

TRANSCRIPT

Roundtable

“The Current State of Online Journalism in Kyrgyzstan: Problems and Development Prospects”

On November 24, 2008, the Bishkek Press Club held a round table on “The Current State of Online Journalism in Kyrgyzstan: Problems and Development Prospects” within the framework of the project “Promotion of Online Journalism in Kyrgyzstan” with the support of the British Embassy in Astana. Media experts, members of the Kyrgyz Parliament, journalists and representatives of governmental bodies and NGOs participated in the round table.

Roundtable participants:

Moderator - Radislav Safin, the editor in chief of the Bishkek Press Club;

Kadyr Abdraev, a leading specialist in the information policy management department of the Ministry of Culture;

Erlan Abdylidaev, director of the IWPR office in Kyrgyzstan;

Alisher Mamasaliev, a deputy of the Jogorku Kenesh;

Alisher Sabirov, a deputy of the Jogorku Kenesh;

Ilim Karypbekov, a media representative of KR;

Leila Saralaeva, an independent journalist;

Azamat Tynaev, the chief editor of the newspaper “Komsomolskaya Pravda”;

Marat Tokoev, the head of the public association “Journalists”;

Bektur Iskender, the editor in chief of the Internet portal “Kloop.kg”;

Diana Sarykulova, press-service of the Ministry of Foreign Affairs;

Representatives of the media;

Students of Bishkek universities.

Radislav Safin introduced the participants and announced the topic of the roundtable.

Kadyr Abdraev: Without a legal framework, the executive branch of power has virtually no mechanisms to regulate the Internet. Nevertheless, the Ministry of Culture is closely watching the polemic around Internet. We try to monitor what is happening in the Internet arena in the CIS. We do not always have full information. We fully understand that today the phenomenon of the Internet takes a huge place in the life of every person, and sooner or later, our ministry will have to deal with that phenomenon to a varying extent.

The topic of today's roundtable is “The Current State of Online Journalism in Kyrgyzstan: Problems and Development Prospects.” Recently, the Institute of Media Representative conducted a good analysis. It emphasized that online journalism in Kyrgyzstan is the more independent than other media. Online publications are able to publish all their materials and enjoy greater freedom of speech. At the same time, the analysis mentions some very interesting things, like, for instance, the fact that the Internet is outside legal regulation because there is no legislation, which would regulate online activities. The mass media are regulated by the law “On the Media,” which was adopted in 1993. There is also a draft “On the Radio and Television,” which was signed on 3 June 2008. Today, the amendments and additions to this draft are being prepared. I think that in the coming months we will have a good law “On Radio and Television.” Then, Kyrgyz radio and television will also be regulated by the law. To date, the Internet is not regulated. I think that this is only temporarily, and sooner or later, a law or a regulatory framework will appear. But I do not think that it would be good if Kyrgyzstan were the first to adopt the law. With all my respect to the Parliament deputies, Kyrgyzstan is far from being

the most computerized country in the world. I would understand the desire to adopt legislative acts and introduce a regulation system in this area if 90 percent of our population had computers and the access to the Internet. Besides, the Internet is also a mailbox, television, and shop. How can one law embrace all that? For me, it is hard to understand.

These laws are largely initiated because the websites contain incompetent and obscene comments, which disturb not only our public activists, but also ordinary citizens. The comments say much about the culture level of those who comment on any topic. Should a law concerning the Internet exist? There are many views. Even here in Kyrgyzstan, many experts say that a law should not regulate the Internet, because it would immediately limit the freedom of speech. I cannot agree with this because those obscene comments may not serve as an indicator of freedom of speech in our country. At the same time, there are those who say that the Internet should be regulated. As I have mentioned, we conducted a monitor and now, we have our own opinion on this issue. We believe that online journalism is a mass medium. So, the Law "On the Media" should regulate online journalism. I do not know how it will be implemented in reality. Today, in many foreign countries, interactive television is already a part of reality. Interactive television is when the audience can be actively involved in a TV program. This is what we have today at websites, if moderators allow this to happen. I think such practice should not exist because responsibility for TV programs will fall on its television company. The same rule should work for the Internet. The Internet has many dimensions, so it must fall within the scope of many laws. The terms that are currently used only on the Internet should be legally introduced in a law or several laws (website, chat, etc.).

To date, our ministry is beginning its work with the Law "On Radio and Television." And, we already see a big problem here. Today, many television companies exist on paper but very few of them can be seen on the screen. If tomorrow, the Ministry of Culture and Information is responsible for Internet space, and most likely it will be responsible for the content part, our ministry will have to work in this area, too. And frankly, we still cannot imagine how we should do this. We are far from thinking that we need to take tough measures. I consider the Internet a great benefit. No self-respecting television company or newspaper would allow obscene words to appear on its pages. And I believe that the Internet should clean itself up. Maybe, it would be right not to talk about adopting any laws - by the legislative or executive branches of government - at the first stage. The most correct solution today is that online editions develop their own self-regulatory mechanisms to monitor the content of the comments, which appear on their websites.

