

EXERCISING ONLINE FREEDOMS **IN CENTRAL ASIA AMID** THE COVID-19 PANDEMIC



Prepared by Ernest Zhanaev
2021



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Summary

This report examines how the Covid-19 pandemic has impacted the current state of online freedoms in Central Asia. The report considers measures like lockdowns in democratic countries and more stringent actions such as the filtering or blocking of independent sources of information in authoritarian regimes.

Online freedoms are understood as factors that promote or discourage access to the Internet, and freedom of expression, freedom of association and freedom of information.

The emphasis on the importance of access to the Internet was praised by the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression as a catalyst or a key means to exercising a “range of human rights”, with a fundamental right “to freedom of opinion and expression” outstanding in the current circumstances of overall declining democratic principles worldwide.

The drafting of this report coincided with a groundbreaking moment regarding online freedoms in the history of Central Asia, which still has unknown impacts and numerous negative effects unaccounted for. The moment in question concerns Pegasus, which had surveillance software traces found in every telecommunications network in the region. The introduction of legislative initiatives, which have been copied from notorious Russian laws that attack the freedom of expression, and allow Internet shutdowns during protests and unrest, persecution of bloggers, journalists, activists, and ordinary social media users sharing information online, has led to self-censorship online.

This has been confirmed in this report, which found plenty of instances and evidence corroborating that self-censorship is now widespread among Internet users in Central Asia. Successfully adopted initiatives were Internet shutdowns in cases of “emergency” and “terroristic threats”, simplified procedures of prosecution of extremism-related cases and surveillance of suspects posing a potential threat to “public security”.

This report found out that blocking independent sources of information, Internet shutdowns, and attacking freedom of speech undermine economic prospects, which in turn has a harmful impact on the rule of law and the balance of governance. This has potential to contribute to mass protests and trigger violence.

Introduction

This report seeks to highlight the most recent trends with regards to online freedoms in Central Asia, following the devastating consequences of the coronavirus pandemic. In so doing, the report also reveals new perspectives about online freedoms in the region. The report does this by looking at the backgrounds of the countries in the region, citing the most important cases, and analyzing the context of the developments and utilizing the opinions of industry leaders in free speech.

The spreading and strengthening of authoritarianism across the world as noted by Freedom House in Central Asian countries – Kazakhstan, Kyrgyzstan, and Uzbekistan – also showed falling standards of international human rights obligations and implementations after brief encouraging reforms. This report attempts to explain why the governments of these named countries in Central Asia targeted online freedoms in their countries. The rapidly reforming Uzbekistan, “democratic champion” Kyrgyzstan, economically advanced Kazakhstan, and Tajikistan are frenziedly imposing harsh policies on freedom of expression.

After the collapse of the Soviet Union, Central Asian governments have immensely enjoyed generous support from the world’s leading democracies with reforms across all spheres. Kyrgyzstan was a leader in implementing most international obligations on human rights in a short period of time. Kazakhstan and Uzbekistan improved economic and financial positions first, eyeing international funding opportunities, while the latter abstained from democratic reforms and tried to save a regime rather than enjoy technological development. Kazakhstan, due to its vast territory located below the Arctic permafrost dominating Russian Siberia, was convenient for connection of the Internet channel from London to Hong Kong, which is milliseconds faster than the cable by sea.

Historically, Soviet industrialization influenced Central Asia by establishing railway, road, electricity, and electric communications from Russia. These connections grew into Internet cables and stretched from Europe through the territory of Russia to the region connecting to the network in China. In the meantime, the governments of Central Asia allowed themselves to copycat Russia’s harsh legislation that reduced freedom of speech online. This was in the middle of regional integration through the Eurasian Economic Union that creates a common market, Collective Security Treaty Organization that oversees military cooperation, and the Commonwealth of Independent States that enhances legal cooperation among many other aspects. This has all been a result of how Central Asia is still influenced by its former metropole – Russia.

The United States of America (USA) and the European Union (EU) exerted much of their power to introduce democratic principles and human rights standards to Central Asian states by encouraging them to join the main international human rights obligations and adhere to liberalizing reforms by access to international funding. These changes coming from the West were welcomed by the people of Central Asia with enthusiasm.

At the time of writing this report, mass riots erupted in January 2022 in Kazakhstan, accompanied by the controlled limiting of access to the Internet. This caused fears of communication disruptions as major cables pass through the territories of Russia and Kazakhstan, while the latter sells access to the Internet to Kyrgyzstan, Uzbekistan and Tajikistan. However, access to the Internet was not affected in “downstream” countries by the cuts in Kazakhstan, according to the data provided by IODA.

The conflict between Russia and Ukraine has escalated into the invasion of the latter by the former in later February 2022. The military aggression by Russia and recognition of the independence of the two separatist republics in the East of Ukraine triggered massive sanctions against the Government of Russia, a boycott of Russian products, and even withdrawal of global companies out of Russia. Two major US Internet service providers – Lumen and Cogent Communications – ceased their cooperation with some of the Russian Internet providers, prompting discussions about possible slowdowns or cuts to the Internet in “downstream” countries in Central Asia too.

Methodology

Social media in Central Asia seems to have become the most important platform to express dissent against government policies. Journalists and bloggers, civil society and political activists now utilize a variety of social media channels. These channels have stepped up as relatively independent and sometimes the only viable source of information during political and governance developments during the uncertainty of the Covid-19 pandemic.

The existing and even thriving online activism in Central Asia requires special attention since it has shown resilience despite many obstacles from governments. Increased and continued access to the Internet and globalized social media platforms like Facebook or Twitter repel attacks against freedom of expression online.

However, the authoritarian nature of governance in Central Asia, amid the weakening influence of leading democracies after the Covid-19 pandemic, regained its position from democratic achievements, especially in Kyrgyzstan with its more mature civil society. The backsliding was only embraced by the regional integration with the authoritarian regime in Russia and it found silent support from neighboring China.

Since there is no unified global approach requiring that nations worldwide accept and interpret online freedoms referred to by many as digital rights and via a perspective offered by think tanks, human rights organizations, and national governments, this may confuse those interested newcomers in the industry.

However, access to the Internet, a right to privacy, freedom of expression, affordability of access to the Internet, and freedom to information could go a long way in creating a unified global approach. Most of them are already protected by the Universal Declaration of Human Rights and Article 19 of the declaration unambiguously describes them as that:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

The UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression referred to access to the Internet as a catalyst or a key means to exercise the right “to freedom of opinion and expression” and as a tool for the “realization of a range of human rights”.

This report seeks to research how freedom of speech online was promoted or prohibited by the state authorities or proxies indicated by citing cases from open sources. By determining the terms and environment in which these cases have emerged, this report will also discuss Internet penetration, electricity supply, cost of access to the Internet, and other factors variously contributing to freedom of speech online.

A level of Internet penetration depends on the affordability of a variety of costs paid for access – electricity price and regularity of supply, cost of mobile and fixed broadband Internet by retail, Internet service providers and a ratio of users to the overall population, and the number of households with access to fixed broadband.

Promotion of online freedoms should include encouragement of Internet usage –building of cables to remote areas and increasing connectivity, subsidizing Internet service providers towards the final cost of access or lower prices via monopolist providers owned by the state, simplifying public services available through the Internet, and improving energy supply.

The extent and quality of online freedoms exercised can be traced via numerous indicators. Leading human rights advocate Freedom House assesses questions of accessibility to the Internet, including economic and political obstacles for ordinary users, targeted limits on content, which cover filtering, blocking or even censorship, and violations of Internet users’ rights, starting from cyber-attacks up to persecution and violence against bloggers and journalists for their online activity.

To formulate the Internet briefly, the Internet Society refers to it as a global, independent, universal and impartial accessible technological space where its users can collaborate without limits. The Internet Society sees the Internet as a constantly available economic opportunity for everyone.

Another consolidated view on human rights and online freedoms outlined as digital rights was offered by the governing body of the European Union – the European Commission – which considers them as complex approaches to securing human rights and freedoms in a digital environment, which follows sustainability, solidarity and inclusion, safety and security, freedom of choice rules, people at the center and participation principles.

These rules would provide a basis for a roadmap to the digitalization strategy of the European Union. Among them is an important part that proved its resilience during the Covid-19 pandemic – digital education of the population to provide simplified access to public services.

In the meantime, Central Asia has shown its decisiveness to public services going online during the pandemic. However, in circumstances of data capitalism that require digitalization en masse for comfortable access to services, poor quality connectivity has become a crucial issue.

One of the indicators of the development of data capitalism is data safety and a mechanism to protect personal data – like General Data Protection Regulation in Europe. Since Central Asian countries are only at the initial stage of digitalization, a government's initiative to "protect personal data" before considering the quality of connectivity raises a lot of questions.

