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Submission to the United Nations Human Rights Committee During its Periodic Review of Kazakhstan at its 144th Session

May 2025

This submission provides an overview of Human Rights Watch’s main concerns with respect to the human rights situation in Kazakhstan, submitted to the United Nations Human Rights Committee (“the Committee”) in advance of its upcoming review of Kazakhstan. We hope it will inform the Committee’s preparation for its upcoming review of the Kazakhstan government’s compliance with its obligations under the International Covenant on Civil and Political Rights (“the Covenant”).

This submission focuses on the following key areas of concern – (1) past human rights violations, excessive use of force; (2) the misuse of extremism laws to restrict political opposition activities; (3) violence against women and domestic violence; (4) rights to freedom of expression and peaceful assembly; (5) the prohibition of torture and other cruel, inhuman or degrading treatment; (6) freedom of association; and (7) rights of the child.

For additional information, please see Human Rights Watch country page on Kazakhstan: <https://www.hrw.org/europe/central-asia/kazakhstan>

1. Past Human Rights Violations, Excessive Use of Force (arts. 2, 6, 7, and 14)

Zhanaozen (2011)

The Kazakhstan government noted in its report to the Committee, submitted in April 2024, that “five police officers, who had unlawfully used their weapons against participants in the disorder, were convicted of abuse of authority and received sentences of varying lengths” (para 67).¹ The government also claimed in its report that allegations of “unauthorized investigation methods” – made by the defendants prosecuted in connection with the Zhanaozen events – were not corroborated by the “checks” carried out by the authorities (para 74).

On December 16, 2011, after initial clashes between police and striking oil workers on the central square in Zhanaozen, a town at the heart of Kazakhstan’s oil industry, police and government troops opened fire on civilians. Clashes left fifteen people dead, 12 of whom were shot by police. According to eyewitnesses, police did not use any other means – such as tear

¹ Third periodic report submitted by Kazakhstan, April 2, 2024, CCPR/C/KAZ/3, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=S7BSJJTutV40eQDhcjh%2BLWqYGeElopVBZ4wvduNcZi7fDgolfkB7gNkr4lt0jFP3zN%2BNMhvoCleJrDdY7HFQ8Q%3D%3D> (accessed May 5, 2025).

gas – to disperse the crowds, before they opened fire, raising serious concerns about the authorities’ excessive use of lethal force.

As noted above, in May 2012, five police officers were convicted of “abuse of power or official authority resulting in grave consequences with use of weapons or special equipment” and were sentenced to between five and seven years in prison and banned from holding office in law enforcement for five years. Their sentences were upheld on appeal. However, the authorities did not launch a broader investigation into the use of lethal force that led to each of the 15 deaths and dozens of wounded persons in Zhanaozen.

Authorities detained hundreds of people in Zhanaozen on December 16, 2011, and in the days immediately thereafter. People who witnessed or were subjected to physical abuse by police in custody between December 16 and 19, 2011 described to Human Rights Watch how police variously kicked and beat detainees with truncheons, stripped them naked and walked on them, and subjected them to freezing temperatures.² Bazarbai Kenzhebaev, 50, died from a ruptured small intestine and blunt abdominal trauma, injuries he apparently sustained in custody after he was detained on December 16, 2011.³

On March 27, 2012, the trial of 37 civilians (18 of whom were oil workers, several of whom were particularly outspoken during the months-long strike by workers) began in Aktau.⁴ The defendants were charged with organizing or participating in mass riots and related offences relating to the outbreak of violence in Zhanaozen on December 16, 2011. On June 4, 2012, the court convicted 34 of the 37 defendants, 13 of whom were sentenced to prison terms, including Rosa Tuletaeva, Maksat Dosmagambetov, and Talgat Saktaganov, outspoken oil workers who provided information to journalists and international organizations, including Human Rights Watch, during the seven-month strike in Zhanaozen.⁵

During the trial, defendants testified that they had suffered beatings, suffocation, psychological pressure, and other ill-treatment, apparently to coerce testimony against themselves or others.⁶ The defendants’ allegations of ill-treatment and torture were not investigated in a manner capable of identifying and bringing the perpetrators to justice.

January 2022 Protests/Qantar (2022)

A handful of law enforcement officials were prosecuted in 2024 for torture and ill-treatment of detainees who were arrested immediately after the January 2022 anti-government protests, also known as Qantar, but authorities in Kazakhstan have still not launched a comprehensive

² Kazakhstan: Protect Detainees From Torture, Ill-Treatment, Human Rights Watch news release, December 22, 2011, <http://www.hrw.org/news/2011/12/22/kazakhstan-protect-detainees-torture-ill-treatment> and Kazakhstan: Letter to the Prosecutor General regarding the December events in Zhanaozen and Shetpe, Human Rights Watch letter, February 1, 2012, <http://www.hrw.org/news/2012/02/01/kazakhstan-letter-prosecutor-general-regarding-december-events-zhanaozen-and-shetpe>.

³ Kazakhstan: Detainee Dies After Police Beating, Human Rights Watch news release, December 22, 2011, <http://www.hrw.org/news/2011/12/22/kazakhstan-detainee-dies-after-police-beating>. The authorities brought criminal charges against the head of the temporary detention facility where Bazarbai Kenzhebaev was held for “allow[ing] the illegal detention of Kenzhebaev and not arranging timely hospitalization” and sentenced him to five years in prison. However, no one has been held accountable for the beatings that led to Kenzhebaev’s death.

⁴ Kazakhstan: Ensure Fair Trial for Oil Workers, Others, Human Rights Watch news release, March 26, 2012, <http://www.hrw.org/news/2012/03/26/kazakhstan-ensure-fair-trial-oil-workers-others>.

⁵ Kazakhstan: Oil Workers Convicted in Flawed Trial, Human Rights Watch news release, June 4, 2012, <http://www.hrw.org/news/2012/06/04/kazakhstan-oil-workers-convicted-flawed-trial>.

⁶ Kazakhstan: Suspend Trial, Investigate Torture Allegations, Human Rights Watch news release, April 23, 2012, <http://www.hrw.org/news/2012/04/23/kazakhstan-suspend-trial-investigate-torture-allegations>.

and effective investigation into the serious loss of life and other grave human rights violations during and after the protests.⁷

The Kazakhstan government noted in its report to the Committee that “Twelve cases of torture and abuse of authority during the “January events” of 2022 brought against 39 persons (26 police officers and 13 National Security Committee officers) have been considered by the courts” (para 197). The report makes no mention of any law enforcement officer prosecuted for the death of any of the 238 individuals killed in the January protests, including 22, who, by the government’s own admission, “accidentally came under fire or were involved in traffic accidents” (para 193).