Примечание: Whatever changes you make to the previous phrase applies here too

Radislav Safin: Thank you, Kadyr Adisovich. It was very interesting to hear your idea about self-regulation. That was the position of the Ministry of Culture. We would like to suggest the following type of discussion. First, we will listen to all the speakers and then we will discuss what we have heard. If there are no objections, let's proceed. Next, I would like to give the floor to Alisher Mamasaliev, a representative of the legislative branch.

Alisher Mamasaliev: I must say that the previous speech has been illustrative. To date, the Ministry's position toward the Internet space is clear. However, I think that the position of the Ministry could be even clearer. At least, the prospects and strategies should be more or less marked. In fact, today, the Internet is getting more powerful; not only in the information environment but also in social and political life. We are witnesses of this, at least for the people who are engaged in politics. There are gaps in the legislative policy regarding the Internet space. Several legal acts exist but they work within the limits of some departments. For example, the city administration adopted the regulations concerning the Internet portal on the work of local government, or there is also a statute on public information policy.

To date, the CIS Inter-parliamentary Assembly - an advisory body for development of legislative drafts - is preparing a draft law concerning the Internet. I will speak on this a bit later. An analysis of 13 countries and about 130 laws of the CIS countries has been conducted. I would like to share some of the findings made by the specialists.

The analysis showed that the CIS countries are at different stages of development concerning Internet policy. The commonwealth countries have no common law regarding the Internet, and the legislation of some countries does not mention the Internet at all. The lack of legislation has different consequences for society. In some countries, the lack of legislation helps the Internet develop without governmental intervention. But in this case, the attempts to establish governmental control over the Internet space can become a reality at any stage. In other countries, the lack of legislation regulating the Internet space, serves as a breeding ground for full freedom of action for governmental officials. They arbitrarily decide what should be prohibited and what should be allowed. In this sense, we must understand that the adoption of a law regarding the Internet is a double-edged sword. The most

effective mechanism for the development of the Internet market in CIS is its self-regulation as the only way to regulate these relations. Employees of media holdings support this view. As for my personal view, I believe that this could be a public-private partnership. It is most often used in Russia and Kazakhstan now. I think we could discuss it. An important factor in the Internet development is the state policy regarding Internet because it depends on existing legislation. For example, if we take Russia, as a party to the CIS, there is a public-private form of regulation. They established a non-profit organization "Coordination Center of RU Domain," which provides technical regulation of the Internet. It is interesting to note that the center is composed of representatives of public organizations, business structures and the authorized governmental bodies. I must say that our government's attitude toward this issue is not clear. In Russia, this authorized body has a veto power, but, as the practice has shown, they have never used it. Everything works on the consensus basis. In this regard, I think the experience of the Russian Federation would be interesting for us.

Regarding the draft law, which is being developed by the Inter-parliamentary Assembly of CIS countries, I would like to say that this model law establishes a common principle of regulation of legal relationships arising in the use of the Internet. This is the second challenge - the harmonization and regulation of these relationships in the Internet space and improvement of national legislation concerning the Internet. Which aspects could touch the law? First of all, it is the protection of consumer rights. There are new infrastructures and actors in the market of Kyrgyzstan, such as sellers and paying via the Internet and credit cards. The new draft law on the protection of consumer rights contains some articles about the Internet. Next, is the right to information. Everyone has the right to access information and to the protection of personal data. Other aspects here are online trade, spam, the Law "On Advertising", online casino, copyright, computer crimes, Internet access, the Law "On Access to Communications and Telecommunications", domain names and registration rights. If the law does not apply to legal relationship concerning the freedom of access, information security and protection of intellectual property, then the basis for legal relationship should be the legal facts, emerging in the Internet space, not the Internet itself.

This draft, with members of the party "Ak Zhol" among its initiators, was introduced to the committee of the Jogorku Kenesh. Finally, I would like to say that the position of the Ministry of Culture today is unclear. They do not know themselves whether they have a right to regulate this issue. They could have been, at least, one of the initiators of the project on the Internet space. I think that the Ministry should have a clearer position. Thank you.

Radislav Safin: Thanks for your interesting speech. So, we have heard the views of the Ministry of Culture and of the legislative body. And now, we would like to know the opinion of the media community. Please, Leila, you have the floor.

Leila Saralaeva: Good afternoon. I would call my speech "Optimistic View of an Active Internet User in Kyrgyzstan." It has been argued that traditional print media - newspapers, as well as television and radio - do not play the same role in the world today as they did ten years ago. Internet is becoming a key factor in the evolution of society. In Kyrgyzstan, online journalism began to develop about 10 years ago. I can confidently say that the prospects for the online journalism development in Kyrgyzstan are enormous. To paraphrase a TV hero, who thirty years ago said that there would be only television everywhere, I believe that soon there will be only Internet, unless our Parliament members impede it. I think no one doubts that it is impossible to imagine an ordinary day without Internet news. Many editors explained lower circulation of newspapers as being directly correlated to the development of Internet news sites because the Internet has become the most expeditious, inexpensive and global source of news. One can list a number of properties of online journalism: relevance, selectivity, large memory volume, the possibility of archiving, interactivity and multimedia. If we compare the work of online news agencies with television or newspapers, the result will be in favor of the Internet. For example, Internet sites contain optical, text and acoustic programs, making the Internet a multi-functional mass medium. A journalist, working online, is not dependent on time. He can post news at any time, day or night, when the event occurs. That is, he is independent from the working hours of a newspaper staff. The user or the reader can choose which information to read. Besides, he has a chance to express his view at a forum, and that is a big advantage. The reader can see in the archive what the website has already published on the topic, which is impossible on television. To find some article in a newspaper, one, until recently, had to go to the library and look through bales of newspapers.

