

Internet Censorship Worsens in Kazakhstan

Author: [Gulmira Birjanova](#)

Comment: Draconian laws made for the press now being turned on web users.

The internet, the only remaining platform for free speech in Kazakhstan, is increasingly under threat. The authorities are going beyond just blocking access to critical media online and now taking on individual internet users.

This stifling of free speech online is the direct result of a 2009 law making internet content subject to the same controls as conventional print and broadcast media. This means that the criminal offence of defamation – one of the biggest obstacles to media freedom in Kazakhstan – extends to all internet resources including blogs, forums, chatrooms, personal pages and social networking sites as well as formal news websites.

Sites can be shut down or blocked if they are found to be in breach of Kazakh law, and there is a long list of possible reasons, including calls to take part in public protests, in other words to exercise one's rights to freedom of assembly.

Internet providers are required to give the authorities access to their networks and assist law enforcement agencies which want to investigate their users.

Now the government wants to further consolidate its control of the web.

In August, the prosecutor general's office initiated a bill which it said was aimed at tackling religious extremism and terrorism. Drafted by the prosecution service and the interior ministry, the law includes provisions that grant police the powers to shut down any website they deem suspicious.

In its annual Freedom on the Net 2013 report, the Washington-based watchdog group Freedom House ranked Kazakhstan 44th out of 60 countries. The country was assessed as "partially free" in terms of obstacles to access, content and users' rights.

Among key developments, Freedom House noted the first ever libel case for material posted online, which came to court in January this year, as well as a court order banning four opposition media outlets and any websites that reproduced their content.

Whereas previously, online censorship was "mostly secretive, as well as selective, sporadic, and inconsistent", the report said, this had become "more institutionalised" since 2009 as the internet law was put into practice.

"The courts also started issuing decisions to block websites in a frequent and dense manner, banning dozens of websites at a time, mostly on the grounds of religious extremism," the report said.

The libel case concerned two tax service officers in Almaty who posted an anonymous comment claiming that a high-ranking finance ministry official was involved in corruption.

The defendants, who maintained their innocence, were accused of posting the comment on the finance ministry's website from an internet café.

Ahead of the court case, police carried out an in-depth investigation that included analysing data from the internet café's server and retrieving CCTV recordings from cameras installed there.

The pair were not jailed but were sentenced to a year of restrictions that require them to notify police of their movements.

In another libel case, a journalist with the newspaper Megapolis, Leonid Yuriev, was taken to court by the Sports.kz news agency, after he accused it of plagiarism in a post on his Facebook in June. The case reached court in October and is still ongoing.

In its report for 2012, the media watchdog Reporters Without Borders (RSF) noted that a handful of websites had been blocked because their content was deemed to be "extremist", even though much of the material found on these sites had nothing to do with terrorism or religious extremism.

For the first time, RSF added Kazakhstan to its list of countries "under surveillance".

After monitoring the situation over the first ten months of this year, the media support NGO Adil Soz recorded 11 cases where websites were blocked. They included the website of the opposition Respublika

newspaper and the online version of Molodezhnaya Gazeta, a regional paper in Jezkazgan, central Kazakhstan. The website of another regional weekly, Uralskaya Nedelya, was subjected to a DDoS attack.

Askar Aktleuov, a journalist with the newspaper Diapazon in the western city of Aktobe, was blocked from accessing the website of the city administration after complaining about mistakes and problems with the site. The municipal government did not offer any satisfactory explanation, and just told him to contact the website administrator.

In addition to the disproportionate use of internet restrictions on government critics, it is becoming apparent that their application goes beyond controversial political topics.

In June, the Aktobe city court ruled that access should be blocked to a number of angling websites based in Russia because they provided information about electric fishing reels, which are prohibited in Kazakhstan. The ban was sought by the prosecution service's environmental crimes division, but it has not worked. When I tried, I was able to access the content easily.

The media community in Kazakhstan is urging the government to amend the current legislation and to end practices that have earned it the regrettable title of "enemy of the internet".

We have raised this with the authorities themselves. At a round-table meeting in September on the pressing issue of decriminalising libel, where I represented my organisation, the Legal Media Centre, the discussion inevitably touched on the application of media laws to the internet.

Responding to criticism from participants, Bolat Kalianbekov, a representative of the ministry for culture and information, said the government was aware of the problem.

He said that back in 2009, the authorities needed to act to counter the threats posed by sites promoting terrorism, suicide, and child pornography. The legislation now needed to be adjusted, and one possible solution could be to end its blanket application to all internet resources. The law would then apply only to websites that chose to register as media outlets, he said.

Media organisations in Kazakhstan have to go through this registration if they want accreditation allowing their journalists to interview officials or attend official events.

At another meeting in mid-November, I took part in a working group meeting on recommendations to improve Kazakhstan's media laws. Once again, the event was chaired by Kalianbekov, and I asked him whether he had any news on the reforms he had mentioned earlier. He replied that the ministry was thinking of setting up a group to look into the issue next year.

Media professionals still need to press ahead with campaigns to support internet freedom, as they cannot sit and wait for the authorities to carry it out on their own terms. Yet there is a glimmer of hope – a combination of pressure from the media community and some sensible moves by the authorities could see some of the most draconian restrictions, at least, being annulled.

Gulmira Birzhanova is a lawyer with the Legal Media Centre in Astana.

The views expressed in this article are not necessarily those of IWPR.

Location: [Kazakhstan](#)

Topic: [Media](#)

Source URL: <https://iwpr.net/global-voices/internet-censorship-worsens-kazakhstan>