Thus, the Government of Uzbekistan requiring to store personal data of its citizens on its territory may look like an attempt to guarantee the safety of the data. Additionally, this is also viewed as an attempt to exert political pressure on Big Tech, especially the owners of social media platforms, which activists use. The same effort was made by the Government of Kazakhstan by introducing a new regulation allegedly to "boost economic growth" in the aftermath of the Covid-19 pandemic.

As such, it has become necessary to investigate the current trends of digital life in Central Asian societies to identify potential needs, outline the true aspirations of digitalization, and explore the increasing government control in the sphere of the Internet.

Based on the preliminary findings, the report will assess the following questions:

1. What has been happening to online freedoms in Central Asia during and after the Covid-19 pandemic?
2. The resilience of some phenomena like Internet blockings and attacks against freedom of expression would be analyzed from the policies adopted prior to the pandemic; thus, how do leading experts in the Internet communications industry see perspectives for online freedoms in Central Asia?
3. What trends can be inferred from the findings?

Desktop literature review

The desktop literature review will include an analysis of the findings of reputable reports made by free speech industry leaders in Central Asia, covering a period from March 2020 when the first lockdown measures were introduced elsewhere in the world up to the present day.

The reports analyzed are from think tanks like Freedom House, the Royal Institute of International Relations known as Chatham House (UK), Foreign Policy Centre producing analysis for the UK Parliament, transparency reports of social media platforms like Facebook and Google, the United Nations (UN) reports, and the Organized Crime and Corruption Reporting Project.

Covering other relevant information that was produced by the global financial, communications, and international organizations, news, official statements by governments, and legislation initiatives published by government sources, would reveal trends about the ongoing situation regarding online freedoms and provide material for analysis.

Beyond this, the data provided by reputable Internet traffic monitoring groups such as IODA, Cloudflare, and RIPE could reveal pictures showing some connectivity, especially during the unrest in Kazakhstan in January 2022 that happened during the compilation of this report.



A review of the reports will be done to check their indicators and levels that study questions such as how freedom of speech online was promoted or prohibited by the state authorities or proxies, the accounts of the representatives of civil society in the reported countries, and the views of leading experts representing reported countries.

Analysis of the current situation in the telecommunications industry of four Central Asian states will include partially covering a chronological timeline beyond the Covid-19 pandemic up to current days to explain the reasons and preconditions of the policies adopted by the governments to achieve objectives in saving their regimes.

The issues to be discussed would include how telecommunications monopolists belonging to the state were built, the role of the Pegasus surveillance case and introduction of other surveillance software, legal initiatives reducing freedom of expression, showcases of activists persecuted on trumped-up charges or violation of individual user rights.

The publicity of these cases would reveal the resilience of individuals, civil society, the government, and its proxies in pursuing their aims. The perspectives for online freedoms in Central Asia will be revealed through the study of their constraints. For such purposes, technical and legal contexts will be uncovered, as well as government surveillance issues and their background.

This report has found out the following issues based on the preliminary overview of the situation regarding online freedoms in the researched countries of Central Asia:

- i. Continuous attacks of the governments against freedom of expression online, on social media in particular;
- ii. Arbitrary blocking of independent online media resources by the governments;
- iii. Introduction of harsh legislation against exercising civil liberties on social media or messengers like freedom of expression or freedom of association;
- iv. Introduction of legislation that jeopardizes access to the Internet.

Field analysis

The report will interview leaders in the industry specialising in the issues of human rights and online freedoms. It was necessary to consult those individuals who are not only familiar with trends in their respective countries but are also involved in advocacy initiatives and activities to alleviate pressure on civil society and create perspective for growth in the industry, not undermining freedom of expression.

Therefore, the following policy analysts, human rights advocates, journalists, civil and political activists from the reported countries were requested to contribute to this report: Diana Okremova, Director of the Legal Media Center Public Foundation in Kazakhstan, journalist; Begaim Usenova, Director of the PF Media Policy Institute in Kyrgyzstan, expert on media policy and has journalistic experience; Bobomurod Abdullayev, blogger and journalist in Uzbekistan, who was twice detained by the Uzbek Service of National Security and tortured for his blogging activity; Adil Jalilov, Director of Medianet in Kazakhstan, Head of Factcheck KZ project, journalist; Parvina Ibodova, lawyer of the Public Fund Civil Internet Policy Initiative in Tajikistan; Yelzhan Kabyshev, Digital Paradigm Public Foundation Director; Khairullo Mirsaidov, Editor-in-chief of the regional Central Asian online media outlet, a journalist from Tajikistan who was persecuted by the Tajik authorities for his journalistic activity; Aynur Smart, Administrator of the "Independent Kyrgyzstan" group on Facebook and political activist; Alexey Volosevich, Editor-in-chief of Asiaterra online news agency covering social and political developments in Central Asia.

To adapt previously cited methodologies applied by the leaders in the industry, this report should ask the following potential questions from the selected interviewees in each reported country:

- a. the extent of freedom of expression exercised and Internet freedoms available and desirable; affordability and quality of access to the Internet
- b. facts and impact of online surveillance of social media users
- c. facts of persecution for publications on the Internet in the country/region recently;

- a. if there were any persisting restrictions derived from Covid-19 for bloggers and resolutions
- b. perspectives for the online freedoms.

After the concluding remarks, the recommendations to key interest holders in the industry, including the governments of Central Asian countries, global think tanks and aid organizations, Big Techs (Alphabet, Amazon, Apple, Meta, Microsoft) and other Internet companies employing social media platforms, will be elaborated.

The report will interview leaders in the media industry in Central Asia, asking them to answer the following questions in Russian: Не могли бы вы прокомментировать как вы находите атмосферу свободы слова и интернет свобод (цена/качество доступа к интернету, онлайн слежка за пользователями соцсетей, преследование за публикации в интернете) в стране в последнее время? Были ли ограничения для блогосферы во время карантина и как лично вы справлялись? Какие видите перспективы?

The English translation of the questions is as follows:

- i. Could you please comment on how you find the atmosphere for freedom of expression and Internet freedoms (price/quality of access to the Internet, online surveillance of social media users, persecution for publications on the Internet) in the country/region recently?
- ii. Were there restrictions for bloggers during the quarantine period and how did you cope?
- iii. What perspectives can you see?



Chapter I.

Online freedoms and constraints in Central Asia. Context

Since the UN defines the Internet as a key means to exercise a right to freedom of opinion and expression, a number of leading human rights organizations see successful fulfilment of this right through getting access to the Internet without obstacles of availability and affordability of connection, and without fear of being persecuted for exercising a right to speech and freedom of association.

The absence of any cases of persecution of Internet users for exercising their rights and freedoms online by the state authorities would mean the state uses all its capacity to ensure the implementation of international obligations on human rights and freedoms.

Significant state investments in building telecommunications infrastructure that constitutes a basis for individual and overall economic growth would mean relatively affordable access to the Internet. Digitalization of public services was sped up by the pandemic and proved effective in some cases. Social media proved to be effective in civil mobilization in creating community-based self-help groups to alleviate the impact of the pandemic and restrictive lockdown measures. For most users, social media played an important role as a source of information, especially during the Covid-19 pandemic.

The governments of the reported countries built enough capacity to provide affordable access to the Internet as a retail service, but it was used differently when Covid-19 broke out and therefore the impact was different.

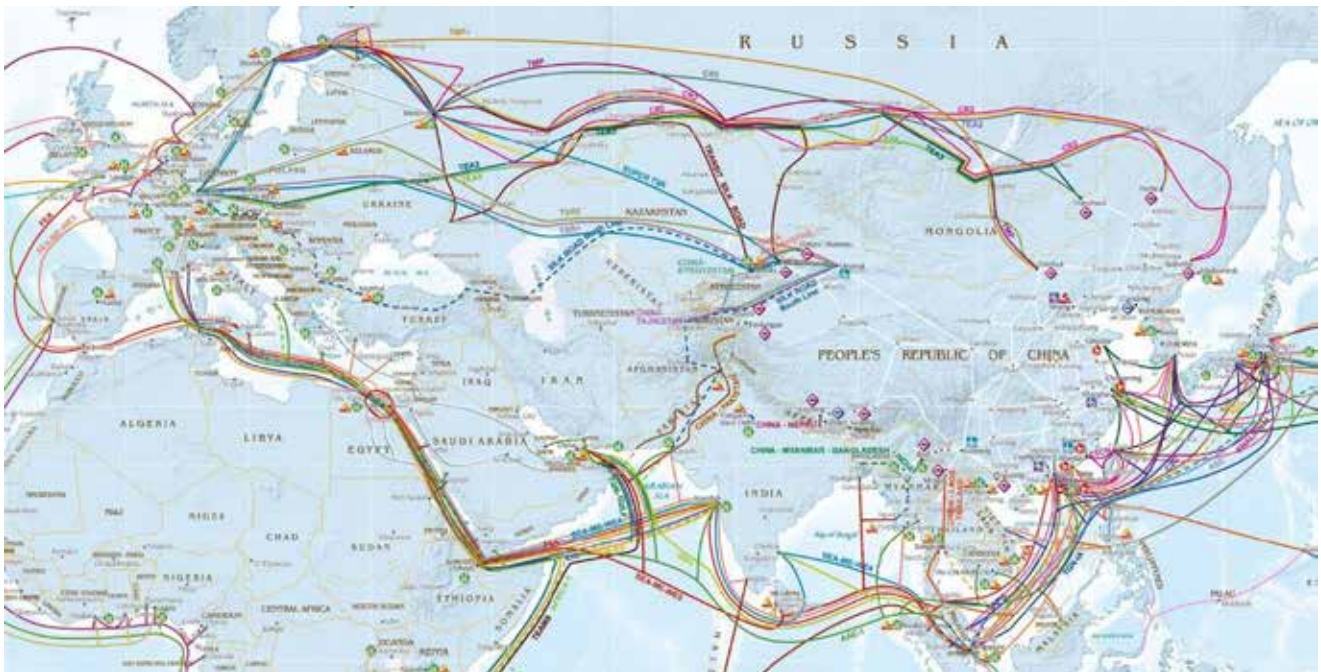
Among possible abuse of the vast public telecommunications resources by the government would mean using the telecommunications capacities to arbitrarily track individuals and group Internet users and filter or block resources deemed “dangerous” for a state.