Now television programs and newspapers have their own Internet sites, which confirm the assumption of a gradual replacement of other media by the Internet. Internet sites are the fastest disseminators of news. Let me give an example - the news the President signed the Constitution. Even if a TV channel

wanted to give the news in a special edition, it would take its staff no less than forty minutes to prepare it. A newspaper would write about the news, at its best, in the morning edition. In contrast, online journalists can inform about the news five minutes after the event, using a cellular phone. Sometimes we prepare "draft" news that the signing will take place, and then we just give a signal and the information is posted. For more information, it is sufficient to quote the President's words, i.e. 10 minutes later we can post more detailed information. Therefore, journalists of online news agencies compete in speed.

Also I would like to say something about censorship. It has been argued that Internet sites in Kyrgyzstan play the role of the opposition media. I personally fully agree with that statement. Many local Internet sites have good and reliable informants in various fields. And if there is sensational news, it is posted with reference to an anonymous source in the official structures. International news agencies cannot always refer to anonymous sources, while local agencies do it quite often. Once the information is published with reference to an anonymous source, the authorities have no other choice but to give official information on this topic. Perhaps, the authorities would like to hide some information. As an example, I will mention the killing of our citizen by a U.S. military in the airport "Manas". The "AKIpress" agency was the first to publish the news - only one line - with reference to its own source in the Ministry of Internal Affairs. But as this news became known, other media quickly "picked it up" and kept on discussing it, and thus it became known in the world community. In addition, news websites reflect the true face of our state officials. Previously, state officials were almost like gods, appearing only at press-conferences or giving interviews only to those journalists who were particularly close to them. Now, at any Parliament meeting, one may "catch" any state official and ask him a topical question. Then our state officials demonstrate their competence. That is why the majority of deputies from the party "Ak Zhol" hide from journalists. Either they have nothing to say to people, or they are afraid to say something, which should be kept in secret. Lately, Internet websites have become the only platform for opposition leaders. The governmental media increasingly ignore them, which gives them extra charm. At the websites of "24.kg", "AKIpress", "Bishkek Press Club," one may read many opposition views and understand that they have no concrete ideas for our country.

There is official statistics that between 5 to 14 percent of the population in Kyrgyzstan use the Internet. I agree that it is very little. The main reason is technical and financial problems. Many online publications conduct a constant monitoring of readers. I have watched a few surveys and found that the majority of readers of news Web sites are the people of 25-45 years old. They are mostly businessmen, civil servants, employees of international organizations, representatives of the mass media and students. This means that mostly educated people with high income and from a certain social status read the websites. Every day, those news websites are visited by up to eight thousand readers. During a week - up to forty-five thousand. In Kyrgyzstan, there is no newspaper with such circulation. My personal experience in online journalism is 6 years. Before that, I had been working for 8 years in a weekly newspaper. I came to the conclusion that I could not work in the medium, publishing 5-day old news. News live one day - this is the motto of news agencies. In addition, the agency "Associated Press" has the following formula for selection of news: We have to "try" news on any Latin American state - whether it would be interesting for me, as a reader, if anything similar happens there. Thus, our recent events are not very topical for the world public opinion. Nevertheless, Kyrgyzstan is still able to surprise the world.

On this occasion, I would like to express my opinion about the draft, which the Parliament members want to adopt, - "On Regulation of the Internet Space." I do not object some limitations for the sites that promote terrorism, religion, ethnic strife and pornography. But, trying to restrict the Internet forums, I think, we throw the baby out with the bathwater. For the Kyrgyz media, it is very important, as the Internet forums give the opposition media a variety of views. The role of Internet for the establishment of civil society and democracy is important. Thank you.

Radislav Safin: Thank you, Leila. It is hard to disagree with you. Elaborating your idea, I would like to emphasize that online journalism in Kyrgyzstan today remains one of the most independent forms of journalism in comparison with press, television and radio. Representatives of the online media have more freedom of speech and have a great opportunity to present diverse opinions in their materials. According to the experts, the media space of the Internet now is almost the only area where citizens can freely express their views. In this regard, quite a large number of experts, including representatives of the media, believe that any legal regulation of the activities of Internet publications would entail a considerable restriction of freedom of speech. There are even the assumptions that this will entail a total censorship. The media community of Kyrgyzstan is sure that, in general, the initiative of the Jogorku Kenesh deputies poses a threat to online journalism. In this connection, it seems

appropriate to listen to the view of one of the initiators of the amendments - Alisher Sabirov. Could you tell us what made you propose such an initiative? Which objectives do you pursue?

