

Thursday 10 March 2016

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Freedom of expression in Kazakhstan

European Parliament resolution of 10 March 2016 on freedom of expression in Kazakhstan (2016/2607(RSP))

(2018/C 050/05)

The European Parliament,

- having regard to its previous resolutions on Kazakhstan, including those of 18 April 2013 ⁽¹⁾, of 15 March 2012 ⁽²⁾, of 22 November 2012 containing the European Parliament's recommendations to the Council, the Commission and the European External Action Service on the negotiations for an EU-Kazakhstan Enhanced Partnership and Cooperation Agreement ⁽³⁾, of 15 December 2011 on the state of implementation of the EU Strategy for Central Asia ⁽⁴⁾, and of 17 September 2009 on the case of Yevgeny Zhovtis in Kazakhstan ⁽⁵⁾,
- having regard to remarks made by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, following the signing of the EU-Kazakhstan Enhanced Partnership and Cooperation Agreement (EPCA) on 21 December 2015,
- having regard to the seventh round of the annual EU-Kazakhstan Human Rights Dialogue in Astana on 26 November 2015,
- having regard to the Council conclusions of 22 June 2015 on the EU Strategy for Central Asia,
- having regard to the fourth progress report of 13 January 2015 on the implementation of the EU Strategy for Central Asia adopted in 2007,
- having regard to the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, following his mission to Kazakhstan and presented on 16 June 2015,
- having regard to the Enhanced Partnership and Cooperation Agreement signed on 21 December 2015,
- having regard to Article 19 of the International Covenant on Civil and Political Rights,
- having regard to the 1948 Universal Declaration of Human Rights,
- having regard to Article 20 of the Constitution of Kazakhstan,
- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. 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 and the rule of law, human rights and fundamental freedoms, and sustainable development, and on civil society cooperation;

⁽¹⁾ OJ C 45, 5.2.2016, p. 85.

⁽²⁾ OJ C 251 E, 31.8.2013, p. 93.

⁽³⁾ OJ C 419, 16.12.2015, p. 159.

⁽⁴⁾ OJ C 168 E, 14.6.2013, p. 91.

⁽⁵⁾ OJ C 224 E, 19.8.2010, p. 30.

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- B. whereas Kazakhstan is an important international actor and plays an important role in the political and socio-economic development, and in the security situation, of the whole region; whereas Kazakhstan has played a positive role in Central Asia, making efforts to develop good neighbourly relations with bordering countries, to resume regional cooperation and to resolve all bilateral issues by peaceful means; whereas the EU has a vital interest in stepping up political, economic and security cooperation with the Central Asia region via a strong, open and strategic EU-Kazakhstan relationship;
- C. whereas the EPCA will need to be ratified by the parliaments of all 28 EU Member States and by the European Parliament; whereas this agreement will not only strengthen political dialogue between the EU and Kazakhstan and serve to promote mutual trade and investment, but also puts a strong emphasis on international obligations; whereas it can be acknowledged that during the course of the EPCA negotiations improvements were made in terms of civil society engagement through measures taken to involve civil society in public policymaking;
- D. whereas the general situation with regard to freedom of expression has deteriorated in recent years; whereas in December 2015 the Kazakh authorities detained Guzai Baidalinova, a journalist and the owner of the Nakanune.kz online news site, in connection with a criminal case on charges of ‘deliberately publishing false information’; whereas concerns were expressed after the arrest of Guzai Baidalinova about the harassment of independent media in Kazakhstan; whereas on 29 February 2016 a court acquitted journalist Yulia Kozlova, who writes for Nakanune.kz;
- E. whereas there is an ongoing criminal investigation against Seytkazy Matayev, the head of the National Press Club and journalists’ union, who is accused of embezzling millions of Kazakh tenge in public funds; whereas on 22 February 2016 Seytkazy Matayev, who denies the charges, and his son Aset Matayev, who is the director of the KazTag independent news agency, were detained; whereas Aset Matayev was released after questioning;
- F. whereas on 22 January 2016 a court convicted Ermek Narymbaev and Serikzhan Mambetalin — bloggers who had been arrested in October 2015 on charges of ‘inciting national discord’— and sentenced them to three years and two years in prison respectively; whereas blogger Bolatbek Blyalov was put under limited house arrest;
- G. whereas the Kazakh authorities have closed down independent and opposition media outlets, including the *Assandi Times*, *Pravdivaya* and the *ADAM bol* and *ADAM* journals; whereas in late 2012 the Kazakh authorities sued independent and opposition media outlets, in particular the *Golos Respubliki* and *Vzglyad* newspapers, as well as their affiliate newspapers and websites, and the K+ and Stan.TV online television portals;
- H. whereas in October 2014 a court in Almaty imposed a fine of KZT 34 million on Havas Worldwide Kazakhstan;
- I. whereas the European Instrument for Democracy and Human Rights (EIDHR) is an important financing tool that aims to support civil society organisations and democratisation in both the country and the region;
- J. whereas according to ILGA (the International Lesbian, Gay, Bisexual, Trans and Intersex Association), LGBTI persons in Kazakhstan face legal challenges and discrimination not experienced by non-LGBTI residents; whereas both male and female same-sex sexual activity is legal in Kazakhstan, but same-sex couples and households headed by same-sex couples are not eligible for the same legal protections available to opposite-sex married couples;
- K. whereas on 20 March 2016 Kazakhstan will hold early parliamentary elections which should be preceded by guarantees regarding freedom of expression in society and the easy and transparent registration of political parties that are considered free and fair; whereas, according to the Organisation for Security and Cooperation in Europe (OSCE) Election Observation Mission Final Report of 3 April 2012, the 2012 elections were marred by ‘significant irregularities’⁽¹⁾;

