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*Plenary sitting*

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**B8-0205/2019**

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))

**Charles Tannock, Karol Karski, Monica Macovei, Ruža Tomašić, Ryszard Czarnecki, Jana Žitňanská**  
on behalf of the ECR Group

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

*The European Parliament,*

- having regard to its previous resolutions on Kazakhstan, in particular those of 10 March 2016, of 18 April 2013, of 15 March 2012, and of 17 September 2009,
  - having regard to the Enhanced Partnership and Cooperation Agreement (EPCA) that was signed on 21 December 2015,
  - 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 Joint Communication of 19 September 2018 - Connecting Europe and Asia: Building blocks for an EU Strategy, and the Council conclusions of 15 October 2018,
  - having regard to the Joint Communication of the 14th EU-Central Asia Foreign Ministers' Meeting of 23 November 2018,
  - having regard to the EU-Kazakhstan 10th Human Rights Dialogue, 17th EU-Kazakhstan Cooperation Committee meeting of 30 January 2019, and the 16th EU-Kazakhstan Parliamentary Cooperation Committee meeting of 31 January 2019,
  - having regard to the Press statement of an AFET Delegation to Kazakhstan on 17-19 September 2018,
  - having regard to the 1948 Universal Declaration of Human Rights,
  - having regard to the International Covenant on Civil and Political Rights,
  - having regard to the Rule 135 (5) and 123(4) of its Rules of Procedure,
- A. whereas, as part of the Enhanced Partnership and Cooperation Agreement between the European Union and Kazakhstan the principles of democracy and the rule of law, human rights and good governance represent a cornerstone of the enhanced bilateral cooperation,
- B. whereas the economic ties between EU and Kazakhstan are significant, the EU being the primary trade partner and the largest foreign investor in Kazakhstan,
- C. whereas the Kazakhstan's government has been making efforts to diversify the economy, to improve the legislative and fiscal environments for SMEs; whereas in the World Bank Ease of Doing Business index Kazakhstan is ranked 28 out of 190,

- D. whereas Kazakhstan plays a crucial role with regard to the stability and security of Central Asia and the economic development of the region as a whole,
- E. whereas a new EU-Central Asia Strategy is expected to be proposed by the Commission and the HR/VP in 2019,
- F. whereas the human rights situation in Kazakhstan has been deteriorating since the Zhanaozen protests of 2011, particularly indicating infringements on freedoms of expression, association and assembly; whereas human rights issues fall under the scope of various EU-Kazakhstan dialog and cooperation mechanisms,
- G. whereas Kazakhstan is ranked 158th out of 180 countries in the 2018 Reporters Without Borders press freedom index,
- H. whereas, according to the reports, hundreds of peaceful protesters were arrested throughout the country on 27 February 2019 as the ruling party, Nur-Otan, held its 18th annual conference; whereas permission from local authorities is needed to hold any kind of street protest and this is often refused,
- I. whereas Kazakhstan, in disregard of UN, OSCE and EU recommendations, adopted a new Criminal Code that provides vague and politicised charges such as ‘incitement of social discord’, ‘dissemination of knowingly false information’, ‘interference of members of civil society associations in the activities of state bodies’, ‘violation of the order of organising rallies’, ‘promoting illegal gatherings’,
- J. whereas protests against the land reform in 2016 were followed by mass detentions; whereas activist Maks Bokayev is serving prison term in this regard; whereas the UN Working Group on Arbitrary Detention recognised as arbitrary deprivation of liberty of Maks Bokayev and Iskander Yerimbetov sentenced to seven years in October 2018; whereas the severely ill Mukhtar Dzhakishev has been imprisoned for almost ten years and was denied release on parole,
- K. whereas human rights defenders in Kazakhstan are faced with physical and verbal threats, acts of intimidation, judicial harassment, and arbitrary detention,
- L. whereas human rights defender Elena Semenova was charged with “disseminating false information” in July 2018 after meeting MEPs in Strasbourg and discussing torture in Kazakhstan, and her future meetings with MEPs were obstructed;
- M. whereas Kazakh authorities have consistently marginalized or imprisoned genuine opposition figures; whereas opposition parties have been banned through laws against ‘extremism’; whereas the Democratic Choice of Kazakhstan (DVK) movement was banned on 13 March 2018; whereas a number of people were detained for sharing DVK materials and participating in its rallies; whereas on 21 December 2018 Kenzhebek Abishev, Oralbek Omirov, Almat Zhumaghulov were sentenced to prison terms;
- N. whereas according to reports, more than 15 political prisoners are being held in Kazakhstan, and the number of politically motivated persecutions is growing,