Alisher Sabirov: Thank you very much. It is an honor for me to speak at the Bishkek Press Club. The previous speaker, Leila Saralaeva, has clearly shown how journalists should work. She has covered all the major issues, "kicked" the state authorities and "bit" the deputies from the "Ak Zhol" faction ... I want to speak as an Internet user, not as a Parliament member. I use the Internet for my work. For information. I would like to say that the goal of my initiative is not to limit the work of Internet journalists, not to close the Internet, but to make sure that online journalists and providers work within legal frames. Lack of law is a good thing for state officials. The principle of the rule of law, which the Kyrgyz Constitution mentions, is when officials do what is permitted by law, rather than by instructions and all kinds of provisions. Therefore, the lack of a law concerning the Internet is favorable to them. Maybe, it is also favorable to some journalists, so that they could provide information and express their opinions. What I am most concerned about is the appeals to stir up inter-religious hatred, inter-ethnic clashes or the talks about inter-regional conflicts, especially between North and South, which are getting more and more topical in Kyrgyzstan, although the Criminal Code contains the articles that prohibit it. But when law enforcement authorities try to invite journalists, they say: "On what grounds? I'm not a mass medium. Where is the Internet in the law? Where is the web domain registered? Who reads this information?" Such situations are obvious. If you are an Internet user, you can see that certain Russian websites distribute the manuals about how to kill the people of Caucasian nationality, how to kill Tajiks, Uzbeks, how to film that and how to post it on the Internet. Child pornography is also distributed. Are we supposed to tolerate it and wait until those things appear in our country? This is the main reason for my initiative.

If we say that we live in a civilized society, let's introduce a law to regulate those relationships. Yes, it is difficult. Perhaps, they are not yet regulated anywhere. But we must take some measures. So, we have created a working group, and in January-February we will hold a large international conference on the topic "Internet and the Law." Do we need it or not? The most important thing is no matter if there is a law or not, the Internet will evolve. Internet journalism will evolve. But we are civilized people, and journalists must follow the journalistic ethics. I saw what the journalistic ethic is at the website of the Bishkek Press Club. I think we should strive for it.

Alisher Mamasaliev has already spoken on the law. IPA (Inter-Parliamentary Assembly) developed a model law, and we, as members of the Commonwealth of Independent States, will adopt this law. This is another argument that the Internet should be regulated. The second point: you know, on October 10th the heads of the CIS countries signed an agreement on information security, including the Internet. We will hold a conference. There will be three major issues. The first issue is the legal problems of the Internet. Second, is the freedom of speech on the Internet. Third, is information security. At the moment, we do not consider the issues of online government, online education, online casinos and trade, because there are many of them. Once we begin to address these issues, they become more complicated. Therefore, we are still concentrated on three issues. I invite all. It will be a very big conference. We will invite about 120 people. I, as one of the organizers, invite all today's roundtable participants to the conference.

Примечание: Is he referring to a conference that happened in the past or will happen in the future... the switch from past tense to the future is too abrupt here.

Now I would like to appeal to journalists, as a user. Journalism is work, and this work is very important. The easiest thing is to report about some accident or event. But first, one must understand what consequences this message may cause and how true it is. More often, our journalists take a report by the Ministry of Internal Affairs and get the facts from it. And then two or three weeks later they publish a denial, as it turns out that a militiaman on duty told some name incorrectly. That happens quite often. Also, from my own experience: journalists very often ring on my city telephone number or on my cell number and ask for an interview. I never give telephone interviews. Why? A journalist should work. He should come and see the reaction of an interviewee. Just sitting in one's office and calling do not require much effort. I think we must also take this aspect into account.

There are different figures on how many Internet users we have in Kyrgyzstan. I think many will support my suggestion. You know, on March 24 we will begin taking a census. I think we could suggest the National Statistics Committee to include the following question in the survey: "Do you use the Internet?" Or "Do you have an access to Internet?" Then, we will get a real picture on this issue.

I would like to stress one more time that we do not intend to hamper. Whether we like it or not, the Internet will evolve. We must do everything possible for the Internet to develop in a legal space. Thank you.

Radislav Safin: Thank you. Before we begin the discussion, I would like to draw your attention to another point, which has not been raised. It is the internal regulation of the relationship between the Internet and traditional media. This is rarely discussed, because the executive branch of power pursues its own interests, while the legislative branch pursues its own ones. What remains for the representatives of Internet publications? Today, there is a situation when all the most interesting and scandalous materials are in the hands of television and radio programs, or on pages of printed press. The situation is that Internet-business is becoming a business of traditional mass media, i.e. an Internet edition cannot make money and build its own business, because all its materials are reprinted. Internet media are unable to influence the policies of traditional media. In this context, there is a need for either a legislative mechanism to regulate this relationship, or, as suggested by the representative of the Ministry of Culture, for some internal mechanism. Why does this happen? Traditional media, first of all, save on journalists. It is easier to hire one person who would reprint materials, edit and publish them in a newspaper. Second, this is, of course, trivial - to save on telephone calls. It's no secret that in order to reach a politician, who is often out of his working place, a journalist must call on his cell phone. This is extremely costly for television and radio companies. Third and more importantly, by doing this, traditional media often try to avoid responsibility for the published material. So, being engaged in banal reproduction, they make the original source of information responsible. If there are complaints about a particular publication, Internet editions will be responsible. It is unlikely that this will affect those media that reprinted the material. That is what I wanted to draw your attention to. Because, according to the opinion of representatives of Internet publications, it is very important. In the arguments between journalists and legislative branch of power, journalists and the executive branch, we have lost this idea: how to regulate the relationship between the Internet and traditional media.

