



Freedom on the Net 2016 - Kazakhstan

Country: [Kazakhstan](#)

Year: 2016

Status: Not Free

Total Score: 63 (0 = Best, 100 = Worst)

Obstacles to Access: 14 (0 = Best, 25 = Worst)

Limits on Content: 23 (0 = Best, 35 = Worst)

Violations of User Rights: 26 (0 = Best, 40 = Worst)

Population: 17.5 million

Internet Penetration: 73 percent

Social Media/ICT Apps Blocked: Yes

Political/Social Content Blocked: Yes

Bloggers/ICT Users Arrested: Yes

Press Freedom Status: Not Free

Key Developments:

June 2015—May 2016

- Users reported difficulties in accessing social media and communication apps during widespread land reform protests (see **Restrictions on Connectivity**).
- Authorities blocked access to entire content hosting platforms, including Tumblr and Sound Cloud, in an effort to block extremist content (see **Blocking and Filtering**).
- The regulator adopted a new internet monitoring technology, the Automated System of Monitoring the National Information Space (see **Content Removal**).
- A National Security Certificate was introduced, technology which will potentially allow authorities greater access to user data (see **Surveillance, Privacy, and Anonymity**).

Introduction:

Internet freedom declined in Kazakhstan in 2015-2016 with lengthy prison sentences handed out to social media users and the introduction of an invasive “National Security Certificate,” which may allow greater surveillance online.

Regulation of the internet in Kazakhstan is heavily influenced by the authoritarian government, which blocks websites, uses the legal system to stifle free speech online, and is developing a complex infrastructure to control internet traffic. Despite increases in the numbers of people accessing the internet, with improved affordability and speed, internet freedom is deteriorating.

Within the past year, social media and communications apps have been cut off on several occasions, including during the widespread land reform protests in May 2016. Numerous blockings were recorded, affecting entire international content-sharing platforms and critical domestic news sites. The list of agencies authorized to issue orders for ISPs to block certain resources without a court decision has been expanded to include the regulator, and access providers themselves have been made responsible for monitoring and filtering illegal content.

Kazakhstani authorities use criminal charges against social media users in an effort to silence dissident expression and punish online mobilization, issuing prison sentences of up to five years. Meanwhile, the government introduced a “National Security Certificate,” software which must be installed on all devices, and is likely to increase the government’s capacity to intercept user communications and data.

Obstacles to Access:

The government of Kazakhstan continued to work on improving ICT infrastructure through direct investment in the national operator, Kazakhtelecom, and by facilitating market competition and private ownership in the telecommunications industry. However, authorities restricted access to social media platforms on numerous occasions throughout the coverage period, as well as initiating temporary localized internet outages.

Availability and Ease of Access

Internet access has grown significantly in Kazakhstan over the past few years, increasing from a penetration rate of 18 percent in 2009 to almost 73 percent in 2015, according to the International Telecommunication Union (ITU).¹ Official figures showed some variation. In September 2014, officials claimed that internet penetration had exceeded 75 percent,² though in early 2016 the government's estimate stood at 72.9 per cent.³ The Ministry of Investments and Development reported that 82.2 percent of households had an internet connection as of January 2016. The number of mobile and fixed-line broadband connections reached 10.2 million and 2.1 million users respectively.⁴

The mobile phone penetration rate grew to 187 percent in 2015, according to the ITU.⁵ According to Budde, a telecommunications research and consultancy site, overall mobile subscriber growth rates have declined due to market consolidation, reaching around 31 million subscribers in 2016. Mobile broadband penetration rates reached 61 percent in the same period.⁶

Official statistics do not provide data on the number of urban versus rural connections, but access is more limited in rural areas, where 45 percent of the population resides. Almaty—the most populous city and the business and cultural center of Kazakhstan—accounts for more than 35 percent of internet users, and for more than 55 percent of the ICT industry’s revenue.⁷ A study by TNS Central Asia showed that 67.5 percent of active internet users reside in big cities.⁸ Most people access the internet from their mobile devices and at home. Free access is available in various public places.

Access is distributed relatively evenly across Kazakhstan’s multiethnic communities. The competition between the Kazakh language and Russian, still widely used by many urban residents as a part of the Soviet legacy, has an impact on access. All public institutions are required to provide at least two language versions on their website, and many private sector actors follow this

example. However, there is much more domestic content available in Russian than in Kazakh, especially in alternative news coverage online; social media discussions are also held primarily in Russian.

