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| **Background and Purpose of Activity/Assignment:**  Kazakhstan’s digitalization process is highly developed. Based on the UNICEF Feasibility study[[1]](#footnote-2), Kazakhstan is among the most developed markets targeted by the Giga initiative for broadband improvements. Its UN Human Development Index score ranks it in the “very high” category; the Gross Domestic Product (GDP) per capita in Kazakhstan was last recorded at US$11,290.90 in 2022. The economy is strongly dependent on natural resources including the hydrocarbon sector, but the Government of Kazakhstan has generally promoted the development of the economy’s services sector and digitalization in particular. The country occupies the eighth place in the world for on-line services, including banking. In digitalization rating out of 194 countries it is on 28th place. The Digital Kazakhstan project and its successor initiative like *Accessible Internet* enhance the Internet Communication Technology (ICT) sector and have made progress toward a goal of universal broadband connectivity.  According to the *Kids on-line* survey supported by UNICEF in 2023, children in Kazakhstan first access the internet at ever-younger ages, with most going online between the ages of five and eight years old. Most can access the internet whenever they want, with little difference by gender, although those in cities have greater access than those living in rural areas. While chatting with friends and watching videos or TVs are amongst the most common activities children do online, they also use the internet for studying and learning new things. The young age at which children go online bodes well for the development of skills and capacities, but also suggests that there is an urgent need for messaging and support to younger children (and their parents) on age-appropriate online activities, and the foundational aspects of digital safety as well as help-seeking for when they do encounter things that bother them. For example, terms and conditions of use of many social media and gaming platforms restrict children younger than 13 years of age from having their own accounts, in accordance with the US COPPA legislation.[[2]](#footnote-3) Yet in Kazakhstan, three in five (60%) of children aged nine to ten years old, and two thirds (66%) of children aged 11 to 12, report having their own social media and gaming accounts, with most of their profiles set to public, so everyone can view their accounts.  In 2023 The Ministry of Digital Development, Innovations and Aerospace Industry in consultation with government bodies has initiated the development of the Digital code to regulate ongoing advanced digitalization process of the government, individual users and protect them from harmful practices. The main purpose of the draft code is to define the functionality of authorized bodies, revise the main tasks and regulations, and consider global technological trends and the country's urgent needs. It also aims to consolidate digital human and citizen rights, prevent automatic collection and processing of sensitive data, examine the impact of algorithmic systems on human rights and freedoms, and create a regulatory sandbox mechanism for testing big data technologies. The government is looking for feedback on the draft Digital Code before submitting it to Parliament in September 2024.  To further strengthen the draft digital legislation in line with the UN Convention on the Rights of the Child, its Optional Protocols ratified by the Republic of Kazakhstan and the UN CRC General Comment 25 ‘On Children’s Rights in Relation to Digital Environment’ with the focus on child’s rights by providing recommendations with reference to international practices and norms, UNICEF is seeking the expertise of a legal consultant in digital development, digital governance, cyber safety and child on-line protection. The main tasks of the consultancy will be to help UNICEF and the Ministry of Digital Development, Innovations and Aerospace Industry in reviewing the draft Digital Code considering the implications for children's rights holistically, including both opportunities for optimising the realisation of children's rights as well as guarding against negative impacts on children's rights, including but not limited to their rights to protection from all forms of violence and exploitation, safety by design principles, privacy and personal data protection, cybersecurity, acceleration of digital public goods, safety of digital platforms, role of regulators and industry including ICT sector in identifying and responding to child online abuse and exploitation, access to justice and remedies, coordination, independent monitoring and other. |

1. <https://www.unicef.org/kazakhstan/media/9956/file/Feasibility%20study.pdf> [↑](#footnote-ref-2)
2. The Child Online Privacy Protection Act in the US governs all US-based social media, website and online service companies, and limits the collection of any data from any child under the age of 13 years, in practice restricting the opening of any accounts by children under the age of 13. Yet, this is commonly and easily circumvented by children using US-based apps and social media, including the TikTok, Instagram, Facebook, and others, throughout the world. [↑](#footnote-ref-3)