries. The GDP per capita is reported to be 2.020 USD.<sup>3</sup>



Private enterprises flourish along the roads of Kyrgyzstan.  
Photo: Manja Kamwi/IMS

<sup>3</sup> [http://hdrstats.undp.org/en/countries/country\\_fact\\_sheets/cty\\_fs\\_KGZ.html](http://hdrstats.undp.org/en/countries/country_fact_sheets/cty_fs_KGZ.html)

Kyrgyzstan relies on limited natural resources compared with its neighbouring countries. It is dependent on extractive industries (gold, mercury, coal) for exports. Gold is estimated to account for 40 per cent of total export revenue. The agricultural sector employs around 50 per cent of the work force.

When President Bakiyev came to power in 2005, he promised to fight corruption, which is a daily problem for Kyrgyz citizens. However, the country has remained low on Transparency International's corruption index, 1.9 (2009) and 1.8 (2008) on a scale from 1 to 10.<sup>4</sup>

## 2.3 The Interim Government (IG)

After the voluntary surrender of power by Prime Minister Usenov, leaders of opposition movements formed an Interim National Government (IG) on 8 April 2010. The IG will govern for a period of six months until the parliamentary elections scheduled for 10 October 2010. Roza Otunbayeva was appointed to head the IG and will be interim president until the planned presidential elections in October 2011. She will not be able to run for presidency in the next presidential elections.

Parliament members met on 20 April re-elected the parliament speaker and expressed their support to the IG.<sup>5</sup> President Bakiyev fled the country to Belarus on 15 April. Bakiyev's statements from Minsk denying his resignation may have fuelled tensions in the southern part of Kyrgyzstan, which is where Bakiyev has his main support base. Subsequent statements from the former president, however, seem to withdraw the initial denial of resignation and focus more on Bakiyev's business interests than on politics.

After 7 April, Kyrgyzstan's borders with Kazakhstan and Uzbekistan were closed. The U.S. temporarily suspended work on the transit centre "Manas", although activities at "Manas" were resumed again on 12 April.

The IG set the date for constitutional referendum as 27 June and presidential and general elections for 10 October.<sup>6</sup> After 11 June, some groups called to postpone the referendum, but it proceeded as planned with strong support for the proposed constitutional changes.

After being criticised for its illegitimate and non-transparent activities, the IG has from 21 April approved its internal rules and procedures,<sup>7</sup> and will be functioning until a new government is elected. However, the IG has further challenges in clarifying its internal procedures and ability to communicate with the public in a transparent and accessible manner.

An important step in the right direction was the launch of the IG official website, [www.kyrgyz-el.kg](http://www.kyrgyz-el.kg) on 23 April 2010. On 3 May, a draft of the new constitution was published on the website. Lack of clear and transparent communication was obvious in the course of April and May. While the communication skills of the interim authorities could be strengthened through training and the development of a good PR strategy, technical shortcomings add to the relevancy of the issue of transparency. As one example, it was mentioned that the Secretariat for Communications still lacks basic equipment to scan adopted decisions. So far, the secretariat has faxed requested decisions to the media. However, this means that journalists and media must know exactly what to ask for to obtain access.

The IG has initiated a programme called "Return to Democracy"<sup>8</sup>. The programme aims to support a peaceful transition to a democratic, multiparty

- 4 [http://transparency.org/news\\_room/in\\_focus/2008/cpi2008/cpi\\_2008\\_table](http://transparency.org/news_room/in_focus/2008/cpi2008/cpi_2008_table)
- 5 <http://www.24.kg/parlament/72383-deputaty-zhogorku-kenesha-priznali-vremennoe.html> Parliament meeting and recognition of the government
- 6 <http://kg.akipress.org/news:197571> Referendum and Elections dates
- 7 <http://kg.akipress.org/news:197431> on Internal Rules and Procedures of IG
- 8 <http://kabar.kg/news/2010/04/19/36282.html> Return to Democracy programme statement of IG

and parliamentary state and to prevent return to an authoritarian regime. The national programme is divided into four parts:

- 1) Legal environment for the well-being of society;
- 2) Institutional environment;
- 3) Strengthening of freedom of expression;
- 4) Strengthening of civil society potential

Short-term goals of the programme are directed towards the constitutional reform and referendum in June, transformation of KTR into a public radio and television broadcaster, as well as carrying out investigations into events in several Kyrgyz cities, events of 6-8 April 2010 and de-politicisation of law enforcement agencies<sup>9</sup>. Working groups, consisting of non-governmental organisations (NGO), have been arranged to support this work.

## 2.4 NGO engagement

After 7 April 2010, NGOs and media organisations have established a Committee of Civilian Control to monitor the situation and to create a common platform for discussions with the IG. The Committee was founded by approximately eight organisations and now includes over 70 media, human rights and social NGOs.

The question about the legitimacy of IG remained open in April and May. At the same time civil society in principle supported the IG and joined the working groups for the restoration of democracy. The follow-up mission in June registered that the legitimacy question is not being raised as much anymore, but civil society continues to "self-organise" to hold IG accountable.

The Committee has created a website [www.inkg.info](http://www.inkg.info) which aims to provide true and verified information to avoid provocations and disinformation.

The Committee recognised that NGOs were able to actively organise common action, but that their communication strategy and skills were limited and in future will require support. The development of a communication strategy was initiated by the Committee in the short-term, but there is a clear need for assistance. In general, the immediate re-arrangement of information flow from NGOs to IG and the public has been done quickly, reacting



Edil Baisalov, spokesman for the Interim government at a NGO meeting in April. Photo: Suzanne Moll/IMS

<sup>9</sup> From [http://www.kyrgyz-el.kg/index.php?option=com\\_content&task=view&id=96&Itemid=1](http://www.kyrgyz-el.kg/index.php?option=com_content&task=view&id=96&Itemid=1)

to mistakes made in the first days. Cooperation between media outlets, media NGOs and other civil society organisations was key to this improvement.

Changes in the communication strategy have included increased use of the Internet ([www.inkg.info](http://www.inkg.info)), social media (twitter, diesel forum) and effective cooperation between press agencies and NGOs. Joint press releases have been issued (by the Committee) and some internal communications procedures were established within the Committee to increase the effectiveness in rapid response actions (for example, improving activities after the 24.kg takeover attempt).