Kazakhtelecom introduced a record 120 Mbps connection speed in 2015.⁹ Its principal rival in the retail sector, Beeline-Kazakhstan, offers speeds up to 100 Mbps.¹⁰ The average connection speed, estimated by the Akamai “State of the Internet” Report, was 5.9 Mbps in the third quarter of 2015.¹¹

Both state and private ISPs have reduced their tariffs in the coverage period. Kazakhtelecom's popular broadband (50- 120 Mbps) subscriptions currently cost between US \$11 and US \$18 per month; Beeline offers 20-100 Mbps contracts for between US\$5 and US \$12 per month. The advertised “maximum speed” refers to foreign traffic. Major ISPs have also removed traffic caps from some of their packages. Mobile phone service prices have been dropping, with new competition between operators leading to more generous data packages. However, high inflation coupled with significant currency devaluation in 2015 caused average monthly incomes to shrink to US\$345 in 2016, and access to the internet remains prohibitively expensive for many in Kazakhstan.

Restrictions on Connectivity

The government imposes no restrictions on the bandwidth of access offered by ISPs, but it centralizes the infrastructure in a way that facilitates control of content and surveillance. Kazakhtelecom, through its operations and a number of subsidiaries, holds a *de facto* monopoly on backbone infrastructure; Beeline is the only independent backbone provider. The internet exchange point—a peering center, established by Kazakhtelecom in 2008—is meant to facilitate service among first-tier providers, but in 2010, it turned down Beeline’s application to join the pool without giving any reason.¹² However, plans to create a new internet exchange point were announced in April 2016. The consortium behind the project, which was initiated by the regulator, includes both Beeline and Kazakhtelecom along with other major ISPs and mobile operators, and the State Technical Service.¹³

In 2012, amendments to the Law on National Security allowed the government to forcibly suspend telecommunications during anti-terrorist operations or the suppression of mass riots.¹⁴ Further legislation was passed to compel private actors—websites, ISPs or mobile operators—to block or disconnect service at the government’s request. Laws passed in 2014 authorize the state to shut down communication services at the discretion of the prosecutor general's office without a court order if “networks are used for felonious aims to damage the interests of individuals, society or state,” including the dissemination of illegal information, calls for extremism, terrorism, mass riots, or participation in unauthorized public gatherings. This regulation could cover telephony, text messages, and instant messaging applications. The law makes either telecom operators or the State Technical Service responsible for the implementation of the prosecutor’s order. In February 2015, the law was implemented to temporarily shut down internet and mobile phone services in South Kazakhstan province following the break out of ethnic violence in the region.¹⁵

Internet connections were subject to disruption within the coverage period. In August 2015, users in Aktau (Western Kazakhstan) were shortly disconnected from the internet on both Kazakhtelecom and mobile networks because of a cable breakage.¹⁶ Access to certain social media platforms was reported at times during the coverage period, and a general slowdown of internet connectivity was

reported during widespread land reform protests in May 2016, possibly indicating intentional throttling.

Additionally, an internet outage was reported in Aktobe, a city in Kazakhstan's North West, during a period of violence after the end of the coverage period, with the authorities cutting the town from the internet on June 5-6.¹⁷ This hindered communications among residents and with the outside world during the unrest, in which 19 people were killed.¹⁸

ICT Market

The state owns 52 percent of Kazakhtelecom, the largest ISP in Kazakhstan through the sovereign wealth fund Samruk-Kazyna. Kazakhtelecom has an 85 percent share in the fixed broadband internet market,¹⁹ and fully or partly owns a number of other backbone and downstream ISPs. Beeline, by its own estimates, accounted for 13.1 percent of the broadband internet market in early 2015.²⁰ In February 2016, regional business associations criticized the state's apparent tendency to favor Kazakhtelecom for government telecommunications contracts²¹

In late 2015 and early 2016, Kazakhtelecom sold its subsidiary Altel to Tele2-Kazakhstan, a private operator. This was a positive development in Kazakhstan's ICT market, increasing competition between service providers through privatization.²² Altel previously held a monopoly over the 4G LTE network,²³ and had been receiving state funding as well as special treatment from the regulator.²⁴ During the coverage period, the regulator has introduced mobile number portability, which, as of January 2016, operators must provide to their clients free of charge. The regulator also ended Altel's monopoly on 4G/LTE technology by offering additional frequencies to all other market players.²⁵

In early 2016, there were four mobile telephone service providers, three of which use the GSM 3G standard (Kcell, Beeline, and Tele2). All the GSM operators are privately operated with foreign shareholders. In September 2015, TeliaSonera, the European telecommunications company that operates Kcell, announced that it would retreat from a number of post-Soviet markets, including Kazakhstan.²⁶ Its shares are expected to be taken back by Turkcell, which previously owned them.

Regulatory Bodies

The Committee for Communication, Informatization, and Information is the official body designated to hold regulatory, operational, and controlling functions over the internet, but it is not independent, since it operates under the Ministry of Investments and Development. The past year saw some reshuffling of various ministries and government bodies. In early May 2016, president Nazarbayev ordered the creation of the Ministry of Information and Communication to "monitor public opinion and all types of media, including internet and social media, in order to quickly identify and react to the most pressing problems."²⁷ Meanwhile, the Committee for Communication, Informatization and Information was reorganized into the Committee of State Control over Communications, Information and Mass Media, and will work on updates to Kazakhstan's law on mass media, including the internet.²⁸

The Internet Association of Kazakhstan (IAK), established in 2009 in the form of a union of legal entities, claims to unite the country's internet community,²⁹ yet some of its former members question the group's independence, transparency, and non-profit status.³⁰ IAK participates in

discussions on draft laws concerning ICT use and, since 2014, has worked with the office of the prosecutor general on fighting child abuse online, combatting hate speech, trolling, content promoting suicide among teenagers, extremism, terrorism, and cyberfraud.