Access to Internet

The exclusive providers of access to the Internet are state-owned companies. Access to the Internet in landlocked Central Asia is provided exclusively through the link via territories of Russia, then to Kazakhstan, and then to Uzbekistan, Turkmenistan, and Tajikistan. Simultaneously, through the territories of Kazakhstan and Kyrgyzstan the broadband communications network is circled via the channels in China. The extent of dependency of the countries located “downstream” of Internet channels and speed quality is not known to a wider audience but would depend on the sovereignty over the cables on their territories.

Some projects tried to improve connectivity through satellite and terrestrial connections, which had been slow and underdeveloped at the time because the outdated Soviet-era-produced cables were the only way to access the Internet. The CAREN project was mostly financed by the European Commission and directed to encourage regional networking between Central Asian academic institutions, which was essential in building a civil society. Digital CASA projects funded by the World Bank Group, on the other hand, are directed to satisfy the need for affordable access to the Internet nationally.

There were many discussions about the creation of alternative access to the Internet but no specific action from the Central Asian governments. For example, the Chinese companies were offering such an option to Kyrgyzstan, while Uzbekistan is only discussing it now. The notoriously known Chinese Great Firewall and slow connectivity in China do not ensure the potential partners use this option, while the tentative costs remained unknown.



Picture 1. Global Infrastructure Map. Fragment – Eurasia. [China Telecom](#) (March 2021)

Technical context

Despite that 57% and 98% of the population in Central Asia have access to the Internet via broadband and mobile respectively, only about 28% are active on social media. A general prohibition, blocking of social media platforms, and punitive measures for cyber activity could be among the reasons behind such an indicator. Internet is developing slowly and unevenly in Central Asia.

Kazakhstan

Despite having a vast, sparsely populated territory, Kazakhstan is significantly ahead of its neighbors on Internet penetration, mobile connections, and social media presence. 81.9% of the 19 million population is connected to the Internet and it has 124.9% of mobile connections. 64.5% of the population, about 12 million Kazakhs, are social media users. Compared to other countries in the region, it also has significantly higher mobile and broadband speeds – 19.52 Mbps and 52.41 Mbps, respectively.

Kazakhstan is significantly ahead of its neighbors in the region in terms of Internet penetration, despite having a vast territory of more than 19 million people. It has relatively affordable access to the Internet only behind Kyrgyzstan, calculated as an average price for 1GB of data.

About 81.9% of the population are Internet users. 129.4% of mobile connections to the population ratio, and 64.5% of the population use social media platforms, which comprises 12 million users. 19.52 Mbps is the average mobile Internet speed, while fixed connections would bring a higher 52.41 Mbps speed. In the meantime, Kazakhstan was ranked 20th in the world and second in Central Asia by the average cost of 1GB of mobile Internet.

In the digital economy, the potential for online advertisement is also high. Kazakhstan has one of the largest rates of Instagram audience eligible for adverts. In the country, 2.3 million Facebook users can be reached by adverts and 11 million on Instagram, 2.15 million Snapchat users, 128,400 Twitter users, and 1 million LinkedIn users.

Telegram messenger is popular in Kazakhstan because it has features convenient for bloggers maintaining a channel with a large audience of readers able to join it. Facebook messenger is popular among 950,000 users, and WhatsApp dominates the country.

LinkedIn, the social media platform very popular among professionals in Kazakhstan, was briefly blocked by the authorities. Access was reinstated the next day after talks between the online company and the government over the online gambling adverts and “fake accounts”.



Kazakhstan, being downstream of Internet channels coming from Russia, enjoys not a full but effective monopoly on providing access to the Internet to Central Asian counterparts, as well as retaining state control over communication services to a wider population inherited from the Soviet Union.

A connection that stretches from Western Europe to Eastern China was constructed to increase the speed and decrease the delay of information sent via the Pacific route.

The state-owned Kazakhtelecom reluctantly gives away a share of the market to the Internet service providers (ISPs). In the meantime, the ownership and affiliation of retail ISPs have never been successfully investigated, while most mass media was revealed to be controlled by individuals and companies affiliated with powerful government officials or those publicly known to be loyal to the government. Such media companies were known to have avoided the critique of governmental policies.

Kyrgyzstan

The second highest Internet penetration in Central Asia is in Kyrgyzstan with 3.32 million Internet users and 155.6% mobile subscription ratio to the population, 3.2 million users are present on social media platforms at an average of 20 Mbps of mobile Internet speed and 42.95 Mbps of fixed connection.

Among other noticeable statistics is that Kyrgyzstan has the cheapest mobile Internet in the world after Israel. In Kyrgyzstan, 790,000 Facebook users are deemed to be reached by adverts and 2.7 million are on Instagram, while Facebook messenger is popular among 320,000 users in the country.

Telegram is the most popular messenger in Kyrgyzstan. The estimated number of Twitter users and LinkedIn users, who can be reached with adverts is 34,800 and 140,000, respectively.

Kyrgyzstan faces an almost similar situation as that in Kazakhstan, with the largest state-owned Kyrgyztelecom company sharing the telecommunications market with private companies. The licenses to provide retail services of connection to the Internet or mobile communication are issued by government authorities, which are not entirely protective of the state monopolist, allowing the private sector to flourish. One of the private companies nationalized by the government after the revolution in April 2010, Megacom, has a large portion of the mobile communications market.

Tajikistan

Tajikistan, which endured the Civil War after the collapse of the Soviet Union, appeared to be slightly behind the other neighbors. It has 3.46 million Internet users or 34.9% of the 9.7 million population, 10.14 million mobile subscriptions or 105.2% of the total population and only 1 million social media users, 33.55 Mbps of fixed Internet connection and 14.6 Mbps of mobile connection. The average cost of 1GB of mobile Internet in Tajikistan is the highest among the countries covered by this report.

In Tajikistan, there are 400,000 Facebook users, 820,000 people are on Instagram, 11,200 Twitter users, 60,000 LinkedIn users, 210,000 users of Facebook messenger, and users predominantly communicate via IMO.

Tochiktelekom, considered the natural monopolist in Tajikistan, is also responsible for providing access to external Internet to retail companies. Previously, the mobile ISPs purchased such access from China, Kyrgyzstan, and Uzbekistan at a lower rate.

Uzbekistan

Being the most populous country in the region, Uzbekistan has only 55.2% Internet users or 18.6 million people out of a population of more than 33 million. 23.34 million mobile subscriptions brought only 4.6 million social media users who are utilizing 12.66 Mbps of the speed of mobile connection to the Internet on average and 33.2 Mbps via a fixed connection. Access to mobile Internet is relatively cheap and is slightly behind Kazakhstan's if calculated by the average price for 1GB of data.

In Uzbekistan, there are 1.3 million Facebook and 3.5 million Instagram users. The estimated number of Twitter users is 51,600 who can be reached with adverts and 270,000 LinkedIn users. Facebook messenger is trusted by 650,000 users, while Plus Messenger is popular in the country.

Uztelecom, a state-owned company, remains the sole provider of external access to the Internet to any company or individual in the country. This company provides competitive retail prices and dominates the market in the provinces too.

Legal context

Being formerly part of the Soviet Union, Central Asian states were treated by the European authorities as Eastern European countries. The reason behind such an approach for a couple of decades might be the common legislative history with Russia, inheriting the same legal traditions and practices.

Despite the adoption of main international human rights obligations, the governments of Central Asia developed different practices contradicting the norms protecting freedom of expression and privacy.

Secretive directives and other legal acts with lower statuses than law acquired higher power, giving way to the controversial installation of surveillance equipment and tracking of high-profile individuals engaged in civil or political activity. The Covid-19 pandemic might have triggered such practices even further.

