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*Plenary sitting*

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**B8-0209/2019**

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))

**Cristian Dan Preda, Róza Gräfin von Thun und Hohenstein, Roberta Metsola, Jaromír Štětina, Marijana Petir, Pavel Svoboda, Tunne Kelam, Milan Zver, Agnieszka Kozłowska-Rajewicz, Eduard Kukan, Elisabetta Gardini, Patricija Šulin, Tomáš Zdechovský, Adam Szejnfeld, Csaba Sógor, Jarosław Wałęsa, Sandra Kalniete, Dubravka Šuica, Andrey Kovatchev, Francis Zammit Dimech, Seán Kelly, Ivana Maletić, Deirdre Clune, Francisco José Millán Mon, Laima Liucija Andrikienė**  
on behalf of the PPE Group

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

*The European Parliament,*

- having regard to its 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 previous resolutions on Kazakhstan, including those of 10 March 2016, 18 April 2013, 15 March 2012, and of 17 September 2009 on the case of Yevgeny Zhovtis in Kazakhstan,
  - having regard to its resolutions of 15 December 2011 on the state of implementation of the EU Strategy for Central Asia, and of 13 April 2016 on implementation and review of the EU-Central Asia Strategy,
  - having regard to its legislative resolution of 19 January 2017 on the draft Council decision on the conclusion of the Agreement continuing the International Science and Technology Center, established in Astana, Kazakhstan,
  - having regard to its legislative resolution of 12 December 2017 on the draft decision,
  - having regard to the Council conclusions of 22 June 2015 and 19 June 2017 on the EU Strategy for Central Asia,
  - having regard to the fourth progress report by the European External Action Service (EEAS) and the Commission services of 13 January 2015 on the implementation of the EU Strategy for Central Asia adopted in 2007,
  - having regard to Annual EU-Kazakhstan Human Rights Dialogues,
  - having regard to various EU-Central Asia meetings,
  - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on International Trade (A8-0335/2017),
  - having regard to Rules 135 of its Rules of Procedure,
- A. whereas the EPCA (Article 1) strengthens the framework for the fulfilment of essential elements, such as respect for democracy, the rule of law, human rights and the principles of a market economy;
- B. whereas the EPCA sets out a broad spectrum of new areas of cooperation, suited to supporting Kazakhstan in the next stage of modernisation to which it aspires, while at the same time securing cooperation in meeting global challenges, particularly as regards

sustainable social and economic development for all citizens, the preservation of cultural diversity, conservation of the environment and management of the consequences of climate change in accordance with the requirements of the Paris Agreement, as well as peacekeeping and regional cooperation;

- C. whereas the European Parliament is prepared, within the framework of its competences, to involve itself actively in developing and fleshing out the specific areas of cooperation with Kazakhstan, including parliamentary relations;
- D. whereas Kazakhstan joined the European Commission for Democracy through Law (Venice Commission) in March 2012;
- E. whereas the situation of human rights, democracy and rule of law remains worrisome; whereas new Criminal Code has tightened the criminal laws being used in order to prosecute journalists, activists, bloggers, dissenting voices and opposition politicians; whereas freedom of expression is being restricted; whereas journalist Yaroslav Golyshkin was sentenced to a prison term due to his professional activity;
- F. whereas the use of social networks is controlled and restricted by the authorities; whereas bloggers and social network users are sentenced to imprisonment, among them Ruslan Ginatullin, Igor Chupina and Igor Sychev; whereas blogger Muratbek Tungishbayev was extradited from Kyrgyzstan to Kazakhstan with gross violations of the law and was subjected to ill-treatment in Kazakhstan;
- G. whereas the number of political prisoners held in Kazakhstan has increased; whereas in 2016, peaceful rallies against changes to the Land Code took place in different regions of Kazakhstan, resulting in the detention of more than 1,000 participants (including 55 journalists), of which more than 30 people were subsequently arrested; whereas the Kazakhstani authorities fail to comply with most of the decisions of the UN treaty bodies; whereas the UN Working Group on Arbitrary Detention acknowledged the arbitrary nature of detention, lack of fair trial and gross violations of some cases;
- H. whereas while in pre-trial detention, Iskander Yerimbetov was subjected to torture in a bid to exert pressure on his sister, Botagoz Jardemalie, political refugee and lawyer of an opposition politician, Mukhtar Ablyazov; whereas Yerimbetov's right to a fair trial has been grossly violated and resulted in long-term prison sentences on politically motivated charges against him and his colleagues Dmitriy Pestov and Vasilina Sokolenko;
- I. whereas new NGO legislation tightened accounting rules for civil society; whereas human rights organisations are subjected to tax pressure in connection with grants received from international donors;
- J. whereas freedom of religion has been severely undermined; whereas religious beliefs are used by the authorities as a pretext for arbitrary detention; whereas torture, ill-treatment and psychological pressure have been exercised in the detention facilities; whereas Saken Tulbayev was incarcerated after being accused of 'inciting religious hatred';

