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Plenary sitting

16.4.2013

B7-0167/2013

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 situation in Kazakhstan
(2013/2600(RSP))

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B7-0167/2013

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

The European Parliament,

- the one of 15 March 2012 and that of 17 September 2009 on the case of Yevgeny Zhovtis,
 - having regard to European Parliament resolution 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,
 - having regard to its resolution on a EU Strategy for Central Asia of 15 December 2011,
 - having regard to the EU Strategy for a New Partnership with Central Asia: ‘The European Union and Central Asia: Strategy for a New Partnership’, adopted by the European Council on 21-22 June 2007, and to the progress reports of 24 June 2008 and 28 June 2010,
 - having regard to the Partnership and Cooperation Agreement between the EC and Kazakhstan that entered into force on 1st July 1999,
 - having regard to the statement by EU HR/VP Catherine Ashton on the events in the Zhanaozen district of 17 December 2011,
 - having regard to the statement by the spokesperson of High Representative Catherine Ashton on the trial of Vladimir Kozlov in Kazakhstan, 9 October 2012
 - having regard to the Rule 122(5) of the Rules of Procedure,
- A. whereas the EU is a key trade partner for Kazakhstan; whereas the EU and Kazakhstan are negotiating a new ambitious agreement that should replace the expired PCA and is aimed at enhancing and deepening relations between the two parties; whereas the enhancement of the political dialogue is a key element of the new agreement,
- B. whereas Kazakhstan has long limited key civil and political rights, such as freedom of assembly, expression and religion ; whereas over the last two years, there has been a clear and worrying decline in respect for fundamental freedoms, and in 2012, following the Zhanaozen violence in December 2011, an overt crackdown on government critics,
- C. whereas on 14 February 2013 the Court of Appeal upheld the verdict from 7 December 2012 against Vadim Kuramshin, human rights defender, sentencing him to

12 years in prison for alleged blackmail of the district attorney; whereas in September 2012, Vadim Kuramshin had attended the OSCE Supplementary Human Dimension Meeting in Warsaw where he spoke about critical conditions in Kazakh prisons and that a month after his return to Kazakhstan he was arrested ; whereas on 28 August 2012, Vadim Kuramshin was acquitted by the jury in the previous penal procedure against him, but then the court's decision was appealed against by the prosecutor's office and reversed by the Court of Appeal in October 2012,

- D. whereas Vladimir Kozlov, leader of the opposition party Alga!, was sentenced in October 2012 to 7,5 years in prison with the confiscation of assets, on charges of inciting social hatred, calling for the violent overthrow of the constitutional order and the creation of an organized criminal group ; whereas the final sentence was given based on results of philological analyses of Kozlov's telephone conversations and statements ; whereas the Court of Cassation upheld this decision on 13 March 2013,
- E. whereas on 21 December 2012, the unregistered opposition party "Alga!" was banned on charges of extremism, based on the sentence in the case of Vladimir Kozlov; whereas the charges against the party were filed as direct charges against Aliya Turusbekova, wife of Vladimir Kozlov, who is now under risk of criminal prosecution should any of the party members or partner organisations or anyone claiming to be linked to the party carry out any party-related activity on the territory of Kazakhstan,
- F. whereas on 25 December 2012, again based on the sentence in Kozlov's case, 8 independent newspapers and 23 news websites were ordered by the court to stop their activity on charges of extremism ; whereas on 22 February 2013, the Court of Appeal upheld the first ruling,
- G. whereas based on the ruling in Kozlov's case, the property of the banned independent media, as well as the Aman Saulyk NGO was seized by the authorities,
- H. whereas on January 6 2012 the President of Kazakhstan signed the Law on National Security that boosts the authority of the security services and affirms that persons considered to harm the country's image on the world stage can be deemed "destructive" and are subject to repercussions,
- I. whereas defamation remains criminalised and whereas the law on the Introduction of Changes and Additions to the legislation about Informational-Communicative networks of 10 July 2009, equates internet resources (websites, chat rooms, blogs, discussion forums) with mass media outlets and made them and their owners liable for the same offences,
- J. whereas with the introduction of the new Law on Religious Associations, all registered religious groups in Kazakhstan had until 25 October 2012 to re-register, which resulted with more than one third of over 4,000 religious communities and organizations being unable to complete the procedure; whereas as a consequence, they do not have the right to share their religion and beliefs, distribute religious literature, practice their rituals even in private rooms or engage in religious education,

