



TEXTS ADOPTED

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Human rights situation in Kazakhstan

European Parliament resolution of 14 March 2019 on the human rights situation in Kazakhstan (2019/2610(RSP))

The European Parliament,

- having regard to its resolution of 12 December 2017 on the draft Council decision on the conclusion, on behalf of the Union, of the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part¹ and to its resolution of 10 March 2016 on Freedom of Expression in Kazakhstan²,
- having regard to its legislative resolution of 12 December 2017 on the draft Council decision on the conclusion, on behalf of the Union, of the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part³,
- having regard to its previous resolutions on Kazakhstan, including those of 18 April 2013⁴ and 15 March 2012⁵, and that of 17 September 2009 on the case of Yevgeny Zhovtis in Kazakhstan⁶,
- having regard to the Enhanced Partnership and Cooperation Agreement (EPCA) signed in Astana on 21 December 2015,
- having regard to its resolutions of 15 December 2011 on the state of implementation of the EU Strategy for Central Asia⁷, and of 13 April 2016 on implementation and review of the EU-Central Asia Strategy⁸,

¹ JO C 369, 11.10.2018, p. 2.

² JO C 50, 9.2.2018, p. 38.

³ JO C 369, 11.10.2018, p. 179.

⁴ OJ C 45, 5.2.2016, p. 85.

⁵ OJ C 251 E, 31.8.2013, p. 93..

⁶ OJ C 224 E, 19.8.2010, p. 30.

⁷ OJ C 168 E, 14.6.2013, p. 91.

⁸ OJ C 58, 15.2.2018, p. 119.

- having regard to the Council conclusions of 22 June 2015 and 19 June 2017 on the EU Strategy for Central Asia,
 - having regard to the annual EU-Kazakhstan Human Rights Dialogues,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas on 21 December 2015, the European Union and Kazakhstan signed an Enhanced Partnership and Cooperation Agreement (EPCA) aimed at providing a broad framework for reinforced political dialogue and cooperation in home and justice affairs and in many other areas; whereas this agreement places a strong emphasis on democracy and the rule of law, human rights and fundamental freedoms, the principles of the market economy and sustainable development, and civil society cooperation, including involvement of civil society in public policymaking;
 - B. whereas Kazakhstan joined the European Commission for Democracy through Law (Venice Commission) in March 2012;
 - C. whereas the government of Kazakhstan appears not to have taken any steps to revise the broadly formulated provisions of the Criminal Code's Article 174, which bans 'inciting' social, national or other discord, and Article 274, which prohibits 'spreading information that is known to be false,' but continues to use those provisions as a basis to charge and imprison civil society activists and journalists;
 - D. whereas the number of political prisoners in Kazakhstan has increased; whereas in 2016, peaceful rallies against changes to the Land Code took place in different regions of Kazakhstan, resulting in the detention of more than 1 000 participants (including 55 journalists), of whom more than 30 were subsequently arrested; whereas the UN Working Group on Arbitrary Detention acknowledged the arbitrary nature of detention, lack of a fair trial and gross violations of rights in some cases; whereas civil society activist Maks Bokayev is serving a prison term for his legitimate participation in this peaceful mass rally;
 - E. whereas the government of Kazakhstan cooperated with the high-level International Labour Organisation (ILO) mission, and committed to implement a road map to address ILO concerns, but has not taken meaningful steps to implement provisions of the roadmap such as amending the trade union law; whereas, equally, it has not implemented the earlier recommendations of the ILO Committee on the Application of Standards to review the trade union law and the Labour Code and to take all necessary measures to ensure that the Confederation of Independent Trade Unions of Kazakhstan (CITUK) and its affiliates are able to fully exercise their union rights;
 - F. whereas trade union activists Nurbek Kushakbaev and Amin Eleusinov were released on parole in May 2018, but remain banned from union activities; whereas activist Larisa Kharkova faces similar restrictions, as well as continued judicial harassment, and Erlan Baltabay, another trade union activist from Shymkent, is under criminal investigation on questionable charges;
 - G. whereas new NGO legislation has tightened accounting rules for civil society organisations; whereas human rights organisations are subjected to tax pressure in connection with grants received from international donors;