The legal environment in Kazakhstan

Kazakhstan has been enjoying a wide number of media mostly represented by entertainment and appeared to belong to a narrow group of business individuals loyal to the central power.

The UN human rights bodies continued expressing their concern over the implementation of the obligations to promote freedom of expression, which was undermined by the defamation norms in the national legislation that damaged media freedoms¹.

Censorship

A legal norm that threatens freedom of expression lies in the counter-terrorism legislation, which provides generalized “propaganda of terrorism” terms open to potential abuse.² Another norm vaguely formulated regarding the prosecution of “public calls to violation of the integrity” of Kazakhstan also raised concerns of endangering provisions securing freedom of speech. Expert Kabyshev highlighted “three types of extremism that are prosecuted in Kazakhstan – political, national, religious”.

Another threat is the introduction of the “national security certificate” [a software that allows traffic with international sources] for each smartphone (with no obligation for other territories than Nur-Sultan), which is not according to the law on Communications. “ISPs disseminate these certificates – now only in Nur-Sultan [capital of Kazakhstan]. The subscribers are sent an SMS notification about the necessity to install this software. All the traffic of a subscriber is inspected for the presence of prohibited information,” Yelzhan Kabyshev, an expert, concluded.

“Potentially, the privacy of a subscriber is violated when their personal data is processed,” argues Kabyshev. “It is effectively online censorship. It contradicts the Constitution of the Republic of Kazakhstan, which prohibits censorship, while the whole restriction procedure is classified.”

These norms, it was recognized, eventually contributed to self-censorship in a wider mass media community.³

Filtering and blocking

“An automated system is operated by the Ministry of Information and Society Development – for tracking illegal content, a share of content in Kazakh and Russian languages, the legality of photographs and videos, etc.,” says Kabyshev. However, with confusion over the unclear definition of pornography or Islamic extremism, ordinary commercial or community resources are routinely blocked.

Kabyshev gave the example of one Belarussian Islamic website and a commercial one that were blocked allegedly because of pornography. After the request by the “Digital Paradigm” organization, the authorities checked the websites and unblocked the sources.

¹ Summary of Stakeholders’ submissions on Kazakhstan. Report of the Office of the United Nations High Commissioner for Human Rights (2019) A/HRC/WG.6/34/KAZ/3. 4-15 November 2019

² Summary of Stakeholders’ submissions on Kazakhstan. Report of the Office of the United Nations High Commissioner for Human Rights (2019) A/HRC/WG.6/34/KAZ/3. 4-15 November 2019

³ Summary of Stakeholders’ submissions on Kazakhstan. Report of the Office of the United Nations High Commissioner for Human Rights (2019) A/HRC/WG.6/34/KAZ/3. 4-15 November 2019



“Blocking on the basis of knowingly false information – up to the court’s decision,” says Kabyshev. But in practice during the pandemic, “officials decided whether the information was false” even in cases where it was the “court that was supposed to decide”.

The legal environment in Kyrgyzstan

The Western government and aid agencies championed Kyrgyzstan as the democratic leader in Central Asia. The violent changes of power accompanied by bursts of lawlessness and deaths of innocent protesters or onlookers marred the praised image of Kyrgyzstan. Moreover, the incoming groups of power were eager to tighten control over society. Each time the efforts of these groups always succeed in adopting more restrictive rules and measures over freedom of expression and attempting to silence critical voices of independent media.

The achievement of post-Soviet Kyrgyzstan to secure international standards of human rights and freedoms was so deep and sustainable that even three revolutions and one large-scale ethnic conflict have not deprived the most prominent media of its independence from the government and the overall plurality in the industry.

Kyrgyzstan “fakes” law

While focusing on popular posts on Facebook and Twitter, the Kyrgyz government started countering the efforts of civil society in the country by introducing new controls over Non-Governmental Organizations (NGOs) and measures to stop pressure coming from social media – the law requiring NGOs to report about their activity and the so-called fakes law allowing to prosecute Internet users for posts containing “false allegations” or “fake news” against organizations or individuals.

“The so-called ‘fakes’ law contradicts international obligations made by Kyrgyzstan, its current Constitution, and the national legislation,” states Begaim Usenova. “The plans by the Ministry of Culture to issue the regulatory acts that anticipate the creation of the so-called ‘monitoring center’ to fulfil the legal requirements were not prescribed in the ‘fakes’ law.” She added that “the restriction of human rights must not be done by the regulatory and legal acts, while the non-property relations could not be resolved by the Ministry of Culture since it is in the civil judicial competence”.

The Media Policy Institute led by Begaim Usenova stated that the “law contradicts international norms, the Constitution of the Kyrgyz Republic and the laws of the Kyrgyz Republic both in terms of its content and procedures of adoption. Secondly, we would like to draw your attention to the fact that in accordance with the requirements of Article 23 of the Constitution of the Kyrgyz Republic, it is unacceptable to restrict rights by bylaws”.

The legal environment in Tajikistan

Following in the footsteps of other countries, Tajikistan requires the mandatory registration of IMEI numbers of all mobile devices with the state regulator. This Decree by the Government of the Republic of Tajikistan issued in 2020 was justified to “provide security and strengthen defense capability”. Due to a vague description of the norm, other devices than smartphones, such as modems, may need to pass compulsory registration.

Registration of IMEI codes can leave citizens vulnerable. This registration has no safety mechanisms like turning to the court and prosecution authorities first before being allowed to track an individual by name and passport details, thus simplifying the law enforcement authorities’ abuse of power.

In addition, Tajikistan also has laws that criminalize “insult or libel against the President/Leader” punishable by up to five years of imprisonment; “the required registration of all new periodicals and printing houses with the State Committee for National Security”; “the required written official approval for any book that is brought into or taken out of the country”.

Tajikistan has been failing to guarantee freedom of expression under the CCPR obligations by adopting more defamatory norms in the national legislation⁴. Among other concerns raised by the UN body regarding Tajikistan is self-censorship by media outlets and journalists caused by state control, blocking of mass and social media platforms such as BBC, Facebook, and YouTube; “Obstacles to the effective exercise of the right of access to information held by public bodies in practice”; “The lack of independence of the broadcasting and licensing authority, the State Committee for Television and Radio Broadcasting”; “Harassment of independent journalists and media workers for critically reporting on State policies and other matters of the public”⁵.

Parvina Ibodova, a media lawyer, explains such failures by the fact that “many Tajik citizens fall victim to extremism recruitment when they are in Russia and therefore messengers in the country are monitored closely by the special services.” This was only exacerbated by the recent “tension with Afghanistan situation or border issues with Kyrgyzstan”.

The echo of the devastating Tajikistani Civil War might affect high compliance with the law not only among individuals but also among companies agreeing to install surveillance equipment as per the government’s requirement. The latter led to a relatively easy struggle of the government with dissent, thus achieving a desired effect. “After high-profile trials of journalists and lawyers, journalists are afraid of any significant activity, thus resorting to self-censorship,” Ibodova concludes.

The legal environment in Uzbekistan

Uzbekistan has been passing through the difficulties of meeting the raised requirements to observe the international human rights obligations. The international civil society organizations were keen to raise these concerns but to no avail. Even participation in the international anti-terrorism campaign along with the Western democracies has not changed the arduous record on human rights.

However, in 2018 during the second cycle of the Universal Periodic Review, Uzbekistan accepted the recommendations to improve the situation on freedom of expression, among which were “media freedom, Internet freedom”⁶.

Despite the liberalization of the media environment in Uzbekistan, the indicators regarding the freedom of speech have not significantly improved. Moreover, the newer cases of persecution of bloggers and general intolerance with scandals accompanying corruption cases reveal the ongoing legally narrow space for independent journalism⁷.

Uzbekistan decriminalized libel, but is enforcing sanctions for criticism against the president. The Law on Informatization provides vague definitions of offences and thus plenty of opportunities for the government to abuse freedom of expression as ICNL emphasized in its analysis, such as prohibiting calls to activity that “violates the established order”.

Among other important legal requirements for bloggers and website owners is to monitor prohibited content on the website and restrict access immediately. Simultaneously, the law imposes the opportunity to sue bloggers and website owners if their content damages anyone, which eventually would lead to self-censorship since it is expensive to maintain legal assessment of journalistic materials prior to their publication.

Another recently adopted unusual requirement in the Criminal Code includes the introduction of criminal liability of up to five years’ imprisonment for publicly made online insulting or libel claims, including those against the president of Uzbekistan.

“Pegasus” issue. Exposure, prehistory, consequences, and perspectives

The mass surveillance led by the governmental or affiliated authorities has not come as a U-turn from the consistent defense of human rights in Central Asia. Rather, it was a gradual deposition of the primate of international obligations on the protection of democratic principles, human rights and freedoms, and rule of law.