Human Rights Watch documented how Kazakh security forces used excessive force on at least four occasions between January 4 and 6, 2022, resulting in 10 people being shot dead, as well as unnecessary lethal force against protesters and rioters who posed no immediate threat.⁸

Kazakhstan’s investigations into the January events have been one-sided, leading to over 1,200 convictions of protesters and others, with only a few dozen law enforcement officers “brought to criminal responsibility,” according to the Prosecutor General’s office.⁹ In August 2024, an Astana court sentenced former Interior Minister Yerlan Turgumbayev to a five-year suspended sentence for abuse of power in connection with the protests.¹⁰ In some cities, including Kyzylorda and Shymkent, authorities closed investigations into the deaths of people killed in those cities during the January events on grounds the actions of law enforcement officers did not constitute a crime.¹¹

Recommendations to the government of Kazakhstan:

- Launch a transparent, impartial, and effective investigation into human rights abuses committed during and after the January 2022 events.
- Promptly and impartially investigate all allegations of torture and ill-treatment in connection with the Zhanaozen violence, including the circumstances leading to Bazarbai Kenzhebaev’s death, and hold the perpetrators accountable.

2. Misuse of Extremism and Terrorism Laws to Limit Political Expression and Pluralism (arts. 2, 4, 7, 9 and 14)

Kazakh authorities stifle political opposition activism and have jailed multiple political opposition figures in recent years on overbroad criminal charges.

⁷ Kazakhstan: No Justice for January Protest Victims, Human Rights Watch news release, May 5, 2022, <https://www.hrw.org/news/2022/05/05/kazakhstan-no-justice-january-protest-victims>.

⁸ Human Rights Watch, Kazakhstan: Killings, Excessive Use of Force in Almaty, (New York: Human Rights Watch, 2022), <https://www.hrw.org/news/2022/01/26/kazakhstan-killings-excessive-use-force-almaty>.

⁹ Meirim Bakhytzhana, Kantar: court sentences military man to 7 years in prison in case of death of Seitkulov family from bullets in Taldykorgan [“Кантар: суд приговорил к 7 годам колонии военного по делу о гибели семьи Сейткуловых от пуль в Талдыкоргане”] Azattyq.kz, June 26, 2023, <https://rus.azattyq.org/a/32475726.html> (accessed April 30, 2025).

¹⁰ Former Internal Affairs Minister Turgumbayev sentenced to a five year suspended sentence [“Экс-министра МВД Тургумбаева осудили на пять лет условно”], Zakon.kz, August 8, 2024, <https://www.zakon.kz/sobytiia/6444363-eksmministra-mvd-turgumbaeva-osudili-na-pyat-let-uslovno.html> (accessed April 30, 2025).

¹¹ Kazakhstan: No Justice for January Protest Abuses, Human Rights Watch news release, December 20, 2022, <https://www.hrw.org/news/2022/12/20/kazakhstan-no-justice-january-protest-abuses>.

Authorities in Kazakhstan have repeatedly misused the vague and overbroad charge of “inciting social, national, clan, race, class, or religious discord” under article 174 of the criminal code, which criminalizes speech and activities protected under international law, to try to silence government critics, civil society actors, bloggers, and lawyers. In criminal code amendments adopted in 2014, authorities increased maximum sanctions for the offense from 12 to 20 years, and since then have made no effort to narrow the vaguely defined “inciting discord” charge or repeal it.

In its report to the Committee, the Kazakhstan government claimed that “article 174 of the Criminal Code, concerning incitement to social, ethnic, clan, racial, class or religious discord, was rendered more humane” (para 126). The government did not address the Committee’s question whether legislative provisions have been revised to eliminate the broad formulation of the concepts of “extremism.”

In the last two years, individuals accused of participating in and financing peaceful opposition groups that courts in Kazakhstan have labelled “extremist” and banned, such as the Democratic Choice of Kazakhstan (DVK) and Koshe Party, have increasingly been handed long prison sentences, in violation of their right to freedom of expression and association.

In November 2023, an Astana court criminally convicted opposition leader Marat Zhylyanbaev of “financing extremist activities” and “participating in the activities of a banned extremist organization” and sentenced him to seven years in prison.¹² Not long after, on August 2 and 16, 2024, courts in Kazakhstan sentenced Duman Mukhammedkarim, an independent journalist and activist, and Asylbek Zhamuratov, another civic activist, to seven years in prison each on the same overbroad “extremist” charges.¹³ Mukhammedkarim was banned from engaging in public activities for three years and Zhamuratov from engaging in political activities for five.

On September 9, 2024, Kazakhstan’s Supreme Court declined to consider an appeal by Zhanbolat Mamay, an opposition activist and head of the unregistered Democratic Party of Kazakhstan, who in April 2023 was sentenced to a six-year restricted freedom sentence for allegedly organizing mass riots in Almaty in January 2022 and banned from engaging in political or journalistic activities.¹⁴

On April 11, 2025, an Almaty court sentenced Temirlan Ensebek, a blogger and the founder of Qaznews24, a satirical Instagram account, to five years’ restricted freedom on overbroad criminal charges of “inciting interethnic discord” in connection with a post he uploaded to the account over a year ago.¹⁵ The court also banned Ensebek from using social media, engaging in public activities, participating in rallies, giving interviews, or working as a journalist.

¹² Kazakhstan: Government Critic on Trial for ‘Extremism’, Human Rights Watch news release, November 8, 2023, <https://www.hrw.org/news/2023/11/08/kazakhstan-government-critic-trial-extremism>.

¹³ Kazakhstan: Baseless ‘Extremism’ Case Heads to Court, Human Rights Watch news release, February 8, 2024, <https://www.hrw.org/news/2024/02/08/kazakhstan-baseless-extremism-case-heads-court> and The court sentenced activist Asylbek Zhamuratov to 7 years in prison [“Суд приговорил активиста Жамуратова Асылбека к 7 годам лишения свободы”], Tirk.info, August 16, 2024, <https://tirk.info/42170-2> (accessed April 30, 2025).

¹⁴ Kazakh Supreme Court Refuses To Hear Opposition Politician’s Appeal, RFE/RL’s Kazakh Service, September 9, 2024, <https://www.rferl.org/a/kazakhstan-mamai-supreme-court-appeal/33113419.html> (accessed April 30, 2025).

¹⁵ Kazakh journalist Temirlan Yensebek sentenced to 5 years of restricted freedom, Committee to Protect Journalists, April 17, 2025, <https://cpj.org/2025/04/kazakh-journalist-temirlan-yensebek-sentenced-to-5-years-of-restricted-freedom/> (accessed April 30, 2025).

