

Open civil society statement on Kazakhstan

On the need to abandon proposed legislative amendments which would restrict the operation of foreign Internet, social network and instant messenger services

In September, the Lower House of the Parliament of Kazakhstan reviewed the draft law "On Amendments and Changes to Legislative Acts on the Protection of the Rights of the Child". The draft amendments contain several norms that could be used to restrict the operation of foreign Internet-platforms, social networks and messenger services within the territory of Kazakhstan, thereby jeopardizing the continued presence of popular services such as Facebook, Instagram, Telegram, WhatsApp in KazNet.

Restrictions on social networks and instant messenger services in Kazakhstan were an almost daily occurrence until the spring of 2019. However, in the past two years, in a very welcome development, these practices decreased.

The proposed changes would: require foreign Internet platforms, social networks and messenger services to register representative offices in Kazakhstan and only to appoint Kazakhstan citizens as local office heads; allow the blocking or slowing down of access to their services for failing to do this; require local heads of offices, should they be registered locally, to restrict users' access to certain information or the entire service, including to information which is not illegal but to which access has simply been "temporarily suspended by the order of the authorized body in the field of information" (i.e. the Ministry of Information and Public Development); and expand the powers of relevant State bodies. All of these are repressive measures aimed at controlling instead of regulating the Internet in ways which are prohibited by the Constitution of Kazakhstan and international human rights law.

There is a very real risk that large Internet service providers such as Google, Mozilla and social networks like Facebook, with its Whatsapp and Instagram services, as well as messenger services such as Telegram, will refuse to register local offices in Kazakhstan on the terms that are being proposed. If so, this would deprive Kazakhstanis of access to key Internet services.

The initiators of the proposals and the authorized State body claim that the rules are necessary to counter cyber-bullying and to facilitate smooth relations with foreign platforms. This is clearly a false claim, among other things because these measures are not tailored to addressing those issues. Instead, putting forward these repressive proposals under the pretext of protecting the rights of the child is designed to confuse people into thinking that they represent a good cause.

The adoption of these norms contradicts the process of reform in Kazakhstan, which has been the subject of much debate since the 2019 presidential elections. If implemented, these proposals would damage Kazakhstan's international reputation and undermine the country's socio-political development. This would also represent a breach of the Republic of Kazakhstan's human rights obligations, most specifically in the areas of freedom of expression, the right to information and privacy, including for children. While it is incumbent on Kazakhstan to take measures to counter cyber-bullying, this cannot be done in ways that fail to respect fundamental human rights.

We call on the Government of Kazakhstan to drop the current proposals and, instead, to conduct multi-stakeholder consultations, including with civil society, online companies, the local IT community, the public and experts, as well as affected target groups, namely children and adolescents, so as to develop effective responses to cyber-bullying which do not undermine human rights.