



Plenary sitting

B9-0074/2022

18.1.2022

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 S&D Group

B9-0074/2022

**European Parliament resolution on the situation in Kazakhstan
(2022/2505(RSP))**

The European Parliament,

- having regard to its previous resolutions on Kazakhstan, in particular those of 11 February 2021, 14 March 2019, 12 December 2017 and 10 March 2016;
- having regard to the Enhanced Partnership and Cooperation Agreement (EPCA) between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part, which was signed in Astana on 21 December 2015 and which entered into full force on 1 March 2020 following its ratification by all Member States;
- having regard to the Council conclusions on a new EU strategy on Central Asia adopted on 17 June 2019;
- having regard to the 18th meeting of the EU-Kazakhstan Cooperation Council on 10 May 2021 and to the 13th EU - Kazakhstan Human Rights Dialogue meeting on 2-3 December 2021;
- having regard to the declaration by the High Representative of 10 January 2022 on the situation in Kazakhstan and the statement by the EEAS spokesperson of 5 January 2022 on the latest developments;
- having regard to the statements by the Spokesperson for the UN Secretary-General and the UN High Commissioner for Human Rights of 6 January 2022;
- having regard to Articles 2, 3(5), 21, 24, 29 and 31 of the Treaty on European Union and Article 10 and 215 of the Treaty on the Functioning of the European Union, which commit the EU and its Member States, in their relations with the wider world, to upholding and promoting universal human rights and the protection of individuals, and adopting restrictive measures in case of grave human rights breaches;
- having regard to the Universal Declaration of Human Rights of 1948;
- having regard to the International Covenant on Civil and Political Rights;
- having regard to the EU 2020-24 Action Plan on Human Rights and Democracy;
- having regard to Rule 144 of its Rules of Procedure.

A. Whereas on 2 January 2022 thousands of people started protesting peacefully in Zhanaozen city, opposing the government's decision to lift the price cap on liquefied petroleum gas that led to a steep surge in prices; whereas the root causes of the protests

lie in public discontent over social and economic disparities, inequalities, corruption, authoritarian governance and violations of fundamental freedoms; whereas by 4 January 2022 protests were spread to more than 43 cities with protesters demanding overdue socioeconomic and political reforms;

- B. whereas 4 and 5 January 2022 mark a turn in the events with an escalation of the violence particularly in Almaty, the largest city of the country, with the reported appearance of new actors in the protests, such as criminal gangs, marginalized groups and armed groups, that took advantage of the situation to conduct violent actions such as raiding, arson and looting, including police stations and military units; whereas the Kazakh authorities reacted to the protests, including the legitimate and peaceful ones, with disproportionate violence; whereas the response of the security forces to peaceful protests has been very harsh, with use of excessive, unnecessary and indiscriminate force, including lethal, such as the heavy use of tear gas, batons, flash grenades and water cannons; whereas on 5 January 2022 groups of violent protesters seized the airport and stormed official buildings such as the Almaty City Hall; whereas violent clashes between protesters and security forces left thousands injured and at least 200 civilians and 19 law enforcement officers dead;
- C. whereas on 5 January 2022 President Toqayev accepted the resignation of his government and declared a nationwide state of emergency effective until 19 January 2022, expanding a previous state of emergency implemented in Almaty, Almaty Region, Mangystau Region and Nur-Sultan; whereas under the expanded, nationwide state of emergency, a nightly curfew is in effect, freedom of movement is restricted and mass gatherings are prohibited; whereas governments have the right to declare states of emergency under certain narrow circumstances but any derogation of human rights is subject to strict requirements of necessity and proportionality; whereas the right to life, the prohibition against torture and other ill-treatment and the right not to be arbitrarily detained continue to apply in all circumstances;
- D. whereas on 4 January 2022 the Kazakh authorities imposed restrictions on mobile internet and social networks; whereas on 5 January 2022 the authorities shut down the internet completely across the country leaving the population without sufficient information on the events; whereas since the violent clashes started, many national and international journalists and offices of media outlets have come under attack; whereas there are reports about detentions, physical attacks and intimidation of media workers and foreign correspondents being denied entry to the country; whereas the list of journalists who were detained or persecuted by the law enforcement forces for covering the protests include the following individuals: Saniya Toiken, Makhambet Abzhan, Lukpan Akhmediyarov, Kassym Amanzhol, Darkhan Omirbek; whereas authorities in Kazakhstan have long restricted fundamental rights, including the right to peaceful protest, freedom of association and free speech; whereas Kazakhstan is ranked 155th out of 180 countries in Reporters Without Borders' 2021 World Press Freedom Index;