The case against Ensebek exemplifies the abuse of criminal law by authorities in Kazakhstan.¹⁶ The Qaznews24 post included a musical track containing obscenities and insults addressed at Russians and Uzbeks. While the lyrics of the track may be offensive, the post was made in January 2024, and did not incite violence, discrimination, or hostility, nor did it pose any “imminent” threat of such harm.

Anyone convicted in Kazakhstan on overbroad “extremism” or “terrorism” charges – even those who have not instigated, participated in, or financed violence – is automatically placed on the state’s “list of people and organizations associated with financing terrorism and extremism” (“Financing Terrorism List”) and subject to wide-ranging financial restrictions.¹⁷ Kazakhstan’s 2009 money laundering law specifies that people on the Financing Terrorism List be immediately blocked from accessing their bank accounts, barred from using credit or debit cards, and banned from conducting certain financial transactions at notaries or post offices, for example. As such, people on the list face significant barriers trying to secure formal employment, as well as challenges accessing their social security and other benefits, which interferes with the enjoyment of their economic and social rights.

Recommendations to the government of Kazakhstan:

- Release Marat Zhylyanbaev, Duman Mukhammadkarim, and Asylbek Zhamuratov, and lift all restrictions on Zhanbolat Mamay and Temirlan Ensebek, and vacate their politically motivated and unfounded criminal convictions.
- Revise the overbroad definition of “extremism” to ensure compliance with international human rights law; cease using article 405 of the Criminal Code (“membership in a banned extremist organization”) to target perceived or actual members of unregistered opposition groups; amend article 174 (“inciting discord”) of the Criminal Code so it can no longer be used to target individuals for behavior or speech that is protected by international human rights law.
- Seek a review of the court-imposed bans on Democratic Choice of Kazakhstan (DVK) and the Koshe Party; commission an independent review of all convictions handed down on charges of organizing or participating in a banned “extremist” organization;
- Remove people convicted of nonviolent crimes, including peaceful government critics and others exercising legitimate freedoms of expression and association, from the list of persons and organizations associated with financing terrorism and extremism and ensure that no one is arbitrarily or unjustifiably included on the list.

3. Violence against women and domestic violence (arts. 2, 3, 6, 7 and 26)

President Kassym-Jomart Tokayev in April 2024 signed a new law strengthening protections for women and children, but the law fell short of criminalizing domestic violence as a standalone offense either in the Criminal Code or Kazakhstan’s 2009 Law on the Prevention of Domestic Violence.¹⁸ The law reimposes criminal penalties for “battery” and “intentional infliction of light bodily harm” committed against “an individual in helpless condition or financially or otherwise

¹⁶ Kazakhstan: Founder of Satirical Instagram Account Arrested, Human Rights Watch news release, February 3, 2025, <https://www.hrw.org/news/2025/02/03/kazakhstan-founder-satirical-instagram-account-arrested>.

¹⁷ Kazakhstan: Unjustified ‘Financing Terrorism’ Restrictions, Human Rights Watch news release, August 27, 2024, <https://www.hrw.org/news/2024/08/27/kazakhstan-unjustified-financing-terrorism-restrictions>.

¹⁸ Kazakhstan: New Law to Protect Women Improved, but Incomplete, Human Rights Watch news release, April 23, 2024, <https://www.hrw.org/news/2024/04/23/kazakhstan-new-law-protect-women-improved-incomplete>.

dependent on the perpetrator,” the articles most commonly used in domestic violence cases and introduces tougher penalties for convicted abusers. Both offenses had been decriminalized in 2017.¹⁹

Official statistics on reported cases of family abuse are alarming, with the Prosecutor General’s office estimating that about 80 women die annually from domestic violence and more than 4,150 women suffer light to serious bodily harm at the hands of their abusers.²⁰ According to figures provided by the Prime Minister’s office, police in 2024 received about one hundred thousand reports of domestic violence.²¹

The passage of the new law coincided with the high-profile trial of Kuandyk Bishimbayev, Kazakhstan’s former economy minister, who on May 13, 2024 was found guilty of murder with extreme cruelty of his partner, Saltanat Nukenova, and sentenced to 24 years in prison.²² In the second half of 2024, the Justice Ministry seven times denied registration to a new fund which Nukenova’s brother had founded to combat domestic violence in honor of his sister’s memory.²³

In late December 2023, Kazakhstan’s Internal Ministry reported they were seeking the arrest of Dinara Smailova, an outspoken women’s rights advocate who fled Kazakhstan and lives in exile, on dubious criminal charges including fraud, violations of privacy, and knowingly disseminating false information.²⁴ If convicted, Smailova faces up to 10 years in prison.

Recommendations to the government of Kazakhstan:

- Criminalize domestic violence as a standalone offence;
- Ensure that women facing abuse, especially in rural areas, have access to adequate and sufficient support services, including crisis centers and shelters, and train police and healthcare workers to ensure their survivor-centered response to all reports of domestic violence;

¹⁹ Kruglova, Dana, Domestic violence has been decriminalized in Kazakhstan. How tyrant husbands will be punished now [“В Казахстане декриминализовали бытовое насилие. Как теперь будут наказывать мужей-тиранов”], InformBuro, July 14, 2017, <https://informburo.kz/stati/v-kazahstane-dekriminalizovali-bytovoe-nasilie-kak-teper-budut-nakazyvat-muzhey-tirarov.html> (accessed April 30, 2025).

²⁰ At least 80 women die every year at the hands of domestic aggressors in Kazakhstan, [“Ежегодно не менее 80 женщин погибают от рук семейных агрессоров в Казахстане”], Inform.kz, November 21, 2023, <https://www.inform.kz/ru/ezhegodno-ne-menee-80-zhenshin-pogibayut-ot-ruk-semeynih-agressorov-v-kazahstane-fb204e> (accessed April 30, 2025).

²¹ Итоги года: усиление борьбы с правонарушениями, защита прав женщин и детей, принятие комплексных мер по предупреждению и ликвидации ЧС, Website of the Prime Minister, December 20, 2024, <https://primeminister.kz/ru/news/reviews/itogi-goda-usilenie-borby-s-pravonarusheniyami-zashchita-prav-zhenshchin-i-detey-prinyatie-kompleksnykh-mer-po-preduprezhdeniyu-i-likvidatsii-chs-29503> (accessed May 5, 2025).

²² Kim, Viktoriya, Guilty Verdict in High-Profile Kazakhstan Domestic Violence and Murder Case, Human Rights Watch dispatch, May 13, 2024, <https://www.hrw.org/news/2024/05/13/guilty-verdict-high-profile-kazakhstan-domestic-violence-and-murder-case>.

