

January 27, 2022

Joint letter to the Government of the Republic of Kazakhstan and internet service providers in Kazakhstan to maintain free, open, and secure internet access in Kazakhstan

Your Excellency Kassym-Jomart Tokayev,
President of the Republic of Kazakhstan

CC: Alikhan Smailov, Prime Minister of Kazakhstan; Askar Umarov, Minister of Information and Social Development; Bagdat Mussin, Minister of Digital Development, Innovations and Aerospace Industry; and Major-general Sagimbayev Yermek Aldabergenovich, Chairman of the National Security Committee of the Republic of Kazakhstan.

CC: CEO Kuanyshbek Yessekeyev, Kazakhtelecom JSC, CEO Yuri Kharlamov, Kcell JSC, CEO Evgeniy Nastradin, Beeline Kazakhstan, CEO Sergey Konkov, Tele2/Altel Kazakhstan.

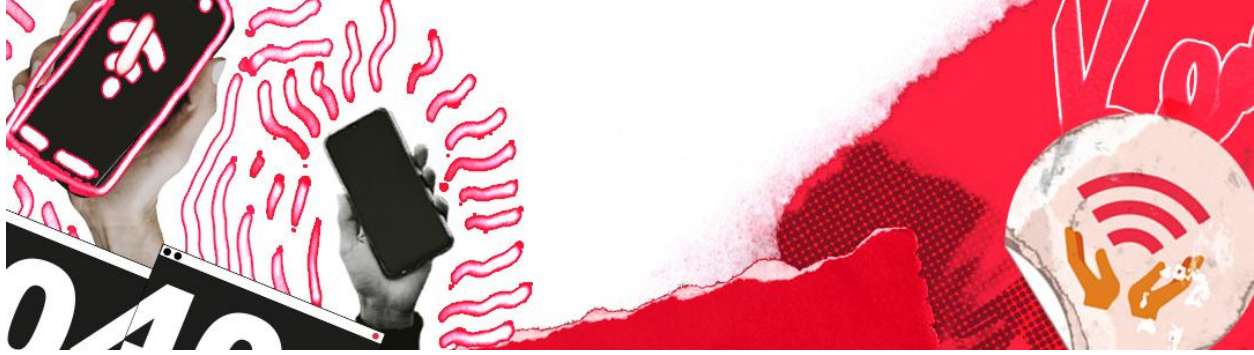
Nations across Central Asia, and the world, must ensure people can access open, free, and secure internet when they need it the most — during protests and important national events.

Your excellency,

We, the undersigned organizations and members of the #KeepItOn coalition — a global network that unites over 250 organizations from 105 countries working to end internet shutdowns globally — **write to urgently request that you, Kassym-Jomart Tokayev, publicly pledge your support to maintaining free, open, and secure internet access in Kazakhstan, and immediately stop issuing, and withdraw, any and all orders to shut down the internet.**

The internet plays a crucial role in allowing people to access information and remain informed about the ongoing events in the country. Access to the internet and social media platforms enables people to exercise their right to peaceful assembly, to engage in public discourse, and hold their leaders accountable — all important tenets of any democratic society. The internet also forms an increasingly essential role in delivering access to economic, social, and cultural rights, especially amidst the pandemic.

According to reliable reports, Kazakhstan [has shut down and throttled mobile and fixed line internet](#) on numerous occasions since January 2, 2022. The extent and geographical coverage of these arbitrary shutdowns evolved, depending on who your government was targeting. The most widespread shutdown took place between January 5 and January 10, 2022, when [the whole country was plunged](#)



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[into digital darkness](#) amidst protests, and [deadly violence](#), in Almaty and other cities across Kazakhstan. The brief restorations of the internet on each day [lasted only hours](#), and were difficult to predict or react to, until the final restoration on [January 11](#), 2022.

Internet shutdowns harm human rights, disrupt emergency services, and cripple economies.

The government's use of internet shutdowns to silence protesters has left people in Kazakhstan in a state of fear and confusion. Kazakhstan is still [gripped](#) by the COVID-19 pandemic, and any possible disruption to the work of health and emergency services puts people's lives in danger. This is unacceptable.