Let's continue the discussion. As far as I understand, Azamat Tynayev, the editor of the newspaper "Komsomolskaya Pravda v Kyrgyzstane," has something to say.

Azamat Tynayev: Thank you, Radislav. First of all, I would agree with the officials on the need to regulate Internet sites, which are, judging by their properties, the mass media. If any of you wished to register your own website, you would register in a statistics body. The big book, which lists all kinds of activities, contains nothing similar to the Internet activity, even slightly. I remember when we registered a website, the registering officer desperately suggested us to find something appropriate by ourselves. We found such a formulation – "The Provision of Systematic Information." In this regard, of course, registration of Internet media would become a very easy matter if we agreed on the criteria. One of those criteria could be a "header" of any site. If the header says: "Public Political edition," it is simply an electronic version of a newspaper. And if we see the header "Contacts for Advertisers," everything is clear, i.e. when people accept advertising, the website works the same way as the traditional media do.

But today the word "censorship" was too often heard, and I would like to pay more attention to this point. Of course, I agree that censorship is necessary; sometimes it can be very rigid. We are all aware, what level various types of cyber crimes have reached. But the problem is that in Kyrgyzstan, there is no such thing as censorship, it is prohibited by the Constitution. We have basic rules of what people must not do: engage in the incitement of inter-ethnic hatred, call for the violent overthrow of the regime and similar actions. Even if our Constitution in any way mentions censorship, we must all follow the Universal Declaration of Human Rights, which states that everyone has the right to freely express his views. Of course, when web pages contain obscene words, it is terrible. But if someone writes those words in huge letters on a fence, it will remain there until a house committee or employees of the municipal bodies erase it or paint the fence. First and foremost, we need to understand that the legislative initiative is explained by the desire of most officials to protect themselves from any criticism with the help of law. And we need to understand what is primary. Usually all those obscene words appear as a response to the disclosure of information about some unpopular government's decisions and actions. There is another moment: when people do not have an opportunity to speak, it may continue indefinitely. Where is the guarantee that after this, people would not go and protest at the main city square?

It is not the matter of obscene words. The Internet is technically a very advanced thing. It is possible to accumulate all the comments first in a e-box, inaccessible for reading, then the editor, removing obscene words or unethical remarks, posts the text, because, after all, it is the voice of the people. Such work is performable, technically and physically. For a system administrator is not difficult. I know this because I myself worked for the Internet sites of "24.kg" and "Belyi parohod." These sites are leaders in the number of visitors. There appeared very critical materials on those websites. In that sense, obscene words should be removed. As for the imposition of any censorship ... I would advise the draft initiators and developers to act carefully.

Radislav Safin: From the speech of Alisher Sabirov, we understand what was the motivation for one of the initiators to introduce of these amendments. Today, I would like to draw your attention to Ilim Karypbekov, who is here today as a media representative in Kyrgyzstan. Could you give an independent assessment of the legal amendments that are presented to the public? And what risks exist for Internet publications, if they are adopted?

Ilim Karypbekov: Thank you very much. I greet you all. I am a member of the working group that is working together with Alisher Sabirov, with other deputies; we often meet. I would like to note that now there are three working groups. When we talk about regulation of the Internet space, we must very well understand that we do not need to regulate the entire Internet space. To date, there is no clear and concrete draft law. We now consider the following points. There are many popular news sites, and they are now widely used. And the owners of these Web sites are responsible for the information published there. The existing legislation is sufficient to make them answerable. Actually, they are answerable. I came here after a three-hour interrogation of the AKIpress chief editor Begaim Usenova, who was interrogated by the financial police. This once again proves that there is legislation to answer to.

The problem, however, is the following: There are many comments to the news, there are many open forums and chat rooms, and there is, indeed, an absolute freedom of speech at those chat rooms and forums. First, we must understand that freedom of speech is not an absolute right, but it should be restricted. There was an example with the fence. If a person writes some terrible words on the fence, the law might bring him to account, of course, if that person is found. He would answer for the fact that he disseminated information, even if he was not a mass medium. Today we speak about who will be responsible for those comments, which are not edited. That's the problem. Editors of online news sites that have such forums say that they are responsible only for the news column, and they are not responsible for the comments. Others turn directly to Alisher Sabirov with a request to protect them legally. So this is not a unilateral initiative. Parliament members wonder who would be responsible for it. It is impossible to regulate all. The issue is that someone should bear responsibility. The working group has long thought about it and found an acceptable variant, which is going to be proposed. We propose to make additions and amendments to existing legislation. It would be a good idea if we bring some definitions there. That is, we need to define what is "websites, comments and blogs" to protect, at least, journalists and site owners themselves from liability for the information.

It was said here that Internet materials are often reprinted. Somebody, more or less honest, makes references, but most often, nobody makes references and nobody even asks permission. How should they be protected then? Today, it is impossible to protect Internet sites, because there is no definition of websites. The definition is necessary to introduce in legislation. And here comes the second question. The Kyrgyz Government has also raised this initiative, but they are interested in another point. They are interested in how to find the IP-addresses and how the relationship between providers, servers, secondary and tertiary users should be regulated. There is a second working group, which works on information security. And there is a third group that keeps on working, despite the criticism, and we want to preserve it because it is very important. We want to talk about freedom of speech and the principles of freedom of speech. However, this issue should be solved in a civilized manner.