⁶ Summary of Stakeholders’ submissions on Uzbekistan. Report of the Office of the United Nations High Commissioner for Human Rights (2018) A/HRC/WG.6/30/UZB/3. 7-18 May 2018

⁷ Summary of Stakeholders’ submissions on Uzbekistan. Report of the Office of the United Nations High Commissioner for Human Rights (2018) A/HRC/WG.6/30/UZB/3. 7-18 May 2018



The 1990s not only brought the region democratic changes but also held the Communist totalitarian heritage that created some conceivable grounds for the creation or strengthening of authoritarian regimes. Like any other authoritarian regime, the countries where Pegasus was prominently used relied on the power of the law enforcement authorities.

Poverty, embezzlement, and economic downturns pushed the governments to resort to repressive measures than elaborating tangible economic programs and collaborating with all political forces while listening to the pleadings of the civil society.

The surveillance of dissidents has become routine for Central Asian governments. The exposed facts of tracked down and detained activists and journalists would barely scratch the surface of systematic and persistent surveillance assaulting freedom of speech, yet this report seeks to uncover the most prominent cases and trends behind them.

So-called Pegasus software produced by the Israeli registered company, NSO Group, enabling its handlers to penetrate the utmost private storage of sometimes sensitive information of the owners of mobile or PC devices has hit the world, starting from ordinary messenger users to global leaders. Its unstoppable power revealed the weak defense and exposure of individuals and organizations holding important information for public dissemination – human rights activists, journalists, and bloggers.

The leak of data managed by the Pegasus project revealed a wider picture of this spyware penetrating Central Asia. The spyware is known to be breaching all possible firewalls and anti-virus software using the vulnerabilities in the system, whether Android or iOS. Pegasus is genuinely suspected of being capable of collecting and storing data like “SMS messages, address books, call history, calendars, emails and internet browsing histories”.

The report into the extent of how Pegasus penetrated the global Internet mentions a few ISPs in Kazakhstan, Tajikistan, and Uzbekistan infected with the spyware but with no details about the impact.

SORM

Reportedly, the Russian-made equipment called SORM, which is an acronym for “system for operative investigative activities”, was acquired by all governments of Central Asia. There are different types of SORM. The first version can wiretap telephone traffic, including mobile; the second can intercept Internet traffic; while the third version of SORM was expected to do both operations but additionally using mobile points of interception and collection of information from numerous subscribers.

Kazakhstan

The condemning report revealed that out of the five governments in Central Asia only Kazakhstan stood out as a reported customer of NSO Group. The government of Kazakhstan ignored requests to comment at the time. It had not been known until recent findings that a Kazakhstani group of political activists were targeted using this spyware. Previously, it became known that 17 individuals were known targets, with five of them being journalists and activists. Over 2,000 telephone numbers were registered to have been surveyed by the Pegasus spyware, including for some well-known businessmen and high-level politicians, with President Tokayev leading the list.

“Oyan, Qazaqstan” [“Wake up, Kazakhstan”] movement was created by young activists demanding overall reforms after the resignation of the first President of Kazakhstan, Nazarbayev, in 2019 yet he continued to control power. However, the association was not officially registered with the Ministry of Justice and remains informal.

Among the proposed reforms are “refusal from repressions and restrictions”, “fulfilment of all fundamental rights and liberties of all citizens”, “all the legislation, including the Constitution, limiting rights and liberties of the citizens must be adjusted in accordance with the international human rights standards and the principles of rule of law”.

During the presentation of the declaration of the movement, the activists were asked if they were thinking about “any measures or repressions”. One of them, Leyla Makhmudova, said that “we have feared for 30 years”.

In 2021, several civil activists asked Amnesty International to check if their phones were infected with Pegasus. It was found that the iPhones of four activists – Tamina Ospanova, Dimash Alzhanov, Aizat Abilseit, and Darkhan Sharipov – who are members of Oyan, Qazaqstan, contained traces of the spyware while three of them had been notified by the Apple company prior to the check that their phones were likely to have been targeted. The fourth activist, Sharipov, was not informed and Amnesty International suggested it was probably because Pegasus is capable of preventing exposure, which makes this spyware even more dangerous.

The infection occurred during one of the actions of the movement in June 2021 – #Seruen – which involved 30–40 activists walking in Nur-Sultan, the capital of Kazakhstan, Almaty, Taldy-Korgan, Aktau, Aktobe and Shymkent cities. The event was meant to show that the people can exercise their right to peaceful assemblies, performances and protests.

Aizat Abilseit, who is a second-year student at a medical university, said to Current TV that although her activism is not favored by the authorities “all her acts are lawful” and she would continue “fighting for her own rights and rights of Kazakhstani [citizens]”.

Darkhan Sharipov, who is a political scientist, stated that surveillance “creates danger for the whole society” when no one, even the high officials, is able to protect their personal data and privacy.

The activists of “Oyan, Qazaqstan” staged a protest in front of the police department when a fellow activist and an administrator of a popular public group on Instagram called “Qaznews24”, Temirlan Ensebek, was in detention there. The protesters pointed at Article 20 of the national constitution guaranteeing freedom of expression and creativity.

It might sound like a coincidence but one of the major TV channels in Kazakhstan started a morning TV show with the same name “Oyan, Qazaqstan”.

Kazakhstan was also, like Uzbekistan, found to be utilizing Remote Control Software by the Italian Hacking Team company on at least one occasion recorded in 2013 and active onwards, while the channel used belonged to the national monopolist company Kazakhtelecom. The leaked documents pointed at the Kazakh government as a client of the Hacking Team.

Kazakhstan uses SORM as routine equipment for “operative” purposes by law enforcers according to the law.

Kyrgyzstan

The Kyrgyz government confirmed that the ISPs in Kyrgyzstan were infected with Pegasus but could not elaborate on whether anyone in the country was a deliberate target.

Kyrgyzstan has officially utilized SORM for “operative and search purposes”.

Tajikistan

There were no reports about any individual or organization, but the networks were infected with Pegasus.

Earlier in 2009, Tajikistan was known for requesting a spyware equipment from the German Trovicor Intelligence Solutions company, which is capable of intercepting voice calls, text messages, voice over Internet protocol (for example, Skype), and Internet traffic.

While Tajikistan has not yet officially announced SORM as a regular procedure of surveillance, there are plenty of reports indicating that it is widely used by the law enforcement authorities lawfully and in arbitrary situations with political figures and journalists.

Uzbekistan

The government of Uzbekistan has already been accused of hacking activists, journalists and bloggers. Some of these cases are revelations made by Kaspersky Lab, the technological company from Russia, that the Uzbekistan military unit was behind the hacking attack against its dissidents. Bobomurod Abdullayev, a journalist and blogger, was “found out” by the National Security Service of Uzbekistan that he had allegedly plotted a constitutional coup by writing a semi-fictional blog about the life of the first president Karimov.



The findings made by the Kaspersky Lab in 2019 say that the websites of media outlets like Fergana News and Eltuz, which are regular critics of the Uzbek government policies, were attacked by hackers. The cyber-attacks analyzed by the cyber security company were eventually traced to the National Security Service of Uzbekistan, while the hackers used the software by the German firm, FinFisher, who did not comment. The latter fact indicates that yet another foreign company was employed by the Uzbek special service to attack its dissidents.

The evidence points to the fact that the Uzbek special service was involved at least twice in what appeared to be tests of spyware dubbed as "PC Surveillance System" produced by another Israeli company, Cyberbit. In March 2016, this company advertised their product to Uzbekistan's State Security Service (previously the notorious National Security Service) among other government agencies around the world. The IP addresses exposed by the forensic team indicate two places in Tashkent, the capital of Uzbekistan – associated with the luxury hotel and the National Security Service.

Previously, the globally known Hacking Team from Italy cooperated with Uzbekistan's National Security Service by providing Remote Control Software on three occasions recorded in 2013 and unofficially more closely through the leaked documents about the company's activity. The spyware was able to collect the data stored on the computer, including information passing through a web browser remotely utilizing the camera and microphone of a targeted individual or organization.

Uzbekistan has also official procedures for the utilization of SORM by law enforcement authorities.



Chapter 2

Digital Rights Violations Amid the Covid-19 Pandemic in Central Asia

The Covid-19 pandemic has not diminished mass media but expanded its role in the previously unknown spheres of life. Social media was an increasingly important source of information prior to the pandemic. The Central Asian governments were spotted to target big Internet companies for providing platforms independent from regulation. The Kazakhstan government, for example, was keen on a plan to impose more control over popular social media platforms.

Different countries presented different angles of digital rights violations, but they still had something in common. In Kazakhstan, “libel was decriminalized – there was no persecution of journalists” as expert Okremova emphasizes. This was also the case in Uzbekistan and Kyrgyzstan.

“Some of the critical news and posts on social media were blocked from continuing to publish online due to numerous anonymous complaints from online troll bots funded by the regimes,” says expert Khairullo Mirsaidov. “Such online troll groups called bots farms located in Kyrgyzstan work especially productively. They target journalists all over Central Asia. For example, Facebook has blocked our page just two days after the posting of one article about Kyrgyzstan.”

