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 144 of the Rules of Procedure

on the situation in Kazakhstan
(2022/2505(RSP))

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on behalf of the Verts/ALE Group
European Parliament resolution on the situation in Kazakhstan
(2022/2505(RSP))

The European Parliament,

– having regard to its previous resolutions on Kazakhstan and on EU-Kazakhstan relations,
– having regard to the Enhanced Partnership and Cooperation Agreement (EPCA) signed between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part, on 21 December 2015, which entered into force on 1 March 2020,
– having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Convention against Torture,
– having regard to the Declaration by the High Representative on behalf of the European Union on the situation in Kazakhstan of 8 January 2022, and the Statement by the EEAS Spokesperson on the latest developments in Kazakhstan of 5 January 2022,
– having regard to annual EU-Kazakhstan Human Rights Dialogues,
– having regard to Rule 144 of its Rules of Procedure,

A. whereas on 2 January, peaceful protests started in the Mangystau region in south-west Kazakhstan over increased gas prices and then spread to several other major cities, including Almaty; whereas the protests turned violent, with groups of protesters, in seemingly orchestrated manner, storming and setting fire to the administration buildings, as well as looting, and police using tear gas, stun grenades and later also firearms against protesters;
B. whereas under international law, people have the right to protest peacefully and the right to express their opinions, without being detained simply for exercising these rights; whereas Kazakhstan’s legislation on public assemblies remains unduly restrictive and could mean that thousands of Kazakhstani who took part in peaceful protests in recent days are subject to arrest and fines of up to 15 days of detention; whereas close to 10,000 people are now estimated to be held in detention;
C. whereas President Kassym-Jomart Tokayev called on security forces to “fire without warning” and there is evidence of security forces openly firing live ammunition at crowds; whereas such an order is unlawful, and police officers should only ever use lethal force as a last resort, and was never publicly cancelled; whereas the exact number of casualties resulting from the recent violence remains unknown;
D. whereas the Kazakhstani authorities shut down the internet and restricted mobile communications for five days after the start of the protests, while also warning all media against “violating” Kazakhstan’s unduly restrictive media law, thereby hindering people’s access to information and international reporting on the events; whereas the authorities and
the President blamed human rights defenders and activists for spurring and inciting the demonstrations and proceeded to arrest independent journalists;

E. whereas unfair trials remain widespread in Kazakhstan, as does torture and other ill-treatment; whereas the systemic use of torture and ill-treatment of prisoners and detainees and the impunity for these crimes remain a serious problem, as authorities continue to disregard prisoners’ rights and international standards for detention facilities, and fail to credibly investigate torture allegations;

F. whereas authorities’ repressions of basic rights and persecution of peaceful dissent have been going on for years; whereas independent journalists, activists, human rights defenders, and civil society organisations continue to face harassment, arbitrary detention, and arbitrary criminal prosecutions; whereas the free and independent work of civil society, the opposition, and the media is a cornerstone of a democratic society based on the rule of law;

G. whereas there is a risk that the authorities will continue to abuse anti-extremism and terrorism legislation with the purpose of silencing political opponents and critical voices also during the current crisis; whereas there is a concern that the Kazakhstani President and authorities’ overly broad use of the word “terrorism” in the context of protests serves as an excuse for the state’s use of force against protesters and vilifying those who disagree with the government;

H. whereas around 2000 Collective Security Treaty Organization (CSTO) troops were deployed in Kazakhstan following the President’s request; whereas the use of force by all security forces, including foreign forces, to maintain and restore public order should be guided by international law and standards applicable to law enforcement officials; whereas President Tokayev announced on January 11th the full withdrawal of the CSTO forces from the country by 23 January 2022; whereas the Russian Government, citing spread of a viral disease among livestock, imposed a ban on imports of meat and dairy products from Kazakhstan a day after President Tokayev’s January 11 announcement;

1. Deeply regrets the loss of life and strongly condemns the widespread acts of violence in Kazakhstan; reiterates the right of state authorities to fight criminal activities within the scope of rule of law and civil rights; demands that all those arrested and detained solely for exercising their rights to peaceful assembly and freedom of expression should be released immediately, as well as journalists and activists detained for the coverage of the protests;

2. Urges the Kazakhstani authorities to abide by its international obligations and respect human rights and fundamental freedoms; calls on Kazakhstan’s authorities to put an end to human rights abuses and any form of political repression and harassment, in accordance with international human rights standards and the principles laid down in the EPCA;

3. Reiterates its call for an end to all forms of arbitrary detention, reprisals and harassment against human rights defenders, civil society organisations, trade unions, independent journalists, activists, and political opposition movements, and guarantee that they are able to do their work free from any repression;

4. Condemns the practice of torture and ill-treatment in detention facilities and urges Kazakhstan’s authorities to guarantee citizens’ right to freedom from torture and ill-treatment, ensure that conditions of detention are in full compliance with international standards, thoroughly investigate incidents of torture and end impunity; calls on
Kazakhstani authorities to provide representatives from the National Preventive Mechanism and the Ombudsperson immediate and unimpeded access to all those detained;