Risk is the following. We are currently working with a group of Parliament deputies. Alisher Sabirov knows this area very well. We can say that he is an expert here. There is a great risk when it will be suggested to plenary discussion. It will be very difficult because more than 80 deputies with different positions will discuss it. So, there is a risk that the work will be disrupted, control will be lost, and the bill will become different than we wanted it to be. We hope that the outcome will be positive because for the first time, the working group raised the question of self-regulation of the Internet. Now, we are discussing a possibility to create an institution of self-regulation in that area so that honest owners of news agencies could make a statement. We want to create a supervisory board and include Parliament deputies and representatives of the Government there, so that this body could monitor such things as content and ethics. These points are being discussed. A working group is open. Many representatives of well-known Internet sites are in that group, as well as representatives of the Government and the Parliament (Alisher Sabirov). The bill will be further discussed at the conference with the participation of our eminent experts and the experts from foreign countries. Potential opportunities in this area in Kyrgyzstan are also being discussed.

Azamat Tynaev: The speech of Ilim has eloquently mentioned that the government is now looking for a method to identify IP-addresses. As there is a governmental official here, we would like to appeal to stop this game of cat-and-mouse. You will never find a perfect protection system. As soon as you find a good protection way, ten other ways will appear in response. What is IP? For example, if during my

absence Igor Gorbachev writes something and sends this information somewhere, it will be the same as if someone takes a knife from your kitchen and stabs any citizen, and you will be responsible for that because it was your knife. Therefore, let us be reasonable and not resort to any force. There is simply a vast field for the Internet normalization through civilized dialogue and the search for real operating mechanisms, which are based on sober understanding of the situation.

Radislav Safin: I think Kadyr Adisovich would like to respond to that statement.

Kadyr Abdraev: I do not know if I should laugh or cry. You identify me with the entire government, with the executive branch. As if we, state officials, use the lack of legal framework and do whatever we want. I represent the department of Information Policy, and our department does not deal with these things. I suspect that law enforcement structures are engaged in such activities, as they are concerned with information security and terrorism. Perhaps, our position seems unclear for some people; but it is actually quite clear. I agree with the idea that everything must be within the legal framework, but I want that legal framework to be normal, which promotes development. There is no need to regulate the entire Internet. If the Internet is also a shop and a mail service, the laws, existing in those areas, should regulate each sphere of the Internet. As for the Internet as a mass medium, we must thoroughly think over, which definitions should be introduced in which laws, so that law-abiding citizens could work normally. And as for the obscene words, there are many people who are disturbed by them.

Ilim Karypbekov: Yes, a normal person, seeing Internet forums, has an unpleasant feeling. There is a TV channel "Echo Manasa," and yesterday it showed the movie "Planet of Apes." They simultaneously showed a chat with messages sent from mobile phones. I was unpleasantly disturbed when yesterday the natives of Naryn and Osh called each other monkeys at that chat. That skirmish lasted the entire movie. I expected the moderators to stop it. But they did not. Of course, such things will occur. Television today is regulated. As for those forums, today we raise the question of moderating them to protect website owners from the people who have IP-addresses at different places of the world so that the sites would not be responsible for them. They certainly have the right to write on those sites, but the owners of the domains are responsible for these forums and chat rooms. Today's legislation is like this.

Radislav Safin: Even the current legislation allows regulating this situation.

Ilim Karypbekov: Absolutely true. Even today, this is happening. All active news Internet sites are responsible. 24.kg is involved in several legal proceedings. AKIpress now is leading in the number of such legal proceedings. There are more than ten of them where AKIpress is involved as a defendant. But AKIpress says that it is not responsible for the comments. So do other news sites, which have comments, including the "Diesel," which contains only comments. The owners of the "Diesel" think that they are not responsible, but under the law, if someone sues them, they will be held accountable. Of course, this is wrong. We want to clearly define those points so that these sites are not closed. Since their closure would have a negative impact on freedom of speech. But they can and should be regulated. During the last meeting of the working group, we found a way out. It is very difficult to regulate all online resources. We have experts in our working group who work in the Internet space. Again, I say, it seems that we have found a way out that satisfies all parties.

Radislav Safin: Thanks for the addition. I think it was interesting for all to hear the views of different structures. Now I would like to turn to Marat Tokoev, the chairman of the public association "Journalists." What do you think, are there certain risks to journalists from the legislative point of view? And, in general, if we deviate from this norm, would it threaten the freedom of speech and would journalists be more careful in expressing their own views or interviewing on topical issues?

Marat Tokoev: Thank you. Now the most complete and objective information can be found only on the Internet. No newspaper or electronic mass medium in the Republic gave two points of view on the same event. Now let's take 24.kg: it provides the views of opposing parties. Internet today is the only area where one may read opposite opinions. In this sense, the example of Ukraine comes to one's mind. A media specialist, Kazanzhi, recently said that Ukraine has left us far behind in economic development and the development of the media. Although in Ukraine, the Internet is not recognized as a mass medium, readers use the Internet if they want to get information. More and more Internet publications will open because it is expensive to open print or electronic media. And in the face of economic difficulties, it could be one of the methods to provide the population with more information. On the other hand, the Internet contains a lot of negative information, but as noted by experts, it can be regulated. Another point is that there are purely legal and technical issues. I participated in a working group, preparing for the conference. I am not a lawyer or a technician, but there are so many problems, without solving which the consensus in the development of the Internet space is impossible.