⁽¹⁾ <http://www.osce.org/odihr/elections/89401?download=true>

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- L. whereas a new Criminal Code, a new Code of Administrative Offences and a new Criminal Procedure Code came into force on 1 January 2015;
 - M. whereas Kazakhstan is ranked 160th out of 180 countries in the 2015 Reporters Without Borders press freedom index;
 - N. whereas the EU has consistently worked with Kazakhstan on its WTO accession path, which has now resulted in the completion of negotiations to join the WTO; whereas it is important that Kazakhstan follow the rule of law, uphold its international obligations and guarantee legal certainty for international companies operating in the country, together with the protection of their investments;
 - O. whereas development cooperation with Kazakhstan focuses on strengthening the capacity of regional and local government, supporting the reform of the justice sector and improving the capacity of the public sector to introduce social and economic reforms;
1. Stresses the importance of relations between the EU and Kazakhstan and of strengthening economic and political cooperation in all areas; highlights the great interest the EU has in a sustainable relationship with Kazakhstan in terms of political and economic cooperation;
 2. Expresses its concerns about the climate for media and free speech in Kazakhstan; is very concerned about the pressure on independent media outlets and the possible negative implications of new draft legislation on the funding of civil society organisations; points out that freedom of speech for independent media, bloggers and individual citizens is a universal value that cannot be bargained away;
 3. Regrets the indiscriminate blocking of news, social media and other websites on the grounds that they feature unlawful content, and calls on the Kazakh authorities to ensure that any measure to restrict access to internet resources is based on law; is concerned about the amendments to the Communications Law adopted in 2014;
 4. Is deeply worried about the disrespect and violation of prisoners' rights in Kazakhstan's prison system; is concerned about the physical and mental well-being of prisoners Vladimir Kozlov, Vadim Kuramshin (who won the Ludovic Trarieux International Human Rights Prize 2013) and Aron Atabek, who have been convicted on political grounds, and demands that they receive immediate access to necessary medical treatment and are allowed regular visits, including by family members, legal representatives and representatives of human rights and prisoners' rights organisations;
 5. Recognises the '100-step programme' as an attempt to address urgent reforms in Kazakhstan; calls on Kazakhstan to implement the National Torture Prevention Mechanism and to open a debate on the new Penal and Criminal Codes;
 6. Stresses that deeper political and economic relations with the EU as envisaged by the recently signed Enhanced Partnership and Cooperation Agreement must be based on shared values and correspond to an active and concrete engagement by Kazakhstan to conduct political and democratic reforms stemming from its international obligations and commitments;
 7. Welcomes the release, since the last Human Rights Dialogue, of a number of imprisoned human rights and labour activists;
 8. Emphasises that the legitimate fight against terrorism and extremism should not be used as an excuse to ban opposition activity, hinder the freedom of expression or hamper the independence of the judiciary;
 9. Calls for a review of the articles of the Criminal Code that can be used to criminalise lawful behaviour protected by human rights law, in particular Article 174 on 'inciting social, national, clan, racial, class or religious discord';
 10. Calls on the Kazakh authorities to quash the convictions of bloggers, including Ermek Narymbaev, Serikzhan Mambetalin and Bolatbek Blyalov; calls for the release of Guzai Baidalinova; calls for an end to the harassment of Seytkazy and Aset Matayev; points out, in this connection, that cases involving journalists should be public and that there should be no harassment during the proceedings;

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11. Calls for the release of the opposition leader Vladimir Kozlov, who is currently being held under strict prison conditions, pending an independent and impartial review of his case;
 12. Expresses its deep concerns regarding the Law on NGOs, which undermines the existence and independence of NGOs in Kazakhstan; urges the Kazakh authorities to guarantee in all circumstances that all human rights activists and NGOs in Kazakhstan are able to carry out their legitimate human rights activities without fear of reprisals, and free of all restrictions;
 13. Welcomes Kazakhstan's ambition to engage actively as a mediator/facilitator in international security issues concerning the wider region; urges the Kazakh authorities to honour the international commitments they have signed up to, including those relating to the rule of law and the independence of the judiciary;
 14. Welcomes the regular EU-Kazakhstan Human Rights Dialogues; underlines the importance of human rights dialogues between the EU and the Kazakh authorities; calls for the dialogues to be strengthened to make them conducive to the establishment of a forum in which issues can be openly addressed; stresses that these dialogues should be effective and results-oriented;
 15. Calls on the EU, and in particular on the European External Action Service, to monitor closely developments in Kazakhstan, to raise concerns with the Kazakh authorities where necessary, to offer assistance, and to report regularly to Parliament; calls on the EU Delegation in Astana to continue to play an active role in monitoring the situation and to raise the issue of freedom of expression in all relevant bilateral meetings with Kazakhstan;
 16. Urges the Kazakh authorities to implement fully the recommendations of the OSCE/Office for Democratic Institutions and Human Rights before the next parliamentary elections, and to take concrete steps to implement the recommendations made by the UN Special Rapporteur on freedom of peaceful assembly and of association; reminds Kazakhstan of its ambition to be a candidate for a non-permanent seat on the UN Security Council in 2017-2018;
 17. Calls on the Kazakh authorities to commit to the achievements of the Sustainable Development Goals recently adopted at international level;
 18. 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 EU Special Representative for Human Rights, the governments and parliaments of the Member States, the Organisation for Security and Cooperation in Europe, the UN Human Rights Council and the Government and Parliament of Kazakhstan.
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