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*Plenary sitting*

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**B8-0206/2019**

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

**Helmut Scholz, Marie-Christine Vergiat, Malin Björk, Merja Kyllönen,  
Tania González Peñas, Miguel Urbán Crespo, Lola Sánchez Caldentey,  
Xabier Benito Ziluaga, Kostadinka Kuneva, Patrick Le Hyaric, Luke  
Ming Flanagan**  
on behalf of the GUE/NGL Group

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

*The European Parliament,*

- Having regard to the Universal Declaration of Human Rights, in particular to its Article 19, on freedom of opinion and expression,
- Having regard to the International Covenant of 1966 on Civil and political Rights,
- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to the Universal Periodic Review outcomes of Kazakhstan, October 2014
- having regard to the Declaration of the United Nations General Assembly of March 1999 on human rights Defenders
- having regard to its previous resolutions on Kazakhstan, in particular those concerning the human rights situation and the rule of law,
- having regard to the statement by the EEAS, on the 17th Cooperation Committee meeting between the European Union and Kazakhstan, 30 January 2019,
- having regard to the statement by the EEAS, on EU and Kazakhstan hold Subcommittee on Justice and Home Affairs and the Human Rights Dialogue, 22 November 2018
- having regard to the Enhanced Partnership and Cooperation Agreement signed on 21 December 2015,
- having regard to the Constitution of Kazakhstan,
- having regard to Rule 135 of its Rules of Procedure,

A. whereas Kazakhstan has long limited key civil and political rights, such as freedom of assembly, expression and religion; whereas over the last years there has been a decline in respect for fundamental freedoms, including freedom of expression;

B. whereas during recent years several opposition leaders, human rights defenders, journalists and civil-society actors have been subjected to harassment and criminal prosecution, leading in several cases to long prison sentences, often in solitary confinement and without access to adequate medical care and treatment;

C. whereas in April 2016, major protests spread across Kazakhstan against the government's decision to amend the Land Code, resulting in the authorities' crackdown on peaceful protesters and the detention of more than 1,000 participants; whereas civil society

activist Maks Bokayev is serving prison term for his legitimate participation in this peaceful mass rally;

D. Whereas in its Concluding Observations on the Review of the State Report in 2016, the UN Human Rights Committee expressed concern about “undue restrictions on the exercise of freedom of peaceful assembly, arrests and the intimidation of civil activists” and called on the Kazakhstani authorities “to revise all relevant regulations, policies and practices with a view to ensuring that any restrictions on freedom of assembly, including through the application of administrative and criminal sanctions against individuals exercising that right, comply with the strict requirements of Article 21 of the Covenant;

E. whereas since the ban of DCK (the opposition movement Democratic Choice of Kazakhstan) on the 13 March 2018, more than 600 people were subjected to arbitrary detentions for participating in peaceful rallies (in particular, on 23 June 2018 – more than 200 detainees, on 16-17 December 2018 – more than 40 detainees, on 27 February 2019 – more than 200 detainees);

F. whereas restrictive measures have been applied for political motivated reasons to several people, namely Olesya Khalabuzar, Alima Abdirova, Bolatbek Blyalov, Bakiza Khalelova, Aset urzhaubay, Farit Ishmukhametov, Bolatkhan Zhunusov, Muratbek Argynbekov, Azat Ibrayev, Arman Alakayev, trade union activist Larisa Kharkova, journalists Zhanbolat Mamay, Amangeldy Batyrbekov; whereas a lot of convicts (including Khalabuzar, Blyalov, Khalelova) cannot carry out banking operations, because they have been placed on the ‘list of organisations and individuals associated with the financing of terrorism and extremism’;

G. whereas in February 2019, dozens of peaceful protesters were detained in Zhanaozen; whereas in February, human rights defenders have determined over 15 political prisoners in Kazakhstan, and that this number is increasing; whereas Kazakhstani authorities punished with prison terms civil activists Aron Atabek, Sanat Bukenov Makhambet Abzhan and Serikzhan Bilash ; whereas civil society activists Natalia Ulasik and Ardak Ashim were subjected to the practise of punitive psychiatry because of their criticism of the authorities;

H. Whereas the 27 of February Hundreds of peaceful protesters were detained throughout the country as the ruling party, Nur-Otan, held its 18th annual conference; whereas most people were detained in Almaty and Astana.