²³ Aitbek Amangeldy acquired a fund to help victims of violence: he was unable to register a new one [“Айтбек Амангельды приобрёл фонд для помощи жертвам насилия: зарегистрировать новый ему не удалось”], InformBuro, November 11, 2024, <https://informburo.kz/novosti/aitbek-amangeldy-priobryol-fond-dlya-pomoshhi-zertvam-nasiliya-zaregistrirovat-novyi-emu-ne-udalos> (accessed May 5, 2025).

²⁴ Kazakhstan: Women’s Rights Activist Targeted with Dubious Fraud Charges, Human Rights Watch news release, February 5, 2024, <https://www.hrw.org/news/2024/02/05/kazakhstan-womens-rights-activist-targeted-dubious-fraud-charges>.

- Cease targeting activists for their work and ensure that Dinara Smailova's rights, including her due process rights, are fully protected and upheld throughout the investigation.

4. Rights to freedom of expression and peaceful assembly (arts. 19, 20, 21)

In its report to the Committee, the government of Kazakhstan asserted that “[t]he necessary conditions have been established in Kazakhstan for all persons to exercise their right to freedom of speech, which is guaranteed in article 20 of the Constitution” (para 388).

Yet, journalists in Kazakhstan routinely face harassment, threats, and prosecution for doing their work.

In mid-April 2025, three independent journalists learned they were people of interest in separate criminal cases. On April 10, plainclothes and uniformed police in Astana detained the investigative journalist Lukpan Akhmedyarov and took him in for questioning without issuing a summons, in violation of local procedures. At the police station, Akhmedyarov was informed he is a witness with the right of defense in an ongoing criminal investigation on charges of “spreading knowingly false information” (article 274). The police tried to have him sign a nondisclosure agreement, but Akhmedyarov refused. On April 21, police informed the Almaty-based journalist Timur Nusimbekov that a woman from Talgar, a city outside Almaty, had filed a complaint against him, alleging that he had insulted Kazakhstan president Kassym-Jomart Tokayev using an online pseudonym. And on April 22, the journalist Sandugash Duysenova reported that she has been summoned for questioning in connection with a case opened on criminal charges of disseminating knowingly false information (article 274).

In May 13, 2024, an Almaty administrative court found Jamilya Maricheva, founder of the independent news agency ProTenge, guilty of “spreading false information” and fined her for a post on ProTenge Telegram expressing concern about the denial of accreditation to Radio Azattyk colleagues.²⁵ In late January 2025, an appeals court upheld the criminal conviction of the investigative journalist Daniyar Adilbekov, who on October 18, 2024, was sentenced to four-and-a-half years in prison on charges of “knowingly false denunciation” and “disseminating knowingly false information” for Telegram posts, including two alleging corruption risks in the oil industry and Energy Ministry.²⁶ A co-defendant was sentenced to three years’ probation.

In June 2024, Kazakhstan adopted a new mass media law that threatens freedom of speech and the right to information.²⁷ The law extends the definition of mass media to online publications, requiring that they be registered and have a physical presence in Kazakhstan, and grants the government expansive power to deny accreditation to foreign media representatives if their materials contain unspecified “propaganda of extremism.”

²⁵ Mekhdi, Leila, ProTenge’s Founder and Editor-in-Chief Found Guilty of “Spreading False Information”, Caspian Post, May 15, 2024, <https://caspianpost.com/en/post/protenges-founder-and-editor-in-chief-found-guilty-of-spreading-false-information> (accessed April 30, 2025).

²⁶ Kazakhstan: Ensure Journalist Gets Fair Appeal, Human Rights Watch news release, November 28, 2024, <https://www.hrw.org/news/2024/11/28/kazakhstan-ensure-journalist-gets-fair-appeal>.

²⁷ Williamson, Hugh, New Mass Media Law Threatens Freedom of Speech, Information in Kazakhstan, Human Rights Watch dispatch, June 22, 2024, <https://www.hrw.org/news/2024/06/22/new-mass-media-law-threatens-freedom-speech-information-kazakhstan>.

Although the Kazakhstan government claimed in its report to the Committee that “all persons are able to actively exercise the right to freedom of assembly” (para 419), in practice, the right to peaceful assembly continues to be heavily restricted and policed under Kazakhstan’s 2020 law on peaceful assemblies. People who try to peacefully protest can be detained, fined, or sentenced to short-term custodial sentences. Activists are routinely subjected to surveillance and preventative arrests or short-term detention in advance of publicly announced protests. Almaty city authorities have denied activists permission to hold an International Women’s Day march for the last four years in a row.

In January 2025, police in multiple cities in Kazakhstan detained nearly a dozen activists for protesting the blogger Temirlan Ensebek’s detention, including Ruslan Biketov and Asem Zhapisheva, who served 15 days’ administrative arrest in Almaty for staging “unsanctioned” single-person protests in support of Ensebek.²⁸ Police detained eight other activists who held similar protests in Kostanay, Aktobe, Astana, Semey, and Almaty. In the case of several of the activists, courts found them in violation of the law on peaceful assemblies and ordered that they pay a fine.²⁹

Recommendations to the government of Kazakhstan:

- Refrain from using the new mass media law to obstruct the work of local and foreign journalists in Kazakhstan; instead, introduce amendments to the new law to ensure it complies with international human rights standards;
- Respect the right to freedom of expression by ending pressure on and any undue prosecution of media workers and bloggers; thoroughly and impartially investigate attacks on media workers and hold the perpetrators accountable;
- Cease harassing independent journalists and decriminalize the offense of “disseminating knowingly false information” and “insult,” used to silence government criticism, in line with international freedom of expression standards;
- Introduce amendments to the new law on public assemblies that ensure the right to peaceful protest;
- Allow people in Kazakhstan to participate in peaceful protests without fear of arrest or police harassment and interference;
- Ensure that the authorities’ efforts to police protests are carried out in accordance with international human rights standards and respect of the right to peaceful protest.

5. Prohibition of torture and other cruel, inhuman or degrading treatment (art. 7)

A serious lack of accountability for torture and ill-treatment persists in Kazakhstan. Hundreds of people detained in connection with the January events have alleged ill-treatment or torture, and at least six people have died in pretrial detention centers, according to official figures. In a January 2023 report documenting allegations of ill-treatment and torture in the aftermath of the

²⁸ Almaty: Journalist Detained over Single-person Picket in Support of Temirlan Yensebek, Orda, January 19, 2025, <https://en.orda.kz/almaty-journalist-detained-over-single-person-picket-in-support-of-temirlan-yensebek-4643/> (accessed April 30, 2025).

