



Plenary sitting

B8-0337/2016

8.3.2016

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 freedom of expression in Kazakhstan
(2016/2607(RSP))

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on behalf of the Verts/ALE Group

**European Parliament resolution on freedom of expression in Kazakhstan
(2016/2607(RSP))**

The European Parliament,

- having regard to its previous resolutions on Kazakhstan and Central Asia republics with regard, in particular to the one on of 15 December 2011 on the state of implementation of the EU Strategy for Central Asia, the one of 18 April 2013 on the human rights situation in Kazakhstan and the one 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 the fourth progress report of 13 January 2015 on the implementation of the EU Strategy for Central Asia adopted in 2007,
- having regard to the Council conclusions on the EU Strategy for Central Asia as adopted by the Foreign Affairs Council on 22 June 2015,
- having regard to the seventh round of the EU-Kazakhstan Human Rights Dialogue held in Astana on 26 November 2015,
- having regard to the International Covenant on Civil and Political Rights (ICCPR), guaranteeing the freedom of expression, freedom of assembly, the right to respect for the personal, private, and family lives of individuals, the right to equality, and the ban on discrimination in the enjoyment of those rights,
- having regard to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Kazakhstan Republic, of the other part, and particularly Article 2,
- having regard to Rule 135 of its Rules of Procedure;

A. whereas on 21 December 2016, after years of negotiations, the European Union and Kazakhstan signed an Enhanced Partnership and Cooperation Agreement (PCA) aimed at providing a broad framework for reinforced political dialogue, cooperation in home and justice affairs and in many other areas; whereas this agreement puts a strong emphasis on democracy and the rule of law, human rights and fundamental freedoms and sustainable development as well as civil society cooperation, including involvement of civil society in the public-policy making,

B. whereas in late 2012, the Kazakh authorities sued independent and opposition media outlets, in particular newspapers Golos Respubliki and Vzglyad, as well as their affiliate newspapers and websites, and the online television portals K+ and Stan.TV, claiming they published information that was found to incite social discord and called for the overthrow of the constitutional order; whereas, in rushed trials, the media outlets were shuttered and since then, the authorities have continued the practice of closing down independent and opposition media outlets, including Assandi Times and Pravdivaya Gazeta, and ADAM and ADAM

journals; whereas OSCE Representative on Freedom of the Media Dunja Mijatović has expressed concern about these and other cases,

C. whereas in recent years, the authorities have misused the vague and overbroad criminal offense of “inciting discord” to try and silence government critics,

D. whereas most recently, on 22 January 2016, a court convicted Ermek Narymbaev and Serikzhan Mambetalin, activists who were arrested in October 2016 on vague and overbroad charges of “inciting national discord,” and sentenced them to three and two years, respectively; whereas they were also barred from engaging in civic activities for five years and both were later released under house arrest,

E. whereas Bolatbek Blyalov, another activist, was convicted on January 21 2016 for “inciting social discord.”; whereas the court released Blyalov, but imposed restrictions on his freedom for three years, including prohibiting him from changing his place of residence or work, or from spending time in public areas during his time off,

F. whereas, in recent months, authorities in Kazakhstan have also targeted independent, critical journalists; whereas, in particular, in December 2015, authorities detained Gyuzal Baidalinova, a journalist and the owner of the online news site Nakanune.kz, in connection with a criminal case on charges of “deliberately publishing false information”; whereas last December, the police searched her home and office, and the home of another Nakanune.kz journalist Yulia Kozlova, confiscating computers and other equipment; whereas Baidalinova remains in detention,

G. whereas following the 2012 court decision banning the critical Kazakh media outlet Respublika from publishing in Kazakhstan, the Kazakh authorities have now launched two lawsuits against the media outlet in the US courts asking for complete shutdown of its website and social media profiles, hosted on US servers; whereas Kazakh authorities have been trying to obtain IP addresses and personal information of journalists publishing articles on Respublika’s website and social media profiles, of Respublika’s editor-in-chief, Mrs Irina Petrushova and even of Respublika’s Facebook followers and people that “liked” Respublika’s posts or shared them on Facebook;

