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16.4.2013

B7-0173/2013

## 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 122 of the Rules of Procedure

on the human rights situation in Kazakhstan  
(2013/2600(RSP))

**Tunne Kelam, Cristian Dan Preda, Bernd Posselt, Roberta Angelilli, Eija-Riitta Korhola, Sergio Paolo Francesco Silvestris, Giovanni La Via, Monica Luisa Macovei, Sari Essayah, Philippe Boulland, Jean Roatta, Petri Sarvamaa, Laima Liucija Andrikienė, Zuzana Roithová, Lena Kolarska-Bobińska, Anne Delvaux, Jarosław Leszek Wałęsa, Bogusław Sonik**  
on behalf of the PPE Group

**European Parliament resolution on the human rights situation in Kazakhstan  
(2013/2600(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Kazakhstan, including its resolution of 15 March 2012 on Kazakhstan<sup>1</sup>, its resolution of 15 December 2011 on the state of implementation of the EU Strategy for Central Asia<sup>2</sup> and its resolution of 17 September 2009 on the case of Yevgeni Zhotis in Kazakhstan<sup>3</sup>;
- having regard to its reports of 22 November 2012 containing the European Parliament's recommendations to the Council, the Commission and the European External Action Service on the negotiations for an EU-Kazakhstan enhanced partnership and cooperation agreement (2012/2153(INI));
- having regard to the statement by the spokesperson of High Representative Catherine Ashton on the trial of Vladimir Kozlov in Kazakhstan, from 9 October 2012 and her statement on parliamentary elections in Kazakhstan from 17 January 2012;
- having regard to the legal opinion of the International Commission of Jurists of 13 February 2013 on the *Disciplinary proceedings against lawyers* in Kazakhstan;
- having regard to the statement of the UN Committee on Human Rights of 17 December 2011;
  - having regards to the statement of International Partnerships of Human Rights of 20 March 2013 on "*Overview of Human Rights concerns in Kazakhstan*";
  - having regard to Art 122 of its Rules of Procedures;

- A) whereas on 21 December 2012, after a lawsuit introduced on 20 November 2012 by Kazakhstan's Prosecutor General, the Almaty District Court banned the unregistered opposition party "Alga!" on charges of extremism; whereas on 25 December 2012 a number of opposition media outlets, including eight Kazakh newspapers and 23 news web portals were banned, on the same charges; whereas this decision was confirmed by the Court of Appeal on 22 February 2013 with the effect that affected journalists were banned from exercising their profession;
- B) whereas Kazakhstan is an important international actor and of utmost importance for the political and socio-economic development as well as the security situation of the whole region; whereas the EU has a vital interest in the intensification of the political, economic and security cooperation with that region via a strong and open EU-Kazakhstan relationship;

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<sup>1</sup> P7\_TA-PROV(2012)0089