²⁹ One of those detained for picketing in support of Ensebek is in a police detention center. The lawyer calls it “exerting pressure” [“Один из задержанных за пикет в поддержку Енсебека — в изоляторе полиции. Адвокат называет это «оказанием давления»”], Radio Azzatyq, January 28, 2025, <https://rus.azattyq.org/a/odin-iz-zaderzhannyh-za-piket-v-podderzhku-ensebeka-v-izolyatore-politsii-advokat-nazyvaet-eto-okazaniem-davleniya-/33291794.html> (accessed April 30, 2025).

January events, local and international rights groups found that detainees were subject to “severe beatings, burning with hot irons, the use of electric shocks, hooding, being doused with boiling or ice-cold water outside, pulling out teeth, sexual violence, and threats of rape.”³⁰ The rights groups found that torture was used against various detainees, including children, people with disabilities, and foreign nationals.

Twenty-nine police officers – including six who were sentenced to three years in prison on January 17, 2025 – have been convicted for torture in connection with the January 2022 events.³¹ Since the January 2022 events, dozens of other torture investigations have been closed on grounds that the allegations were “unsubstantiated.”

Recommendations to the government of Kazakhstan:

- Comply with their international legal obligations and effectively and impartially investigate deaths in detention and all allegations of torture, ill-treatment, as part of addressing the problem of impunity for torture;
- Reopen any investigations into allegations of ill-treatment and torture that were made in the aftermath of the January 2022 events that were later suspended or closed on grounds there was “no evidence of a crime;”
- Provide effective remedy, redress, and rehabilitation to the victims of torture and ill-treatment or to their families;
- Implement in full the recommendations issued by the Committee Against Torture after its review of Kazakhstan in May 2023.

6. Freedom of association (art. 22)

The government of Kazakhstan asserted in its report to the Committee that “citizens [of Kazakhstan] have the right to freedom of association” (para 432). In practice, the government restricts this right, subjecting nongovernmental organizations (NGOs) to onerous and burdensome reporting obligations and interfering with trade unions’ right to organize and freely determine their structures.³²

In December 2020 and January 2021, tax authorities targeted over a dozen leading nongovernmental groups with fines and suspensions for allegedly violating rules for reporting on foreign grants. Only after sustained public outcry did authorities in February 2021 drop the fines and suspension decisions. Since September 2023, the Kazakhstan government has maintained a publicly accessible registry of individuals “receiving money or property from foreign states, international and foreign organizations, foreigners and stateless persons.”³³

Increasingly in the last few months, high-level government officials have made disparaging remarks about the work of NGOs and in April, law makers in Kazakhstan said work on a new

³⁰ “We don’t even cry anymore”. Torture, ill-treatment and impunity in Kazakhstan in connection with the ‘Bloody January’ events, IPHR, January 31, 2023, <https://iphronline.org/articles/we-don-t-even-cry-anymore/> (accessed April 30, 2025).

³¹ Putz, Catherine, Torture Trial in Kazakhstan Ends in Prison Sentences, But Dissatisfaction Lingers, The Diplomat, January 31, 2025, <https://thediplomat.com/2025/01/torture-trial-in-kazakhstan-ends-in-prison-sentences-but-dissatisfaction-lingers/> (accessed April 30, 2025).

³² Art. 460-1 of the Administrative Code, requiring nongovernmental organizations to report on the receipt and expenditure of foreign funds, was introduced in July 2016.

³³ “Kazakhstan: Abolish the ‘Foreign Funding’ Register,” Human Rights Watch news release, October 20, 2023, <https://www.hrw.org/news/2023/10/20/kazakhstan-abolish-foreign-funding-register>.

“foreign agents” law is underway.³⁴ Kazakhstan’s president claimed in March 2025 that countries have been “forced to accept so-called democratic moral values, including LGBT,” and that NGOs with foreign funding have “grossly interfered” in states’ internal affairs.

The Justice Ministry has denied registration to “Alga, Kazakhstan,” a political opposition group, no less than 24 times, most recently in April 2024.³⁵ In late November, [the group applied for registration](#) for the 25th time.³⁶

Authorities in Kazakhstan continue to obstruct worker efforts to organize and register independent trade unions.³⁷ Spontaneous strikes occur with regularity and courts often issue rulings finding spontaneous strikes illegal. Trade union leaders complain of company and state retaliation in response to independent worker organizing and participation in strikes, including dismissal.³⁸

Authorities have continued to ignore a May 2021 UN Working Group on Arbitrary Detention decision calling for the immediate release of Erzhan Elshibaev, an imprisoned labor activist.³⁹

Since 2016, the International Labour Organization’s Committee on the Application of Standards has repeatedly singled out Kazakhstan for review due to significant violations of the Freedom of Association and Protection of the Right to Organise Convention. Kazakhstan has yet to implement in full the committee’s conclusions. Instead, the Ministry of Labor and Social Protection in April 2025 identified “insufficient regulation of the status, membership, and transparency of trade union activities” as being “a problematic issue” and proposed that trade unions additionally be required to “annually confirm their structures, clarify their membership, and submit reports.”⁴⁰

Recommendations to the government of Kazakhstan:

- Ensure that independent trade unions can register and carry out their activities without fear of retaliation or forced closure;
- Immediately implement the conclusion of the UN Working Group on Arbitrary Detention and release labor rights activist Erzhan Elshibaev;

³⁴ Seitmuratova, Ainish, Kazakhstani MPs start working on foreign agent law, Kursiv, April 18, 2025, <https://kz.kursiv.media/en/2025-04-18/engk-tank-kazakhstani-mps-start-working-on-foreign-agent-law> (accessed May 5, 2025).

³⁵ Toiken, Saniya, К активистам, 24-й раз подавшим на регистрацию партии «Алга, Казахстан!», пришла полиция, Radio Azattyq, April 24, 2024, <https://rus.azattyq.org/a/32919069.html> (accessed May 5, 2025).

³⁶ Trump exposes political hypocrisy - Kassym-Jomart Tokayev, KazInform, March 14, 2025, <https://qazinform.com/news/trump-exposes-political-hypocrisy-kassym-jomart-tokayev-21245e> (accessed May 5, 2025).

³⁷ ITUC, Kazakhstan: ITUC demands social dialogue and dropping of sanctions against striking workers, February 6, 2024, <https://www.ituc-csi.org/Kazakhstan-ITUC-demands-sanctions-dropped> (accessed May 5, 2025).

³⁸ Dmitriy Mazorenko, “Oil Sector trade unionists described employer pressure and layoffs,” Vlast, April 17, 2024, <https://vlast.kz/novosti/59812-deateli-profsouzov-neftanogo-sektora-rasskazali-o-davlenii-so-storonny-rabotodatelej-i-uvolneniah.html> (accessed July 11, 2024).

³⁹ Human Rights Council Working Group on Arbitrary Detention, Opinion No. 5/2021 concerning Erzhan Elshibaev (Kazakhstan), June 4, 2021, https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session90/A_HRC_WGAD_2021_5.docx (accessed May 5, 2025).