The editorial could restore control over the public but only after two months while its editor Mirsaidov lost a moderator right. “Bots targeting journalists impose pressure mentally – using insult and slander,” Mirsaidov concluded.

Kazakhstan

The peaceful protests in the industrial West of Kazakhstan quickly escalated to bloody unrest in Almaty, the largest city in the country, in January 2022. They came as a shock that paralyzed society. The government, however, instead of ensuring access to the official sources of information and independent online media outlets in its rush to gain control over social media, restricted access to the Internet.

It caused numerous consequences – public websites along with independent sources of information became inaccessible, while the TV news media broadcasted contradictory information, confusing their audiences, ATM machines were dysfunctional without access to the Internet, and business operations halted.

The reason behind the decision was stated by President Tokayev – fighting “disinformation” and “information vacuum”. The government used the power of the law that allows it to “suspend the operation of networks and (or) means of communications” in case of national security issues – “calls to extremist and terroristic acts, mass riots”.

Comments made by expert Adil Jalilov for the report prior to the January 2022 unrest provided some explanation; “the third level of comments [on social media] escalates to calls for the overthrow of power. Such comments are challenged by bots. 40-50 people are online trolls that are maintained by those in power. Lack of political dialogue drives any opposition into extremism”.

There were previous riots but not at such a scale and localized Internet shutdowns were previously widely adopted by the authorities.

Alnur Ilyashev

The resignation of Nazarbayev from several formal and symbolical posts in 2019 has not immediately changed the environment to exercise freedom of expression. The case of Alnur Ilyashev is another example of how the authorities disrespect freedom of expression, especially amidst the pandemic of Covid-19, which has been used by authoritarian governments as an excuse to tighten control over mechanisms and what type of information should be disseminated. Diana Okremova pointed out that “the pandemic showed that the government regulators are not ready for disinformation”.

The Almaty district court sentenced Alnur Ilyashev to three years of restriction of freedom and freezing of his personal bank accounts after being charged with “dissemination of knowingly false information that threatens public order during the state of emergency”, while Ilyashev merely criticized on social media how the ruling party and the government were incompetent in tackling the pandemic effects.

Although “restriction of freedom” is not equal to detention, if charged again within the three years of “probation” then he may suffer more severe sanctions. However, Ilyashev spent three months in detention, waiting for a trial. Moreover, the court banned him from participating in social and public activities for five years, which also restricted him from working in public spaces according to his education in law, pedagogics, theology and business, and the court refused to clarify the interpretation of “restriction of freedom” in the public domain.

The restriction of “public activities” includes activism on social media, so the probation officers continue to check on Ilyashev’s profile on Facebook or visit him at home, while he continues doing public work according to the verdict. International human rights organizations criticized the Kazakh government for the restriction of freedom of speech.

Temirlan Ensebek

Temirlan Ensebek is an administrator of a popular satirical public page on Instagram named “Qaznews24”. Despite the disclaimer that all the content on the page is fictional and coincidental, Ensebek has been receiving phishing messages, then threats to stop posting content mocking the first President of Kazakhstan, Nazarbayev, who still retains power. On 15 May, 2021, the Almaty City Police searched the blogger’s house, withdrawing his IT equipment and briefly detaining him.

The police questioned Ensebek for five hours, accusing him of being a witness of the crime of “dissemination of knowingly false information that creates the danger of disrupting public order or causing significant harm to the rights and legitimate interests of citizens or organizations or the interests of society or the state protected by law”. The crime is punishable by up to three years of imprisonment according to Article 274 of the Criminal Code of the Republic of Kazakhstan.

Although the blogger is no longer administering the already empty public page on social media and travels to support his business interests in tourism abroad, the law enforcement authorities keep his “witness” status in the criminal case. Such a status can be easily overturned into a more damaging “complicity in a crime”. Ensebek also registered that he is routinely shadowed by the surveillance group after the search of his house by the police. The latter is because he is also a political activist of the “Oyan, Qazaqstan” movement with other four members who found their iPhones infected by spyware.

Expert Okremova concluded that the “pandemic brought a change – bloggers, activists, and journalists increased their activity on social media. Popular projects are dedicated to fighting corruption, for example. Their channels became an objective source of information.”

Kyrgyzstan

Kyrgyzstan is a human rights champion in Central Asia and has been named by various global civil society organizations as a free country longer than any in its vicinity, only recently sliding down. Its social media activism as a driving force is another phenomenon that requires a study, especially one shown during the Covid-19 pandemic. However, the government was also keen to understand that online freedoms mean an imminently thriving political activism on social media and consequently political mobilization capable of challenging government policies.

Online trolls employed by government proxies attack any significant social media group that expresses a critical opinion. One such group is “Independent Kyrgyzstan”. Its administrator, Aynur Smart, said that Kyrgyzstan’s “information space is in the hands of Russia and therefore the fakes law was copied from the Russian one”, adding that the group was vilified by the Russia-controlled media as it presented alternative information to the state propaganda.



The civil society in Kyrgyzstan still retains enough influence over government policies. Some of the most significant achievements of online freedoms exercised in Kyrgyzstan is the first online fundraised political party, efficient protests on social media, social mobilization during the Covid-19 pandemic and organization of self-help and volunteer groups of medical personnel and paramedics to support the healthcare system that was barely coping with the pandemic pressure.

Expert Begaim Usenova emphasized that there was unprecedented pressure on the civil society and freedom of expression online in particular – “hacking of accounts that criticize the authorities, summoning to interviews for making posts, law enforcement authorities publicly disseminating threats with non-applicable criminal charges, new law [on fake social media accounts] that is planned to enforce censorship, drafting of the legislative acts, blocking Change.org website for action to impeach ex-president Jeenbekov, publicly open threats against mass media by the authorities”.

GKNB – the State Committee for National Security – which is a law enforcement agency in Kyrgyzstan, stepped up as a prominent authority competing with other branches of power. It has revealed its slippery perspectives of controlling the online environment in Kyrgyzstan by targeting individuals posting or even criticizing the government long before the Covid-19 pandemic or warning journalists and bloggers for “dissemination of false information”.

As expected, the pandemic pushed Internet users frustrated by the corruption and weak readiness for emergencies to pour out their disappointment on social media. Here again, GKNB was ready to strike – active individuals were targeted by its officers and forced to apologize on videos that were disseminated by the special service.

Bloggers, journalists, and well-known political and civil activists were approached differently – their accounts were hacked, and access to their content blocked to prevent them from re-entering and keeping their public profiles and their numerous followers active. For example, political activist Urmat Djanybaev said that his account was nearly hacked while the Internet around him was slowed down.

Expert Begaim Usenova lamented that “online trolls acting as if they have genuine profiles on social media routinely attack investigative journalists. Discreditation of journalists and whole news media agencies via homophobic attacks – creating fake photographs and disseminating in social media groups calling to attack them, while some journalists labelled as ‘foreign agents’ by the authorities experience threats directly sent to them or publicly”.

A year after the political elites came to power because of violent protests, which they called a “revolution”, and a significant revision of the constitution, the pressure on the Kyrgyz civil society was renewed.

But in 2021, the law enforcement authorities increased their pressure on civil society and political activists, media representatives, including PR specialists, bloggers, and journalists.

PR specialist Nurzada Toktogulova was questioned by GKNB regarding her work with a presidential candidate who had been retrospectively accused of corruption when he was head of GKNB himself. Political activist Meerim Asanova’s house was searched by GKNB. The house of another PR specialist and blogger, Yulia Barabina, was also searched and she was forced to leave Kyrgyzstan, fearing trumped-up charges.

PR specialist and political activist Orozayim Narmatova was detained by the Bishkek City police accusing her of “calls to violent changes of power” but she was later released after a public outcry, including on social media. Another PR specialist and blogger, Aisuluu Kudaiberdieva, had her house searched by GKNB and repeatedly questioned with no lawyers present.

Journalist Meerim Aynikeeva was harassed and threatened by GKNB for what she believed was her journalistic investigation into alleged kidnappings by GKNB.

Political activist Tilekmat Kurenov was accused of “calls to violent change of power” and “calls to mass riots” for his Facebook posts criticizing the revision of the constitution and was detained by the police. Another activist, Jenish Moldokmatov, was also accused of the same charges and detained by the police. The District Court in Bishkek City found Tilekmat Kurenov guilty and sentenced him to one year and six months of imprisonment. The trial of Moldokmatov is still ongoing and he complained that his family’s telephones are wiretapped.



Social media accounts of some of the fierce critics of government policies were hacked in September 2021 – country’s leading lawyers Cholpon Djakupova and Saniya Toktogazieva, liberal opposition leader Klara Sooronkulova and human rights defender Rita Karasartova.