- K. whereas Kazakh authorities have repeatedly used the charge of “inciting social discord,” a vague and overbroad charge that can be used to criminalize legitimate exercise of the rights to freedom of expression and association as protected under international human rights law,
- L. whereas the rights of workers, as established in international law, are not fully protected in Kazakhstan; whereas the Kazakh government and several companies violated fundamental labor and other rights of thousands of workers employed in the country’s booming petroleum sector, leading to extended labor strikes in 2011 in Aktau, Zhanaozen and Kuryk, towns in western Kazakhstan; whereas there have been documented cases of companies interfering in workers’ efforts to bargain collectively and mass dismissals of workers following the workers’ strikes,
- M. whereas Kazakhstan took the chairmanship of the OSCE in 2010 and committed to the series of democratic reforms and to respect the basic principles of this organisation,
1. Deplores the heavy crackdown by the Kazakh authorities on independent media and news websites and the personal threats and intimidations that journalists of these media outlets, their relatives and collaborators are facing;
 2. Expresses its concern over the deterioration of health conditions of Vladimir Kozlov, who is not being provided the adequate treatment because of lack of appropriate equipment in the penal colony and calls for his release following his conviction on vague charges and an unfair trial;
 3. Urges the Kazakh authorities to free all political prisoners and in particular Vadim Kuramshin and Roza Tuletayeva as no satisfying proof of their guilt has been provided;
 4. Urges the Kazakh authorities to repeal or amend to be compatible with international human rights law article 164 of Kazakhstan’s Criminal Code—“inciting social discord”—as it fails to meet the principle of legality or necessity;
 5. Calls on the Kazakh competent bodies to review of the legislation on freedom of peaceful assembly and amend any laws and regulations on demonstrations that are not in conformity with Kazakhstan's international human rights obligations on freedom of assembly and to cease detaining and fining individuals for exercising their right to peacefully protest and allow future peaceful protests to proceed without undue police interference;
 6. Urges the adoption of measures to protect the physical safety of journalists, including prompt and thorough investigation and prosecution of persons responsible for acts of violence and intimidation against journalists, including when such perpetrators are public officials, and to make amendments to laws in order decriminalise libel;
 7. Calls on the judicial authorities to promptly and impartially investigate all allegations of torture and ill-treatment in connection with the Zhanaozen violence, including the circumstances leading to to the death of Bazarbai Kenzhebaev, and hold the perpetrators accountable;

8. Stresses the importance of respecting and promoting freedom of association and the rights of workers to form independent labor unions, conduct strikes, and collectively bargain with employers, in accordance with Kazakhstan's obligations under international human rights law;
9. Calls on the Kazakh government to amend the Labor Code to bring it into conformity with International Labor Organization conventions 87 and 98, for example, by lifting broad restrictions and prohibitions on the right to strike, and by clearly defining provisions for collective bargaining so that workers, employers, and intermediaries can understand and easily follow provisions in the law;
10. Reiterates its call on the Council the Commission and the HR/VP to ensure that the new PCA incorporates clauses and benchmarks relating to the protection and promotion of human rights as enshrined in the Constitution of Kazakhstan, drawing to the fullest possible extent on the standards laid down by the Council of Europe (Venice Commission), the OSCE and the UN to which Kazakhstan has committed itself and to emphasize that progress in the negotiation of the new PCA must be linked to the progress of political reform and urge Kazakhstan to maintain its declared commitment to further reforms, in order to build up an open and democratic society including an independent civil society and opposition and respecting fundamental rights and the rule of law;
11. Draws the attention, in particular, to the importance of upgrading the existing Human Rights dialogue making it more effective and result-oriented;
12. Urges the EU Delegation in Astana to meet with the political prisoners in Kazakhstan and to report back to the European Parliament on the developments in their cases as well as to monitor the situation of civil society representatives that come to the European Parliament to meet MEPs and discuss the human rights situation in their country;
13. Instructs its President to forward this resolution to the HR/VP, the EEAS, Council, the Commission, the governments and parliaments of the Member States, the Government and Parliament of the Republic of Kazakhstan and the Organisation for Security and Cooperation in Europe.