5. Calls on the authorities to disclose information related to arrests and casualties resulting from the protests, and to ensure that all those prosecuted have access to a lawyer and are provided with fair trials in accordance with international law;

6. Stresses the need for an independent, transparent, prompt and effective investigation into all cases of the use of force by law enforcement authorities and military, including the lethal use of force and ill treatment by the security forces, as well as all other reported human rights violations, and ensure that those responsible are held to account and that victims receive compensation and rehabilitation;

7. Urges Kazakhstan to ensure the right to freedom of expression, association and assembly, and calls on the government to review the law on peaceful assembly, in consultation with independent civil society; calls in this regard for a thorough reform of the justice system and, as recommended by the UN and the OSCE, the removal of articles from the criminal law that are used for political motivations;

8. Calls on Kazakhstani authorities to restore unrestricted access to the internet and stop hindering the access to information, as well as to refrain from future blocks of the internet and all other forms of communication;

9. Urges Kazakhstani authorities to refrain from applying charges of “terrorism” too broadly and to distinguish between peaceful protesters and those who used violence and committed crimes according to international norms; reiterates its call to revise the definition of “extremism” to bring it in line with Kazakhstan’s international obligations;

10. Calls on the authorities of Kazakhstan to allow independent monitoring by national and international human rights groups of the actions taken by law enforcement officers, the army and troops deployed by the CSTO in the context of peaceful protests, invite UN special procedures and OSCE experts to perform field visits and fully cooperate with them, and consider setting up a permanent working group under the OSCE’s auspices to assess whether the unrests were a result of foreign interference or internal power struggles and address their root cause;

11. Recalls that outside military support should respect the sovereignty and independence of Kazakhstan, as well as the fundamental rights of all citizens, and expects the planned withdrawal of CSTO troops to proceed without any problems; asks the EEAS to provide any relevant support to Kazakhstan in full and timely withdrawal of CSTO troops in accordance with the January 11 announcement of President Tokayev;

12. Welcomes President Tokayev’s announcement of socio-economic and political reforms and expects the government and the authorities to follow up on the implementation, in order to improve citizens’ living standards and tackle their discontent, and calls on the President to provide further clarification on the political reforms and the structure of the new fund “For the People of Kazakhstan” as soon as possible; encourages the Kazakhstani government to seek cooperation with the EU, OSCE and Council of Europe in this reform process, and asks the EEAS to stand ready to provide any relevant support in this process;

13. Expects that the events of early January will not be used as an excuse to crack down on civil society, media and other actors engaged in legitimate efforts to monitor and document human rights violations and promote democracy and rule of law in the country;

14. Demands that human rights be at the top of the EU’s engagement with Kazakhstan; underlines that deeper political and economic relations with the EU as envisaged by the EPCA must be based on shared values and correspond to an active and concrete engagement by Kazakhstan on democratic reforms, stemming from its international obligations and commitments; asks the EEAS to use provisions under the EPCA to ensure
that the authorities of Kazakhstan fully investigate human rights violations committed in January 2022 and implement human rights standards and international law;

15. Calls on the VP/HR, the EEAS, the Commission and the Council to increase support to civil society in and outside of Kazakhstan that promotes human rights, democratic values, rule of law, and fundamental freedoms in Kazakhstan, especially human rights defenders, including through financial assistance, and strengthen people-to-people contacts with the citizens of Kazakhstan; stresses that financial assistance to Kazakhstan should be aimed at supporting civil society and victims of political persecution, not at supporting the authoritarian regime; demands to follow up on persecution of Kazakhstani human rights defenders and activists residing outside of Kazakhstan, particularly in the case of alleged beating and blackmailing of Zamanbek Tleuliev by the SBU officers in Kyiv, Ukraine;

16. Urges the EU Delegation and Member State representations to Kazakhstan to increase their engagement with local members of civil society by organising regular meetings and raising their recommendations during official meetings with Kazakh government officials, as well as to ensure the issuance of visas for human rights defenders at risk and in need of temporary relocation outside of Kazakhstan;

17. Welcomes the VP/HR’s offer of “assistance for a peaceful resolution of the crisis” in his declaration of 8 January but regrets the lack of a diplomatic initiative; encourages the EEAS to invest in building capacities and utilising existing potential in mediation, peaceful crisis resolution and other tools, such as shuttle diplomacy, including by the VP/HR or the EUSR on Central Asia;

18. Encourages the VP/HR, EEAS and the Member States to continuously call on Kazakhstan to repeal or amend all laws incompatible with international standards, and to raise human rights issues in all relevant bilateral meetings;

19. Urges the EU Delegation and Member State representations in Kazakhstan to proactively engage in trial observations, in order to monitor politically sensitive trials and politically motivated prosecutions and verify that the right to a fair trial applies to all, as well as to visit places of detention, to take a public stance towards human rights violations, and to provide assistance to victims of political prosecution and imprisoned activists;

20. Calls on the EEAS and the Member States to use multilateral forums to monitor the human rights situation in Kazakhstan, including as part of the UN Human Rights Council or the OSCE, whose Moscow Mechanism could be used to investigate human rights violations;

21. 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 governments and parliaments of the Member States, as well as the President, Government and Parliament of Kazakhstan.