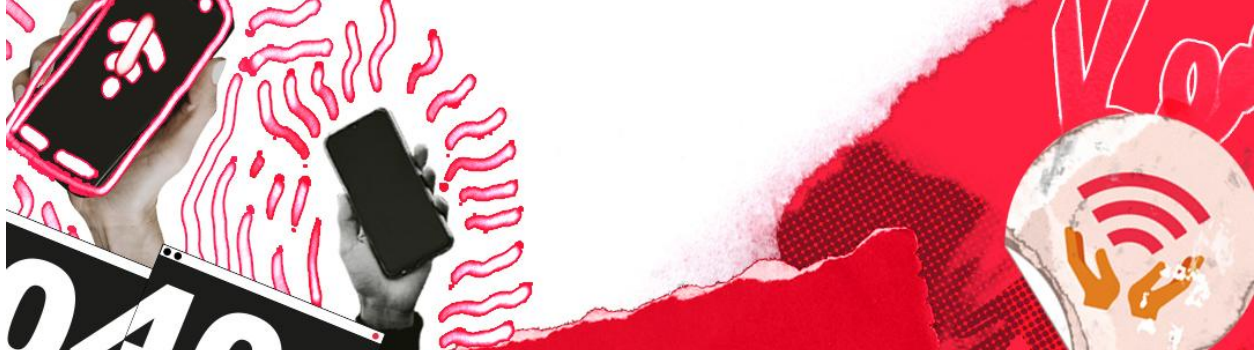
Furthermore, your government has interfered with the media's ability to report on recent events, affecting local media websites and [blocking independent outlets such as Orda.kz and kaztag.kz](#), while limiting international media's ability to connect with people on the ground.

Personal banking has been hard hit, disrupting people's use of debit cards, online purchases, mobile payments, and [ability to withdraw cash](#). The shutdowns have negatively impacted [both local businesses and major industries](#), and, as the nation is a crypto mining hub, have [sent the price of Bitcoin tumbling](#). Despite these negative effects, Kazakhstan has a long history of imposing internet shutdowns during protests. [Last year](#), authorities hit the kill switch during anti-government rallies demanding the release of political prisoners. In 2019, your government [throttled and blocked social media platforms](#) when opposition groups called for a protest. In 2018, authorities [throttled](#) the internet almost daily for approximately an hour, whenever opposition leader, Mukhtar Ablyazov, streamed on Facebook Live.

Internet shutdowns contravene national and international laws.

Internet shutdowns violate fundamental human rights such as freedom of expression, access to information, and the right to peaceful assembly, among other civil, political, economic, social, and cultural rights guaranteed by national, regional, and international frameworks including the Constitution of the Republic of Kazakhstan (article 20, 32), and the [Universal Declaration of Human Rights](#) (UDHR).

The U.N. Human Rights Committee, the official interpreter of the [International Covenant on Civil and Political Rights](#) (ICCPR), which Kazakhstan has ratified, emphasizes in its General Comment No. 37 that "states parties must not, for example, block or hinder Internet connectivity in relation to peaceful assemblies." Since 2016, the United Nations General Assembly and Human Rights Council, through



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several resolutions, has condemned intentional disruptions to internet access in violation of international law. In 2018, the Human Rights Council reaffirmed that “the same rights people have offline must also be protected online, in particular freedom of expression.”

For its part, [the U.N. Committee on Economic, Social, and Cultural Rights](#) monitors implementation of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), which Kazakhstan has also ratified. In a 2020 General Comment, the Committee studied the “right of everyone to enjoy the benefits of scientific progress and its applications” (ICESCR art. 15 (1) (b)). The Committee found, “The obligation to respect requires that States parties refrain from interfering directly or indirectly in the enjoyment of this right. Examples of the obligation to respect are [...] **eliminating censorship or arbitrary limitations on access to the Internet**, which undermines access to and dissemination of scientific knowledge [...].”

President Kassym-Jomart Tokayev, in your [address to the people of Kazakhstan on January 7, 2022](#), you established that “free access to the internet does not mean free publication of fabrications, slander, insults, and inflammatory appeals.” However, as the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément N. Voule, [has rightly noticed](#), attempts to tackle problems such as disinformation and hate speech cannot justify “internet shutdowns, **which are disproportionate by default**, and should strictly adhere to international human rights principles and standards, including those concerning the right to freedom of expression.”

We also reiterate that the United Nations High Commissioner for Human Rights, Michelle Bachelet, [has underlined](#) that shutting down the internet “is not the answer to a crisis but risks fueling the violence and unrest” and her urgent appeal for internet access in Kazakhstan to be “immediately and completely restored.”

Telecommunications companies have a duty to respect human rights and provide access to remedy.

Businesses also have a responsibility under the [UN Guiding Principles on Business and Human Rights](#) (UNGPs) and the [OECD Guidelines for Multinational Enterprises](#) to respect human rights, prevent or mitigate potential harms, and provide remedy for harms they cause or contribute to. In the case of state-owned enterprises, “states should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State.”

