



Strasbourg, 26 April 2024

CDL-REF(2024)018

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

KYRGYZSTAN

**DRAFT LAW ON AMENDMENTS TO THE CODE OF
THE KYRGYZ REPUBLIC ON OFFENSES
AND THE
EXPLANATORY NOTE**

Unofficial translation

DRAFT LAW OF THE KYRGYZ REPUBLIC

On amendments to the Code of the Kyrgyz Republic on Offenses

Article 1

Make the following changes to the Code of Offenses of the Kyrgyz Republic (newspaper “Erkin-Too” dated November 16, 2021 No. 122-133):

1) add Article 107-1 with the following content:

“Article 107-1. Slander and insult contained in the media, on a website on the Internet or on a page of a website on the Internet.

1. Insult, that is, deliberate humiliation of the honor and dignity of another person, expressed in an indecent form, contained in the media, on a website on the Internet or on a page of a website on the Internet

Internet -

entails a fine on individuals in the amount of 75 minimum monthly wages, on legal entities - 230 monthly wages.

2. Slander, that is, the dissemination of knowingly false information discrediting the honor and dignity of another person or undermining his reputation, contained in the media, on a website on the Internet or on a page of a website on the Internet -

entails the imposition of a fine on individuals in the amount of 100 monthly calculation

indicators, for legal entities - 280 calculated indicators.”

2) Article 471 after the word “articles” is supplemented with the numbers “107-1”.

Article 2

This Law comes into force after ten days from the date of official publication.

**The President of the
Kyrgyz Republic**

Unofficial translation

REFERENCE-JUSTIFICATION
to the draft Law of the Kyrgyz Republic “On Amendments to the Code of Offenses of the Kyrgyz Republic”

1. Goal and tasks

This draft Law of the Kyrgyz Republic was developed in accordance with the instructions of the Chairman of the Cabinet of Ministers of the Kyrgyz Republic - Head of the Administration of the President of the Kyrgyz Republic A.U. Japarova. The purpose and objective of this project is to protect the legitimate interests of the victim and ensure justice within the legal system.

2. Descriptive part

The draft provides for the addition of a new article to the Code of Offenses of the Kyrgyz Republic, providing for liability for libel and insult of other persons in the media, on a website on the Internet or on a website page on the Internet.

Currently, issues of freedom of speech and expression are becoming increasingly relevant in the context of the development of information technology and expanding access to the Internet.

At the same time, there is an increase in the number of cases of insults and the dissemination of deliberately false information through various media and Internet resources. This poses a threat to public morals and interpersonal relationships.

Currently, the civil legislation of the Kyrgyz Republic does not respond effectively enough to cases of insults and the dissemination of deliberately false information in the media and on Internet platforms. Insults and humiliations disseminated in the media and on the Internet can have negative consequences for society as a whole. This can lead to increased conflicts, deterioration of interpersonal relationships and disruption of social stability.

Slander and false accusations can damage trust in information and the media. Therefore, including a defamation clause helps maintain the quality and credibility of public discourse while protecting public confidence in the information.

3. Forecasts of possible social, economic, legal, human rights, gender, environmental, corruption consequences

The adoption of this draft Law of the Kyrgyz Republic will not entail negative social, economic, legal, human rights, gender, environmental, or corruption consequences.

4. Information about the results of public discussion

In accordance with Article 22 of the Law of the Kyrgyz Republic “On Regulatory Legal Acts of the Kyrgyz Republic”, this draft Law is subject to public discussion and will be posted on the website.

5. Analysis of project compliance with legislation

The Draft Law of the Kyrgyz Republic does not contradict the Constitution of the Kyrgyz Republic and the norms of current legislation, generally accepted

principles and norms of international law, as well as international treaties that have entered into force in accordance with the legislation of the Kyrgyz Republic.

6. Information about the need for funding

The implementation of this bill will not require funding from the state budget.

7. Information on regulatory impact analysis

Taking into account that this draft Law of the Kyrgyz Republic is not aimed at regulating business activities, a regulatory impact analysis is not required.