<sup>2</sup> P7\_TA(2011)0588

<sup>3</sup> P7\_TA(2009)0023

- C) whereas during recent months, several opposition leaders and human rights defenders have been subject of harassment and legal prosecutions leading in several cases to prison sentences;
  - D) whereas on 13 March 2013, the Court of Cassation refused to grant appeal in the case of Vladimir Kozlov, who was sentenced to seven and a half years in prison and confiscation of property on charges of 'inciting social discord and calling for the violent overthrow of the constitutional order'; whereas Vladimir Kozlov is currently filing an appeal to the Supreme Court as the last instance for appeal in his case;
  - E) whereas on 7 December 2012 the human rights defender Vadim Kuramshin was sentenced to 12 years in prison for blackmailing the district attorney's assistant; whereas the sentence was confirmed by the Appeal Court on 14 February 2013;
  - F) whereas trade union lawyer Natalia Sokolova was freed from prison on 7 March 2012 but banned from resuming her activities, whereas according to the International Commission of Jurists of 13 February 2013 disciplinary proceedings were made against Raziya Nurmasheva and Iskander Alimbayev, involved in the case of Vadim Kuramshin, risking the withdrawal of their lawyer license;
  - G) whereas the Kazak government is considering to start work on a new National Human Rights Action plan for 2013-2020;
  - H) whereas the Kazakh authorities established a working group under the Prosecutor General to reform the Criminal Code which could undermine the independency of the judiciary; whereas on 15th-16th March 2013 a roundtable on the "Reform of the Criminal Code of Kazakhstan based on the principles of rule of law", was organised in which a delegation of the Venice Commission participated to advise on the reform;
  - I) whereas Kazakhstan as a member of the OSCE, of which it held the chairmanship in 2010, has committed itself to respect and to implement the fundamental principles of this organisation;
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- 1) Highlights the great interest the EU has in a sustainable relationship with Kazakhstan in terms of political and economic cooperation; reminds the fact that there are strong neighbours challenging the EU's influence in the region;
  - 2) Strongly criticises the Court decision to ban opposition parties on charges of extremism, including the unregistered opposition party "Alga!", and independent media actors which violates the principles of freedom of expression and assembly and raises great concerns with regard to subsequent repression of media and opposition;
  - 3) Reiterates its concern over the detentions of opposition leaders, journalists and lawyers on the basis of trials which fall short of international standards and reaffirms its call to release all persons convicted on the basis of vague criminal charges which could be considered as politically motivated; calls on the Kazakh authorities to guarantee detention conditions

according to international standards and to allow medical treatment for all prisoners, including for opposition leader Vladimir Kozlov;

- 4) Outlines that Kazakhstan is an increasingly important international partner in the region, whether it is with regard to cooperation with NATO, the support for the E3+3 talks with Iran or the establishment of an international fuel bank in Kazakhstan; welcomes Kazakhstan's ambition to engage actively as a mediator/facilitator in international security issues concerning the wider region; urges the Kazakh authorities to respect the international commitments they have signed up to, including those of the OSCE guaranteeing fundamental freedoms such as freedom of expression, of assembly and association, the rule of law and the independency of judiciary;
- 5) Calls on Kazakhstan to create a climate where opposition activists, journalists and lawyers can freely exercise their activities; stresses the EU's commitment to support Kazakhstan in this work;
- 6) Welcomes the dialogue with the delegation of the Venice Commission for the new Code of criminal procedure and encourages further collaboration with the Venice Commission in order to draw profit to the maximum possible extent from the experience of the Commission; stresses that the reform should aim at the strengthening of the independency of the judiciary and of the rule of law; calls on the EEAS to follow closely the reform and the content of the new law;
- 7) Encourages and supports Kazakhstan in its work to develop a new Human Rights Action plan for 2013-2020; calls on the Kazakhstani authorities to collaborate with NGOs;
- 8) Welcomes the regular EU-Kazakhstan human rights dialogues; underlines the importance of human rights dialogues between the EU and Kazakh authorities and welcomes the constructive approach of the Kazakh counterparts; calls for a strengthening of the dialogues to establish a forum where issues can be openly addressed; stresses that the dialogues should be result-oriented and involve where possible civil society actors;
- 9) Welcomes the draft law to strengthen local self government which should lead to devolution of competences to the regions and welcomes the direct election of regional "akims", instead of appointment by the President, which are still scheduled for the current year;
- 10) Welcomes the programmes by the Kazakh government for international student exchanges; underlines the fundamental impact these stays abroad have for the democratic education of Kazakh students; welcomes the support offered by the Kazakh authorities to these students at their return;
- 11) Calls on the EU and in particular the EEAS to closely monitor the developments in Kazakhstan, to raise concerns with the Kazakh authorities where necessary, to offer assistance and to report regularly to the European Parliament; calls on the EU and on member States to seek guarantees that protect human rights activists, in particular those visiting the EU institutions to discuss human rights issues, against any kind of subsequent personal threats, pressures or prosecution;

- 12) Instructs its President to forward this resolution to the Council, the European External Action Service, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the Organisation for Security and Cooperation in Europe, the UN Human Rights Council and the government and parliament of Kazakhstan;