Since 2005, the government has required that any website in the top-level “.kz” domain zone be hosted on servers within Kazakhstan. The “.kz” domain is managed by the Kazakhstani Network Information Center (KazNIC) registry. The Kazakhstani Association of IT Companies administers domain names and regulates KazNIC tariffs. In January 2015, the Association doubled the minimum price of a .kz domain name.³¹ In 2015, a law was passed granting the government the power to appoint both the registrar and the domain name administrator. Though the government has not made changes to the current appointments, some experts are concerned that this power may be subject to abuse.³²

Limits on Content:

The authorities have continued restricting content online, including during protests throughout the coverage period. Entire platforms hosting user-generated content have also been subject to periodic blocking, often without any public justification. The most frequent reason used to justify restrictions to online content is extremism; however, the courts review those applications in bulk and the proceedings are not transparent. The regulator has introduced an automated monitoring system to identify banned content. New legislative amendments force ISPs to monitor the online space for supposedly illegal content, with penalties if they fail to remove it.

Blocking and Filtering

The government possesses extensive legal powers to block online content. Websites and entire content hosting platforms were newly blocked during the coverage period. The authorities also restricted social media and communication apps, particularly during periods of unrest like the land reform protests of May 2016, hindering communication among citizens and distorting the flow of information.

According to the Mass Media Law, all internet resources, including websites and pages on social networks, are considered media outlets. Under 2014 amendments to the law, the public prosecutor is authorized to order service providers to block content without a court order. ISPs must conform to such requests until the website owner deletes the content in question and the law provides no space for an ISP to reject the order or for the website owner to appeal.³³ However, in January 2016, new amendments to the Mass Media Law were passed requiring authorities to seek a court decision before content can be blocked, but only for websites that have undergone voluntary registration with the regulator. Unregistered websites can be blocked based on the regulator’s decision alone. In February 2016, the regulator said it was adopting an “Automated System of Monitoring the National Information Space” to uncover illegal content online (see Content Removal).

Three justices of the Saryarka District Court of Astana are designated to deal with cases related to blocking online content.³⁴ Judges and prosecutors repeatedly display a lack of technical expertise, banning URLs of irrelevant websites like search engines. Websites can be blocked even in the absence of the defendant’s representative; no further notification—to the public or the website owner—about why the website is blocked is required. The court issues frequent decisions to block websites, banning dozens at a time, mostly on the grounds of religious extremism.

Monitoring of online content is reportedly conducted by numerous authorities, including the National Security Committee, the Presidential administration, and even local administrations. The Committee for Religious Affairs under the Ministry of Culture and Sports evaluates websites for extremism. In January-November 2015, 900 cases of websites were submitted for the body's consideration. Of the 700 it reviewed, half were recommended for blocking.³⁵ This is nearly five times more than in 2014.³⁶

In January 2016, users reported temporary difficulties accessing social media platforms for a number of hours. No official explanation was provided for these disruptions, though some speculate that the authorities were testing their capacity to shut down online communications.³⁷ Later in the year, authorities specifically restricted internet access and communication apps during periods of unrest and violence, hindering communication among citizens and distorting the flow of information. Significant blocking occurred in May 2016, after unsanctioned rallies against land reform were organized through social networks. On the eve of the scheduled date, the authorities blocked major social networking sites and messengers. Users reported difficulties access social media apps, including Facebook, Twitter, VKontakte, WhatsApp, Viber, and YouTube, between May 19 and May 23 2016.³⁸ A number of local independent online publications were blocked as well, including the Kazakh Service of RFE/RL and Uralskweek (West Kazakhstan).³⁹ Websites run by international media outlets reporting on the detention of protesters were also blocked, including Reuters. Users experienced difficulties accessing search engines around this time.