- O. whereas on 10 May 2018 police resorted to use excessive force and detained more than 150 peaceful protesters, including children, which tried to draw attention of the European Parliament delegation to problem of tortures in the country; whereas on 17-18 September 2018 the Kazakhstani police detained several activists who wanted to meet with Members of European Parliament delegation,
- P. whereas the use of torture noted by international organisations and human rights NGOs is common practice; whereas such blatant violations are carried out in breach of the International Covenant on Civil and Political Rights, to which Kazakhstan is a signatory; whereas Kazakhstani authorities fail to properly investigate incidents of torture and do not provide responsibility of perpetrators,
- Q. whereas severe restrictions are applied to independent media; whereas local news outlets face continuous pressure; whereas activists and journalists receive prison terms for civil and trade union activities, for public criticism of the authorities, for participating in peaceful rallies, for publishing and sharing posts on social networks, and for conducting journalistic investigations; whereas despite constitutional guarantees freedoms of speech and assembly remain undermined,
1. Urges the government of Kazakhstan to respect human rights and fundamental freedoms, such as freedoms of expression, media, association, peaceful assembly and religion; reminds that the EU-Kazakhstan cooperation under the EPCA provides for hand in hand advancement of both trade and economic relations, and respect for democracy, the rule of law and human rights; calls on the Commission to more actively raise human rights issues and requesting information on progress in this area;
  2. Urges Kazakhstan to fulfil its international commitments in a field of human rights; insists to act in respect of the EPCA, implementing human rights protection as set out in articles 1, 4, 5 and 235,
  3. Welcomes intensification of political dialogue, the Kazakhstan's regional and global initiatives, commitment to nuclear security, and membership in the Asia-Europe Meeting; expects further development of economic cooperation; looks forward to the new EU-Central Asia Strategy in view of positive dynamics in Central Asia; reiterates that EU enhanced relations with Kazakhstan are linked to concrete human rights improvements,
  4. Reiterates its call for an independent international investigation into the 2011 Zhanaozen events; regrets detentions of activists attempting to commemorate the victims, such as on 16 December 2018; expresses its regret over preventing journalists' from independent investigation, such as the detention of Vincent Prado on 27 September 2018; welcomes the release on parole of the Alga! opposition party leader Vladimir Kozlov; calls for release of all other political prisoners, such as Maks Bokayev, Mukhtar Dzhakishev and Iskander Yerimbetov, and prosecuting those responsible for violations in their cases;
  5. Is concerned by the practice of mass detentions of peaceful protests participants, such as those of 27 February 2019; is particularly concerned by the so-called "preventive"

detentions; regrets the Kazakhstan's efforts to prevent international contacts of its citizens on human rights issues, illustrated by the Elena Semenova's case, deportation on 14-15 February 2019 of Lyudmyla Voloshyna and Valeriy Yavtushenko who were trying to meet Malik Kenzhaliev, a former judge fired after acquitting an opposition activist, and by detention of the people attempting to speak to the AFET Delegation to Kazakhstan of 17-19 September 2018,

6. Expresses its concern over the repressions against political opposition, human rights defenders and independent media based on charges of "extremism"; regrets the closure of independent trade unions in 2017 and the arrest of several Union leaders,
7. Urges the authorities of Kazakhstan to end politically motivated imprisonment and prosecution of journalists, bloggers, human rights defenders, trade unions and civil society activists,
8. Welcomes the legislature adopted in 2014-2015 aimed at eradication of torture, as well as the recent "Towards a society without torture" Action Plan; encourages further efforts, particularly ensuring proper investigation of alleged torture cases; appreciates implementation of the "Enhancing Criminal Justice in Kazakhstan" EU-funded project in 2015-2018 and ongoing projects under the EIDHR; welcomes the work of the EU Delegation to Kazakhstan and encourages the Commission to further support strengthening the rule of law in Kazakhstan; underlines that effectiveness of such efforts depends on an integrated approach,
9. Expresses its concern over criminalizing broadly defined acts such as "incitement of social, national, ... or religious discord", "dissemination of information known to be false", "encroachment on the honour and dignity" of the President and MPs, "illegal interference of members of civil society associations in activities of state bodies", "providing assistance to illegal assemblies"; is worried that such charges are widely used against human rights defenders and journalists, restricting freedoms of expression, assembly and association; is particularly concerned over increased criminal sanctions against "leaders of public associations"; calls on Kazakhstan to follow the UN, EU and OSCE recommendations to revisit the relevant provisions; regrets the media legislation adopted in December 2017 complicating the work of investigative journalists, as well as the continuing media and Internet censorship,
10. Welcomes the constitutional reform of March 2017 as a step forward in the process of democratisation; is concerned, however, that the reform's impact is undermined by other changes, such as Nursultan Nazarbayev's lifelong chairmanship of the Security Council able to extensively intervene in executive decision-making and control law enforcement and security agencies; is further concerned by the lack of genuine parliamentary opposition; expresses its hope for democratisation of the Kazakhstan's political system and consolidation of separation of powers, particularly stressing the need for a truly independent judiciary; calls on Kazakhstan for implementation of the OSCE/ODIHR recommendations before the next presidential elections that are due in 2020; urges to avoid preventing independent candidates from participation;
11. Welcomes the Kazakhstan's efforts to diversify and modernize the economy; acknowledges the Kazakhstan's reform initiatives such as "100 Concrete Steps" and

“Five Social Initiatives”; expresses its hope that in conjunction it will lead to a fairer society and decrease of inequality; calls for this to be coupled with strengthening of the democratic institutions, enhancing governance, reforming the judiciary, greater efforts in fighting corruption;

12. Instructs its President to forward this resolution to the HR/VP, the Council, the Commission, the governments and parliaments of the Member States, the Organisation for Security and Cooperation in Europe and the Government and Parliament of Kazakhstan.