I. whereas Kazakhstan ranks 158 out of 180 on the World Press Freedom Index; whereas the operating climate for the media remained restricted, and media outlets were forcibly closed or prevented from operating on administrative grounds or because they were accused of being a threat to national security; whereas journalists continued to face harassment, intimidation and arbitrary detention; whereas independent media outlets had difficulty generating advertising revenue, as businesses feared reprisals from the authorities if they placed advertisements in these publications. whereas social networks users such as Ruslan Ginatullin, Igor Chuprina and Igor Sychev were punished with imprisonment for posting material critical of, and inconvenient to, state authorities; whereas a suspended sentence has been applied to journalists Zhanbolat Mamay and Amangeldy Batyrbekov;

J. whereas trade union activist Erlan Baltabay became victim of criminal prosecution; whereas in 2017, trade unionists Amin Eleusinov and Nurbek Kushakbayev were convicted and spent more than a year imprisoned as a result of their peaceful protest against the liquidation of the Confederation of Independent Trade Unions of Kazakhstan; whereas trade union activist Dmitry Senyavsky was severely beaten;

K. whereas the Government of Kazakhstan increased restrictions on the activity and funding possibilities of NGOs by introducing controversial regulations that oblige foreign-funded NGOs to submit supplementary financial reporting; whereas Kazakhstan applies unfavourable tax legislation against human rights NGOs that are beneficiaries of foreign grants; whereas activist Dilnar Insenova was accused of violations in activity of her NGO and sentenced to 2 years of restriction of liberty and 2 years of ban of participation in civil society activity.

L. whereas practices of arbitrary detention and torture are carried out in Kazakhstan, as reported by international organisations and human rights NGOs; whereas notably several victims of political prosecution who have been subjected to torture and ill-treatment, in particular, Ablovas Dzhumayev, Almat Zhumagulov, Kenzhebek Abishev, Aset Nurzhaubay and Muratbek Tungishbayev; whereas human and civil rights abuses are blatantly carried out in disregard of the International Covenant on Civil and Political Rights provisions, to which Kazakhstan is a signatory; whereas Kazakhstan refuses to implement communication No. 2304/2013 of the UN Human Rights Committee, which called for the release of the political prisoner Mukhtar Dzhakishiev (who has been held in prison for more than 9 years in poor conditions) and his access to proper medical treatment

M. whereas according to ILGA, LGTBI persons in Kazakhstan face legal challenges and discrimination not experienced by non-LGBTI residents; whereas both male and female same-sex sexual activity is legal in Kazakhstan, but same-sex couples and households headed by same-sex couples are not eligible for the same legal protections available to opposite-sex married couples;

N. whereas high levels of violence against women and traditional patriarchal norms and stereotypes pose a great obstacle to gender equality in Kazakhstan; whereas a UN Women-supported survey, found that 17 per cent of ever-partnered women aged 18-75 had experienced physical or sexual partner violence and 21 per cent psychological abuse; whereas NGOs reported that violence against women was under-reported and that there was a low rate of prosecution of cases of violence against women as well as in sexual harassment cases;

O. whereas Kazakhstan is considered by the EU as a strategic country for their geopolitical and economic interests; whereas on 12 December 2017 the European Parliament ratified the Enhanced Partnership and Cooperation Agreement between the European Union and the Republic of Kazakhstan and called on Kazakhstan to end harassment of journalists, activists, trade union leaders, and human rights defenders, release those unfairly jailed, and revise its Trade Union Law and Labour Code; whereas, according to the Partnership and Cooperation Agreement, the respect for democracy, principles of international law and human rights as defined in particular in the United Nations Charter, the Helsinki Final Act and the Charter of Paris for a New Europe, underpin the internal and external policies of the Parties and should constitute an essential element of partnership and of this Agreement;

P. whereas Kazakhstan is an upper-middle-income country with per capita GDP of nearly US\$13,000 in 2013; whereas Kazakhstan is the post-soviet non-European country which has a higher per capita GDP and higher Human Development Index mainly due to its huge oil reserves; whereas inequality remains high in Kazakhstan due to poor redistribution of wealth and resources and poor performance on labour standards; whereas corruption and the pervasive link between business and politics are strong in Kazakhstan;

Q. whereas Kazakhstan receives development aid from the EU through the Development Cooperation Instrument (DCI); whereas development cooperation with Kazakhstan focuses on strengthening the capacity of regional and local government, supporting reform of the justice sector and on improving the capacity of the public sector to introduce social and economic reforms; whereas the EU and Kazakhstan also cooperate in the framework of a regional approach;

1. Reiterates its deep concerns on the dramatic and continuously deteriorating situation of human rights in Kazakhstan, including freedom of expression and labour and social rights; calls for the release of all the political prisoners and notably of the persons arrested in the previous month for having participated in peaceful demonstrations

2. Condemns the ongoing clamp down against the media and freedom of expression, and calls on the government of Kazakhstan to completely lift its control over the electronic and printed media; insists that the independence of journalists and bloggers must be safeguarded and that their right to operate without fear of harassment or intimidation by state forces must be guaranteed;

