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*Plenary sitting*

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**B9-0146/2021**

9.2.2021

## **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 Human rights situation in Kazakhstan  
(2021/2544(RSP))

**Kati Piri, Isabel Santos, Andris Ameriks**  
on behalf of the S&D Group

**B9-0146/2021**

**European Parliament resolution on the Human rights situation in Kazakhstan  
(2021/2544(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Kazakhstan, in particular those of 14 March 2019, 12 December 2017 and 10 March 2016;
- having regard to the European Union - Republic of Kazakhstan Enhanced Partnership and Cooperation Agreement;
- having regard to the Council conclusions on a new EU strategy on Central Asia adopted on 17 June 2019;
- having regard to the Kazakhstan country report of the EU Annual Report on Human Rights and Democracy in the World 2019;
- having regard to the 17th meeting of the EU-Kazakhstan Cooperation Council on 20 January 2020, to the 12th EU - Kazakhstan Human Rights Dialogue meeting on 26-27 November 2020 and to the 18th meeting of the EU-Kazakhstan Cooperation Committee on 25 September 2020;
- having regard to the statements by the EEAS spokesperson of 7 January on steps to abolish the death penalty in Kazakhstan, of 11 January 2021 on the parliamentary elections and of 1 February 2021 on the increasing pressure on human rights NGOs;
- having regard to the OSCE's statement of the preliminary findings and conclusions regarding the elections in Kazakhstan on 10 January 2021;
- having regard to the UN Human Rights Council Universal Periodic Review of Kazakhstan adopted on 12 March 2020;
- 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 21 December 2015 the European Union and Kazakhstan signed and 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;
- B. 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; whereas the European Union provides substantial COVID-19 relief to Kazakhstan, including most recently through its financial support to a WHO shipment of over 8,000 kg of medical supplies on 29 January 2021;
- C. whereas, in recent months, the human rights situation in Kazakhstan has sharply deteriorated; 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; whereas this crackdown took place in the context of legislative elections for Kazakhstan's 107-member Mazhilis on 10 January 2021;
- D. 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 between October and November 2020 at least 15 organisations received notifications that they had violated Article 460–1 of the Code of Administrative Offenses for allegedly failing to properly inform the authorities about foreign funding received; whereas, according to a joint statement by NGOs involved of 30 November 2020, the alleged violations pertain not to presumed illegal activity but to the erroneous completion of tax forms submitted for informational purposes;
- E. whereas at least three organisations, including Kazakhstan International Bureau for Human Rights and the Rule of Law, the International Legal Initiative Foundation and Echo, were heavily fined and suspended for at least three months as of January 2021 and at least one more organization, Erkindik Kanaty, was heavily fined on the basis of unclear legal grounds; whereas on 4 February 2021, following mounting international pressure, the State Revenue Department of Almaty and the State Revenue Department of Nur-Sultan revoked the rulings of their district offices against these four organisations, MediaNet and the Legal Media Center due to the lack of corpus delicti or due to insignificance of the offenses, cancelled their fines, and allowed them to resume their activities;
- F. whereas the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the UN Special Rapporteur on the situation of human rights defenders and the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association had called on Kazakhstani authorities to repeal Article 460-1 of the Code on Administrative Violations, which relates to foreign funding, stating already in 2015 that this article would “challenge associations' very existence”;

- G. whereas human rights activists continue to face reprisals and restrictions in their activities; whereas at least 16 activists are exposed to persecution, retaliation, lawsuits and even criminal prosecution on “extremism” charges under Article 405 of Kazakhstan’s Criminal Code; whereas several other people have been harassed for their human rights activism; whereas the authorities have attempted to threaten activists into silence by freezing their and their families’ bank accounts;
- H. whereas the death of prominent blogger and opposition activist , Dulat Agadil, in police custody on 24 February 2020 sparked nationwide protests ; whereas in November 2020, his 17-year-old son, who was the main witness to the arrest of Dulat Agadil, Zhanbolat Agadil was killed under unclear circumstances; whereas his family have become the target of constant surveillance for demanding a thorough investigation into Dulat Agadil’s death; whereas the Kazakhstani authorities cracked down on at least 200 activists who participated in the memorial ceremony for Dulat Agadil or organised fundraising activities for his and other political prisoners’ families; whereas 57 of them are charged with “extremism”;
- I. whereas independent journalists have continued to face harassment, arbitrary detention, and arbitrary criminal prosecutions for carrying out their legitimate work; whereas between January and July, 7 journalists were physically attacked and 21 journalists, bloggers and activists were detained, 7 of whom while reporting; whereas authorities in 2020 brought more than 38 criminal cases against journalists for alleged crimes such as spreading false information and incitement;
- J. whereas impunity for torture and ill-treatment of prisoners and suspects persists, despite government commitment to zero-tolerance for torture, and no independent mechanism to investigate allegations of torture is in place; whereas between January and June more than 140 complaints of torture had been recorded; whereas human rights defender Elena Semenova made public the facts of torture in Kazakhstani places of detention and for these action lawsuits have been filed against her by prison management;
- K. whereas parliamentary elections took place in Kazakhstan on 10 January 2021; whereas these were the first legislative elections to be held after President Kassym-Jomart Tokayev assumed office on 20 March 2019 following the resignation of Nursultan Nazarbayev; whereas, according to the OSCE International Election Observation Mission, the snap presidential election of 9 June 2019 which resulted in the electoral affirmation of Tokayev’s presidency was marred by significant irregularities, including cases of ballot box stuffing, a disregard of counting procedures, and widespread detentions of peaceful protesters;
- L. whereas President Tokayev promised to usher in an era of reforms; whereas according to the preliminary findings of the OSCE/ODIHR and the OSCE Parliamentary Assembly, the legal framework in Kazakhstan is not yet conducive to holding elections in line with international standards; whereas human rights NGOs reported a considerable number of independent observers to the legislative elections of 10 January 2021 being subjected to intimidation, administrative arrests and fines; whereas many long-standing ODIHR recommendations remain unaddressed, including those related to fundamental freedoms, impartiality of election administration, eligibility to vote and stand for elections, voter registration, the media and publication of election results;