Other platforms were temporarily disrupted based on court orders to limit access to extremist content:

- In early May 2015, SoundCloud, an international platform for sharing music and podcasts, was blocked because of one account that allegedly contained extremist materials by the Hizb-ut-Tahrir Islamist group. It was restored in late June.
- Vimeo, a global platform extensively used by professional videographers, was blocked in September and October 2015. A district court in Astana had authorized the blocking of Vimeo, along with a dozen other sites which were deemed to have been hosting extremist materials.⁴⁰ Dailymotion, another video-hosting platform, was also blocked, although it was not listed among the violators. Many people in Kazakhstan use sites like SoundCloud and Dailymotion in their professional lives.
- Tumblr.com was blocked by a court decision in October 2015, following the regulator's complaint about "extremist and pornographic blogs" hosted on the platform.⁴¹

The blocks came amid heightened official rhetoric against social media. In June 2015, President Nazarbayev publicly slammed social networking websites as a reason for the deterioration of spiritual and moral values among the youth in Kazakhstan.⁴² In September 2015, a representative of the regulator claimed that most illegal information, including recruitment by terrorist groups, is disseminated in Kazakhstan via Facebook and YouTube.⁴³

Other content was restricted without a clear explanation. Blogging platforms WordPress and Blogspot were reported to be inaccessible in December 2015 and January 2016. In January 2016, users reported temporary difficulties accessing social media platforms for a number of hours. No official explanation was provided for these disruptions, though some speculate that the authorities were testing their capacity to shut down online communications.⁴⁴ The authorities have repeatedly

threatened to block access to social media ahead of elections, including ahead of the January 2016 parliamentary elections.⁴⁵

On April 15 and from April 29 to May 1 2016, users reported disruptions in accessing Google services, including Search, YouTube, and PlayMarket.⁴⁶ Some observers speculated that the disruptions to Google's PlayMarket may have been related to attempts to restrict access to Meduza.io, an independent online Russian news outlet which is banned in Kazakhstan but had made its content available through an app on PlayMarket. Since late 2015, users have separately reported problems with downloading attachments in Gmail.

Other websites were also intermittently or permanently unavailable during the coverage period without clear reason. These include the Open Society Foundation website, online resource centers for journalists IJNET.org and IFCJ.org, Archive.org, Pinterest, movie database iMBD.com, cloud storage Mega.nz, photo hosting service Flickr.com, UrbanDictionary.com, Wikia.com, online library lib.ru, online petition website Avaaz.org, Snapchat, and international media, including the British *Daily Mail*, Russian Meduza.io, Ferghananews.com, and Echo Moskvyy. Kazakhstan blocks adult pornography, and other content about sexuality. In summer 2015, users reported that the LGBTI dating website BlueSystem had been blocked.

The lack of transparency surrounding website blocking was notable in two cases. ISPs blocked prominent independent online publications Ratel.kz and Zonakz.net between September 2015 and February 2016, though both service providers and the relevant authorities denied initiating the block. Access was restored without explanation after the two websites, together with major media NGOs, urged the general prosecutor to initiate a criminal case for violating their constitutional right to freedom of information. The Organization on Security and Co-operation in Europe (OSCE) criticized the blocking in a special address to Kazakhstan's Foreign Ministry.⁴⁷

Separately, in April 2016, the regulator banned InDriver, a popular application that directly connects drivers and potential passengers. The authorities claimed the app violated legislation that governs taxi services, and ordered service providers to block its website. Notably, four days after the problem was first reported, Asset Issekeshov, the minister of investments and development, met representatives of Uber, which is expected to launch in Kazakhstan in 2016.⁴⁸ The blocking took place without a proper court decision, sparking concerns over possible preferential treatment being given to other businesses offering similar services.⁴⁹

Users wishing to circumvent censorship are increasingly using virtual private networks (VPNs).⁵⁰ Since early 2011, some anonymizing sites and proxy servers have been blocked. In the past, cybercafes were forced to delete or block circumvention tools. In June 2015, media reports said that the authorities were blocking such tools with renewed intensity, citing a court decision dated September 10, 2014 that banned "the functioning of networks and/or means of communication that can be used to circumvent the technical blocking by ISPs."⁵¹ The Tor Project's official website is intermittently inaccessible from Kazakhstan.⁵² It is difficult to verify how far the Tor network itself is affected by blocking, but according to the public records of its use, the number of connections to the service's "relay" nodes from Kazakhstan dropped by about 40 percent in October 2016. The number of users connecting via "bridge relays," which are not listed publicly and are more difficult to block, increased by about 800 percent. This pattern often indicates a censorship event.

Content Removal

The authorities used varied means to enforce the removal of content online in the coverage period, including pressure on critical online outlets to take down specific content and requests to international social media platforms.

The legal framework supporting content removal underwent some changes. By equating all internet resources with media outlets, the country's media law makes web publishers—including bloggers and users on social media websites—equally liable for the content they post online, but it does not further specify if online platforms are responsible for content posted by third parties. In October 2015, the regulator stated that social media users could be held liable for extremist comments posted on their pages by third parties as they could be regarded as permitting the publication of extremist materials in a mass media outlet, an offence under the criminal code punishable by up to 90 days in prison. Users who themselves post or share such content may be fined for its “production, storage, import, transportation and dissemination”, and in some cases, jailed for up to 20 years.⁵³

The January 2016 amendments to the Communications Law oblige ISPs to monitor content themselves and make their own decisions on whether to restrict content.⁵⁴ The new Administrative Code, in force since 2016, imposes penalties on ISPs for not complying with censorship orders, with a fine of up to US\$2,000.⁵⁵ The same legislation imposes penalties on ISPs of up to US \$20,000 for not storing users' personal data.