### 3 Legal and policy framework for the media

Within two weeks after 7 April, the IG lifted the sanctions (arrest of property) of libel charges on several media outlets. This allowed media outlets to resume work and Azattyk radio was given access to nationwide radio frequencies through KTR. With this, the IG expressed its support to media freedom and initiated an investigation into the seizure of property of private media channels.

Despite its public statement of commitment to free speech, certain measures of the IG have gone against this. On 21 April, the IG adopted Decree No 18 on Introduction of External Management of Legal Persons,<sup>10</sup> which allows the government to impose an external management body on any business. Many media outlets have interpreted this as a warning with self-censorship as the most worrying consequence. Some have interpreted it as a confirmation of “nationalisation” plans for companies and organisations supposedly belonging to the Bakiyev family, including media outlets.<sup>11</sup> The private meeting of the general manager of Piramida<sup>12</sup> with a presumably appointed external manager has led to worries on the part of other media outlets.

During the follow-up mission, the team observed that the Piramida and Channel 5 nationalisation plans are going ahead. According to Mr. Tekebayev<sup>13</sup>, decree no.18 has been adopted to ensure the continuation of economic activities of companies when owners are unknown. However, the decree leads to self-censorship due to fear and intimidation with the legality of “nationalisation” continuing to be contested.

The question mark surrounding the legitimacy of IG decisions means that it cannot pass legislation reforming the media sector. However, the period leading up to the elections should be used to consult with NGOs and the media community with an aim to secure popular support for a package on media legislation. Issues for a holistic media policy which are under consideration and elaboration are:

- Licensing and regulation of private broadcasters by an independent regulator operating in the public interest.
- Review of the rules on registration and regulation of newspapers and journalists.
- Better implementation of the access to information law.
- Support for independent Internet provision and operation.
- Review of content rules, including repealing criminal defamation rules and reviewing civil defamation rules.

#### 3.1 Draft constitution

A draft constitution has now been adopted and was approved in a referendum on 27 June.<sup>14</sup> The public statements of the IG continue to be supportive of free speech and the draft constitution provides for the elimination of censorship.<sup>15</sup> Article 31 of the draft Constitution is devoted to freedom of expression, stating that everyone has the right to freedom of thought, speech and press, as well as unrestricted expression of opinions and beliefs. No one can be forced to express their opinion and beliefs,<sup>16</sup> and the right to access information held by public bodies is protected.

10 Декрет Временного Правительства, Кыргызской Республики ВП №18 от 21 апреля 2010 года, О введении процедуры внешнего управления в юридических лицах; [http://www.kyrgyz-el.kg/index.php?option=com\\_content&task=view&id=84&Itemid=36](http://www.kyrgyz-el.kg/index.php?option=com_content&task=view&id=84&Itemid=36)

11 <http://www.24.kg/politic/72163-novye-vlasti-kyrgyzstana-vzlyali-pod-vremennyyj.html> on nationalisation of Channel 5 and Piramida

12 Independent television and radio broadcaster in Kyrgyzstan

13 Omurbek Tekebayev was Roza Otunbayeva's deputy in the IG until he resigned to be able to participate in the upcoming parliamentary elections with his party, Ata-Meken.

14 Draft used for references in this report is taken from <http://inkg.info/wp-content/uploads/2010/04/проект-конституции-КР.pdf> and [http://www.kyrgyz-el.kg/index.php?option=com\\_content&task=view&id=92&Itemid=1](http://www.kyrgyz-el.kg/index.php?option=com_content&task=view&id=92&Itemid=1)

15 <http://www.24.kg/konstitucija2010/72891-v-kyrgyzstane-rabochaya-gruppa-po-razrabotke.html>

16 „Статья 28: Каждый имеет право на свободу мысли, слова и печати, а также на беспрепятственное выражение своих мыслей и убеждений. Никто не может быть принужден к выражению своего мнения и убеждения“

## 3.2 Public TV and radio

The period of 2002 – 2006 saw a lot of activity on public media policy in Kyrgyzstan. More prominently, the issue of having a public radio and television broadcaster was raised after events in Aksy in 2002<sup>17</sup>. Considering the role of state media in transmitting information on public demonstrations and protests and subsequent investigations, civil society proposed to include NGO members in the Supervisory Board of National TV. No decisions were made, but discussions continued until 2005 and were raised again after the Tulip Revolution in March 2005.

2 April 2007 marked the adoption of the law on National Radio and Television Corporation<sup>18</sup>. The law prescribes 15 members of the supervisory board; five people recommended by the President, five by the parliament and five from civil society. Following this law, the Supervisory Council was formed with great difficulty and the process of selection of members was criticised. According to various sources the council met only once and failed to elect its president.

At the end of 2008 a new law on Television and Radio was adopted, annulling the April 2007 Law and thus also the functioning of institutions established by this law. It did provide for a supervisory council, but civil society's place in this body was not foreseen.

On 30 April 2010, an IG decree on Public TV and Radio was adopted. The Decree renamed the entity the "Public Broadcasting Corporation of the Kyrgyz Republic" and essentially reinstated the 2007 Law on National TV and Radio. However, appointments to the supervisory board are to be appointed by the IG for a period of three years, upon nomination by civil society organisations. At the time of writing, the deadline for making nominations had just closed and the process for appointing members was about to commence.

## 3.3 Libel and insult

Libel and insult remain criminal offences under articles 127 and 128 of the Criminal Code in Kyrgyzstan. The issue of decriminalising libel and insult has been raised on many occasions, not only by former President Akayev, but also by various organisations. Furthermore, bills introducing amendments to these articles have been put forward with the aim of promoting the free functioning of media outlets, as well as defending and developing freedom of expression, press and the work of journalists. These principles comply with Article 19 of the International Covenant on Civil and Political Rights.

Article 19 further defines criteria for burden of proof in defamation cases and recommends state bodies not to initiate cases, leaving it for the victims to do so. Under current legal provisions in the Kyrgyz Republic, the libel charges under presumption of innocence would require prosecution to prove that information is deliberately false. However, journalists claim that in reality the opposite is taking place, the burden is on journalists to prove that the information they write is true.

A significant development is that the draft Constitution prohibits criminal sanctions for defamation. Presumably, if this is approved by referendum, the criminal defamation laws would be repealed.