H. whereas Kazakhstan also curtailed freedom of expression and condoned homophobia when a court in Almaty in October 2014 awarded 34 million tenge in damages against Havas Worldwide Kazakhstan, an advertising agency that had designed a poster depicting two historical figures, the Kazakh composer Kurmangazy Sagyrbaiuly and the Russian poet Aleksandr Pushkin, kissing; whereas last September, the agency had been separately fined 314 thousand tenge since the same poster was found “unethical”,

J. whereas on 20 March Kazakhstan will hold early parliamentary elections; whereas previous elections were marred by irregularities and shortfalls,

1. Expresses its concern at the serious deterioration of the climate for media and free speech that recently has taken place in Kazakhstan, in particular against the background of the worsening economic situation in the country and the early parliamentary elections scheduled to be held on 20 March 2016;

2. Stresses that deeper political and economic relations with the EU as the ones envisaged by

the recently signed Enhanced Partnership and Cooperation Agreement must be based on shared values and correspond to an active and concrete engagement by Kazakhstan on political and democratic reforms, stemming from its international obligations and commitments;

3. Deplores the pattern of closure of independent and opposition media outlets and other repressive measures targeting such media outlets and their representatives, and calls on the authorities of Kazakhstan to ensure that media can operate freely in the country;

4. Is of the opinion that the December 2015 searches of the office of Nakanune.kz and the homes of its journalists, the criminal charges now facing its editor Guzyal Baydalinova, and the earlier crippling defamation ruling against the news portal over an article on corruption allegations form part of the pattern of impeding media pluralism in the country;

5. Regrets the indiscriminate blocking of news, social media and other websites on the grounds that these sites feature unlawful content and insists that the authorities of Kazakhstan ensure that any measure to restrict access to internet resources is based on law, strictly necessary and proportionate, and sanctioned by court in accordance with international human rights standards;

6. Urges Kazakhstan to repeal the criminal offense of “inciting social, national, clan, racial, class, or religious discord” (Article 174 of the Criminal Code) as it is vague, overbroad, and can be used to criminalize lawful behavior protected by human rights law;

7. Calls on the Kazakh authorities to stop harassing independent and opposition journalists and end punitive suspensions and shutdowns of independent media outlets critical of government; urges them to guarantee in all circumstances that all human rights defenders in Kazakhstan are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions;

8. Points out that the recent repression actions against Respublika seem to be a result of a series of publications by the media, focusing on high-level corruption cases in Kazakhstan, involving government officials and other known public figures, as well as reporting on unlawful actions undertaken by the Kazakh authorities with the aim of international persecution of political opposition; urges, in this regard, the Kazakh authorities to immediately stop the persecution of Respublika and its journalists in the courts of the United States;

9. Urges on the Kazakh authorities to take concrete and effective measures to implement the recommendations made by the UN Special Rapporteur on freedom of peaceful assembly and of association in the outcome report on his mission to Kazakhstan in January 2015;

10 Expresses its deep concern at the Law on Non-profit organizations that undermines the independence and even challenges the very existence of NGOs in Kazakhstan and calls for its revision;

11. Reiterates its concerns regarding the continued imprisonment of opposition Alga party leader Vladimir Kozlov, who in December 2015 was denied release on parole because of penalties imposed on him for alleged misconduct in prison and who is currently held under strict prison conditions involving excessive restrictions on his contacts with relatives;

12. Reminds Kazakhstan of its OSCE commitments to democratic reforms and urges Kazakhstan to match its foreign policy ambitions, as a member of the UN Human Rights Council for 2013- 2015, hosting of the 2017 International EXPO, and being a candidate for a non-permanent seat at the UN Security Council in 2017-2018, with important domestic political reforms;

13. Calls the full implementation of all OSCE/ODIHR recommendations before the next parliamentary elections, scheduled for 20 March 2016;

14. Calls on the Commission, the Council and the External Action Service to make clear to the Kazakh authorities that the human rights violations taking place in the country could affect the relations with the EU in line with the agreements signed; further calls on the Council of the European Union and the External Action Service to raise these questions in all the relevant bilateral meetings with the Kazakh authorities with regard, in particular, to the 8th round of the EU-Kazakhstan Human Rights dialogue scheduled for this year;

15. Instructs its President to forward this resolution to the Council, the Commission, the EEAS, the High Representative/Vice-President for Foreign Affairs and Security Policy, the Parliament, the government and the President of Kazakhstan and the OSCE.