- E. whereas on 5 January 2022 President Tokaev sent an appeal to the heads of the Collective Security Treaty Organization (CSTO) member States to provide military assistance to the Republic of Kazakhstan; whereas on 6 January 2022 CSTO Collective Security Council decided to send military contingents of the CSTO member States; whereas on 11 January 2022 President Tokayev announced that the CSTO had completed its mission and would begin withdrawing from the country on 13 January 2022;
- F. whereas on 7 January 2022 President Tokaev announced that he had ordered troops to use deadly force against protesters, authorizing instructions to "shoot to kill" without warning at anyone demonstrating, calling protesters "bandits and terrorists"; whereas such an order violates Kazakhstan's international legal obligations to respect and protect the right to life; whereas Kazakh authorities have used vague and overbroad "terrorism" and "extremism" laws and measures to arbitrarily restrict free expression and peaceful dissent; whereas UN experts denounced on 11 January 2021 the overly broad use of the word "terrorism" against protesters, civil society activists, human rights defenders, journalists and political parties; whereas an independent and human-rights based investigation on the use of lethal force by security forces against protesters must be launched; whereas on 15 January 2022 the authorities announced that 225 people were killed during the protests, of which 19 were law enforcement officers and military personnel;
- G. whereas this is not the first time Kazakh government used lethal force against peaceful protesters; whereas in 2011 again in Zhanaozen protests were dispersed violently by special forces and police; whereas unarmed oil workers were shot and a state of emergency was declared; whereas the government did not allow an independent investigation of the matter that officially resulted in 16 deaths;
- H. whereas on 10 January 2022 the National Security Committee of Kazakhstan announced that the government had taken control of the situation;
- I. whereas Kazakh government reported that close to 10.000 persons have been detained; whereas the vast majority of these persons were detained simply for exercising their right to freedom of peaceful assembly; whereas those among the detainees who committed no internationally recognized crimes and were arbitrarily detained, including merely for violating Kazakhstan's unduly restrictive legislation on public assemblies, must be immediately released; whereas detainees, including people who did not take part in the protests like former political prisoner Aset Abisshev, were reportedly exposed to torture by law enforcement officials as was the case of human rights defender Daryn Khassenov; whereas the risk of unfair trials, torture and other ill-treatment persists, despite government commitment to zero-tolerance for torture and no independent mechanism to investigate allegations of torture is in place;
- J. whereas President Tokayev accused activists, human rights defenders and the free media of inciting unrest; whereas over the last years the human rights situation in Kazakhstan has sharply deteriorated; whereas several prominent human rights NGOs,

media and election observation organisations in Kazakhstan have been subjected to increasing pressure and judicial harassment by the country's authorities; whereas this is part of a larger crackdown on civil society, trade unions and fundamental democratic rights, notably on freedoms of expression, association and assembly, political pluralism, the right to participation in public affairs and the rule of law;

- K. whereas widespread corruption among the ruling elite prevails in Kazakhstan, as evidenced by the fact that the country ranks 94th on Transparency International's 2020 Corruption Perceptions Index, and impedes human rights, social justice and socio-economic development;
- L. whereas on 21 December 2015 the European Union and Kazakhstan signed an Enhanced Partnership and Cooperation Agreement (EPCA) aimed at providing a broad framework for reinforced political dialogue and cooperation in justice and home affairs and many other areas; whereas this agreement puts a strong emphasis on democracy, rule of law, human rights, fundamental freedoms, sustainable development and civil society cooperation; whereas EPCA entered into full force on 1 March 2020 following the ratification by all Member States;
- M. whereas the new EU strategy on Central Asia puts a strong emphasis on the EU's engagement with Central Asia in the protection and promotion of the rule of law, human rights and fundamental freedoms, including freedom of association and expression and of enabling environment for civil society and human rights defenders;
1. Deeply regrets the loss of life and strongly condemns the widespread acts of violence erupted, following peaceful protests in Kazakhstan; pays its respects to the victims and their families;
 2. Condemns the violations on fundamental freedoms and human rights committed by Kazakh authorities against demonstrators, media workers and activists, including the indiscriminate use of lethal force by security forces; condemns the President Tokayev's inflammatory rhetoric, including his general portrayal of the protesters as "terrorists", unsubstantiated and inflated claims of their numbers (around 20,000) and threat to "kill them"; urges him to publicly cancel any order to shoot to kill without warning to the authorities across Kazakhstan;
 3. Urges the government of Kazakhstan to immediately release arbitrarily detained demonstrators and activists who committed no internationally recognized crimes and journalists who have been arbitrarily detained for their coverage of mass protests; calls on the government of Kazakhstan to ensure that all due process rights of those detained are fully respected, including by granting them immediate access to lawyers and ensuring beatings or torture do not occur in places of detention;
 4. Calls the EU Member States to take the initiative to invoke the Moscow Mechanism of the Organisation for Security and Cooperation in Europe to inquire on the facts and circumstances around the deaths of protesters and law enforcement officers in Almaty in