So, it is necessary to solve many problems. And the conference's aim is to find what needs to be done. These solutions will take time but we must go on. The journalist community somewhat adversely accepted the idea of regulation because this is a new phenomenon. The working group is now trying to find answers to these questions. As Ilim noted, self-regulation is the best option because it is better to regulate from the inside than from outside.

Radislav Safin: Thank you. Now I would like to give a word to the journalist Grigory Mikhailov, the representative of the Russian Information Agency "Regnum."

Grigory Mikhailov: To get started, I would say the following. First we need to assess what a new law would bring - benefit or harm. At the moment, Internet remains more or less free from dense censorship. In nearly 95 out of 100 cases, print media, radio and television give only the leading party line. Everyone knows the notorious topic of energy. And the reaction of the people is reflected on the Internet. We have seen in the forums of "Diesel," websites of 24.kg, AKIpress, VRS and a few others, a variety of views has been published, including the most negative ones, about what is happening in the Republic. But we have seen few critical stories and articles on television and in newspapers. That is one point. At the moment, the Internet remains the only way to read or write an opinion, which does not coincide with the general view of the leading political party. Moreover, the Internet, for the most part, is outside the scope of the legal field, and partly, it prevents some parties concerned to control it. But there are sites, preaching extremism and similar stuff. Unfortunately, this often happens uncontrollably. There is a problem with copyright infringement. It is even a more acute problem than the removal of certain extremist ideas. Since we have the law on combating extremism, it works well if one wishes; it may be used to stop the spread of such information. Special law enforcement services quite easily get IP and other data, using some linkages among providers.

It was already mentioned that the bill can be very good but it may be amended. Suppose a total ban is introduced. Then, perhaps, 24.kg will become 24.kg.com, i.e. it will move from the domain of "kg" into the commercial "com" and will escape the jurisdiction of local authorities. At the same time, it will continue to work as it did before the ban. Of course, one may sue them, but they will register in Cyprus or in Malta, and then it will be quite difficult.

We see how the forum "Diesel" successfully copes with the problem of the so-called "trolls," i.e. the people who deliberately insult the forum participants. The administration, guided by certain considerations, cleans out and imposes restrictions on visits by those people. It is technically easy to adjust what people say in forums. To do this, one needs to hire more people to read the messages.

With regard to copyright, I can say the following. In Russia, the situation is very simple. The newspaper "Vedomosti" filed a lawsuit against the RDC. The court decided that every stolen news article would cost 28,000 rubles. Given how information was stolen from "Vedomosti," they got a good compensation. Now, the laws on Internet in Russia and Kyrgyzstan are quite similar. We have not had any trial against bloggers. In Russia, they are quite common. I think, at that stage, if you do not want to read swearwords, do not browse the sites, whose administration is not able to clean these texts. The best regulator of online media is a visitor himself. We have a number of sites, which use an extremely offensive language. For example, one website commented the news very "cheerfully." When there was the murder of a citizen of Kyrgyzstan at the American base, it was full of appeals to cut and kill Americans. The same thing I can say about another site. What is happening there? Do not visit it, do not read it!

At the moment, I believe, it would be worth to reconsider the issue of copyright, the issue of consumer rights protection.

And I also would like to say why journalists ask Parliament members to give interviews by telephone. Often one or two people work for seven or eight. To save time, both for a journalist and for you, it is sometimes better to interview by phone or e-mail. But if someone wants to be interviewed personally, it is his right.

Radislav Safin: Thank you. Alisher Ahmedovich, taking into account such a vivid and interesting statement, I would like to ask you a question. What are the risks if the law is adopted?

Alisher Sabirov: Whether there is a law concerning the Internet or not, the Internet will evolve. After all the speeches, I am more confident in that. Of course, we can talk about risks, but they must be clearly justified. Still, I think that all online editions should work within the legal space. Unfortunately, I have a board meeting now, and I have to leave you.

Grigory Mikhailov: Not long ago, the deputies adopted, and the President signed, the Law “On Television and Radio Broadcasting.” For some strange reason, it has had no effect. Why? Because according to it, fifty percent of the content of any broadcasting company should be given to local news. The law was adopted despite numerous protests by experts. It passed through all the agencies, but it turned out that it does not work.

Kadyr Abdraev: We are precisely dealing with this issue. And my personal position, as a citizen, is that it does not make any sense to adopt a separate law on the Internet now. Your example just confirms it. Although the draft that was prepared by our ministry failed, the deputies adopted their own law. The mistake was that, when developing that law, Parliament members did not consult with professionals from radio and television and those working in this field. There are lawyers, but it is desirable that providers themselves were involved too. Just two days ago providers said: “We will work as always, and we will find many ways to avoid your rules. This law would hit Internet cafes, not the major providers.” And they are right. To ensure an effective law, we should primarily involve the professionals.

