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B7-0176/2013

## 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 122 of the Rules of Procedure

on the human rights situation in Kazakhstan  
(2013/2600(RSP))

**Leonidas Donskis, Graham Watson, Marietje Schaake, Niccolò Rinaldi, Ramon Tremosa i Balcells, Marielle de Sarnez, Sarah Ludford, Kristiina Ojuland, Robert Rochefort, Sonia Alfano, Johannes Cornelis van Baalen, Izaskun Bilbao Barandica**  
on behalf of the ALDE Group

**European Parliament resolution on the human rights situation in Kazakhstan  
(2013/2600(RSP))**

*The European Parliament,*

- having regard to the general provisions on the Union's external action laid down in Article 21 TEU, and the procedure for the conclusion of international agreements set out in Article 218 TFEU,
- having regard to its resolutions on Kazakhstan, in particular that of 15 March 2012<sup>1</sup> and that of 17 September 2009 on the case of Yevgeny Zhovtis<sup>2</sup>, and to that of 7 October 2010 on the World day against the death penalty<sup>3</sup>,
- having regard to its resolution 22 November 2012 containing the European Parliament's recommendations to the Council, the Commission and the European External Action Service on the negotiations for the EU-Kazakhstan enhanced partnership and cooperation agreement<sup>4</sup>,
- having regard to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States and Kazakhstan, which entered into force on 1 July 1999<sup>5</sup>,
- having regard to the EU Strategy for a New Partnership with Central Asia: 'The European Union and Central Asia: Strategy for a New Partnership', adopted by the European Council on 21-22 June 2007, and to the progress reports of 24 June 2008, 28 June 2010 and 25 June 2012,
- having regard to its resolution of 15 December 2011 on the state of implementation of the EU Strategy for Central Asia<sup>6</sup>,
- having regard to the new EU Strategic Framework and Action Plan on Human Rights and Democracy adopted by the EU foreign ministers, and to the conclusions adopted at the 3179th Foreign Affairs Council meeting of 25 June 2012,
- having regard to the statements by EU HR/VP Catherine Ashton on the events in the Zhanaozen district of 17 December 2011 and on the 15 January 2012 parliamentary elections in Kazakhstan (made on 17 January 2012),

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<sup>1</sup> Texts adopted, P7\_TA(2012)0089.

<sup>2</sup> OJ C 224 E, 19.8.2010, p. 30.

<sup>3</sup> OJ C 371 E, 20.12.2011, p. 5.

<sup>4</sup> Texts adopted, P7\_TA(2012)0459.

<sup>5</sup> OJ L 196, 28.7.1999, p.1; OJ L 248, 21.9.1999, p. 35.

<sup>6</sup> Texts adopted, P7\_TA(2011)0588.

- having regard to the statement on the media situation in Kazakhstan made by the OSCE Representative on Freedom of the Media on 25 January 2012,
  - having regard to the statement by the spokesperson of High Representative Catherine Ashton on the trial of Vladimir Kozlov in Kazakhstan delivered in Brussels on 9 October 2012 (A 448/12)
  - having regard to Rule 122 of its Rules of Procedure,
- A. whereas the general situation with regard to the respect of human rights and basic civil liberties in Kazakhstan has deteriorated significantly over the past few months;
  - B. whereas Kazakhstan aspires to maintain positive relations with the EU bodies and the EU Member States bilaterally,
  - C. whereas there is an ongoing dialogue between MEPs, official representatives of Kazakhstan, representatives of civil society and NGOs on issues of mutual interest,
  - D. whereas the EU and Kazakhstan aspire to deepen and broaden their relations; whereas the peoples of the EU and Kazakhstan should benefit mutually from closer cooperation; whereas the conclusion of the new PCA negotiations should provide a comprehensive framework for cooperation based on human and democratic rights, as well as opportunities for socio-economic development and for the necessary political and economic reforms; whereas social and economic development are closely interconnected;
  - E. whereas although the suspension of the application of any PCA has been used only rarely and partially by the Council, it remains a viable option in case of serious and documented breaches of human rights;
  - F. whereas Kazakhstan has played a positive role in Central Asia, making efforts to develop good neighbourly relations with bordering countries, resume regional cooperation and resolve all bilateral issues by peaceful means;
  - G. whereas on 16 December 2011 in the city of Zhanaozen, in the province of Mangistau, more than 3000 people rallied in support of the demands of oil workers on strike since May for higher wages and better conditions; whereas, the Kazakhstani authorities have to date failed to ensure an impartial and thorough investigation of these events;
  - H. whereas in October 2012 the Mangistau regional court sentenced Vladimir Kozlov, leader of the unregistered opposition party Alga! to 7,5 years of detention in a penal colony and to confiscation of assets on charges of inciting social hatred, calling for the violent overthrow of the constitutional order and the creation of an organized criminal group and whereas the charges were only based on the examination of parts of Vladimir Kozlov's statements and telephone conversations, taken out of context, whereas Mr Kozlov's trial did not adhere to international standards;
  - I. whereas the health of Vladimir Kozlov has significantly deteriorated in the last weeks; whereas he has complained of stomach cramps, hip aches and toothaches, but these

conditions are not being treated because of a lack of appropriate equipment in the penal facility that he is in; whereas the denial of adequate medical care is regarded as inhuman or degrading treatment by international conventions to which Kazakhstan is a party;