- H. whereas freedom of religion and belief has been severely undermined; whereas religious beliefs are used by the authorities as a pretext for arbitrary detention; whereas Saken Tulbayev was incarcerated after being accused of ‘inciting religious hatred;
- I. whereas on 13 March 2018 the authorities banned the peaceful opposition movement Democratic Choice of Kazakhstan (DCK) and more than 500 persons showing different forms of support for DCK; whereas civil activists Almat Zhumagulov and the poet Kenzhebek Abishev have become victims of the Kazakhstan authorities’ fight against DCK and have been sentenced respectively to 8 and 7 years’ imprisonment; whereas Ablovas Dzhumayev was sentenced to three years in jail and Aset Abishev to four for criticising the authorities online and supporting DCK;
- J. whereas despite being protected in Kazakhstan’s constitution, the right of freedom of association remains largely restricted in the country, and the Law on Public Association continues to require all public associations to register with the Ministry of Justice; whereas in December 2015 new amendments to that law imposed burdensome reporting obligations and state regulation of funding through a government-appointed body; whereas people engaging in activities in unregistered organisations may face administrative and criminal sanctions;
- K. whereas civil society and human rights activists continue to face reprisals and restrictions in their activities, among them being human rights activist Elena Semenova, placed under a travel ban for ‘dissemination of knowingly false information’ and Shymkent-based activist Ardak Ashim, who was charged with ‘inciting discord’ for her critical social media posts and subjected to forced psychiatric detention; whereas on 10 May 2018, during the visit of a European Parliament delegation to Kazakhstan, the police resorted to the use of excessive force against peaceful protesters who were trying to meet with Members of the European Parliament; whereas more than 150 people were detained by police and more than 30 protesters were placed under administrative arrest; whereas on 17 and 18 September 2018 the Kazakhstani police detained several activists who wanted to meet with members of the European Parliament delegation;
- L. whereas new restrictive amendments to the media and information law entered into force in April 2018, access to information on social media continue to be blocked, and Forbes Kazakhstan and Ratel.kz face a criminal investigation opened against them on grounds of ‘dissemination of knowingly false information’; whereas the use of social networks is controlled and restricted by the authorities; whereas bloggers and social network users have been sentenced to imprisonment, among them Ruslan Ginatullin, Igor Chupina and Igor Sychev; whereas blogger Muratbek Tungishbayev was extradited from Kyrgyzstan to Kazakhstan in gross violation of the law and was subjected to ill-treatment in Kazakhstan;
- M. whereas impunity for torture and ill-treatment of prisoners and suspects remain the norm, despite the government having committed to zero tolerance for torture; whereas the authorities have failed to conduct a credible investigation into the allegations of torture during the extended oil sector strike in Zhanaozen in 2011;
- N. whereas the Almaty Prosecutor’s Office found no credible evidence to back up the allegations of torture concerning the businessman Iskander Yerimbetov, sentenced to seven years’ imprisonment on charges of large-scale fraud in October 2018; whereas the UN Working Group on Arbitrary Detention concluded in 2018 that his arrest and

detention were arbitrary, called for his release, and expressed concern at the allegations of torture during his pre-trial detention;

- O. whereas high levels of violence against women and traditional patriarchal norms and stereotypes pose major obstacles to gender equality in Kazakhstan; whereas NGOs state that violence against women is under-reported and that there is a low rate of prosecution of cases of violence against women as well as in sexual harassment cases;
 - P. whereas LGBTI persons in Kazakhstan face legal challenges and discrimination; whereas both male and female same-sex sexual relations are legal in Kazakhstan, but same-sex couples and households headed by same-sex couples are not eligible for the same legal protections as those applying to opposite-sex married couples;
 - Q. whereas Kazakhstan ranks number 143 out of 167 on the World Democracy Index, the country thus being defined as an authoritarian regime;
1. Urges Kazakhstan to abide by its international obligations and respect human rights and fundamental freedoms; calls on the Kazakhstan authorities to put an end to human rights abuses and all forms of political repression, in accordance with the principles of Articles 1, 4, 5 and 235 of the EPCA;
 2. Stresses that the enhancement of political, economic and cultural relations between the EU and Kazakhstan must be based on shared commitments to universal values, in particular, to democracy, the rule of law, good governance and respect for human rights; expects the EPCA to promote a strengthening of the rule of law and democratic participation by all citizens, a more diverse political landscape, a better-functioning, independent and impartial judiciary, increased transparency and accountability of the government, and improvements to the labour laws;
 3. Welcomes the release of a number of political prisoners, namely: Vladimir Kozlov, Gyuzyal Baydalina, Seytkazy Matayev, Edige Batyrov, Yerzhan Orazalinov, Sayat Ibrayev, Aset Matayev, Zinaida Mukhortova, Talgat Ayan and the Zhanaozen oil workers, as well as trade unionists Amin Eleusinov and Nurbek Kushakbayev, whose freedom nonetheless remains subject to restrictions; welcomes the decision to release Ardak Ashim from the psychiatric clinic; condemns such a brutal measure as punitive psychiatry and calls for the withdrawal of compulsory outpatient psychiatric treatment against Ashim, and of all compulsory medical measures against activist Natalia Ulasik;
 4. Calls for the full rehabilitation and immediate release of all activists and political prisoners currently in jail, in particular Mukhtar Dzhakishev, Maks Bokayev, Iskander Yerimbetov, Aron Atabek, Sanat Bukenov and Makhambet Abzhan and Saken Tulbayev, as well as for the lifting of the restrictions placed on the movements of others;
 5. Urges the government of Kazakhstan to amend Article 174 of the Criminal Code on ‘inciting social, national, clan, racial, class, or religious discord’ by narrowing it to prevent arbitrary prosecutions that violate human rights norms, as well as Article 274 of the Criminal Code, which broadly prohibits ‘spreading information that is known to be false’, and to release the activists, journalists and other critical individuals currently detained under those articles;