⁴⁰ Консультативный документ регуляторной политики к проекту Закона Республики Казахстан «О внесении изменений и дополнений некоторые законодательные акты Республики Казахстан по вопросам совершенствования трудового законодательства», Website of the Ministry of Labor and Social Protection, April 18, 2025, <https://legalacts.egov.kz/npa/view?id=15515606> (accessed May 5, 2025).

- Uphold freedom of association and allow civil society groups and human rights defenders to carry out their important work without fear of harassment or retaliation;
- Abolish the “foreign funding register” and refrain from considerations of “foreign agent”-style legislation and other measures to discredit or obstruct the work of independent civil society organizations, activists and media.

7. Rights of the child (arts. 23, 24 and 26)

Institutionalization of Children with Psychosocial Disabilities

In Kazakhstan, residential institutions for children with psychosocial disabilities are known as Special Social Service Centers for Children. In December 2021, the government of Kazakhstan reported to UN bodies that approximately 2,000 children live at “16 social service centers for children with neuropsychiatric conditions.”⁴¹ In its report to the Committee, the government of Kazakhstan did not provide any information about its efforts to prevent the institutionalization of children, especially children with disabilities, noting only that the Commissioner of Children’s Rights has “been active,” without specifying in what ways. Kazakhstan has no national plan to close these residential institutions.

Under Kazakhstan law, “every child has the right to live and be raised in their family, the right to know their parents, the right to their care, and the right to live with them, except when it is contrary to their interests.” However, Human Rights Watch’s research for a 2019 report found that children with disabilities in residential institutions faced violence, neglect, physical restraint, and overmedication.⁴²

Children and young adults who grew up in closed institutions for children with disabilities reported that staff beat them and forcibly administered sedatives to punish or control them. Staff confirmed that they use psychotropic drugs to sedate children and have sent children to psychiatric hospitals for behavior such as screaming, shouting, or refusing to follow staff directions. The sedatives put children to sleep, sometimes for up to 24 hours. In one institution, Human Rights Watch saw a young girl in physical restraints, with her arms fixed around her torso, enclosed in a pink cloth with the sleeves tied behind her back, like a strait jacket.

Human Rights Watch also found that staff forced children to work, including by mopping floors or feeding, bathing, and changing younger children’s diapers.

In all three children’s institutions that Human Rights Watch visited, children faced neglect. Up to 16 children were kept in rooms together, with only a few caregivers. Some children, typically those who cannot walk or talk, were confined almost continuously to cribs or beds.

Reports of abuse in closed institutions for children with disabilities persist. In May 2020, 4 children living in a residential institution in eastern Kazakhstan died and 16 others were

⁴¹ Committee on the Rights of the Child, Combined fifth and sixth periodic reports submitted by Kazakhstan under article 44 of the Convention, October 25, 2024, CRC/C/KAZ/5-6, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=hX50tH%2BwdLcDjavzdxVW4cknCwuyElKIUzB6x6DkdMcbDLFGJJJoAqGMABCIKUiocj9JLZ2CengRRJeNqUr8ew%3D%3D> (accessed May 19, 2025).

⁴² Kazakhstan: Children In Institutions Isolated, Abused, July 17, 2019 (<https://www.hrw.org/news/2019/07/17/kazakhstan-children-institutions-isolated-abused>).

hospitalized with measles and intestinal infections.⁴³ In September and October 2022, several caregivers in Aktobe were convicted and sentenced to up to four-and-a-half years of restricted freedom after courts found them guilty of “torment” (article 110 of the Criminal Code).⁴⁴ They had been caught on video beating the children in the institution where they worked. In August 2023, 14 children in a state residential institution in Karaganda were hospitalized with poisoning and 2 of those children died.⁴⁵

Recommendations to the government of Kazakhstan:

- establish a time-bound plan to end the use of closed residential institutions for children with disabilities and create and implement programs to prepare children with disabilities to leave institutions;
- ensure that children are only placed in a residential institution under the supervision of an independent judicial body, in emergency cases or to prevent the separation of siblings, and for a time-bound duration, with the ultimate goal being planned family reunification or placement in family-based alternative care for the child;
- develop emergency family foster care programs, in particular for infants and young children, as alternatives to placement in residential institutions;
- promote and strengthen alternative care and support programs for children, including by ensuring adequate material, financial, psychological, and other supports to all families (biological, foster, and adoptive) following the placement of a child in the family to ensure an effective transition and to limit the risk of children being returned to institutions;
- Establish and maintain a range of targeted, accessible, diversified community-based services for families in difficult situations as well as for individuals with disabilities, including children with disabilities and their families, to prevent institutionalization and to support families to raise their children at home.

Children’s Rights Abuses by Government-Endorsed Online Learning during the Covid-19 Pandemic (articles 17, 18, and 19)

In a global investigation of education technology (EdTech) products endorsed by governments for children’s education during the Covid-19 pandemic, Human Rights Watch found that the Kazakhstan government violated children’s right to privacy and other rights.⁴⁶

Human Rights Watch found that all nine of the EdTech websites and apps endorsed by Kazakhstan’s education ministry on March 20, 2020, surveilled or had the capacity to surveil children online and harvest their personal data.⁴⁷ Of these, eight installed intrusive tracking

⁴³ Four Institutionalized Children Die in Kazakhstan’s Covid-19 Lockdown, May 21, 2020, <https://www.hrw.org/news/2020/05/21/four-institutionalized-children-die-kazakhstans-covid-19-lockdown>.

⁴⁴ “In Aktobe, a nurse who tortured disabled children got off with a restriction of freedom” (“В Актобе санитар, истязавший детей-инвалидов, отделался ограничением свободы”), Kazakhstan Today, October 5, 2022, https://www.kt.kz/rus/crime/v_aktobe_sanitar_istyezavshiy_detey-invalidov_otdelalsya_1377940732.html (accessed April 16, 2025).

⁴⁵ “Mass poisoning in a children’s residential institution in Karaganda: Another child died” (“Массовое отравление в детском спеццентре в Караганде: скончался ещё один ребёнок”), Radio Azattyq, August 28, 2023, <https://rus.azattyq.org/a/32568022.html> (accessed February 12, 2025).

⁴⁶ Human Rights Watch, “How Dare They Peep into My Private Life?: Children’s Rights Violations by Governments that Endorsed Online Learning During the Covid-19 Pandemic (New York: Human Rights Watch, 2022), <https://www.hrw.org/report/2022/05/25/how-dare-they-peep-my-private-life/childrens-rights-violations-governments>.