There are also problems with the civil defamation laws for which Articles 16, 18, 1027 and 1028 of the Civil Code are relevant. As with the criminal

17 On 16 March 2002, a demonstration in support of a jailed local politician turned violent in the southern Aksy District of Kyrgyzstan. Police opened fire on the crowd of more than 1,000 people and five demonstrators were killed and dozens injured.

18 Legal reference: Law on National Radio and TV Corporation (Закон Кыргызской Республики о «Национальной телерадиовещательной корпорации») 2 april 2007

defamation rules, the civil rules unduly restrict the freedom of the media to report in the interest of the public. Furthermore, courts have imposed heavy sanctions for defamatory statements – up to one million SOMs – in some cases leading to media outlets being closed.

Therefore, there is a need to both decriminalise libel and insult, and to amend civil defamation laws to bring them into line with international standards.

In addition to this, as pointed out by one interviewee, some programmes are attempting to link up judges with prosecutors and media on freedom of expression issues and thereby create a platform for the three parties to meet and understand each other's positions. In a longer-term perspective, the suggestion is to involve justice system professionals in media freedom programmes to ensure a more homogeneous understanding of principles of freedom of expression.

### **3.4 Internet policy**

In the course of interviews the need for a clear Internet policy was expressed. In 2008-2009, attempts were made to give the patent office powers to control Internet providers. Currently Internet is provided by private companies and the “.kg” domain is distributed on commercial grounds. Media organisations opposed nationalisation of Internet provider sites, since it creates the possibility of carrying out censorship on the Internet.

A law on Internet was discussed in the Kyrgyz Parliament in April 2010, but due to the events of 7 April, it was not passed. Unfortunately, the team behind this report has not been able to obtain the draft law and therefore no further comments on this can be provided. Statements from media NGOs on inclusion of Internet as media in the Law on Media and on Internet Law, question the need for such a law which at the time was interpreted as furthering censorship efforts.

### **3.5 Access to information**

In 2007, Kyrgyzstan adopted a Law on Access to Information held by State Bodies and Local Self-Government Bodies of the Kyrgyz Republic. This is a progressive access to information law, but has some weak points. However, reports suggest that it is a matter of *weak implementation* of the law and that the volume of requests lodged under the law has been relatively modest. Furthermore, the law suffers from an excessively broad range of exceptions and any amendments should be considered in conjunction with the law on state secrets and other bylaws regulating this field.



## 4 Situation of the media and journalists



Running the show behind the screen. Operational room at ELTR. Photo: Oibek Khamidov/IMS

### 4.1 Public broadcasting

#### 4.1.1 KTR

As the strongest media with greatest coverage throughout the country, TV played a crucial role in the April events. State-controlled KTR, the country's biggest TV station, was looted and damaged.

On 15 April 2010, IG appointed three progressive journalists as Director of KTR<sup>19</sup> and chief editors of radio and TV respectively. Sultan Kanazarov (radio) and Ulan Karypov (TV) began their work immediately. Mr. Kanazarov has a background at Radio Liberty and Ferghana.ru, Mr. Karypov at KTR and as freelancer. Together with the new KTR president, Kubat Otorbayev, previously at Radio Liberty, they guarantee a strong move in favour of impartial and factual reporting in the state media for the first time in its history. Public TV ELTR also has a new director.

On 19 April, the deputy Chairperson of IG, Tekebayev stated in a press conference that the IG plans to establish a public television broadcaster and maintain one official newspaper where all state documents will be published<sup>20</sup>. These moves, along with the adoption of a decree on public broadcasting, support the IG's public comments of 16 April on support for free press.<sup>21</sup> However, support to KTR should be systematic and established under the formal framework that ensures protection of KTR's independence from any government.

At the same time, the internal climate at KTR is reported to be somewhat tense due to the fact that many journalists were considered Bakiyev supporters. At present, some employees are reported to be staying away from work or that they are working under pressure of their peers.

<sup>19</sup> <http://www.kabar.kg/en/news/2010/04/08/15649.html>

<sup>20</sup> <http://kabar.kg/news/2010/04/19/36373.html>

<sup>21</sup> <http://www.24.kg/community/72213-zayavlenie-vremennogo-pravitelstva-kyrgyzstana-po.html>



The broadcaster also faces other challenges. It apparently possesses only three cameras (including one on loan from Internews) for newsgathering. This number is far from enough for a nationwide TV station.

#### 4.1.2 ELTR

ELTR, the second biggest national broadcaster, is an Osh-based Kyrgyz-language public TV station. Its status as public broadcaster was established in December 2005 by the decree of President Bakiyev endorsing the bylaw of the company. While most of the attention is concentrated on KTR as the biggest TV channel with the most extensive outreach, ELTR should be subject to the same considerations.

## 4.2 Private television

There have been a number of apparent takeover attempts and de facto nationalisation of private television stations, as well as a leading Internet portal, in the aftermath of the events of 7 April.



Cholpon Dzakupova, Legal Clinic Adilet, human rights activist in a TV interview at the attempted closure of [www.24.kg](http://www.24.kg). Photo: Suzanne Moll/IMS

1. On 15 April there was an attempt to take over ownership of [www.24.kg](http://www.24.kg) by National Security Service (SNB) personnel. This was prevented due to the mobilisation of representatives from international organisations (including members of the IMS mission), and local human rights, media organisations and journalists. On 19 April, the Deputy Prime Minister, Azim Beknazarov, stated that after a thorough investigation by the IG, they had concluded that this was an attempt by certain individuals to resolve personal matters. It was promised that the persons in question would be prosecuted.<sup>22</sup>
2. On 16 April, IG representatives indicated that they had taken control of the TV channels Channel 5 and Piramida<sup>23</sup>. NGO support organisations were called to provide assistance to Channel 5. When they arrived at the station, it was 'protected' by approximately 10 heavily armed, but not uniformed men who claimed that they had been asked by the station to act as bodyguards. Upon entry, the situation was very tense, but staff formally confirmed the claim that the armed men were bodyguards and that they were OK. The licence holder for Channel 5 has been charged and is currently under house arrest. The ownership status of the station remains unclear, but it continues to operate.