- M. whereas, at 63.3%, the elections featured the lowest turnout in two decades; whereas the Nazarbayev-led Nur Otan party won 71.09% of the vote while only two other parties, Ak Zhol Democratic Party and the People's Party of Kazakhstan, passed the 7% electoral threshold; whereas, as both these parties effectively support the current government and the Nationwide Social Democratic Party boycotted the elections, no genuine opposition is present in the Mazhilis's current composition;
- N. whereas since the date of the elections was announced, the number of politically motivated criminal cases initiated against civil society activists, peaceful protesters, social media users and regime critics doubled; whereas among them 11 activists are under house arrest on "extremist" charges, while 69 politically prosecuted persons are at risk of imminent arrest;
- O. whereas on the day of parliamentary elections, at least 350 peaceful protesters from 9 different cities were arbitrarily detained and kept in police custody;
- P. whereas there are currently 289 political prisoners in Kazakhstan; whereas administrative supervision is misused as a punishment for released political prisoners in order to prevent their civic engagement;
- Q. whereas two opposition movements, the Koshe Partiyasy and the Democratic Choice of Kazakhstan were banned by secret court decisions labelling them as "extremist" organisations with no right to appeal; whereas 17 leaders of the Koshe Partiyasy have been sent to pre-trial detention facilities under Article 405 and Article 182 Kazakhstan's Criminal Code and risk long prison terms; whereas prisoners charged as supporters of the Democratic Choice of Kazakhstan are still serving their prison sentences;
- R. whereas the unregistered opposition Democratic Party was not allowed to participate in these elections, as on 22 February 2020 the authorities prevented the party from holding its founding congress in Almaty; whereas without holding such a congress it is impossible for a party to register; whereas members of the Democratic Party faced pressure from the authorities as some were arrested for alleged administrative violations and others were prevented from travelling to the congress venue;
- S. whereas the new law on public assemblies was passed during the state of emergency, disregarding the participation of the civil society and the recommendations of the UN special rapporteur on the rights to freedom of peaceful assembly and of association; whereas the new law does not conform to international standards, restricting the right to peaceful assembly, imposing onerous rules, banning spontaneous protests, while prohibiting unregistered groups and some people with disabilities from organizing protests;
- T. whereas the Kazakhstani authorities have failed to amend and bring in conformity with international human rights standards the overly broad articles of the Criminal Code: Article 174 ("inciting social, national, generic, racial, class or religious discord") and Article 274 ("dissemination of knowingly false information").

1. Calls on the government of Kazakhstan to fulfill its international obligations, in particular in regards to the respect of human rights and fundamental freedoms as enshrined in Articles 1, 4, 5 and 235 of the EPCA;
2. Urges the authorities of Kazakhstan to immediately cease the persecution of civil and opposition activists, social media users, political prisoners and peaceful protesters, to close all administrative and criminal cases and lift any measures applied against them such as pre-trial detention, house arrest or other liberty restrictions;
3. Calls on the government of Kazakhstan to revise the cases and provide compensation to former political prisoners and victims of torture in accordance with the recommendations of the UN Working Group on Arbitrary Detention and the UN Human Rights Committee;
4. Insists that the government of Kazakhstan should release without delay all political prisoners and cancel the measure of pre-trial detention and house arrests, as well as restriction of liberty applied against them;
5. Welcomes the government of Kazakhstan's decision to lift the fines and suspensions of human rights NGOs for alleged minor violations related to the reporting of foreign grants brought previously by tax authorities;
6. Urges the government of Kazakhstan to review the law on public assemblies to ensure compliance with international human rights standards and in particular to revise articles 460-1 and 460-2 of the Code on Administrative Offenses;
7. Calls on the Kazakhstani authorities to amend the Articles 131, 174, 274 and 378 of the Criminal Code, which have been used widely against activists, bloggers, journalists and others for exercising their right to freedom of expression;
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;
9. Urges the government of Kazakhstan to allow independent trade unions to register and operate in line with international labour standards ratified by Kazakhstan, without any interference or harassment; deeply regrets the six-month suspension of the operations of the Industrial Trade Union of Fuel and Energy Workers by the Specialised Interdistrict Economic Court in Shymkent on 5 February 2021 for allegedly failing to register in accordance with the Trade Union Law; encourages the government of Kazakhstan to meaningfully implement the Trade Union Law as amended in May 2020;
10. Encourages the government of Kazakhstan to fully implement the recommendations made by OSCE/ODIHR for ensuring that election related legislation and practice are consistent with Kazakhstan's international obligations;
11. Urges the government of Kazakhstan to register opposition political parties, to ensure greater political pluralism in Kazakhstan and to cease targeting perceived or actual members of unregistered political opposition groups in Kazakhstan with criminal charges under article 405 of the Criminal Code;

12. Welcomes Kazakhstan's abolition of the death penalty for all crimes by ratifying on 2 January 2021 the Second Optional Protocol to the International Covenant on Civil and Political Rights, becoming the 88th party; urges the government of Kazakhstan to comply with its pledges of zero-tolerance for torture and ensure that any allegations of torture are fully investigated and those responsible are brought to justice;
13. 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, attend trials of government critics and human rights defenders, request prison visits 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;
14. 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.