



Plenary sitting

B8-0208/2019

12.3.2019

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the Human rights situation in Kazakhstan
(2019/2610(RSP))

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on behalf of the S&D Group

**European Parliament resolution on the Human rights situation in Kazakhstan
(2019/2610(RSP))**

The European Parliament,

- having regard to the European Union – Republic of Kazakhstan Enhanced Partnership and Cooperation Agreement;
 - having regard to the European Parliament legislative resolution 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 part;
 - having regard to European Parliament non-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 part;
 - having regard to the European Parliament previous resolutions on Kazakhstan;
 - having regard to the Universal Declaration of Human Rights;
 - having regard to the International Covenant on Civil and Political Rights;
 - having regard to Rule 135 of its Rules of Procedure.
- A. Whereas many critics of the government of Kazakhstan remain behind bars, including civil society activist Max Bokayev convicted after protesting land reform proposals; whereas activists Vadim Kuramshin and Talgat Ayan were released on parole of in 2018, but Ayan’s conviction still needs to be quashed;
- B. 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 basis to charge and imprison civil society activists and journalists;
- C. Whereas the government of Kazakhstan cooperated with the high-level tri-partite International Labor Organization (ILO) mission, and committed to implement a road map to address ILO concerns, but has not taken meaningful steps to implement provisions in the roadmap, such as amending the Trade Union law, nor has implemented previous recommendations issued by 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 trade union rights;

- D. Whereas trade union activists Nurbek Kushakbaev and Amin Eleusinov were released on parole in May 2018, but remain banned from trade 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;
- E. Whereas despite being protected in Kazakhstan's constitution, the right to freedom of association remained largely restricted in the country, that the Law on Public Association continues to require all public associations to register with the Ministry of Justice and whereas December 2015 amendments to the 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 legal sanctions;
- F. Whereas society and human rights activists continue to face reprisals and restrictions in their activities, including n rights activist Elena Semenova, placed under house arrest for "dissemination of knowingly false information" and Shymkent-based activist Ardak Ashim, who faced charges for "inciting discord" for her critical social media posts and subjected to forced psychiatric detention;
- G. Whereas a court decision banned an unregistered opposition movement, Democratic Choice of Kazakhstan (DVK), under the pretense of "extremist" activists, and whereas its perceived or actual supporters face increased harassment, including the jailing of several persons who expressed support for DVK in social media networks;
- H. Whereas independent journalists have continued to face harassment, arbitrary detention, and arbitrary criminal prosecutions, and journalist Aset Mataev remains in detention after a court denied him parole despite his eligibility after serving one-third of his six-year prison sentence;
- I. Whereas new restrictive media and information law amendments 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 "disseminating knowingly false information";
- J. Whereas impunity for torture, and ill-treatment of prisoners and suspects remained the norm, despite government commitment to zero-tolerance for torture, and authorities have failed to credibly investigate the torture allegations during the extended oil sector labor strike in Zhanaozen in 2011;
- K. Whereas the Almaty Prosecutor's Office found no evidence on credible allegations of torture against business Iskander Yerimbetov, sentenced to seven years' imprisonment

on charges of large-scale fraud in October 2018, and whereas the UN Working Group on Arbitrary Detention concluded in 2018 that his arrest and detention is arbitrary, called for his release and expressed concern at the allegation of torture during his pre-trial detention.

1. Urges the government of Kazakhstan to release wrongfully imprisoned civil society activist Max Bokayev convicted after protesting land reform proposals, and quash his conviction, as well as quash the conviction of activist Talgat Ayan;
2. Urges the government of Kazakhstan to amend Criminal Code article 174 on “inciting social, national, clan, racial, class, or religious discord” by narrowing it to prevent arbitrary prosecutions that violate human rights norms, the Criminal Code Article 274, which broadly prohibits ‘spreading information that is known to be false,’ and release activists, journalists, and other critics currently detained under those charges;
3. 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, quash the convictions of Larissa Kharkova, Nurbek Kushakbaev, and Amin Eleusinov, and allow them to resume their trade union activities without interference or harassment, and address our concerns regarding the criminal investigation against Erlan Baltabay, and revise the 2014 Trade Union Law and 2015 Labor Code to bring them into compliance with International Labour Organization (ILO) standards;
4. Urges the government of Kazakhstan to implement the recommendations of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, review the Law on Public Association and the condition of access to funding;
5. Urges the government of Kazakhstan to end all forms of arbitrary detention, reprisals and harassment against human rights activists and civil society organisations and political opposition movements, including against actual or perceived supporters of DVK;
6. 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 abolish the relevant articles in the new Criminal Code relating to criminal libel, and establish a cap on civil defamation awards and end the harassment and reprisals against journalists critical of the government and end blocking access to information on-line and off-line;
7. Urges the government of Kazakhstan to comply to his pledges to zero-tolerance for torture and ensure that allegations of torture, including those made in the context of the Zhanaozen events, are fully investigated;

8. Urges the government of Kazakhstan to review the case of Iskander Yerimbetov in light of the conclusions of the UN Working Group on Arbitrary Detention and ensure that allegations of torture are duly investigated;
9. Calls for a substantial review of the annual EU-Kazakhstan Human Rights Dialogue, in order to make it more effective and result-oriented; calls on the Kazakh authorities to fully engage in it, as well as in all other forums, in order to achieve tangible progress on the human rights situation in the country while paying particular attention to individual cases; recalls that the involvement of civil society in these dialogues and consultations must be guaranteed;
10. 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.