<sup>22</sup> <http://eng.24.kg/politic/2010/04/19/11100.html>

<sup>23</sup> AkiPress news available at [http://business.akipress.org/news:74301/statement\\_of\\_Edil\\_Baisalov](http://business.akipress.org/news:74301/statement_of_Edil_Baisalov); and on [www.24.kg](http://www.24.kg) 16/04 news at 11:21.

3. New Television Network's (NTS) general director has expressed fear that the IG statements on nationalisation of media outlets presumably belonging to the Bakiyev family can be used to take over their channel as well.

Various actors have expressed the view that these takeovers are linked to the national elections set for October 2010. Political actors are trying to take control of media outlets (formally or de-facto) to secure media platforms for their campaigns. These apparent takeovers raise serious freedom of expression concerns, particularly in light of decree no 18 on introduction of external management of legal persons, which effectively allows the IG to take over media outlets. The vague formulation of the decree does not specify which private legal entities are envisaged to fall within its scope. Any actions against property should only be taken where justified by proper legal grounds and court judgments.

What is needed to address this situation is a proper system for licensing private broadcasters, overseen by an independent body and operating in the public's interest.

In addition to these serious freedom of expression concerns, Kyrgyz television stations face many needs, due to uncertain income generation, lack of technology and political pressure. For private media, the process of transitioning to digital (which must take place by 2015) seems an almost impossible mountain to climb. It is essential that if the new government decides to continue with the digitalisation process, the process must be transparent and everything should be done to prevent potential illegal and corrupt privatisation attempts.

### 4.3 Radio

Radio along with TV has an extensive reach in Kyrgyzstan. Azattyk (Kyrgyz service for Radio Free Europe/Radio Liberty) was one of the most popular radio stations. By renting radio frequencies from the national broadcaster KTR, Azattyk was able to broadcast throughout the country. In March 2010, Azattyk transmission to some regions was cut off without a specific reason being provided. Unsettled financial commitments to KTR have been used as an explanation previously when terminating transmission, but most interviewees think the real reason was criticism of the government, for example by the introduction of a discussion programme called "Uneasy questions" in 2008. Azattyk also used the radio frequencies of other radio stations, like radio Almaz in Osh, to continue transmission, but these stations came under pressure from the previous government to terminate cooperation. After 7 April, Azattyk has resumed its transmission through KTR radio.

### 4.4 Print media

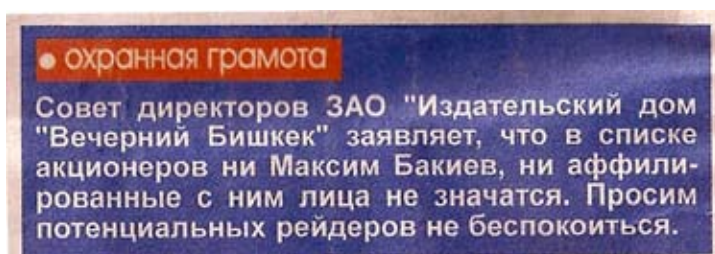
The previous regime closed some print media as late as in March 2010. One of the oldest newspapers in the country, «Слово Кыргызстана» (Word of Kyrgyzstan, owned by the state), was closed in March 2010 to be re-opened as «Слово Кыргызстана+». The key reason presumably being an attempt of increased control of the public. The Director of information agency 24.kg was appointed as new chief editor. Nevertheless, after the IG was set up, the initial situation was re-established.

On 3 March, three newspapers were effectively closed:

- On 15 March 2010, law enforcement agencies confiscated 7,000 copies of the newspaper "Forum" without any court order or orders from the prosecutor.
- On 18 March 2010, two newspapers had to terminate printing after a court decision by Bishkek city court (Pervomaiskiy district) on libel and insult charges raised by President Bakiyev. The court has prohibited distribution and issuing of the newspapers until the court case is reviewed. In practice, this entails that the newspapers must close down because of lack of income.

No regional newspapers were closed during the rule of President Bakiyev.

The IG has lifted the sanctions on the arrested property of newspapers and removed other obstacles. However, as an example, the 24.kg raid led the owner of Vecherniy Bishkek to publish a note (see below, Vecherniy Bishkek, 16/04/2010) that Bakiyev family members are not to be found among the shareholders of the newspaper and that the media outlet should be allowed to do its work without further disturbances.



The newspaper note from the owner of Vecherniy Bishkek. Provided by PAJ.

## 4.5 Internet media and press agencies

During the six months prior to the events in April, Internet media in Kyrgyzstan was under heavy pressure. From 10 March 2010, a number of popular Internet sites were blocked, including online versions of print media. Sites that were blocked include Bely Parus («Белый парус» <http://www.paruskg.info/>), Centrasia («Центразия» <http://www.centrasia.ru/>) and Fergana.ru («Фергана.ру» <http://www.ferghana.ru/>). Access for Kyrgyz users was restricted, while external users still had access. Shortly before 7 April, the online TV station "Stan" was shut down by the regime.

In the months prior to 7 April, pressure was mounting on the Internet sphere. The draft law on the Internet which established the requirements for Internet media to register as press (like with traditional media outlets) was an attempt to legally establish a system of control that would enable censorship. As the law was not passed by the Parliament, an effort was made to transfer the rights of domain distribution from the private company Asia Info to the State Agency on Intellectual Property. The official reason for this was that Asia Info had set too tariffs too high and that by transferring the agency into state ownership, the tariffs could be lowered by 75 per cent. At the moment the process has come to a halt, but IG has to be acutely aware of which processes it decides to continue and which it does not.

At the time of writing the press agencies of Kyrgyzstan Kabar <http://www.kabar.kg/>, AKI Press [www.akipress.kg](http://www.akipress.kg/), 24.kg <http://www.24.kg/> and [www.pr.kg](http://www.pr.kg/) are working without interruptions.

## 4.6 Social media

Social media websites were the platform for many to post their comments and follow the developments in Kyrgyzstan in April 2010. For the first time, [www.twitter.kg](http://www.twitter.kg), gained a prominent position in the social media landscape in Kyrgyzstan through a combination of mobile communication and the Internet.

Moreover, [www.diesel.elcat.kg](http://www.diesel.elcat.kg) is the only Kyrgyz social networking site. It was shut down on the eve of 6 April along with other social media sites, but later resumed its normal work. Key political discussions on the site relate to the issue of the parliamentary republic, looting and news reporting. The site is used to inform citizens on patrol units and contact numbers, more social issues such as gas availability and prices and the closure of borders with Kazakhstan and Uzbekistan.