In order to avoid having a website or webpage blocked, individuals must remove content that is deemed extremist or is otherwise banned (see Blocking and Filtering).⁵⁶ In February 2016, the regulator adopted new rules for the monitoring of media, including online media, using a new technology called the “Automated System of Monitoring the National Information Space.” No information on how this system will operate is publicly available, though once illegal content has been identified, the regulator will notify the website owner to remove the content. The owner will have three hours to comply, after which the hosting provider will be required to block the website, and legal charges will be brought against the website.⁵⁷

Examples of content reported removed during the coverage period include the following:

- In October 2015, a court ordered ADAM Magazine, an opposition publication critical of the government, to close its Facebook page. The print magazine had been suspended in September 2015 after a series of libel cases, extremism charges, and technical violations.⁵⁸ The prosecutors successfully argued that the magazine and its Facebook page must be deemed a single outlet.⁵⁹
- In November 2015, the crowdsourcing website Proizvolkz.net, run by the country's leading human rights watchdog, removed a video of self-immolation protesting of police behavior in Southern Kazakhstan. The regulator had ordered the removal, on grounds that the video violated children's rights legislation.⁶⁰
- In February 2016, a court in Aktau (Western Kazakhstan) ordered the Society to Assist Drivers, a movement against corruption in traffic police, to remove a video from its YouTube account. The ruling said the video, which depicted a police officer who was apparently abusing his power, had violated the police officer's honor and dignity.⁶¹

- In April 2016, Radiotochka.kz, a news site, published a report about the financial assets of MP Gulzhana Karagusova and her family members. The article was republished by many other online media outlets. However, almost all of them subsequently took the article down, some saying that they were pressured to do so.⁶²

The authorities also approached international companies to remove content. In November 2015, the government announced that it had struck a deal with LiveJournal Russia in which LiveJournal agreed to comply with Kazakhstan's requests to remove pages containing terrorist, religious extremist, and violent content, as well as instructions on how to make explosives. In return, LiveJournal was offered the possibility of expansion in Kazakhstan within the framework of local laws, including potentially opening an office in Kazakhstan."⁶³

From July to December 2015, Google received 19 requests for content removal, primarily for national security reasons, complying with 5 percent of requests.⁶⁴ Twitter reported four content removal requests, and zero compliance in the same period.⁶⁵ Facebook reported restricting access to 25 posts based on requests from the authorities in the second half of 2015. The stated reasons included violations of counterterrorism legislation.⁶⁶

The government of Kazakhstan has also pursued legal suits abroad in attempt to have content removed. In early 2015, Kazakhstani authorities sought a U.S. Federal court order against Respublika-kz.info to compel the outlet, now hosted in the USA, to shut down. They also tried to make the court compel Facebook to disclose information about users associated with Respublika's account.⁶⁷ However, the court ultimately rejected both demands.⁶⁸

Media, Diversity, and Content Manipulation

In addition to blocking and removing content, the online media landscape in Kazakhstan is also subject to less overt forms of restrictions on the free flow of information, such as progovernment propaganda and pressure to self-censor. Self-censorship in both traditional and online media outlets is pervasive. Social media remains the most liberal environment for the public exchange of news and opinions, but discourse there is considered to be very prone to manipulation and propaganda, including by commentators paid by the government. Although the authorities impose no restrictions on advertising with critical websites, the atmosphere of self-censorship extends to businesses too, and disruptions to the sites due to blocking or DDoS attacks make it difficult for them to attract sponsorship.

Central government procurement contracts in the media sphere reached KZT 43 billion (US\$120 million) in 2015, not counting funds that are distributed by local administrations. Many progovernment online media outlets are frequent recipients of such contracts, including local privately owned blogging platforms.

The government has been subtly funding and recruiting popular bloggers and social media personalities to report on state matters since 2013.⁶⁹ In October 2014, a group of Facebook users registered the Bloggers Alliance of Kazakhstan to "make the country's information space healthier."⁷⁰ The office of the Alliance is located in the government's headquarters, furthering speculation that it was created to mislead the public by claiming to represent all Kazakhstani bloggers. These suspicions were reinforced by a statement the alliance released in February 2015 calling to replace the early presidential elections orchestrated by the authorities with a referendum

to extend the incumbent president's powers until 2022, because, according to the statement, "everyone knows that President Nazarbayev's historical role makes him uncontested."⁷¹