In the meantime, Vice-Premier Baisalov warned Kyrgyz journalists that “freedom of speech must remain but duty and order must accompany them so that everybody could understand all the measures of responsibility of their jobs and consequences”. On another occasion, he said that the government was “disoriented” by the social media comments and “fake” posts and it will “no longer rely on social media users’ opinion”.

Blocking pages and Internet slowdown in Kyrgyzstan

It is very rare for Kyrgyzstan to have access to the Internet restricted, leading to political motivation. However, there were brief instances of access to the Internet slowing down in spots like the square in front of the house of parliament and the house of government during the protests in October 2020.

Internet in Kyrgyzstan was also once slowed down, affecting mostly social media platforms due to growing protests amidst allegations of falsified parliamentary elections on 5 October 2020, which eventually led to what is now called “October Revolution 2020” or “Third Revolution”.

Tajikistan

The Covid-19 pandemic hit Tajikistan, the least economically successful country among former Soviet republics, the hardest. The initial measures by the Tajik government were considered poor. However, they acted decisively to deny Covid-19, which had reached the country and the death rate started to exceed the expected 10%.

Moreover, the government managed to tackle independent voices about the pandemic by calling them “inaccurate” or “untruthful” and pushed ahead with a legal initiative to punish dissemination of information not approved by the authorities. The new initiative punishes “dissemination of knowingly false information using means of mass media, the Internet or other telecommunication networks in conditions of the occurrence and spread of diseases dangerous to humans, or during the implementation of restrictive quarantine measures” and “dissemination of false information about measures and methods of protection and other measures taken to ensure safety of population from the specified circumstances” with penalties of fines and up to 15 days of administrative arrest.

Journalist Khairullo Mirsaidov said that “the pandemic brought another angle – fines for publishing information from other than official sources. Volunteers, journalists, and human rights defenders collected information about the victims of Covid-19 from surname to surname. After the prohibition, the team [of my online outlet] continued publishing information withholding their names only.”

The latest ban only increased self-censorship, which “has always been the case in Tajikistan along with censorship”, said Khairullo Mirsaidov who added that “critical materials are published from time to time, but it is only the tip of the iceberg”.

The harassment of journalists has been another way to frustrate “critics of the authorities and the [president] Rakhmon family” by blackmailing them when “they apply for accreditation on behalf of foreign media agencies while permits are given for 3, 6, or 12 months”, added Mirsaidov.

Mirsaidov himself fell victim to irrational persecution in Tajikistan. Journalists have caused a lot of issues and obstacles to those in authority who abuse power.. He raised the issue of corruption when a local official tried to extort money from him, but the authorities were quick to accuse Mirsaidov of corruption himself. Mirsaidov’s detention following the accusation raised a huge public outcry beyond Central Asia and Europe and a campaign for his release was launched. After nine months in detention, the court gave him his freedom, but the threat of being detained again remained and Mirsaidov left Tajikistan to live and work in exile.

Internet users – social media users, including journalists and bloggers – are widely charged with inciting hatred or discord that is sanctioned for up to five years. “I met people during my detention who were accused of hatred by likes or shares on social media,” said Mirsaidov, “now, being a critic is a crime”.



Crackdowns on critical posts on social media are still ongoing. In June 2021, lawyer Abdulmajid Rizoiev was imprisoned for five years and six months for making posts of philosophical and poetic content that were interpreted as “candid calls to extremist activity” capable of shattering national security.

Another lawyer, Saidnuriddin Shamsiddinov, was sentenced to eight years and six months’ imprisonment for “dissemination of false information on social media” that was critical of the judicial system under the pseudonym Saidi Sadr where he indirectly states that law enforcement authorities could track him down online through their surveillance equipment.

Tajikistan periodical Internet shutdowns

Tajikistan faced the same shutdown routine dismissed as a deliberate action by the authorities or ignored. In such circumstances, ISPs pointed at the national provider Tochiktelekom. The firm, like other stankoms, remained the sole actor in charge of allegations of Internet blockings like in a shutdown in 2020. The extent of Internet shutdowns appeared to be overall longer than in other reported states.

Another instance of unexplained selective shutdowns through mobile connections reached social media users in Tajikistan in January 2021, with Facebook and Instagram not being accessible. Even the usage of a VPN could not solve the connection, and the government claimed it had been due to “technical reasons”.

One of the reasons behind the blockings is counter-terroristic measures undertaken by the law enforcement authorities. The recent incident in November 2021 with fatalities and the involvement of law enforcement authorities led to protests in the western mountainous province and access to the Internet was cut for an unspecified period..

Mirsaidov said that “the journalists are forced to publish their works anonymously. Another issue is that the special services of Tajikistan trace every \$500 and above amounts arriving in the country. The banks are obliged to render the lists of recipients to the authorities”.

“Media editors themselves are routinely forced to unpublish articles after pressure by the authorities”, he continued, “self-censorship rules the industry. No wonder the dedicated readership is furious about it”.

Khairullo Mirsaidov was reminiscing the past that, “There was an important milestone in 2011 [during the armed clashes between the government and local militant forces], the journalists faced immense pressure at the time. Unfortunately, no solidarity was kindled in the industry. The siloviki (the law enforcers) and the authorities [in overall] felt it was time to impose even more pressure on the journalists”.

The Tajik authorities kept its autonomous province in Gorno-Badakhshan shut from the Internet for several months, from 25 November 2021 to 21 March 2022, due to security reasons after the protests. The mobile speed, for example, remained at 2G instead of the previous 3G. But the unrest in May 2022 left the province without access to the Internet again.

Uzbekistan

The abrupt, but much-anticipated regime change in 2016 brought liberalization that both international investors and the government of Uzbekistan relied on. Modernization of the economy meant an official refusal of forced labor extensively used in the collection of cotton – one of the main export components besides mineral resources.

Freedom of expression was given a chance despite the competing factions in the government – one supporting the old methods in controlling media and another seeing it as a precursor for approval of foreign lending and investments.

Journalist Alexey Volosevich denies that the freedom of speech was suddenly realized in Uzbekistan, moreover, the current “regime ignores everything but is busy embezzling”. He continues that the regime does not imprison its critics left and right as it did before because the “international financial organizations are singing hosannas for the ‘reforms’ as they continue to lend. It is a new way of making money”.

Control of media content by the government in Uzbekistan is still tight, especially regarding the way mass media is financed. According to Volosevich, “the reason behind such a development is that it is prohibited to receive grants from abroad (the procedure is highly complicated – there is the special council that assesses whether a ‘grant is hostile’, while it is quite clear that it consists of members of special services).”

Volosevich continues that “therefore, only those mass media that are funded by different economic groups



survive, and they are not willing to go too far with critics of the authorities. Journalists will not suffer but the business owners will.

“It is a very difficult question of whether freedom of expression improved,” Volosevich concludes.

Miraziz Bazarov

Blogger Miraziz Bazarov raised a question of transparency and corruption when a multi-million assistance was issued by the Asian Development Bank and the International Monetary Fund to Uzbekistan. After his post, the State Security Service interrogated the blogger. Simultaneously, Bazarov’s access to mobile Internet was blocked and his telephone was attacked by hackers. Reporters from the Hook online outlet were also hacked, harassed, and their personal data became available online, and further, they deleted the news about Bazarov’s open letter to financial institutions.

After a series of Facebook posts supporting the LGBTQI+ minority in Uzbekistan, Bazarov was attacked by a group of unknown men and severely injured. Later, while in hospital Bazarov was accused of slander. The blogger remains under house arrest with no right to access his social media accounts.

Bobomurod Abdullayev

Journalist Bobomurod Abdullayev commented for the report, “I cannot say anything about the rapid growth of freedom of speech. Compared to Karimov’s time, it is better, of course. But all the same, there are arrests of bloggers – they are fined. One blogger was sentenced to six years, the other was fined a large amount.”

Abdullayev himself was a victim of “successful” online surveillance and torture by the special services of Uzbekistan and was accused of “overthrow of the constitutional order in Uzbekistan” for leading a blog critical of Islam Karimov’s government.

He was sentenced to one year and six months of community service and was not allowed to travel abroad. Abdullayev was arrested in Kyrgyzstan in 2020 and after being tortured by the Kyrgyz GKNB extradited to Uzbekistan, despite his application for asylum in Kyrgyzstan.

In Uzbekistan, he was accused of an attempt to “overthrow the constitutional order” by leading another critical blog. He was unexpectedly released the next day after the extradition and later the president of Uzbekistan granted him a furnished flat in a newly built block of houses in the capital Tashkent.

Otabek Sattoriy

Blogger Otabek Sattoriy was sentenced to six years and six months of imprisonment for “extortion” of money and material means and “slander” despite a public outcry. However, Sattoriy, known as a vlogger leading an anti-corruption blog on YouTube, is believed to suffer for his investigative reports against corrupt officials in Surhandaryo province. The arrest and treatment of the blogger shocked the media circles of Uzbekistan.