Online media outlets and organisations are complaining that the current servers are too old and have limited capacity to store and follow the increasing online information flow. During the follow-up mission it was confirmed that some support had already been provided. One new server has been purchased and programmes on monitoring have been supported. Nevertheless, Internet media should take a more prominent place in the support provided to Kyrgyz media organisations. A particularly relevant area for support could be e.g. citizen journalism programmes linked to the activities on social websites to increase the quality of more analytical material.

## 4.7 Mobile communication

The mobilisation of people around 7 April could not have happened without the mobile phone. When the unrest began on the eve of 6 April, TV was broadcasting a ballet, whilst the Internet was blocked. Mobile phones were used to communicate and alert people to the events. In 2007 there were 2,152,000<sup>24</sup> mobile phone users in Kyrgyzstan. With improved mobile telecommunications networks and companies growing, it is presumed that in 2010 the numbers will have grown to correspond to the growth of the largest mobile operators (up 36 per cent). Therefore, the importance of mobile phones and their links to media sites and news distribution should be explored. It would be of interest to investigate certain medias' use of mobile telephony.

## 4.8 Journalists

Since the first days of optimism following the Bakiyev takeover in 2005, the media situation has deteriorated. There has been heavy harassment, violent attacks and the murder of reporters critical of the Bakiyev rule. The latest Kyrgyz journalist to be murdered was Gennady Pavliuk of the pro-opposition newspaper *Bely Parus*, who died in suspicious circumstances in Kazakhstan in December 2009. Pavliuk attempted to set up an Internet newspaper, together with opposition party *Ata-Meken*, and this is presumed to be one of the reasons behind his murder. This has resulted in heavy self-censorship amongst journalists.

After the events of 7 April, the situation of journalists has improved considerably. However, as in 2005, journalists that worked in pro-Bakiyev media are being stigmatised and potentially face dismissals and personal threats. Furthermore, there is pressure to write only positive statements about the IG,

<sup>24</sup> <http://www.infoplease.com/ipa/A0933605.html>



A cartoon depicting former President Bakiyev. The text says: "Death is not enough for bloodsuckers". Photo: Suzanne Moll/IMS

and this pressure has only increased after the violence in southern Kyrgyzstan in June.

More generally, the regime change and the indication by the government of support for free press means that the operating environment for many journalists has radically changed, more-or-less overnight. During the mission, several people pointed to the problem of journalists who have been trained to operate as mouthpieces of government that suddenly have to promote other points of view.

Assistance should be directed towards training journalists on the issue of press ethics and general capacity building. This is important for the future of a vibrant, critical, unbiased journalistic environment in Kyrgyzstan.

#### 4.8.1 Restrictions on journalists' work and censorship

Only one incident of direct censorship was registered after 7 April, when the IG's Coordinating Council in the southern region of Osh introduced a new system of censorship with its decision of 15 April to supervise and recommend content for local media. IG later revoked the establishment of such a committee.

Under the pre-text of safety and stabilisation, prior to events in June, at least one TV station in Osh – Mezon TV – was threatened with withdrawal of their licence for inciting ethnic hatred, allegedly because the TV station showed a public speech by an ethnic Uzbek leader while also showing other materials and interviews of government representatives on similar issues. During the 10-17 June violence, the Mayor of Osh stopped Osh TV, Mezon TV, Piramida and DDD from broadcasting according to Fergana.akipress.org.

#### 4.8.2 Ethics

Although there are a number of highly qualified journalists, the general quality of reporting is low. On 26 April a number of media organisations released a statement to remind journalists of the code of ethics and quality of reporting and to remain objective, constructive and responsible in reporting current developments.<sup>25</sup>

As expressed by an NGO, the journalists of Kyrgyzstan went through a number of development and stagnation periods:

<sup>25</sup> <http://www.monitoring.kg/?pid=126&cid=1&nid=2358>

- After 2005 there was some support and hope for the improvement of the quality of writing. International and national NGOs were providing support for the training of journalists;
- Around 2007, due to intimidation and increased censorship by the ruling regime, self-censorship became apparent;
- With both censorship and self-censorship becoming the norm, journalists have become "lazy". The quality of reporting has decreased, partly influenced by external factors and fear, but also because the quality has become less important or valued.

Post 7 April, the situation has improved and external pressure has been registered less, or is applied in indirect ways (as described above). Thus, the media environment at the moment is sufficiently open to provide quality material also of political nature.

### 4.8.3 Security

The security of journalists remains an issue. On the one hand, threats to journalists have not been registered after 7 April. On the other hand, events in Osh and Jalalabad in June brought the urgency of security of journalists back onto the agenda, this time with regard to their physical safety on the streets and on media outlet premises.

### 4.8.4 Ethnic tensions

Ethnic tensions in Kyrgyzstan grew after the events of 7 April. In a number of interviews, this was highlighted as a difference from 2005. This issue is related to the quality of journalism (both international media reflecting on events in Kyrgyzstan and Kyrgyz media).

Seizure of land outside Bishkek was characterised not only by mere looting, but anti-Turkish and anti-Russian sentiment. The Russian Federation followed the events by giving orders to the Head of the Military Forces to take all necessary measures to protect Russian citizens in Kyrgyzstan, along with proclaiming that Kyrgyzstan was on the verge of civil war.<sup>26</sup>

Reports on "Chechen" snipers positioned on the roofs of the surrounding buildings during the 7 April demonstration lead to some incidents and a public call for Chechen community leaders to stop misinforming society and the denial of any organised participation in these events<sup>27</sup>.

The Jewish community in the country had practically never experienced anti-Semitism before the uprising. Anti-Semitic posters were present at the 8 April demonstrations and on 8 April the Bishkek synagogue was fire-bombed<sup>28</sup> leading to a temporary closure of a Jewish school. Leaders of the community, however, remained positive and said that there was no direct danger.

The content focussed on ethnicity and pinpointing Tajik, Uzbek, Kyrgyz nationals continued during 10-17 June events in Osh and Jalalabad. Situations like this highlight the importance of quality of journalism, and the vulnerability and need for increased safety of journalists.