⁴⁷ The EdTech products are: 100ballov, BilimLand, Daryn Online, iMektep, iTest, Kundelik, Moodle, Opiq, and Zoom. For more information and analysis, see Human Rights Watch privacy snapshots: “100ballov,” https://features.hrw.org/features/StudentsNotProducts/files/privacy_snapshots/Privacy%20Snapshot%20-

technologies on children’s devices or browsers in ways that were impossible to avoid or protect against.

Five EdTech products sent children’s data to companies that specialize in behavioral advertising, and another three had the capability to do so.⁴⁸ Behavioral advertising entails analyzing a child’s data to predict what the child might do next, or how they might be influenced. Advertisers might use these insights to target the child with personalized content and ads that follow them across the internet.

Human Rights Watch finds that these tracking techniques are neither proportionate nor necessary for these products to function or to deliver educational content. Their use on children in an educational setting arbitrarily interferes with children’s right to privacy.

Case Study 1: Daryn Online

Daryn Online is an educational website built by a Kazakh startup, Bugin Soft, which offers classes for students in grades 1 to 12 and claims to be the “number 1 educational ecosystem in Kazakhstan.”

On March 20, 2020, the education ministry recommended Daryn Online for children’s education, working with the country’s telecommunications providers to zero-rate the website—that is, not to charge users for data use when accessing that specific website—to allow students to use it for free.⁴⁹ Within days, the website was overwhelmed by 1.5 million new users.⁵⁰ In an interview with Forbes Kazakhstan, 27-year old founder Aibek Kuatbaev said, “we could not imagine such an explosive growth,” and that this “organic growth took place with the support of the state.”⁵¹

[%20Kazakhstan%20100ballov.pdf](#); “BilimLand,”
https://features.hrw.org/features/StudentsNotProducts/files/privacy_snapshots/Privacy%20Snapshot%20-%20Kazakhstan%20BilimLand.pdf; “Daryn Online,”
https://features.hrw.org/features/StudentsNotProducts/files/privacy_snapshots/Privacy%20Snapshot%20-%20Kazakhstan%20Daryn%20Online.pdf; “iMektep,”
https://features.hrw.org/features/StudentsNotProducts/files/privacy_snapshots/Privacy%20Snapshot%20-%20Kazakhstan%20iMektep.pdf; “iTest,”
https://features.hrw.org/features/StudentsNotProducts/files/privacy_snapshots/Privacy%20Snapshot%20-%20Kazakhstan%20iTest.pdf; “Kundelik,”
https://features.hrw.org/features/StudentsNotProducts/files/privacy_snapshots/Privacy%20Snapshot%20-%20Kazakhstan%20Kundelik.pdf; “Moodle,”
https://features.hrw.org/features/StudentsNotProducts/files/privacy_snapshots/Privacy%20Snapshot%20-%20Global%20Moodle.pdf; “Opiq,”
https://features.hrw.org/features/StudentsNotProducts/files/privacy_snapshots/Privacy%20Snapshot%20-%20Kazakhstan%20Opiq.pdf; “Zoom,”
https://features.hrw.org/features/StudentsNotProducts/files/privacy_snapshots/Privacy%20Snapshot%20-%20Global%20Zoom.pdf.

⁴⁸ Of these, Opiq was found sending children’s data to a third-party company’s domain that appears to be for analytics usage.

⁴⁹ Ministry of Education and Science of the Republic of Kazakhstan, “Kazakhs will have free access to educational Internet resources” (“Қазақстандықтарға білім беру интернет-ресурстарына тегін кіруге мүмкіндік беріледі”), March 20, 2020, <https://www.gov.kz/memleket/entities/edu/press/news/details/49822?lang=kk> (accessed July 20, 2021).

⁵⁰ Anna Reznik, “Kazakhstani startup has provided everyone with free access to online lessons” (“Казахстанский стартап предоставил всем желающим бесплатный доступ к онлайн-урокам”), Forbes Kazakhstan, April 5, 2020, https://forbes.kz/process/kazahstanskiy_startap_predostavil_vsem_besplatniy_dostup_k_onlayn-urokam (accessed July 20, 2021).

⁵¹ Ibid.

By April 1, 2020, the founder sought to monetize the attention of his newfound users by posting a “Price List for Advertising” on Daryn Online’s home page, offering advertisers the opportunity to advertise to his students.⁵² An advertiser could purchase the ability to display an ad banner on the login and registration page—which students had to pass through in order to get to their classes—for 70,000 Kazakhstani Tenge or KZT (US\$164) a day, or 420,000 KZT (\$985) for a whole week. Advertisers could also purchase the ability to send out a push notification that would appear on the phones of 800,000 users of Daryn Online’s study app for 900,000 KZT (\$2,112).

Human Rights Watch also detected Daryn Online transmitting children’s personal data to Google, CloudFlare, Yandex, and Facebook and found that it engaged in intrusive surveillance of its students by installing session recorders and key logging.⁵³

Daryn Online’s privacy policy states that the company may use information about a child and what they do in class—including their search history and messages to teachers and classmates—“for advertising and sponsorship purposes,” and provide “anonymous” data to “third parties, as well as to partners and advertisers.”⁵⁴ The company also “reserves the right to download advertisements of other organizations on Daryn.online without the User’s consent.”

When contacted in 2021 and in 2022 at the time of our reporting, Daryn Online did not respond to our request for comment, nor have they responded to Human Rights Watch since publication. Human Rights Watch is also unaware of any public response Daryn Online has made to the findings.

Case study 2: 100Ballov

On April 3, 2020, many children in Kazakhstan logged into their first day of online classes by opening up 100Ballov, endorsed by the education ministry and adopted by schools as the “educational portal for schoolchildren and students.”⁵⁵

⁵² Daryn Online, “Price list for advertising on the Daryn.online website” (“Прайс-лист на размещение рекламы на сайте Daryn.online”), https://web.archive.org/web/20210720061302/https://docs.google.com/spreadsheets/d/1Vz3NkoutAZwtPWqfGb_smdrc_b21kVHS/edit (accessed July 20, 2021).

⁵³ Session recording allows a third party to secretly watch and record a user’s behavior on a webpage, or the digital equivalent of logging video surveillance each time a child scratches their nose or grasps their pencil in class. Typically, the third party would then scrutinize the data on behalf of the website to guess a user’s personality, their preferences, and what they are likely to do next. Key logging allows a third party to surreptitiously capture personal information that people enter on forms, like names, phone numbers, and passwords, before they hit submit. This technique has been used for a variety of purposes, including identifying anonymous web users by matching them to postal addresses and real names before they can consent to anything. For more details, see Human Rights Watch, “How Dare They Peep into My Private Life?”.

⁵⁴ Daryn Online, “User agreement” (“Қолданушы келісімшарты”), <https://web.archive.org/web/20210308190949/https://daryn.online/qoldanushy-kelisimsharty> (accessed March 8, 2021).