Uzbekistan flash slowdown of social media

On 3 November 2021, the Uzbek state agency regulating communications, Uzkomnazorat, limited access to Facebook, Instagram, YouTube, Telegram, and Russia-based Odnoklassniki social media. A reason for the ban was the failure by the named companies to fulfil the requirements of the law adopted in March 2021 to keep personal data of Uzbek users of social media within the Uzbekistan territory, while the state agency responsible for personal data issued compliance letters to Facebook, Inc. (now known as Meta Platforms, Inc.), Mail.ru, Microsoft’s Skype, Telegram, Tencent’s WeChat, TikTok, Twitter, and Yandex.

A few hours after the block, access was restored, resulting in the dismissal of the Uzkomnazorat chief, Golibsher Ziyayev, who the Uzbek President’s Press Secretary said had “faulty and uncoordinated activity”. However, the previously banned social media and messenger apps like Twitter, TikTok, Skype, V Kontakte, and Wechat remain among the officially blocked resources. The incident emerged amidst the renewal of the five-year term of the incumbent president, Mirziyoyev, after winning the second presidential election in October 2021.



Conclusion

Online freedoms in Central Asian countries – Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan – are significantly restricted by several factors, despite significant investments in the industry, development of infrastructure, and most international human rights obligations ratified.

The first factor is the introduction of prohibitive measures affixed to national legislation, however much they contradict international human rights law. While pursuing control over freedom of expression, freedom of information, and the right to access the Internet, the governments explain their motivation as an intention to protect the digital rights of their people – security of personal data, for example.

Where the first factor fails to keep online activism in check, then surveillance equipment and software legally purchased from a variety of foreign companies registered in the Western countries play their role in tracking and identifying targeted Internet users, consequently resulting in their harassment or prosecution by the law enforcement authorities who deploy spyware against them.

Interference by the state into the access of Internet content, slowing or shutting down access to the Internet during lawful and peaceful protests, and tracking individuals without warrants undermine international human rights obligations that forbid breach of privacy and restriction of freedom of expression.

The third factor is the relatively passive roles of Internet companies owning social media platforms present in Central Asia. Collaboration with the governments regarding the content on their platforms undermines the digital rights of their users, freedom of information, and freedom of expression.

The Covid-19 pandemic exposed poor governance in all four countries and caused waves of criticisms on social media, which were expressed by ordinary citizens, the civil society, and political activists.

The law enforcement authorities resorted to the easiest way of containing the justified contempt of the people with these government policies – the introduction or attempts to enforce stricter rules of behavior on social media – rather than elaborating better solutions in emergency situations.

Discussion of corruption, abuse of power, and social and economic issues raised on social media became a target for the authorities.

Prohibitive measures

The legal initiative in Kyrgyzstan to track the owner of posts that are deemed to be defaming another individual became law in 2021. Legal initiatives in Uzbekistan – libel laws allowing to sue website owners or bloggers; Kazakhstan – political discussion remains a reason for interpretation as extremism and personal data localization is a near perspective; Tajikistan – the existing framework of laws tracking extremism already playing a crucial role in self-censorship of any critics of the government policies.

Yelzhan Kabyshev expressed his views about perspectives for online freedoms in Kazakhstan as “foggy, with all these legislative initiatives and campaigns about localization, while the certificate of safety is already a legal norm and can be further rolled out”. He emphasized the importance of security for ordinary citizens when personal data is easily blocked during localization. “Political individuals may use such norms to their advantage rather than in the interests of society”.

“Localization requires more and detailed discussion about guarantees of the rights to protect personal data – the right to destroy data about oneself, for which localization is needed, the subjectivity of the law when personal data is stored abroad. Contacting local authorities is better than not knowing who and where,” Kabyshev concluded.

Adil Jalilov said that the so-called “sovereignization [shutdown of access to external channels] of the Internet” is still possible due to the ongoing process of power transition after the resignation of the first president of Kazakhstan, Nazarbayev, to ensure public security.

Regarding Kyrgyzstan, with continuous unprecedented harassment of mass media representatives, civil society and political activists, and ordinary social media users meant to shut their critics, Begaim Usenova commented that “such a hostile atmosphere for bloggers and journalists leads to self-censorship. Bloggers sometimes do not know their rights while law enforcers ignore liberties”.



Expert Aynur Smart emphasized that Kyrgyzstan's prospects regarding freedom of speech are better only if social media activists like her would continue "standing together shoulder to shoulder above the rest in promoting democratic values".

Volosevich was doubtful about brighter perspectives for Uzbekistan too, with "no clear trends for the future". He believes that everything might change at any moment "in either way – towards bigger freedom or its reduction", but he is hopeful that "it is good that people are getting used to [freedom]".

"Even officials at all levels are agreeable that access to the Internet is essential for economic growth" in Tajikistan, emphasized Ibodova. "Especially, quality access to the Internet is important for higher education since academia still relies heavily on outdated sources. The existing ban on mobile gadgets at universities is detrimental to students".

Surveillance

Early utilization of SORM by the Central Asian governments envisaged the coming of Pegasus as more capable spyware.

All previously described cyber-surveillance facts tell of the appetite of the Central Asian governments to look for a wider capability to get access to private data of individuals and communications between them. The legality of use of this spyware in many cases is questionable.

The main impact of surveillance systems and their "silent" utilization is the self-censorship by bloggers, journalists, activists and every user of telecommunications on all kinds of Internet platforms since the evidence cited above identified this group of people as a target in most cases.

Yelzhan Kabyshev noted that "another type of surveillance is IMEI code + phone number + IIN (individual identification number) to have a track digital footprint by the government agencies.

In Kyrgyzstan, registration of IMEI codes is compulsory from 1 January 2022.

Internet companies and social media

The power of social media is still underestimated – the case of Khairullo Mirsaidov who was released under the unprecedented pressure disseminated via social media is indeed indicative of this.

The relative independence of multinational companies standing behind the most popular social media platforms from national legislation might have made the governments in Central Asia push for legal initiatives. The draft laws target the media content under control.

The Government of Kazakhstan and Facebook started cooperating on "online safety for children" through the Content Reporting System (CRS). Facebook representatives trained the personnel of the Ministry of Information and Social Development of the Republic of Kazakhstan to work with CRS and Facebook Community Standards, their joint statement said. The parties did not disclose the details of their collaboration and it is not clear whether the Kazakhstan government would only have access to CSR on "online safety for children".

The government of Uzbekistan is also hopeful about having a say in the moderation of social media for users from Uzbekistan.

The legislative attempts requiring the global companies to store the personal data of their citizens on servers located in their respective national territories are dictated more by fears of losing control rather than genuinely caring about ordinary Internet users in an increasingly huge and complicated data market.





Recommendations for policymakers & watchdogs

Civil society organization

- Continue developing a partnership with civil society organizations in Central Asia promoting online freedoms (digital rights, freedom of information and freedom of expression, access to the Internet, right to privacy)
- Educate and organize a movement to protect online freedoms by demanding the introduction of international digital rights and online freedoms into the international human rights law
- Demand transparency and accountability of surveillance programs
- Supporting owners of social media platforms to sue surveillance companies for breaching their right to privacy
- Invite experts in online freedoms from Central Asia to participate in such platforms as Internet Governance Forum or Internet Coalition by initiating or joining the discussion on threats to freedom of expression, raising issues of participation and accountability of big Internet companies and governments on guaranteeing online freedoms

Governments of Central Asia

- Adhere to international human rights obligations regarding freedom of expression, right to privacy
- Promote digital rights, access to the Internet
- Promote online freedoms as an international human rights law
- Stop arbitrary detention when individuals exercise their freedom of expression online
- Increase transparency and accountability of surveillance programs by inviting civil society organizations to draft regulations
- Engage actively in the discussion of guaranteeing online freedoms on national and international platforms
- Governments sponsoring aid development programs in Central Asia
- Make guarantees of online freedoms and digital rights a condition for the provision of aid in the digitalization of the Central Asian states
- Demand fulfilment of international human rights obligations regarding freedom of expression, right to privacy
- Demand promotion of digital rights, access to the Internet
- Demand promotion of online freedoms as an international human right
- Demand transparency and accountability of surveillance programs
- Involve governments of Central Asia to actively participate and engage in discussions guaranteeing online freedoms on national and international platforms
- Internet companies owning social media and interactive platforms
- Protect individuals' rights to privacy on their platforms
- Promote and guarantee online freedoms on their platforms

- Invite civil society organizations to collaborate on the protection and promotion of human rights and freedoms – by introducing moderation in all languages and providing a right to appeal when social media users’ rights are restricted according to online community guidelines adopted by the Internet companies
- Continue suing surveillance companies for breaching the right to privacy of social media users
- Accept accountability and transparency over the development and modification of online community rules

Think tanks

- Study the importance of guarantees of digital rights and online freedoms for sustainable development
- Study impact of surveillance programs on freedom of expression
- Study how new trends in Internet technologies like the Safe City system with advanced surveillance capability may affect exercising of online freedoms in Central Asia







