



Plenary sitting

B8-0207/2019

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 ALDE Group

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

The European Parliament,

- having regard to its previous resolutions on Kazakhstan,
 - having regard to the Enhanced Partnership and Cooperation Agreement between the European Union and the Republic of Kazakhstan, as ratified by the European Union in December 2017,
 - having regard to Article 19 of the International Covenant on Civil and Political Rights,
 - having regard to the 1948 Universal Declaration of Human Rights,
 - having regard to Article 20 of the Constitution of Kazakhstan,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
 - having regard to annual EU-Kazakhstan Human Rights Dialogues,
- A. Whereas civil society activists are facing constant physical attacks, harassment and politically motivated criminal prosecutions;
- B. whereas in July 2018 the authorities opened a criminal investigation on charges of disseminating false information against human rights activist Elena Semenova and placed her under house arrest; whereas in July 2018 Semenova had spoken to Members of the European Parliament about the prison conditions; Whereas the authorities stopped Semenova from traveling to Strasbourg in October 2018 to prevent her to speak to Members of the European Parliament; whereas in October 2018 Semenova’s house was attacked with Molotov cocktails;
- C. Whereas Kazakhstan ranks nr 143 out of 167 on the world Democracy Index, defining the country as an authoritarian regime;
- D. Whereas in March 2018, the Kazakh court banned the opposition movement Democratic Choice of Kazakhstan (DVK) and branded it as “extremist”; whereas in 2018 the authorities have opened criminal investigations or prosecuted at least 12 individuals for allegedly supporting or financing the DVK;
- E. Whereas Murat Tungishbaev was charged in April 2018 with financing the DVK; Whereas the investigation against Tungishbaev is still going on and he will remain in pre-trial detention for now;
- F. Whereas, despite the claims made by the government of Kazakhstan, torture, impunity for torture and ill-treatment of prisoners and suspects remains the norm;
- G. whereas in early 2018, Iskander Yerimbetov alleged ill-treatment and torture while in detention; Whereas Yerimbetov was sentenced to seven years’ imprisonment on charges of

large-scale fraud;

- H. Whereas the freedom of peaceful assembly is heavily restricted in Kazakhstan; Whereas the required permission for the organisation of a street protest is often refused;
- I. whereas authorities routinely deny permits for peaceful protests against government policies; whereas on May 10 2018 the police detained dozens of people in cities across the country who were peacefully protesting against torture and politically motivated imprisonments;
- J. Whereas on 27 Februar 2019, hundreds of peaceful protesters were arrested throughout Kazakhstan as the ruling party, Nur-Otan, held its annual conference; whereas Dmitry Tikhonov, a human rights defender working with the Kazakh International Bureau for Human RIghts and Rule of Law, was detained during these demonstrations;
- K. whereas independent journalists face harassment, physical attack and spurious criminal prosecutions;
- L. Whereas in September 2017 an Almaty court convicted Zhanbolat Mamay, editor of the independent Sayasy Kalam: Tribuna newspaper, on politically motivated money laundry charges; Whereas the court has banned Mamay from journalism for the period of three years; Whereas the OSCE Media Forum has criticized the ban;
- M. Whereas Aset Mataev, an independent journalist, was imprisoned in October 2016 on spurious embezzlement charges;
- N. Whereas the independent labour movement has faced a concerted crackdown since 2017;
- O. Whereas the Confederation of Independent Trade Unions of Kazakhstan (KNPRK) was closed by the judicial court in January 2018 for failing to register in accordance with the restrictive trade union law; Whereas KNPRK President Larisa Kharkova has been convicted on politically motivated charges in July 2017 and whereas she has received a travel ban and other restrictions for a period of four years;
- P. whereas the Kazakhstani authorities restrict the activities of independent trade unions and persecute trade union activists;
- Q. whereas, LGBTI persons in Kazakhstan face legal challenges and discrimination; whereas both male and female same-sex sexual relations are 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;
- R. Whereas the European Union is the largest trading partner of Kazakhstan;
- 1. Stresses that deeper political and economic relations with the EU as envisaged by the signed Enhanced Partnership and Cooperation Agreement must be based on shared values and correspond to an active and concrete engagement by Kazakhstan to conduct political and democratic reforms stemming from its international obligations and commitments;

2. Urges the government of Kazakhstan to guarantee political parties to be able to work freely without any harassment or arrests; Calls for the reinstatement of the Democratic Choice of Kazakhstan and urges that Murat Tungishbaev is guaranteed a fair trial;
3. Calls on the government of Kazakhstan to respect civil society organisations and human rights defenders and guarantee that they are able to do their work without facing harassment, attacks or arbitrary arrests; Calls for the immediate release of Elena Semenova who is currently being kept under house arrest;
4. Condemns the blocking of news, social media and other websites on the grounds that they feature unlawful content, and calls on the Kazakh authorities to ensure that any measure to restrict access to internet resources is based on law; Calls for the release of Saysasy Kalam and Aset Mataev and all other independent journalist who have been prosecuted on fake charges;
5. Condemns the climate for media and free speech in Kazakhstan; is very concerned about the harassment, arrests and attacks on journalists and the independent media outlets and the possible negative implications of new draft legislation on the funding of civil society organisations; points out that freedom of speech for independent media, bloggers and individual citizens is a universal value that cannot be bargained away;
6. Urges the authorities of Kazakhstan to release all political prisoners, and to end politically motivated imprisonments and prosecution against journalists, bloggers, human rights defenders, trade unions and civil society activists; calls on the authorities to eliminate the practice of punitive psychiatry against critics of the government”
7. Is deeply worried about the disrespect and violation of prisoners’ rights in Kazakhstan’s prison system; insists the authorities of Kazakhstan allow for international investigation into the claims of torture, maltreatment and abuse in the prisons; Calls on the government to prosecute anyone who has been accused of participating in the act of torture; Calls on the government to guarantee compensation for those like Iskander Yerimbetov who have been tortured or maltreated in prison;
8. Calls on the Kazakhstani authorities to respect and protect the right of peaceful protest and release all those who were arbitrarily detained on 27 February 2019;
9. Insists that the rights of the LGBTI community are fully respected; Calls on the government of Kazakhstan to guarantee that the LGBTI community will not face any discrimination in through law;
10. Calls on the EU, and in particular on the European External Action Service, to monitor closely developments in Kazakhstan, to raise concerns with the Kazakh authorities where necessary, to offer assistance, and to report regularly to Parliament; calls on the EU Delegation in Astana to continue to play an active role in monitoring the situation and to raise the issue of freedom of expression in all relevant bilateral meetings with Kazakhstan;
11. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the

Commission, 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.