3. Urges the Government of Kazakhstan to amend the Criminal Code, removing oppressive articles that are being misused to persecute civil society activists, bloggers, journalists, opposition figures and religious believers;

4. Calls on the government of Kazakhstan to remove without further delay all politically motivated obstacles that hinder political parties, organisations, civil society organisations and independent trade unions from registering and demands that they can operate without fear of intimidation and repression;

5. welcomes the release of political prisoners Vladimir Kozlov, Gyuzyal Baydalinova, Aset Matayev, Seytkazy Matayev, Sanat Dosov, Edige Batyrov, Talgat Ayan, Yerzhan Orazalinov, Zinaida Mukhortova, Sayat Ibrayev, oil workers of Zhanaozen, as well as trade unionists Amin Eleusinov and Nurbek Kushakbayev; welcomes the release of Natalia Ulasik and Ardak Ashim from psychiatric hospital and calls for ending the practice of “punitive psychiatry” against opponents;

6. welcomes lifting of the ban on travelling outside Kazakhstan for human rights defenders Elena Semenova and Maygul Sadykova; calls to end the practice of banning human rights defenders from leaving Kazakhstan and imposing other restrictions.

7. Expresses deep concern about the illegal expulsion of human rights defenders of the Italian Federation for Human Rights from Kazakhstan; call for refraining from interfering with the activities of international observers in Kazakhstan;

8. urges the unconditional implementation of the recommendations of communications from the UN Human Rights Committee and the UN Working Group on Arbitrary Detention concerning release of the political prisoners Mukhtar Dzhakishev, Maks Bokayev and Iskander Yerimbetov;
9. Is particularly concerned by the fact that Kazakhstan's criminal justice is heavily reliant on forced confessions obtained through torture and ill-treatment; urges Kazakhstan authorities to put an end to these practices, to provide medical treatment and grant independent investigations in regard to incidents of torture; calls on Kazakhstan to end the misuse of international police instruments and extradition requests as a means of carrying out politically motivated persecutions;
10. Urges the Kazakhstan authorities to to revise its Trade Union Law of 2014 and the Labour Code of 2015 and to revoke the restrictive amendments to the administrative and labour code; Urges Kazakhstan to respect the rights of workers to form independent trade unions and to respect and adhere to ILO core conventions, including the ones which defend the right to strike and collective bargaining;
11. expresses concern, that Kazakhstan has not fulfilled the recommendations of the UN and the European Parliament regarding an objective investigation into the shooting of peaceful protesters (oil workers) in Zhanaozen in 2011; emphasises the importance of conducting an objective investigation and bringing to justice those responsible for the offences;
12. Calls on the authorities to combat all forms of violence against women; calls, furthermore, to ensure effective and accessible reporting channels and protection measures that are sensitive to victims' needs and confidentiality; urges for an end to be put to impunity and for appropriate criminal sanctions against perpetrators to be ensured;
13. reaffirms that the activities of European companies operating in third countries must fully respect international human rights standards; Calls on the Member States to ensure that companies under their national law remain bound to respect human rights and the social, health and environmental standards imposed on them if they establish or operate in a third country;
14. Calls on the Commission and the Member States to take the necessary measures against European companies that do not respect these standards or that do not satisfactorily compensate victims of human rights violations directly or indirectly under their responsibility;
15. Deplores the increasing tendency of EU development policy to follow geopolitical, security and private profit interest; recalls to protect the development focus and nature of ODA's including a transparent and accountable reporting system; recalls on ODA unique role on achieving effective development results; calls EU aid to be aligned with internationally agreed development effectiveness principles, be human rights-centred, promote gender equality and women empowerment and focus on tackling the root problems of inequality and poverty in order to achieve the recently approved Sustainable Development Goals;
16. Calls on the High Representative of the European Union, and the EU External Action Service to raise these concerns with the Kazakh authorities and, in line with the Enhanced

Partnership and Cooperation Agreement, and to take all the necessary diplomatic measure to effectively enhance Human Rights respect by Kazakhstan's authorities; calls on the EU delegation in Astana to play a more pro- active role in monitoring the situation, including the sending of representatives to observe trials against opposition activists and human rights defenders and to visit them in prison and to collaborate more closely with international human rights and civil society groups and to report back to the European Parliament on a regular basis;

17. urges Kazakhstan to act in respect of the EPCA, implementing human rights protection as set out in articles 1, 4, 5 and 235; reiterates that EU enhanced relations with Kazakhstan are linked to concrete human rights improvements;

18. 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.