6. Urges the government of Kazakhstan to end the crackdown on independent trade unions and lift restrictions on their activities, cease politically motivated criminal prosecutions of trade union leaders, and quash the convictions of Larissa Kharkova, Nurbek Kushakbaev, and Amin Eleusinov and allow them to resume their union activities without interference or harassment; also urges the government to address the European Parliament's concerns regarding the criminal investigation against Erlan Baltabay, and to revise the 2014 Trade Union Law and 2015 Labour Code in order to bring them into compliance with ILO standards;
7. Urges the government of Kazakhstan to implement the recommendations of the UN Special Rapporteur on the rights of freedom of peaceful assembly and freedom of association, and to review the Law on Public Association and the conditions for access to funding;
8. Urges the government of Kazakhstan to end all forms of arbitrary detention, reprisals and harassment against human rights activists, civil society organisations and political opposition movements, including against actual or perceived supporters of DVK;
9. Urges the government of Kazakhstan to review the amendments to the media and information law which entered into force this year, place a moratorium on criminal libel, take all necessary steps to repeal the relevant articles in the new Criminal Code relating to criminal libel, establish a cap on civil defamation awards, end the harassment and reprisals against journalists critical of the government, and cease blocking access to information both on-line and offline;
10. Calls for action on the communications from the UN Human Rights Committee, the UN Working Group on Arbitrary Detention and the United Nations Special Rapporteur on Torture; calls for protection for victims of torture, for them to be provided with proper medical care and for the proper investigation of incidents of torture; requests an end to the abuse of Interpol's extradition procedures and the cessation of harassment of the political opposition; urges the government of Kazakhstan to fulfil its pledges of zero tolerance for torture and to ensure that allegations of torture, including those made in the context of the Zhanaozen events, are fully investigated; urges the government to review the case of Iskander Yerimbetov in light of the conclusions of the UN Working Group on Arbitrary Detention, and to ensure that the allegations of torture are duly investigated;
11. Notes the multi-ethnic and multi-religious character of Kazakhstan and stresses the need for the protection of minorities and their rights, in particular with regard to the use of languages, freedom of religion or belief, non-discrimination and equal opportunities; welcomes the peaceful coexistence of different communities in Kazakhstan; urges Kazakhstan to stop persecuting people for their legitimate exercise of freedom of conscience and religion; demands the immediate release of persons convicted for holding a belief;
12. Calls on the authorities to combat all forms of violence against women; calls, furthermore, for action to ensure effective and accessible reporting channels and protection measures that are sensitive to victims' needs and confidentiality; urges an end to impunity and action to ensure appropriate criminal sanctions against perpetrators;

13. Insists that the rights of the LGBTI community are fully respected; calls on the government of Kazakhstan to guarantee that the LGBTI community will not face any discrimination;
14. Calls on Kazakhstan to fully implement the recommendations of the OSCE/ODIHR international observation mission to the 20 March 2016 elections, according to which the country still has a considerable way to go in meeting its OSCE commitments for democratic elections; urges the Kazakh authorities to avoid restricting the activity of independent candidates; urges, furthermore, that citizens' electoral rights be respected;
15. Reiterates the importance of cooperation by the EU and the OSCE in improving good practices of democratic governance in the country, particularly in the field of human rights and the rule of law; urges the Kazakhstan authorities, therefore, to expand the OSCE's mandate in the country, and in particular to restore the mandate of the OSCE Centre in Astana, as an important condition for further cooperation between the EU and Kazakhstan;
16. Calls for the EU, and in particular on the European External Action Service (EAAS), to monitor closely developments in Kazakhstan, to raise concerns with the Kazakh authorities where necessary, to offer assistance, and to report regularly to Parliament; calls on the EU Delegation in Astana to continue to play an active role in monitoring the situation and to raise the issue of freedom of expression in all relevant bilateral meetings; urges the EEAS to proactively engage in trial observation missions, in order to monitor politically sensitive trials and politically motivated prosecutions and verify that the right to a fair trial applies to all;
17. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Central Asia, the governments and parliaments of the Member States, and the government and the parliament of Kazakhstan.