



Kyrgyzstan:

Draft legislation threatens to result in censorship of film screenings

24 April 2023

Draft legislation currently under consideration in Kyrgyzstan risks resulting in censorship of the screenings of films and audiovisual products in violation of Kyrgyzstan's international obligations with respect to the right to freedom of expression, stated Soros Foundation-Kyrgyzstan, International Partnership for Human Rights, Adilet, Media Policy Institute and the Human Rights Movement "Bir Duino-Kyrgyzstan" today.

A draft decree tabled in February 2023 by the Ministry of Culture, Information, Sports, and Youth Policy of Kyrgyzstan¹, would lead to state control over all **films and audiovisual works**, including those shown at "**festivals, seminars and other events**", **by requiring the organisers of any film screenings to obtain a distribution certificate from the state.**

Under the legislation currently in force, only cinema operators and official film distributors are required to obtain pre-approval for films intended to be distributed or shown in Kyrgyzstan from the Kyrgyztasmasy State Film Center.² However, if the draft legislation is passed, any organisers of screenings of films and audiovisual works, including at film festivals, seminars and other non-commercial events will have to obtain advance approval for the films to be shown from this institution.³

Representatives of media, non-governmental and film organisations are calling for the bill to be withdrawn as they consider the proposed restrictions on non-commercial film screenings to be unfounded and excessive and fear that the proposed approvals procedure might result in that films are arbitrarily banned from being shown at festivals and other non-commercial events.

Begaim Usenova from the Media Policy Institute stated that "*the proposed changes constitute yet another attack on freedom of opinion and expression, freedom of speech and information, as well as access to information and its dissemination in Kyrgyzstan.*"

In a similar vein, Cholpon Dzhakupova from the non-governmental Legal Clinic 'Adilet', stressed that the draft decree '*would lead to serious restrictions on the freedom of thought, expression and creativity guaranteed by Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights*'.

Asel Umarova, commercial director of the first online cinema in the country, 'Etnomedia' stated: "*We are deeply concerned about the Ministry of Culture's initiative to regulate film screenings. The proposed text could establish strict censorship over the creativity of the film-making*

¹ "On amendments to the Kyrgyz Republic Government Decree #551 of 14 October 2016 "On approval of the Regulation on Classifying Audiovisual Works as Pornographic and Other Prohibited Creative Results".

² According to the law "On classifying audiovisual works as pornographic and other prohibited creative results".

³ The draft amendments state: "*Cinematography organizations and distributors, as well as organizers of film demonstrations at festivals, seminars and other events shall in advance submit audiovisual works, intended not only for distribution, but also for demonstration on the territory of the Kyrgyz Republic*".

community, which is alarming. If adopted, it may also erode trust in government agencies that issue distribution certificates, and lead to conflicts between the film community, the Department of Cinematography, and the Ministry of Culture. Such conflicts would greatly hinder the growth and development of this important sector. We call for meetings with the initiators of the draft decree and for an open and honest conversation about the risks and possible negative outcomes for the film community. We need to convey our concerns and emphasize the importance of ensuring artistic freedom in the film industry.”

The concerns about the proposed amendments are reinforced by the lack of clarity regarding basic aspects of the procedure for examining and approving films and audiovisual works for distribution and screenings. In particular, neither the legislation currently in force nor the draft one proposed specifies the *time frame* within which the state body responsible must make a decision on whether to issue an official distribution certificate. In addition, *no clear criteria* for making these decisions have been established. There are therefore fears that the authorities could use the approvals procedure to prevent films dealing with issues that are sensitive to those in power from being screened in the country, which could also have a chilling impact on creative freedom in film-making.

The proposed amendments will directly affect the many NGOs in Kyrgyzstan that organise festivals, seminars and workshops on human rights and other issues, where film screenings are part of the programme. Even before the introduction of the proposed amendments, there have been cases of undue state interference with the programme at such events. For example, two documentary films were prohibited from being at the annual Bir Duino Human Rights Film Festival in Bishkek in 2022 because they allegedly contained war propaganda. *“During the 16th edition of our Human Rights Film Festival, we experienced censorship as the documentary "This Rain Will Never End" directed by Alina Gorlova about the war in Syria and the documentary "Mara" directed by Sasha Kulak about the elections in Belarus were prohibited from being screened,”* explained Tolesan Ismailova, Director of the Human Rights Movement “Bir Duino-Kyrgyzstan”, which organises the festival. The prohibition on the screening of the two films was eventually lifted but this example illustrates the danger that the draft bill could pose to initiatives such as the Bir Duino Human Rights Film Festival.

The period of public consultation of the draft law ended on 26 March 2023 and it is feared that the government might seek its quick adoption.

The proposed draft law is the latest blow to freedom of expression in Kyrgyzstan, where the situation in this area has deteriorated seriously in the recent period. Among others, the authorities have blocked access to several independent news sites using a controversial law on protection against “false” information, put forward a highly problematic draft media law and ignored recommendations for improving it made by media representatives, and initiated spurious criminal cases against outspoken journalists, bloggers, and activists.