Radislav Safin: Before today’s roundtable, I had several interviews with deputies of the Jogorku Kenesh and media experts. Based on these conversations, I had a feeling that no matter what, the law will be adopted. The question is not if we need this law or not. The question is what the media community needs to do so that it could work in accordance with this law and with minimal harm. On that issue, Alisher Mamasaliev would like to give some advice to the representatives of the media.

Alisher Mamasaliev: Dear colleagues, I would like to move into a more practical direction. Whether we like it or not, this law will be adopted. As I said, the CIS Inter-parliamentary Assembly is developing a modular draft law. We are members of the CIS, and we will be recommended that our law should be harmonized with the laws of other CIS member states. In this regard, I would recommend considering the experience of the Russian Federation. There is a public-private partnership. There are public technical organizations that regulate the “ru” domain. I think that there is the same organization that regulates the “kg” domain. It is necessary to turn from an object into a subject of the information field, because, as journalists noted, the bill may, after the second reading, change some articles. I would recommend you to create a public body, which would lobby your interests. Personally, I am interested in an independent and objective Internet space, and, for my part, I am ready to help.

Azamat Tynayev: I would like to warn against a possible option. Even if the bill is adopted in the same form as its developers wanted it to be, let us not forget that all this is a further tool for the judiciary. What awaits us there? I bring an example from our practice when a former ombudsman Tursunbai Bakir uulu sued us. By the way, “Komsomolskaya Pravda” exists not only in printed form but also in electronic version. The electronic version has the same content that is published in the newspaper. But there is no possibility to leave comments. So, we must take into account that this problem does not affect all. But the site 24.kg was engaged as a defendant. This is a proof of Ilim Karypbekov’s words that even without this law, our online editions bear responsibility. The prospects of the trial were quite alarming for us. But an interesting thing happened. A term of office of Tursunbay Bakir uulu had finished, and Tursunbek Akun became a new Ombudsman, against whom the lawsuit had been originally initiated. So the picture changed. Endless litigations that took a lot of time and brought a lot of trouble finally finished.

If the media violates something, it must answer for that, and, in principle, journalists are ready to do so because it is part of their profession. But when the media acts as co-defendants, here legislators must think thoroughly about the bill, because the media play an intermediary role in the public debate. A similar debate took place between Tursunbai Bakir uulu and Alisher Mamasaliev. Two deputies argued with one another, which then led a lawsuit against one of them. The media often becomes a scapegoat. I am speaking in defense of my colleagues, because journalists do not use swearwords, for example. Here we have a lot of young people, and I address this to you. We are talking now about the comments to articles of some journalists, which are left by visitors like you. A journalist, after working the whole day, is too tired to browse the Internet. The people who sit in their offices often do this. By the way, among them there are many officials who use it as a tool to fight with their rivals.

Bektur Iskender: I am the chief editor of the portal kloop.kg. Our website may be affected by the bill. The fact is that our site, besides news prepared by journalists, contains also a blog platform. In other words, any user can open his own website on our website. And there are already 420 blogs. It is important for us that if the bill is adopted, we, as the founders of the entire portal, should not be held accountable for the actions of bloggers. As we will have to answer for the actions of many people, this is not what we would like to do in the future. Therefore, while I believe that regulation of the Internet is

important, we need to approach it very carefully so that, first, there would not be total control by the state. Second, website owners should not bear all the responsibility for what users write. It could lead to arbitrariness by moderators in some cases. For example, the “Diesel” had some problems with this. Last year my publications were prohibited five times there, because somebody thought that I advertised my site too much. There are lots of nuances here.

There is another problem, which has hardly been mentioned.. It is the inaccessibility of the website Livejournal.com in Kyrgyzstan. Some providers make it partially accessible. Since 7 October it has been not accessible to most providers in Kyrgyzstan, and for two weeks it was not accessible at all. Most probably, “Kazakhtelekom” blocked it. It means that, in addition to the fact that online journalism can face legal problems, we need to solve also a problem with Internet sovereignty, so that the neighboring country, from which we depend technically, would not block some sites for users in Kyrgyzstan. Unfortunately, it has already happened, while the “Live journal” is an important segment of the Internet in Kyrgyzstan; it has about 300 users who write in their blogs.

Leila Saralaeva: I have just one suggestion. The problem is that when I came to this roundtable, I had an optimistic view on the development of online journalism. But after the speeches of our Parliament and government members, I have a feeling that the bill is a restriction of freedom of speech and a source of pressure on the media. I understand it from your words. So, it will be yet another enactment of a law in Kyrgyz manner: the bill is discussed in length but, as a result, it becomes adopted in the form, in which they wanted to adopt it, because the majority of parliament members are from the ruling party. Those, who lobby this law, do so in order to restrict the freedom of speech, because the only area that so far lies beyond their games is the online space.

Alisher Mamasaliev: Leyla, I fully agree with you that lobbying can happen. Therefore, I urge you to become a subject, not an object. You should create a lobbying body, which would not only react and evaluate the bill but also influence it.

Radislav Safin: I would like to conclude by saying that everyone here would be extremely happy if they knew that the Ministry of Culture and the initiative group of the Jogorku Kenesh have the same sympathetic attitude towards online publications, as the representatives of those bodies, who spoke today, have.

I thank all participants in the Roundtable for interesting discussion.