LGBTI people in Kazakhstan are routinely stigmatized and discriminated against, and the situation worsened with a proposed law that would have banned "propaganda of homosexuality to protect children" and was initially passed in parliament. In May 2015, the Constitutional Council rejected the draft law, citing the "lack of clarity and discrepancies in terminology in Russian and Kazakh versions of the draft law, which left room for the possibility of violation of some constitutional norms."⁷² Some observers characterized the decision as a compromise to appease the international community as part of Kazakhstan's unsuccessful bid to host the 2022 Winter Olympics. In October 2015, lawmaker Almas Turtayev asked the prime minister to "adopt a law restricting social media in Kazakhstan" because of "illegal, frightening and immoral content" that is disseminated there, including "open propaganda of sexual relations and acts, such as pedophilia".⁷³

Civil servants, public officials, and employees of state-owned companies are obliged to follow a set of guidelines, published in 2014, in their use of the internet. The guidelines urge employees not to post or repost material critical of the government, and not to "friend" authors of such posts in order to prevent possible threats to the image of the civil service, as well as preventing the dissemination of false information or leaks.⁷⁴

Digital Activism

Though users continue to actively share content on various matters, including corruption, controversies in the judicial system, blatant cases of injustice, and others, the use of social media and other digital tools to organize for social and political campaigns is limited. In February 2014, an unexpected 20 percent devaluation of the national currency prompted frustrated citizens to use social media to organize a series of small rallies. However, a 100 percent currency devaluation in 2015 produced no protests. Nevertheless, a number of online campaigns drew attention in the coverage period.

A campaign to preserve a historic building in Almaty was launched on Facebook in summer 2015. Although the building in question was ultimately demolished, the campaign advocated for public participation in the decision-making process and managed to raise awareness. The new mayor, who assumed office in September, turned civic involvement and use of technology for feedback and problem-solving purposes into his selling point.

In September and October 2015, a fundraising campaign was launched to support online news site ratel.kz after it was blocked in unclear circumstances (see Blocking and Filtering). The initiative gained visibility in social media, where the website shared banners to solicit donations.

In April 2016, a rally against land reform allowing the sale of land to foreigners was held in Atyaru (Western Kazakhstan) and was organized largely on Facebook.⁷⁵ Following a wave of protests and promises by activists to stage more rallies against land reform, the authorities suspended the law and convened the Public commission for land reform, inviting politicians, experts, and public figures, including prominent critics and human rights activists, to develop new approaches to its implementation. The Atyaru rally sparked nationwide protests against land reform in May 2016.

Violations of User Rights:

A new law introduced a National Security Certificate, software which must be installed on all user devices in Kazakhstan, potentially allowing the government to monitor encrypted traffic and conduct man in the middle attacks. Criminal prosecution of social media users and internet journalists on charges of extremism, insulting national dignity, or trumped up allegations of drug possession continued within the coverage period. Additionally, authorities cracked down on activists organizing land reform rallies on social media, arresting dozens of people. Online commentators continued to face pressure from the authorities, including the apparent interception of their electronic correspondence. There was at least once case of physical violence against a blogger during the coverage period.

Legal Environment

The constitution of Kazakhstan guarantees freedom of expression, but this right is qualified by many other legislative acts and in practice is severely restricted. The criminal code penalizes the dissemination of rumors, or “patently false information, fraught with the risk of breach of public order or imposition of serious damage,” punishable by a fine of up to US\$70,000 and up to 10 years in jail. Libel is a criminal offence that may result in up to US\$20,000 in fines and up to two years of imprisonment. The criminal code provides stricter punishment for libel or insult of the president and other state officials, judges, and members of parliament, and Kazakhstani officials have a track record of using defamation charges to punish critical reporting.

The judiciary is not independent from the executive, and the president appoints all judges. The constitutional court was abolished in 1995 and replaced with the constitutional council, to which citizens and public associations are not eligible to submit complaints.

In March 2016, the Prime Minister's office released an order prohibiting all officials and visitors of state bodies from using mobile devices with cameras and internet connection – smartphones, tablet PCs and smart watches. The move, which affected also the Judiciary and Legislature, is aimed at preventing the leakage of sensitive information.⁷⁶ In April 2016, the Ministry of Public Service revealed plans to ban state officials from using social networking sites in the workplace, citing the need to “increase discipline”.⁷⁷

Prosecutions and Detentions for Online Activities

The government of Kazakhstan continues to arrest and prosecute individuals for posting critical political or social commentary online, particularly involving Russia. Charges are usually brought under laws banning “extremism,” specifically, the incitement of interethnic hatred.