## 4.9 Regional challenges

The mission team had a one-day visit to Osh, and it is clear that the media in the region of Southern Kyrgyzstan is in need of assistance. The challenge is geographical as well as technical. Local non-government media have experienced much support from users, but the situation vis-à-vis the authorities is very uncertain.

26 *President Medvedev mentioned Kyrgyzstan in various events: at the BRIC summit in Brasil, at the meeting with the president of Uzbekistan*

27 <http://www.24.kg/community/72050-chechenskaya-diaspora-v-kyrgyzstane-prizyvaet-smi.html>

28 <http://www.fightthatred.com/recent-events/national-political-hate/671-kyrgyzstans-jewish-community-worried-over-recent-violence>

A key challenge for the regional media during and after April's events has been the flow of information. While information from Bishkek reaches regional governments and population through TV, radio and other sources, the flow of information from the regions to Bishkek is very scarce. A number of reasons lie behind this.

Restrictions imposed on various media outlets before 6 April resulted in very limited information being transmitted on the situation in Talas, and subsequently in all other places, including Bishkek. Regional media in practice did not cover the events at all, leaving only the national TV and radio channels to provide the information available on the events.

Furthermore, after 7 April many significant events like President Bakiyev's supporters demonstrating in Osh and Jalalabad were practically not covered by Mezon-TV («Мезон-ТВ», Osh), whilst the Osh-TV («Ош-ТВ») provided only limited information. Among the reasons stated by various parties on the weak reflection of events in the regional media are a poor technical base, as well as fear and lack of clarity and information about regime change. After taking over Jalalabad regional TV (ЖТР), also the supporters of ousted President Bakiyev indicated that regional media only has been showing one point of view, that of the IG.

Particularly worrying was the statement by Osh representatives of the IG to censor all media reporting before it is aired or published.<sup>29</sup> This statement was later recalled by the IG, however there was a visible increase in self-censorship and one-sided reporting (in the examples above).



A foreign journalist interviews the relatives of an Uzbek man, who was killed in the violence in Osh in June 2010. Photo: Oibek Khamidov/IMS

Events in June furthermore reconfirmed the statements by a number of media organisations and journalists that international journalists who did not speak the language or know the situation in Osh were quicker to report on events than national Kyrgyz media.

The quality and activity of local journalists, also of those from smaller ethnic media in the regions and more remote areas of Kyrgyzstan, should be strengthened to ensure accurate reporting of events.

<sup>29</sup> <http://www.inkg.info/2010/04/19/koordinacionnyj-sovet-vremennogo-pravitelstva-po-oshskoj-oblasti-vvodit-ogranicheniya-v-rabotu-smi/>

#### **4.9.1 Regional media's technical equipment**

The technical equipment available to regional media is unsatisfactory. For example, NTM42's (biggest in Osh after KTR) vision is to broadcast everything in real time, to give everybody an opportunity to make up their own mind. They currently have only one professional TV camera and two amateur cameras. It would be advisable to look into the financing of one van and two additional professional cameras to ensure live broadcasting of important regional events. The costs envisaged for digitalisation by 2015 seem impossible to meet at this stage.



# 5 Recommendations

## 5.1 Media law and policy

A comprehensive package of law and policy reforms required to implement international standards on freedom of expression should be prepared for presentation to the new parliament for review and adoption. Specific recommendations for law and policy reform are provided below.

### Public broadcasting

- The IG should review the legislative framework for public broadcasting with a view to presenting reform proposals to the new parliament which would further secure the transformation of state radio and TV into a public service broadcaster.
- The IG should ensure that appointments to the Supervisory Council for KTR, based on the nominations from civil society that have been received, are made in a way that ensures the independence of the Council.
- The IG should continue to respect the independence of KTR and ELTR, by not interfering in editorial policy, particularly during the upcoming election period.

### Private broadcasters

- The IG should refrain from interfering in the operations of private broadcasters. Any sanctions or other measures in response to a breach of the law should be applied only after an independent court decision, respecting due process guarantees. Decree No 18 on Introduction of external management of legal persons should be abolished or at least amended so that it does not apply to media outlets.
- The IG should review the legislative framework for licensing private broadcasters with a view to presenting reform proposals to the new parliament that would ensure that licensing is undertaken by an independent body and that the allocation of frequencies is done in the overall interest of the public, rather than to serve the interests of the government in power. The legislation should also promote the idea of using regulation to promote the interest of the public rather than just commercial broadcasting.

### Access to information

- The IG should ensure public participation in the development of its programmes and interim decisions, and that its decisions and positions are widely publicised.
- The IG should establish systems to promote better implementation of the 2007 Law on Access to Information held by State Bodies and Local Self-Government Bodies. It should also consider preparing legislative reform proposals to improve this legislation, in particular by limiting the number of exceptions.
- The IG should review existing secrecy laws with a view to presenting reform proposals to the new parliament that would bring these laws into line with democratic openness standards and the Law on Access to Information.

### Other issues

- The IG should repeal the existing criminal defamation rules and review the civil defamation rules with a view to presenting reform proposals to the

new parliament which would bring these laws into line with international standards.

- The IG should review the rules governing the print media and journalists, and other restrictions on freedom of expression, with a view to assessing whether or not they need to be reformed to bring them into line with international standards. Registration of the print media should be technical in nature, with no possibility of registration being refused.
- Regulations on the journalist profession should be abolished; putting no constraints on who may practise journalism and no additional registration of journalists should be required.

## 5.2 Capacity building

### Support to KTR

- Support should be provided to senior KTR management to put in place systems to help KTR operate as a public service broadcaster with a clear sense of vision/mission and an efficient work structure/organisation.
- KTR should be provided with equipment that is appropriate to enable it to discharge its public service mandate and better preserve its archives.
- Capacity building and on-the-job training should be provided to editorial staff and journalists at KTR.

### Journalist training

- The international community should consider support to safety training of journalists, particularly in the pre-election period and in the Osh and Jalal-Abad regions.
- Support should be provided to develop the skills of journalists to report on conflict issues.
- Long-term support should be planned by the international community to secure investigative journalism skills.
- Support should be provided to media NGOs and outlets to ensure improvement of quality through basic journalism skills training.
- Consideration should be given to establishing a Central Asian post-graduate education centre in the country.