- K. whereas on 13 March 2018 the authorities' banned the peaceful opposition movement Democratic Choice of Kazakhstan (DCK) and more than 500 persons showing different forms of support for DCK; whereas civil activists Almat Zhumagulov and poet Kenzhebek Abishev have become victims of the Kazakhstani authorities' fight against DCK and have been sentenced respectively to 8 and 7 years of imprisonment; whereas Ablovass Dzhumayev was sentenced to 3 years' jail and Aset Abishev was sentenced to 4 years' jail for criticising the authorities online and supporting the DCK; whereas Dzhumayev's wife, Aigul Akberdiyeva, is being consequently prosecuted in the same case;
- L. whereas in the context of torture cases of prisoners Nurzhaubay and Tungishbayev, as a condition for their release from detention centre the detainees and their relatives were pressured to repeat statements of "repentance" in public, declaring their intention to give up DCK's ideas and distrust the work of human rights defenders;
- M. whereas restrictive measures have been applied to activists such as Olesya Khalabuzar, Alima Abdirova, Bolatbek Blyalov, Bakiza Khalelova, Aset Nurzhaubay, Farit Ishmukhametov, Muratbek Argynbekov, Azat Ibrayev, Arman Alakayev, trade union activist Larisa Kharkova and journalists Zhanbolat Mamay, Amangeldy Batyrbekov; whereas due to inclusion to the 'list of organisations and individuals associated with the financing of terrorism and extremism' some of them (Bakiza Khalelova, Olesya Khalabuzar, Bolatbek Blyalov) cannot carry out banking operations; whereas trade unionists Amin Eleusinov and Nurbek Kushakbayev have spent more than a year in prison for their protest against the liquidation of the Confederation of Independent Trade Unions of Kazakhstan; whereas trade union activist Erlan Baltabay is being prosecuted, and trade union activist Dmitriy Senyavsky was attacked and beaten;
- N. whereas activist Ardak Ashim was accused of 'inciting social discord' and 'insulting a representative of authority' and was subjected to the brutal practice of 'punitive psychiatry'; whereas another civil society activist and blogger, Natalia Ulasik, was held in a psychiatric clinic;
- O. whereas Kazakhstan has misused INTERPOL mechanisms, extraditions and international legal assistance as a tool of persecution dissenting voices such as journalist and activist Zhanara Akhmetova, and former associates of oppositionist Mukhtar Ablyazov, such as Tatiana Paraskevich;
- P. whereas on 10 May 2018 during the visit of European Parliament delegation to Kazakhstan, the police resorted to the use excessive force against peaceful protesters such as Galiya Ospanova who were trying to meet with Members of the European Parliament; whereas more than 150 people were detained by police and more than 30 protesters were placed under administrative arrests; whereas Elena Semenova faced charges of "dissemination of knowingly false information" after meeting with Members to inform them about torture in detention facilities;
1. Expects the EPCA to promote a strengthening of the rule of law and democratic participation by all citizens, a more diverse political landscape, a better functioning,

independent and impartial judiciary, increased transparency and accountability of the government and improvements to the labour laws;