- Bolatbek Blyalov, an activist and critic of the government, was arrested in November 2015 for incitement of interethnic hatred for online video interviews slamming the “imperial policy of Russia”. He was held in custody in the run-up to the trial, and the case drew the attention of international rights organizations. In January 2016, shortly before the trial's end, Blyalov admitted his guilt, announced the cessation of his activism, and asked the public “not to politicize his case.” He was convicted to 3 years of restricted freedom and released.⁷⁸
- In July 2015, a 22-year-old man in Petropavl (Northern Kazakhstan), was sentenced to three years in jail for “posting provocative materials of interethnic and interreligious hatred,” and

insulting the “national dignity of other ethnicities,” after publishing material online relating to the Russian-speaking population of Kazakhstan and in relation to Muslims.⁷⁹

- In July 2015, a court in Uralsk (Western Kazakhstan) sentenced a person to three years of restricted freedom for using Facebook to call for the “elimination of Russia” and a shutdown of Russian TV channels in Kazakhstan.⁸⁰
- In December 2015, Yermek Taichibekov, a well-known pro-Kremlin blogger, was sentenced to four years in prison for incitement of interethnic hatred after calling for the unification of Kazakhstan and Russia on his Facebook page. Taichibekov denied that his actions were criminal and insisted that the trial was politically motivated. The case against Taichibekov was initiated by a complaint from a group of nationalist activists calling themselves the National Patriots.⁸¹
- Igor Sychev, administrator of a group called “Overheard in Ridder” on Russian-language social network VK.com, was sentenced to five years in prison in November 2015 for inciting separatism after posting a poll asking if the group if Ridder, northeastern Kazakhstan, should become a part of Russia.⁸²

The government has also continued to arrest and detain individuals for posting content on social media which is deemed to be threatening or critical of the ruling regime.

- Two outspoken critics of the government, Serikzhan Mambetalin and Ermek Narymbayev, were sentenced in March 2016 to two and three years restricted freedom and prohibition of public activity, respectively, for inciting hatred and insulting national dignity after they reposted an article ridiculing the “vices” of Kazakhs on social media,⁸³ though they had accompanied their posts with critical comments about the article’s contents.⁸⁴ Mambetalin and Narymbayev were arrested in October 2015 and remained in custody until a hearing in January 2016. The case was marred by numerous procedural violations and viewed by many as a politically motivated show trial.
- In August 2015, three Facebook users were charged under the criminal code for spreading rumors after they published posts on Facebook stating that riots which occurred at the Artem market in Astana in June 2015 were ethnically motivated, resulted in deaths, and that police used rubber bullets to disperse the crowd. At least one of the accused was sentenced in August 2015 to two-and-a-half years of restriction of freedom.⁸⁵
- A criminal investigation has been launched in early 2016 against Facebook user Kyril Kovyazin after he posted negative comments on his Facebook page regarding Kazakhstan’s revered historical-cultural figure Abay Qunanbaiuli. Kovyazin is being investigated for the dissemination of radical ideas.⁸⁶
- In April 2016, an Almaty resident was detained, interrogated and put into pre-trial custody for sharing a photo of a person allegedly killed in Kyzyl-Orda (South Kazakhstan) during a protest which transpired to be a photo taken in China in February 2015. The detained is accused of disseminating knowingly false and provocative material (Article 274.2.3. of the Criminal Code).⁸⁷
- In May 2016, dozens of activists in different cities of Kazakhstan were detained and sentenced to up to 15 days of administrative arrest after they shared their intention to take part in the land reform rallies through their accounts in social media. The authorities said the posts were calls to attend unsanctioned gatherings.⁸⁸ Dozens of journalists, including many from online publications, were also briefly detained while reporting on the land reform protests.⁸⁹

The authorities have also targeted individuals working for independent online news outlets. In May 2016, editor of opposition news site Nakanune.kz, Guzyal Baydalinova, was sentenced to 18 months prison on criminal charges of spreading false information under Article 274 of the criminal code after the website published articles alleging Kazakhstan's largest bank, Kazkommertzbank, was involved in misconduct and corruption in the country's construction industry. Baydalinova was already found to have damaged the state-owned bank's reputation in a civil libel suit in June 2015 in which she was ordered to pay US \$107,000.⁹⁰ Observers suspect the government, which has close ties to Kazkommertzbank, of initiating the prosecution as part of an attempt to silence dissenting journalism online.⁹¹ Furthermore, in January 2016, Yulia Kozlova, another journalist at Nakanune.kz, had her apartment searched and faced drug possession charges that her supporters said were in retaliation for her work. In February 2016, Kozlova was acquitted of those charges by a court.⁹²

Surveillance, Privacy, and Anonymity

It is difficult to estimate the scope and depth of government surveillance of online communications in Kazakhstan. The "system for operational investigative measures" (SORM) system of surveillance implemented by the government is similar to that of other former Soviet republics and allows for deep packet inspection (DPI) of data transmissions. The general public, as well as civil society activists, often underestimate the potential threat of government surveillance and do not always take steps to protect their privacy or use encryption software. Some anonymizing tools are subject to blocking (see Blocking and Filtering).

In December 2015, Kazakhtelecom issued a press release stating that internet users would be required to install a national security certificate on their devices by January 1, 2016, in order to comply with recent amendments to the Law on Communications. The statement said the certificate would be issued by the State Technical Service (STS) and its installment enforced by ISPs. Kazakh authorities maintain that the certificate will be used to increase security online by fighting cybercrime and restricting the dissemination of illegal information.