January 2022 and other allegations of human rights violations since the beginning of the peaceful protest movement throughout Kazakhstan;

5. Calls the authorities of Kazakhstan to revise the definition of “extremism” to bring it in line with Kazakhstan’s international obligation; cease using Article 405 of Kazakhstan’s Criminal Code to target perceived or actual members of banned “extremist” groups; seek a review of the arbitrary court-imposed ban on peaceful political movements; commission an independent review of all convictions handed down on charges of organizing or participating in a banned “extremist” organization; and ask the courts to vacate all convictions imposed on people simply for alleged membership in or support of a peaceful political opposition or advocacy group;
6. Calls upon the authorities of Kazakhstan to revise the law on public assemblies in order to guarantee the right to peaceful protest in line with international standards; allow people in Kazakhstan to participate in peaceful protests without fear of arrest or police harassment and interference; and ensure that independent media, civil society groups, political opposition groups, activists, trade unionists and human rights defenders can carry out their activities without undue government interference or fear of harassment or politically motivated prosecution;
7. Calls on Kazakhstan to implement urgent reforms aimed at fighting corruption and the increased inequalities, as those here also some of the main reasons for the January 2022 protests, and furthering the country’s modernisation, democracy and stability, to strengthen efforts to reform the political system of Kazakhstan so as to develop parliamentarism and a multi-party system and to expand civic participation;
8. Expresses concern about the worrying situation with media freedom in the country; calls on the government of Kazakhstan to provide independent journalists with a free and safe environment; strongly condemns the use of internet shutdowns to crush dissent and violate freedom of expression and assembly, contrary to international human rights standards; calls on the Kazakh authorities to restore unrestricted access to the internet, unblock all other forms of communication and stop meting out reprisals against those who share news independently; calls President Tokayev to publicly recognize and fully respect the importance and the role of the media in Kazakhstan;
9. Calls on the EU and its Member States, including at Summits, other high-level meetings, in multilateral fora and through their local representations, to robustly support civil society, including human rights defenders, to attend court hearings and trials of journalists and individuals detained in the context of protests and visit them in detention and to react swiftly and resolutely to any act that goes against the principles of the rule of law, democracy and human rights, which constitute essential elements of the EU-Kazakhstan EPCA, in line with the EU’s human rights guidelines and the EU Action Plan on Human Rights and Democracy;
10. Recalls the demands from its February 2021 urgency resolution on the human rights situation in Kazakhstan that human rights must be at the top of the EU’s engagement with Central Asia; stresses once again that financial assistance to Kazakhstan should be

primarily aimed at supporting independent civil society and victims of political persecution;

11. Calls on the European External Action Service to initiate a consideration of the situation in Kazakhstan in the next session of UN Human Rights Council with the adoption of the subsequent resolution on the situation;
12. Calls on Kazakhstan's neighbours to refrain from all interference which could have a negative impact on Kazakh internal affairs and to play a constructive role in achieving stability and unity in the country, within a democratic framework;
13. Calls the CSTO forces in Kazakhstan to respect the sovereignty and independence of the country as well as the fundamental rights of all citizens; welcomes the announcement by Kazakh authorities on CSTO forces' withdrawal from Kazakhstan within the next days;
14. Calls on the European Commission and the Council to initiate a dispute settlement procedure under Article 278 of the EPCA, to ensure that the authorities of Kazakhstan fully investigate human rights violations committed in January 2022, including the alleged use of illegally armed groups to aid these violations, and address concerns exposed by domestic, regional or international human rights bodies, including the OSCE and the UN around the human rights violations committed in January 2022;
15. Recalls the recently approved EU Global Human Rights Sanctions Regime – which enables the EU to target perpetrators of serious human rights abuses worldwide – which, in the case of Kazakhstan, would allow for the targeting of individuals, entities and bodies involved in or associated with widespread and systematic human rights violations; calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and the Member States to consider imposing targeted sanctions on high-level Kazakh officials responsible for the most serious violations committed during the protests of January 2022;
16. 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 governments and parliaments of the Member States and the government and the parliament of Kazakhstan.