⁵⁵ Electronic Government of the Republic of Kazakhstan, e-gov, “Spheres,” <https://web.archive.org/web/20210901181204/https://egov.kz/cms/en/covid/spheres> (accessed September 1, 2021); City of Pavlodar Education Department, “Online Testing” (“ТЕСТИРОВАНИЕ ON-LINE”), <https://web.archive.org/web/20210901213326/https://goo.edu.kz/content/view/30/20228?lang=ru> (accessed September 1, 2021); see also example of a school: School Gymnasium No. 28, “Dear Teachers and Parents!” (“Құрметті ұстаздар мен ата-аналар!”), March 27, 2020, <https://web.archive.org/web/20210121140648/https://kst28mg.kz/2020/03/27/%D2%9A%D2%B1%D1%80%D0%BC%D0%B5%D1%82%D1%82%D1%96-%D2%B1%D1%81%D1%82%D0%B0%D0%B7%D0%B4%D0%B0%D1%80-%D0%BC%D0%B5%D0%BD-%D0%B0%D1%82%D0%B0-%D0%B0%D0%BD%D0%B0%D0%BB%D0%B0%D1%80> (accessed September 1, 2021).

Human Rights Watch detected 100Ballov sending information about its students to AddThis, a marketing company acquired by Oracle in 2016.⁵⁶ AddThis offers a set of share buttons that allows website visitors to share content on social media.

But regardless of whether a person clicks on a “share” button, AddThis instantly loads dozens of cookies and tracking pixels on website visitors’ browsers, like nesting dolls, each collecting and sending user data to Oracle and other advertising technology (AdTech) companies to profile and target a person with behavioral advertising.⁵⁷

Human Rights Watch found six AddThis cookies on 100Ballov, which in turn loaded four trackers by AddThis’ advertising partners: two cookies pointing to DoubleClick, Google’s advertising division, and two to Tapad, an AdTech company that “enables marketers to identify a brand customer or related household across multiple devices.”⁵⁸

100Ballov did not disclose this practice on its website; it does not have a privacy policy at all.⁵⁹ AddThis’ button is not visible on any of 100Ballov’s webpages, indicating that AddThis and its nested cookies were harvesting children’s data without even providing its purported social media functionality, as well as denying children knowledge of these tracking practices.

In response to our request for comment at the time of our reporting, Oracle stated that any receipt of children’s data through its AddThis tools is a violation of Oracle’s policies, which prohibit advertising partners and website publishers from sending personal information from sites directed to children under 16 years old, or from consumers these companies know to be under 16 years old.⁶⁰ Oracle did not address whether it had received children’s data from 100Ballov.

When contacted in 2021 and in 2022 at the time of our reporting, 100Ballov did not respond to our request for comment, nor have they responded to Human Rights Watch since publication. Human Rights Watch is also unaware of any public response 100Ballov has made to the findings.

⁵⁶ Oracle, “Oracle buys AddThis,” January 5, 2016, <https://web.archive.org/web/20211025082039/https://www.oracle.com/corporate/acquisitions/addthis/> (accessed March 14, 2025).

⁵⁷ Aaron Sankin and Surya Mattu, “The High Privacy Cost of a “Free” Website,” The Markup, September 22, 2020, <https://themarkup.org/blacklight/2020/09/22/blacklight-tracking-advertisers-digital-privacy-sensitive-websites> (accessed July 12, 2021). AddThis’ privacy policy states: “The AddThis Tools also incorporate Cookies and Pixels from Oracle partners to enable the synchronization of unique identifiers between Oracle and our third-party partners to facilitate online behavioral advertising across the online advertising ecosystem.” See Oracle, “Privacy @ Oracle - AddThis Privacy Policy,” January 4, 2021, <https://web.archive.org/web/20210831042530/https://www.oracle.com/legal/privacy/addthis-privacy-policy.html> (accessed August 31, 2021).

⁵⁸ AddThis, “Cookie & Pixel Partners,” <https://web.archive.org/web/20210901224150/https://www.addthis.com/privacy/pixel-partners> (accessed September 1, 2021); Tapad, “Adapt with Tapad,” <https://web.archive.org/web/20210806200105/https://www.tapad.com> (accessed August 6, 2021).

⁵⁹ 100Ballov offers a dummy “Privacy Policy” link, which points back to the site’s homepage. See 100Ballov, “100Ballov.kz,” <https://web.archive.org/web/20210308194123/https://100ballov.kz> (accessed March 8, 2021).

⁶⁰ Human Rights Watch correspondence with Dorian Daley, Executive Vice President and General Counsel, Oracle, April 15, 2022; Oracle, “Privacy @ Oracle - Oracle Advertising Privacy Policy,” <https://web.archive.org/web/20220425001941/https://www.oracle.com/legal/privacy/advertising-privacy-policy.html> (accessed April 25, 2022); Oracle, “Privacy @ Oracle - AddThis Privacy Policy.”

Government Failure to Protect

Human Rights Watch did not find evidence that the education ministry checked whether the EdTech products it rapidly endorsed were safe for children to use.

These products were marketed as free and provided to the Kazakh government at no direct financial cost. By endorsing these and promoting their wide adoption, the ministry offloaded the true costs of providing education onto children, who were forced to pay for their learning with their privacy, access to information, and freedom of thought.

During this time, it was impossible for many children to opt out of such surveillance without giving up on formal learning altogether. After schools reopened, the government's dissemination of these products paved the way for their continued use by students and schools today.

Questions the Committee can ask the government of Kazakhstan:

- Does the government plan to develop child data protection laws?
- What remedy does the government provide, or is planning to provide, to children whose rights were infringed due to their use of these EdTech products, and whose data remain at risk of misuse?

Recommendation to the government of Kazakhstan:

- Adopt comprehensive child data protection laws that protect children's rights in the collection, processing, and use of their data.
- Provide remedy for children whose rights were infringed through their use of EdTech products. To do so:
 - Conduct a data privacy audit of the endorsed EdTech products. If any products fail this audit, immediately notify and guide affected schools, teachers, parents, and children to prevent further collection and misuse of children's data.
 - Require EdTech companies with failed privacy audits to delete any children's data collected during the pandemic.
 - Require AdTech companies to delete any children's data received from these EdTech companies during the pandemic.
- Ensure that online educational services seeking public investment, procurement, or endorsement are safe for children. In coordination with relevant institutions:
 - Require EdTech providers to undertake and publish a child rights impact assessment, and to identify, prevent, and mitigate negative impacts on children's rights.
 - Provide special protections for categories of sensitive personal data that should never be collected from children in educational settings, such as precise geolocation data.