The announcement raised several privacy and security concerns. The certificate is designed to intercept traffic to and from foreign sources, and allow government officials to gain access to encrypted mobile and web communications. It could empower authorities to conduct man-in-the-middle attacks on encrypted traffic between Kazakh users and foreign servers, though authorities deny that the certificate will be used for this purpose.⁹³ The certificate may also restrict users from accessing much of the internet, as browsers and websites may decline to trust devices using the certificate. The government was reportedly attempting to secure a WebTrust audit of the certificate to prevent this from happening, but the status of that audit was unclear in mid-2016.

Little information was available regarding the rollout of the certificate, though it appeared to be in progress at the beginning of the year. One ISP had reportedly received the certificate for installation in March 2016.⁹⁴ Additionally, users can download the certificate onto their devices from the website of telecoms operator KazTransCom.

Various authorities already monitor internet traffic. A professional from a private-sector telecom company who spoke on the condition of anonymity stated that the president's administration, the prosecutor general's office, and the National Security Committee have been planning to launch three different content monitoring systems, including software to monitor social networking sites. In

the past, the Almaty city administration acknowledged that it monitors popular social networking sites.⁹⁵ Activists using social media are occasionally intercepted or punished, sometimes preemptively, by authorities who have prior knowledge of their planned activities. Most recently, dozens of activists were subject to arrests and administrative imprisonments after calling for land reform rallies on social media (see Prosecutions and Detentions for Online Activities).

Kazakhtelecom maintains that its DPI system is used for traffic management and provides no access to users' personal data.⁹⁶ According to Shavkat Sabirov, president of the Internet Association of Kazakhstan (IAK), the DPI system was installed on the backbone infrastructure in 2010 by the Israeli company Check Point Software Technologies. In July 2015, WikiLeaks published an exchange of emails between an alleged official of the Kazakh special services and Hacking Team, the Italian spyware firm. The exchange of emails appears to suggest that the government might have obtained software to monitor and interfere with online traffic, including encrypted communications, as well as to perform targeted attacks against certain users and devices.⁹⁷

SIM card registration is required for mobile phone users. Legislation obliges both ISPs and mobile operators to retain records of users' online activities, including phone numbers, billing details, IP addresses, browsing history, protocols of data transmission, and other data, via the installation of special software and hardware when necessary.⁹⁸ Providers must store user data for two years and grant access within 24 hours to "operative-investigatory bodies," including the National Security Committee, secret services, and military intelligence, when sanctioned by a prosecutor, or in some cases "by coordination with prosecutor general's office."⁹⁹

Additionally, the 2013 law on countering terrorism granted extra powers to the security bodies and obliged mass media (including internet resources) to assist the state bodies involved in counterterrorism. However, the exact mechanisms of assistance are not specified.

In March 2016, the regulator issued new rules for public access points, which removed all previous requirements, including the requirement to document customer IDs. Instead, a single technical method of user authentication was introduced with a one-time SMS code. However, SIM cards in Kazakhstan remain subject to obligatory registration, which may enable authorities to monitor online activities of users accessing internet from public hotspots.¹⁰⁰

Intimidation and Violence

One case of physical violence was reported in the coverage period. Bota Zhumanova, a prominent economic blogger who had been sporadically criticizing the fiscal authorities and local banks, was brutally beaten near her house in October 2015. A CCTV camera captured the attacker, who did not attempt to take any of Zhumanova's belongings. Police investigated the case, which they characterized as hooliganism or a robbery, and arrested a suspect two weeks later.¹⁰¹ Zhumanova said the attack was in retaliation for her work.¹⁰²

Technical Attacks

Technical attacks against online news media and government websites were observed during the coverage period. According to Olzhas Satiev, president of the Center for Analysis and Investigation of Cyber-attacks, more than 90 percent of Kazakhstani websites have vulnerabilities.¹⁰³ Satiev's organization has exposed several such vulnerabilities on the websites of e-government services, the

Ministry of Foreign Affairs, and others. In June 2015, a governmental website, Invest.gov.kz, was hacked and defaced with ISIS-related images and slogans.¹⁰⁴ In February 2016, the official website of EXPO-2017, an international exhibition hosted by the government, was disabled following a phishing alert and possible damage to its visitors.¹⁰⁵

Kazakhstani activists and dissidents were also subject to technical attacks within the coverage period, and some suspect the government's involvement. In February 2016, Seitkazy Matayev, president of the National Press Club, and Asset Matayev, director general of the KazTAG news agency, said that their Gmail accounts had been accessed without permission from computers in other cities in Kazakhstan.¹⁰⁶ Separately, in August 2016 reports emerged that Kazakh opposition figures and dissidents living abroad, including Irina Petrushova and Alexander Petrushov of the critical publication *Respublika*, were targeted in 2015 with malware attacks. The Electronic Frontier Foundation reported that the attacks were conducted by agents of the government via the Indian security company Appin Security Group.¹⁰⁷

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