



Organization for Security and Co-operation in Europe  
Representative on Freedom of the Media

## Summary

### **Analysis of the draft Law of the Kyrgyz Republic “On the manipulation of information”**

This study contains an analysis of the draft Law of the Kyrgyz Republic “On the manipulation of information”, which is aimed at regulating the dissemination of information online in the context of disinformation. The analysis was carried out in the context of the legal regulation of freedom of speech and freedom of expression, the right to access to information and its dissemination in the context of internet regulation, media legislation, as well as international standards on freedom of expression and freedom of information in the digital age. The analysis was carried out in terms of compliance of the draft law with the Constitution of the Kyrgyz Republic, the current legislation of the Kyrgyz Republic, international standards and international obligations of the Kyrgyz Republic under the International Covenant of Civil and Political rights and other international Treaties to which Kyrgyzstan is a party, with due respect to soft law in the field of the right to freedom of expression and freedom of information. When analysing the provisions of the bill, the ongoing discussion in the media community of the Kyrgyz Republic on this issue was taken into account.

According to the expert, the proposed regulation has serious flaws in the legal terminology, and contains vague language that allows arbitrary interpretation and application.

The proposed law contains restrictions to the right to freely disseminate information online, and restrictions to the right to anonymity. The document enables a governmental agency the right to shut down access to resources online without any due judicial control, denying access to lawful content on the internet. Such restrictions are excessive, are not justified by the legitimate public interest in terms of the free exchange of information on matters of public concern, and jeopardize pluralism of opinions and the media, the right to freedom of expression and freedom of information in the digital age. They are also in conflict with the main international standards and Treaties in this area.

Based on the results of the analysis, the expert comes to the general conclusion that the draft law contains serious flaws in legal terminology that allow arbitrary interpretation and application, and duplicates civil legislation provisions regulating defamation and the right to reply established by the law of the Kyrgyz Republic “On Mass Media”. Many provisions are also in conflict with the fundamental standards and interpretation of Article 19 of the International Covenant on Civil and Political Rights and international standards for the dissemination of information online, including those developed by the OSCE.

Coming to this conclusion, the expert would highly recommend that this draft law be rejected or revised in full accordance with the requirements of international human rights instruments. Also, in case a decision is taken to carry on drafting regulation in the field of restricting content disseminated online, the expert recommends working in close co-operation with organizations with the proper reputation and expertise in the field of freedom of speech, freedom of information and freedom of the internet.