[According to the Special Rapporteur](#), Clément N. Voule, “companies should explore all legal options for



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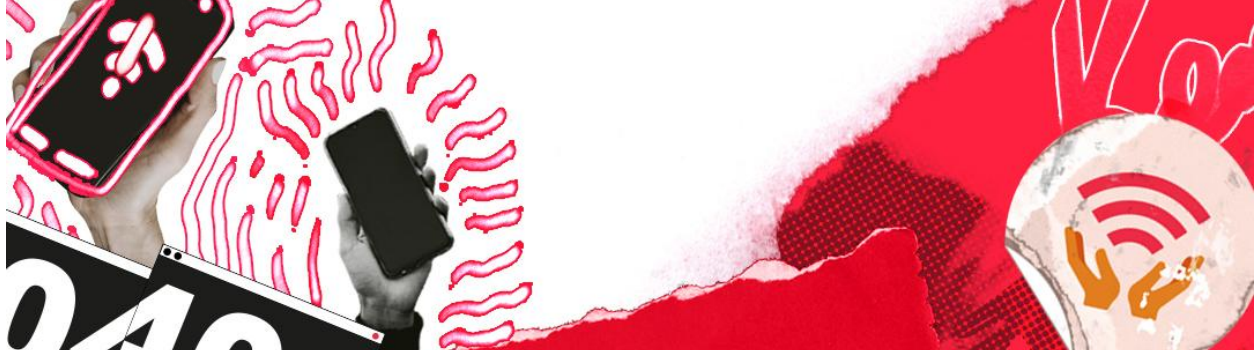
challenging requests and disclose all relevant information about shutdowns and mitigate the impact of gag orders or other non-disclosure laws.”

Unfortunately, telecommunications providers in Kazakhstan have not taken these obligations seriously. **By implementing internet shutdowns and website blocking, Kazakhtelecom, Kcell, Beeline Kazakhstan, Tele2/Altel Kazakhstan and others abet the government’s unlawful orders and infringe upon the human rights of millions of Kazakh people.**

These actions carried out by telcos have contributed to all the disruptions people have faced in Kazakhstan between January 2 and January 10.

Not only did Kazakhtelecom, Kcell, Beeline Kazakhstan, Tele2/Altel Kazakhstan not officially challenge the [government’s shutdown orders](#), they did not warn their users about the shutdowns in advance, and failed to fully disclose information about the circumstances under which they may cut off the network. Claims that internet disruptions [were outside of the company’s control](#) are not sufficient, and do not refer users to the legal basis or institutional authority that issued the request. While some companies made attempts to address certain individuals’ outreach [via social media](#), explaining that the internet shutdown was implemented in accordance with *the Law on communication* for “public safety” reasons, such late and ad hoc responses are insufficient.

We would like to remind companies about their obligation to enable the remediation of any adverse human rights impacts that they cause or to which they contribute (*Guiding Principle 15 of UNGPs*). Such remedy may be sought in courts, challenging the legality of the governmental order, and may be provided through introduction of company’s policies on internet shutdowns. In this case, customers were offered in-kind compensation — [300 minutes and 200 SMSes](#) — a paltry sum that does not adequately redress harms. Those impacted deserve more, such as a commitment to resist and denounce shutdowns, and transparency as to why and how the Internet shutdowns were implemented — both important steps towards accountability.



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Recommendations to the Government of Kazakhstan:

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- 1. Ensure that the internet**, including social media and other digital communication platforms, **remains open, accessible, and secure across Kazakhstan throughout the civic unrest and thereafter;**

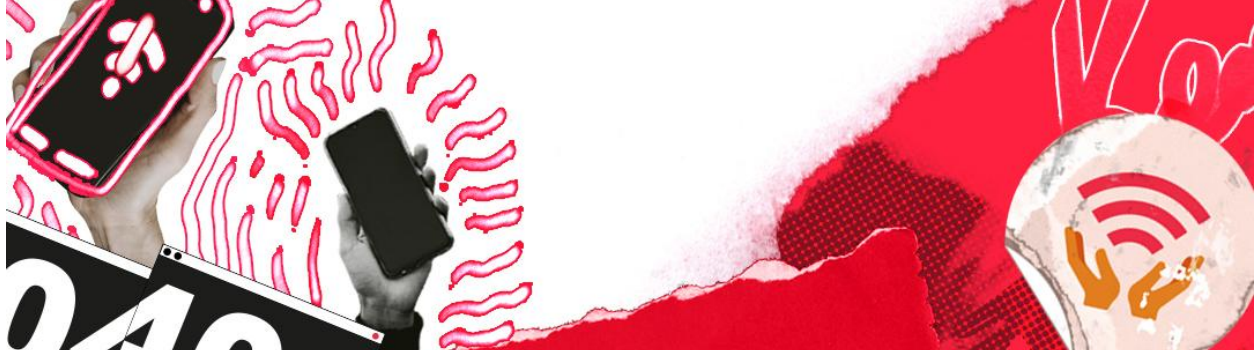
 - 2. Stop shutting down, throttling, or blocking the internet**, and make a state pledge to refrain from imposing any unlawful restrictions on internet access and telecommunication in the future, particularly amid the COVID-19 pandemic;