### Institutional capacity building

- The role played by media-related civil society has been central in responding to both the change in government in April and the violence in June. In this regard, institutions such as the Public Association of Journalists (PAJ) and the Media Policy Institute (MPI) should receive support for both their core running costs, as well as development of expertise and activities in their focus areas.

### Elections

- The international community should consider providing support for the media to cover the elections. Further support should be provided to media NGOs for media content and process monitoring activities during the pre-election campaigns for both online and traditional media.

### Regional media

- There is an urgent need to bolster the ability of regional media to operate and to promote a better flow of information from the regions to the centre.
- Emergency assistance is required for media outlets in Osh and Jalal-Abad regions to ensure they can restart operations as soon as possible and have at least minimal technical operations capacity.

**Internet media**

- Support should be provided to help develop Internet-based media in Kyrgyzstan. Particular needs include building capacity in the area of ethics and providing better technical resources.

**5.3 Monitoring**

Efforts should be supported to monitor the media. This could include:

- Monitoring to assess compliance with ethical norms and the provision of quality information to the public. Such monitoring should focus particularly on the general elections currently scheduled for October 2010, and the presidential elections that will follow next year in 2011.

## 6 Annexes

### 6.1 List of organisations and individuals with whom mission members met

#### International organisations

1. Open Society Institute; Mr Kumar Bekbolotov, Executive Director
2. OSCE; Mrs. Burul Usmanalieva, National Media Officer
3. Internews; Mrs. Mariya Rasner, Country Director, Deputy Regional Manager Central Asia
4. Eurasia; Mr. Samil Ibraghimov Executive Director/Mrs. Asangozhoeva, Senior Programme Manager for CAAN
5. Schweizerische Eidgenossenschaft, Mr. Hanspeter Maag, Country Director;
6. Representing also the Swedish Development Agency Sida
7. OHCHR; Natalya Seimuratova, Human Rights Officer for Central Asia
8. Freedom House; Aigerim Sabralieva
9. IWPR ; Erlan Abdyldaev

#### Media organisations

10. Public Association "Journalist" (PAJ); Marat Tokoev, [www.journalist.kg](http://www.journalist.kg); [www.monitoring.kg](http://www.monitoring.kg)
11. Centre for Information Law, Mrs. Nurgul Abdykerimova; [www.medialaw.kg](http://www.medialaw.kg)
12. Civil Initiative of Internet Policy; Mrs. Tatu Mambetaliyeva, [www.internetpolicy.kg](http://www.internetpolicy.kg)
13. Media Policy Institute; Mrs. Begaim Usenova
14. Media Ombudsman; Akmat Alagushev
15. Osh Media Center; Maksouda Aitieva
16. Coalition for Democracy and Civil Society; Mrs. Dinara Oshurakunova
17. Legal Clinic "Adilet", Mrs. Cholpon Dzyakupova

#### Kyrgyz media (Bishkek)

18. KTR TV; Mr Kubat Otorbajev, Acting Director
19. ELTR TV; Shair Afdyrahmonov, Acting Director
20. Piramida TV; Mrs Galina Pavlenko, General Director
21. NTS (New Television Network/Novaya Televizionnaya Setj); Mr. Andrey Tsvetkov, General Director
22. [www.Fergana.Ru](http://www.Fergana.Ru); Mr. Sultan Kanazarov
23. [www.zpress.kg](http://www.zpress.kg); Mr Kuban Abdymen
24. "Alas", Mr. Oljoboi Shakir
25. Media holding NTM 42; Javlon Mirzakhodjayev; Director
26. Radio "FM on tv"
27. Newspaper " Itogi nedeli"
28. Radio Almaz ( biggest regional radio)General Director of
29. OSH TV; Adiba Samatova, General Director
30. [www.24.kg](http://www.24.kg)

#### Other state and civil society representatives

31. Legal Foundation "Adilet"; Mrs. Cholpon Dyakupova
32. Human Rights Advisory Board; Ms Venera Mashayeva
33. Ombudsperson for the Kyrgyz Republic, Mr. Tursunbek Akun
34. Public Foundation "Golos Svobod", Mr. Sardar Begishbekov, Executive Director

35. Nurbek Toktakunov, Media Lawyer

36. Alisher Sabirov, Parliamentarian

## 6.2 National and international media support activities

### 6.2.1 National organisations

Public Association Journalists: [www.journalist.kg](http://www.journalist.kg); [www.monitoring.kg](http://www.monitoring.kg)

PAJ is one of the key actors in coordinating and developing good relations between the different civil rights organisations. PAJ works on three main tracks.

- 1) Security of journalists – training them in precautionary measures and monitoring media on racism and hate speech.
- 2) Training of journalists
- 3) Creating a foundation for a journalistic union. This work has been supported by Finnish VIKES, who will stop the funding in November, when the union is formed.

#### **Civil Initiative on Internet Policy: [www.internetpolicy.kg](http://www.internetpolicy.kg)**

This NGO has been working on Internet media monitoring and is playing a central role in coordinating Internet-related information. CIIP has monitored the closure of Internet sites, is carrying out monitoring of current Internet use and potential censorship. It plans, like other media organisations, to follow the election monitoring with regard to online media.

CIIP expressed a need for support to the online media community to improve available servers, to ensure stability of Internet services after the surge in Internet users is overburdening old servers and their ability to cope with the amount of information. For this reason, some of the sites have closed their comment forums for articles.

It was presumed that DDoS attacks could be possible; and compared to the sophistication of internet blocking and attacks during the previous regime, such attacks have been almost non-existent after 7 April with exception of one or two cases. The blocking attempts have been of very low "quality", meaning they were very simple and easy to counter.

Finally, to prevent any government attempts to close sites, the purchase of IP addresses was deemed necessary in the short term to ensure quick move of the information sites, particularly considering possibilities of some hacking attempts during the pre-elections process.

#### **Institute of Media Policy: [www.media.kg](http://www.media.kg)**

The Institute, encompassing the work of the Media Commissioner Akmat Alagushev (media ombudsperson), focuses on the general legal framework, monitoring of media quality, links with other organisations on media ethics.

The Institute has been among the key actors in developing recommendations for the IG on public radio and television decree and is currently doing content analysis of three channels and three press /information agencies.