2. Stresses that the enhancement of political, economic and cultural relations between the EU and Kazakhstan must be based on shared commitments to universal values, in particular, to democracy, the rule of law, good governance and respect for human rights and guided by mutual interests;
3. Reiterates its concern about the NGOs legislation, undermining their independence and ability to operate freely; recalls the importance of an active and independent civil society for the sustainable future of Kazakhstan; urges the Kazakh authorities to guarantee in all circumstances that all human rights activists and NGOs in Kazakhstan are able to carry out their legitimate human rights activities without fear of reprisals, and free of all restrictions;
4. Welcomes the release of some political prisoners, namely: Vladimir Kozlov, Gyuzyal Baydalinova, Seytkazy Matayev, Edige Batyrov, Yerzhan Orazalinov, Sayat Ibrayev, Aset Matayev, Zinaida Mukhortova, Talgat Ayan and oil workers of Zhanaozen, as well as trade unionists Amin Eleusinov and Nurbek Kushakbayev, who nonetheless remain under restriction of freedom; welcomes the decision to release Ardak Ashim from the psychiatric clinic; condemns such a brutal measure as punitive psychiatry and calls for the withdrawal of compulsory outpatient psychiatric treatment against Ashim, and of all compulsory medical measures against activist Natalia Ulasik;
5. Calls for the full rehabilitation and immediate release of all activists and political prisoners currently in jail, namely Mukhtar Dzhakishev, Maks Bokayev, Iskander Yerimbetov, Aron Atabek, Sanat Bukenov and Makhambet Abzhan, Saken Tulbayev, as well as for the lifting of restrictions placed on the movements on others; requests to implement the communications from the UN Human Rights Committee, the UN Working Group on Arbitrary Detention and the United Nations Special Rapporteur on Torture; calls for protection for victims of torture, for them to be provided with proper medical care and for proper investigation into incidents of torture; requests an end to abuse of its Interpol's extradition procedures and a stop to the harassment of political opposition;
6. Expresses its concerns about the curtailment of freedom of the media, freedom of expression, and freedom of association and assembly, including by means of restrictive legislation, pressure, censorship and criminal prosecution of activists; points out that freedom of speech for the independent media, bloggers and individual citizens is a universal value that must be upheld; urges the Kazakhstani authorities to amend the legislation relevant to the field of press, civic associations and political parties in accordance with international standards on freedom of expression and freedom of assembly; recommends Kazakhstan to apply the standards of the Council of Europe in its legal system;

7. Asks for an end to be put to the judicial persecution, harassment and imprisonment of independent journalists, civil society activists, trade union leaders, human rights defenders, opposition political figures and other outspoken individuals in retaliation for their exercise of the freedom of expression and other fundamental freedoms, a phenomenon that has intensified over the last couple of years; calls for a further abandonment of the practice of banning activists from attending human rights missions outside the country;
8. Calls on Kazakhstan to amend its legislation and annul the articles on criminal liability from the Criminal Code which are overtly political in nature; urges Kazakhstani authorities to halt the persecution of its citizens, for lawfully exercising their right to freedom of expression and assembly, on the basis of extremist charges;
9. Notes the multi-ethnic and multi-religious character of Kazakhstan and stresses the need for a protection of minorities and their rights, in particular with regard to the use of languages, freedom of religion or belief, non-discrimination and equal opportunities; welcomes the peaceful co-existence of different communities in Kazakhstan; urges Kazakhstan to stop persecuting people for their legitimate exercise of freedom of conscience and religion; demands the immediate release of persons convicted for holding a belief;
10. Calls on Kazakhstan to fully implement the recommendations from the OSCE/ODIHR international observation mission to the 20 March 2016 elections according to which the country still has a considerable way to go in meeting its OSCE commitments for democratic elections; urges the Kazakh authorities to avoid restricting the activity of independent candidates; urges, furthermore, that citizens' electoral rights be respected;
11. Regrets that Kazakhstan is neither a party to, nor a signatory state of the Rome Statute of the International Criminal Court and calls on Kazakhstan to sign and accede to it;
12. Calls on the EU to consistently prioritise in its political dialogue with Kazakhstan, the issues of the rule of law and democracy, fundamental freedoms and human rights;
13. Calls on the EEAS to further encourage human rights monitoring missions to the country to assess the psychological and physical health of political prisoners and victims of torture, and to conduct observations of court trials of those people prosecuted on political grounds; invites the EEAS to attend sensitive trials;
14. Reiterates the importance of the EU and OSCE cooperation in improving good practices of democratic governance in the country, particularly in the field of human rights and rule of law, thus urging the authorities of Kazakhstan to expand the OSCE mandate in the

country, in particular to restore the mandate of the OSCE Centre in Astana, as an important condition for further cooperation between the EU and Kazakhstan;

15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Central Asia, the governments and parliaments of the Member States, and the government and the parliament of Kazakhstan.