 - 3. Work in collaboration with the various internet service providers operating in Kazakhstan** to ensure that all persons have access to quality, secure, free, and open internet throughout the civic unrest and thereafter;

 - 4. Order the various internet service providers operating in the country to inform internet users of any disruptions** and work around the clock to fix any identified disruptions likely to impact the quality of service they receive;

 - 5. Repeal and amend any laws and policies** that allow for internet shutdowns, including [the Law on Communication](#), and enact legislation prohibiting and punishing these measures, in compliance with Kazakhstan's obligations under international human rights law; and

 - 6. Uphold the fundamental human rights of the people of Kazakhstan throughout the civic unrest and thereafter.**
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Recommendations to telecommunications providers:

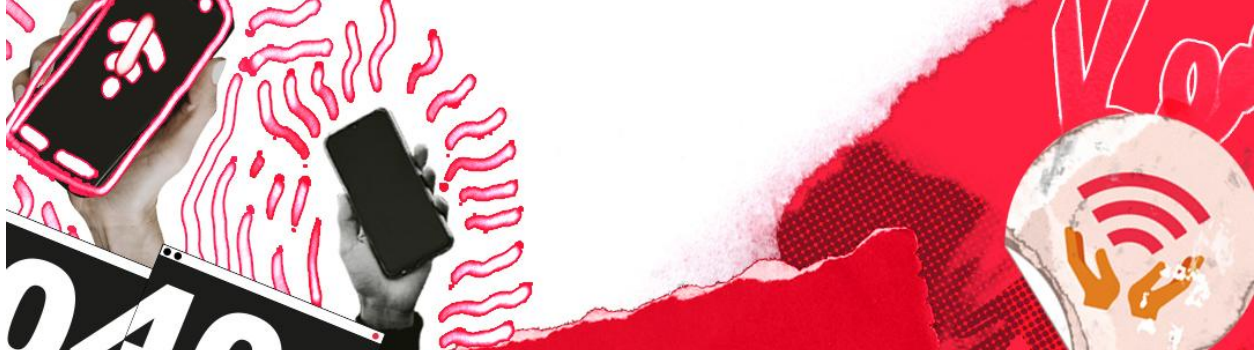
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- 1. Publicly denounce internet shutdowns and disruptions** in Kazakhstan and other countries, and highlight their devastating impact on your customers, your company, and the society at large;

 - 2. Preserve evidence and reveal any demands from the government of Kazakhstan** urging you to disrupt internet access, and any pressure to conceal those demands;

 - 3. Publicly disclose details** such as when the internet and related services have been disrupted, their status throughout the shutdowns, and when they come back online;

 - 4. Contest the legality of internet shutdown orders** in court; and

 - 5. Consult civil society and rally peer companies to jointly push back** against government censorship demands, and issue regular transparency reports to ensure open and secure internet access and deter future shutdown orders.
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The undersigned civil society organizations in Kazakhstan and worldwide appreciate your swift attention to these recommendations, and pledge our support in assisting your efforts to deter future internet shutdowns.

Sincerely,

ORGANIZATIONS

Access Now

Advocacy Initiative for Development (AID)

Business & Human Rights Resource Centre

Censored Planet

Coalition for the Security and Protection of
Human Rights Defenders, Activists, Kazakhstan

Common Cause Zambia

Digital Rights Expert Group, Kazakhstan

Digital Rights Kashmir

Global Voices (GV)

Human Rights Consulting Group (HRCG),
Kazakhstan

Internet Protection Society, Russia

Kijiji Yeetu, Kenya

Legal Media Center, Kazakhstan

New Generation of Human Rights Defenders
Coalition, Kazakhstan

Open Observatory of Network Interference
(OONI)

Organization of the Justice Campaign

Paradigm Initiative (PIN)

PEN America

Public Association “Dignity,” Kazakhstan

Roskomsvoboda, Russia

Sassoufit collective

The Tor Project

Wikimedia Community User Group Uganda

Wikimédia France

Women ICT Advocacy Group (WIAG)

Women of Uganda Network (WOUGNET)

Zaina Foundation

For More Information, please contact:

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