The institute recognises the importance of continuing short and long-term systematic support for KTR as a public TV and Radio. Immediate support can be provided to the general director of the KTR in defining the key strategic directions and organising a mid-term strategy definition process and review of KTR management system, as well as longer term support in developing

quality control systems for media contents, assessment of audience needs and systematic human resource management support with regard to quality of journalists, their professional development and working conditions.

### **"Center for Information Law" – [www.medialaw.kg](http://www.medialaw.kg)**

The Centre works as a secretariat for the board of the Media Complaints Commission.

Among the observations mentioned by other organisations on problems with security of journalists are contradiction between public statements and actions of IG; lack of access to information on IG and regional administration decisions; recognition of the frequency of false information in various media sources linked to journalist ethics, and also quality of journalism. Supporting [www.inkg.info](http://www.inkg.info) site, the work to remedy for the latter has begun.

In the past year the Centre has worked on:

- 1) Elaboration of code of ethics of journalists and relevant training events;
- 2) Legal support to journalists:
  - a. Publishing review of all court cases related to media;
  - b. Working with judges and journalists on freedom of expression;
  - c. Provided expertise in courts on what is/is not defamation/libel etc.
- 3) Work with regional media centres which at the moment lack support.

During the time of crisis the Centre would like to undertake monitoring of key problems that journalists encounter, including security issues, threats. Monitoring of the pre-election period was seen as important; furthermore work with the justice system on reaching common practice of implementation of principles of freedom of expression would be relevant.

### **Committee of Civilian Control**

Committee of Civilian Control (Комитет гражданского контроля) is an ad-hoc forum of civil society organisations that functions as a coordination platform for activities, reactions and communication with the IG. As of 5 May, 67 civil society organisations are members of the committee.

During the mission to Bishkek the team had the opportunity to be present at one of the meetings of the Committee's founding organisations and the key focus areas of the Committee was:

1. To arrange official meetings with IG and start official communication, since the lack of transparency of IG work was a problem. Subsequently, a couple of meetings have been held and resulted in NGO inputs for the decree on Public TV and Radio. Other meetings have been related to the questions of elections and constitutional reform.
2. Improve [www.inkg.info](http://www.inkg.info) site with the purpose of limiting rumours and ensuring a trustworthy platform for information
3. Produce requests for a moratorium on court decisions of the previous regime against media organisations;
4. Request for transparency of international support to IG and NGO community;
5. Monitoring of referendum and elections process;
6. Securing safety of media and human rights lawyers;
7. Purchasing of IP addresses for the support of change of location of internet media and NGO sites to ensure operations in case of any party attempting blockage and censorship of internet sites

During the writing of the report, some of the issues have already been addressed and new ones have emerged, but with regard to freedom of expression some things remain relevant:

1. Request for improved server provision in KG that can secure the heavy Internet traffic in the longer term;
2. Securing moderation of Internet sites to prevent the incitement of ethnic violence, insults and other inappropriate content that can fuel further tensions;
3. Monitoring support in the coming six months.

### **Human rights NGOs**

Furthermore, the team met with some human rights NGOs working together at the Committee of Civilian Control and supporting media organisations at this time of crisis. Some of the organisations they met were the Coalition for Democracy, Adilet, Voice of Freedom and independent lawyers involved in freedom of expression-related work or protecting journalists and human rights activists.

The key concerns of human rights NGOs were:

1. Safety of lawyers protecting journalists and media outlets. However, with the stabilisation of the IG work and increased effectiveness this issue may diminish;
2. Policy and legal framework for freedom of expression, including on public television and the right of media outlets to own property ;
3. Issues related to IG: legitimacy and mixed signals with regard to its efforts to democratise, transparency of decision-making and access to IG decisions
4. Communication with media;
5. Media ethics.

## **6.2.2 International organisations**

### **Open Society Institute/Soros Foundation**

The Soros office in Bishkek has supported the journalist ethics code development and related subjects and is currently supporting the building of a code of ethics. OSI expressed a strong will to rethink strategy and engage in projects supporting journalistic training. Another important component would be bringing together legislators, journalists and prosecutors in order to encourage mutual recognition of professions.

### **OSCE**

The main aims of the OSCE Centre are to promote freedom of speech and freedom of access to information; assist in the review of media policy and facilitate media reform; monitor media in all regions; provide technical assistance to regional media; offer professional support for journalists; provide legal assistance to journalists and assist in reform of mass media.

This has so far been done through four key programmes:

1. Media legislation development with lawmakers and media organisations;
2. Legal aid to journalists. This was particularly relevant in the last six months prior to the 7 April uprising;
3. Supporting initiatives on digital media, particularly bridging the gap between digitalisation of rural and urban areas.
4. Supporting media centres where journalists can receive various types of assistance and meetings and trainings can be organised.

After 7 April the OSCE special representative released a statement on the importance of freedom of expression in Kyrgyzstan and OSCE has been reacting quickly to support critical areas of policy development, access to information and supporting the public discussion process on the new constitution.

### **Eurasia Foundation**

Eurasia has one big project, a Central Asia news service and the branch and growing media [www.akipress.kg](http://www.akipress.kg). Funding stops by end of 2011.

### **Internews**

Internews is focusing on the state broadcaster KTR and how to support and enhance their workspace.

- One embedded trainer plus equipment on loan from Internews.
- It is a proposal from Internews to create a FTP server with news footage made accessible to all broadcast media.
- At present and considering geographical challenges, no media can cover everything happening.

### **Institute for War and Peace Reporting (IWPR)**

IWPR currently has their Central Asia operation directed from Bishkek. Funded by Norwegian Foreign Ministry they focus in broad terms on three projects:

- 1) Reporting for international and local audiences by local reporters;
- 2) Training in journalist standards (basic; intermediate; advanced);
- 3) Dialogue initiatives: organising roundtable discussions and debates and parliamentary hearings on subjects such as educational rights.

It is the impression of IWPR that there is a strong need for education/ post-graduate studies for editors and newsroom managers, and the establishment of a Central Asian centre of post graduate training in Bishkek, a longer term programme.





© International Media Support

Any reproduction, modification, publication, transmission, transfer, sale distribution, display or exploitation of this information, in any form or by any means, or its storage in a retrieval system, whether in whole or in part, without the express written permission of the individual copyright holder is prohibited.

Published in Denmark by IMS  
First edition

Design and production: Nanette Graphic Design