- J. whereas in December 2012, the Court banned on charges of extremism the unregistered opposition party "Alga!", represented by Aliya Turusbekova, wife of Vladimir Kozlov; whereas Mrs Turusbekova has received an official notice stating that she would be held responsible, under criminal charges, for any party-related activity carried out in Kazakhstan by any organization linked to the Alga! party of any of its members,
  - K. whereas Mrs Turusbekova has been a target of threats and intimidations following her meetings on an international level to discuss her husband's situation and advocate for human rights to be observed in Kazakhstan,
  - L. whereas on 25 December 2012, the court banned almost all independent Kazakh media (8 newspapers and 23 news websites), classified by the prosecutor as 'one unified media outlet Respublika', on charges of extremism; on 22 February 2013, the first sentence was upheld by the Court of Appeal and the Prosecutor publicly stated that journalists of the banned media are not allowed to exercise their profession,
  - M. whereas a renowned human rights defender, Vadim Kuramshin was arrested, following his return from the OSCE Supplementary Human Dimension Meeting in Warsaw in September 2012, and sentenced on 7 December 2012 to 12 years of imprisonment in a special regime colony on charges of blackmailing the district attorney's assistant, and the sentence was upheld by the Court of Appeal on 14 February 2013; prior to that, after months-long trial, Vadim Kuramshin was acquitted by the jury on 28 August 2012 and was released directly from the court room,
  - N. whereas Kazakhstan adopted legislation on religion in 2011 which introduced new requirements for religious registration and restrictions on missionary activity and the importation and distribution of religious literature, which often disproportionately affects those individuals belonging to small minority groups as well as religious communities the government deems non-traditional to Kazakhstan;
- 1. Is deeply concerned by the continuously deteriorating situation of human rights and freedom of expression in Kazakhstan;
  - 2. Expresses great concern for the continuing crackdown on opposition parties and its leaders and calls on the authorities to abide by the principles and commitments of the OSCE guaranteeing freedom of speech and freedom of assembly;
  - 3. Expresses its deep concern about the socio-political situation of the Kazakhstani citizens and the decreasing protection of their fundamental rights, especially in the area of freedom of assembly, association and expression, equality for women in the workplace, female sexual and reproductive rights, and children's rights;

4. Underlines that the Enhanced Partnership and Cooperation Agreement with the EU is strongly dependent on political reforms in Kazakhstan with regard, in particular, to the respect for human rights, the rule of law and democratic freedoms;
5. Urges the authorities of Kazakhstan to release its political prisoners, including Vladimir Kozlov, Vadim Kuramshin and Roza Tuletayeva, imprisoned following their visits to the European Parliament and other international institutions and bodies;
6. Further insists that it is imperative to urgently provide Vladimir Kozlov, as well as the other prisoners, with adequate medical care, and if necessary medical equipment and medical specialists are not available in the penal facility in which he is in, to move him to a hospital;
7. Condemns the ban on the unregistered opposition party Alga!, represented by Mrs Aliya Turusbekova, wife of Mr Vladimir Kozlov, leader of the party currently serving his sentence in the penal colony in Petropavlovsk, in the North-East part of Kazakhstan;
8. Stresses that Mrs Turusbekova cannot be held responsible for actions of any third persons, whether members of the Alga! party or not;
9. Expresses concern about the conduct of the post-Zhanaozen trials; calls for an independent, international investigation into the Zhanaozen events, their causes and their aftermath
10. Urges Kazakhstan to maintain its commitment to further reforms, in order to build up an open and democratic society including an independent civil society and opposition;
11. Deplores the ongoing crackdown on media and freedom of expression and strongly condemns the legal and political persecution of the independent Kazakh media, called by the prosecutor “one unified media outlet Respublika” issued by the court in December 2012 and confirmed by the verdict of the Appeal Court on 22 February 2013; calls on the government of Kazakhstan to loosen its control on electronic media;
12. Calls on Kazakhstan to make amendments to its laws in order to decriminalise libel, since the current laws on libel severely limit freedom of expression in the country, promote the development of self-censorship, and in practice have silenced many journalists by putting them in jail, as a consequence depriving the public of the right to be properly informed and to hold public officials accountable;
13. Calls on the Kazakh authorities to maintain its obligations resulting from many international conventions signed by Kazakhstan and ensure that independent journalists can continue to carry out their professional activities without facing prosecution;
14. Calls for unconditional assurances by the Kazakh authorities regarding the safety of the families of arrested activists;
15. Calls on Kazakhstan to review its legislation on religion and ease requirements on the registration and practice of religion;

16. Insists that Kazakhstan further translates its Human Rights Action Plan into legislation and continues to implement it in full, drawing on the recommendations of the Venice Commission and making use of EU technical assistance under the Rule of Law initiative;
17. Calls on the European Commission to start negotiations on visa facilitation between the EU and Kazakhstan, since this would provide tangible benefits for economic, cultural and scientific exchanges and further promote people-to-people contacts;
18. Calls on the External Action Service to closely monitor the developments of the situation and to report back to the European Parliament and to ensure that human rights activists that come to the European Parliament and the European Commission to discuss the issues of human rights are protected against any kind of personal threats, pressures and persecution related to these visits;
19. Calls on the EU, and in particular the High Representative of the European Union for Foreign Affairs and Security Policy and the EU Special Representative for Human Rights, to monitor developments closely, to raise all issues of concern with the Kazakh authorities, to offer assistance, and to report regularly to Parliament; reminds that any progress on an enhanced Partnership and Cooperation Agreement should be directly linked to an improvement in the human rights situation in Kazakhstan;
20. Instructs its President to bring this resolution to the attention of the HR/VP and the Council, the EU Special Representative for Human Rights, the Commission, the Governments and Parliaments of the Member States, the Government and Parliament of the Republic of Kazakhstan, and the Organisation for Security and Cooperation in Europe.