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**The Open Dialogue Foundation** was established in Poland in 2009 on the initiative of Ukrainian student and civic activist Lyudmyla Kozlovska (who currently serves as President of the Foundation). Since its founding, statutory objectives of the Foundation include the protection of human rights, democracy and the rule of law in the post-Soviet area. In July 2017 area of interest of the Foundation was expanded due to the rapidly deteriorating situation in Poland and other EU member states affected by illiberal policies implemented by their populist governments. The Foundation has its permanent representative offices in Warsaw and Brussels.

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**Public Foundation 'Ar-Rukh-Hak'** ('Conscience. Spirit. Truth') was founded in 1999 in Almaty. The President of the Foundation is Bakhytzhana Toregozhina. The main mission of the organisation is to preserve the constitutional principles of a secular, legal and democratic state. The organisation is currently focusing on safeguarding the right to peaceful assembly and supporting political prisoners in Kazakhstan.

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**The human rights initiative 'Qaharman'** is a group of activists united to protect basic human rights in Kazakhstan, in particular, the right to peaceful assembly, right to a fair trial, and right to participation in the management of state affairs, as well as freedom of speech and dissemination of information. This public initiative began its activity in 2019. One of its leaders is Dana Zhanay. Qaharman activists monitor politically motivated trials and the right to peaceful assembly.

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**The human rights movement '405'** is a public initiative founded in 2019. One of its leaders is Anna Shukeyeva. The main goal of the movement is to protect participants of peaceful assemblies and bloggers who are subject to political prosecution under Article 405 of the Criminal Code of Kazakhstan ("participation in the activities of the organisation after its recognition as extremist"). The movement protects the right to peaceful expression, which should not be regarded by the authorities as 'extremism'.

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**Public Foundation 'Liberty'** was founded in August 2011. Its head is Galym Ageleuov. The mission of the organisation is to protect and promote civil and political rights in Kazakhstan. The Foundation monitored the tragic events in Zhanaozen in 2011, as well as implemented EU and OSCE projects in Kazakhstan on freedom of religion and belief, labour rights, the electoral process, non-discrimination and protection of vulnerable groups.

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**Public association 'We are Against Torture'** was founded in 2019. The head of the association is Elena Semenova. The organisation defends the right to protection from torture and other inhuman or degrading treatment. The association's activities are aimed at providing an immediate response in the event of torture or ill-treatment in Kazakhstan's places of detention (colonies, pre-trial detention facilities and prisons).

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## 1. INTRODUCTION

This report provides an analysis of Kazakhstan's implementation of the **European Parliament Resolution of 14 March 2019 on the human rights situation** in the country (2019/2610(RSP)<sup>1</sup>. The European Parliament made concrete recommendations to the Kazakhstani authorities regarding, in particular, issues such as: amendments to the Criminal Code; reform of legislation and policies in the field of freedom of assembly, association, media; ensuring fair elections; fight against torture; release of political prisoners. Which of these has been done after almost a year?

The analysis was prepared in cooperation of the Open Dialogue Foundation with the Italian Federation for Human Rights, and Kazakhstani human rights organizations: 'Ar-Rukh-Hak', Liberty, We are against torture, Qaharman and the 405 movement.

We analysed the results of 20 recommendations of the Resolution of the European Parliament, addressed to the authorities of Kazakhstan. **Of these, 18 recommendations have not been implemented, and 2 recommendations were implemented only partially.**

Kazakhstan refuses to abolish criminal charges for 'inciting social discord' (Article 174 of the CC) and 'spreading information that is known to be false' (Article 274 of the CC). The authorities only declare a possible 'correction of the wording' of Article 174. Moreover, political prisoners convicted under these articles remain behind bars (see [Section 2](#) of this report).

Following the adoption of the Resolution of the European Parliament, the authorities released from prison (under different conditions) several political prisoners, namely: Makhambet Abzhan, Ablovas Dzhumayev, Yaroslav Golyshkin and Amangeldy Batyrbekov. Also, under pressure from the international community, several political prisoners were released from pre-trial detention and received suspended sentences (restriction of liberty). However, those with suspended sentences (restriction of liberty) - there are already more than 25 such people - and political prisoners released on parole face a common problem: the authorities **keep them 'on the hook' and paralyse their civil society activities.**

At the end of 2019, cruel torture victim Iskander Yerimbetov was released for health reasons, but he may face re-detention. The authorities **have failed to comply with several points of the UN decision in Yerimbetov's case:** immediate release; full and independent investigation into the arbitrary deprivation of liberty; punishment of those responsible for the violation of his rights; compensation to Yerimbetov<sup>2</sup>.

The problem of torture in Kazakhstan's places of detention remains systemic in nature. The authorities do not investigate into the incidents of torture, and only a scanty number of cases reach the court (statistics on this issue are provided in [Section 7](#)).

Currently, **at least 16 political prisoners** are being held in Kazakhstani detention facilities and prisons. They include: civil society activists Aset Abishev, Almat Zhumagulov, Kenzhebek Abishev, Yerzhan Yelshibayev, Kaiyrlly Omar, Sanat Bukenov, Aron Atabek, and trade union leader Erlan Baltabay; bloggers Zhambyl Kobeyzinov, Ruslan Ginatullin, Igor Chuprina and Igor Sychev; asylum seekers Murager Alimuly and Kaster Musakhanuly. The authorities also refuse to comply with the demands of the UN and the European Parliament on the release of Maks Bokayev and Mukhtar Dzhakishiev (the life of the latter is at risk due to dangerous diseases).

For over 10 years, UN and EU bodies have recommended that Kazakhstan remove strict restrictions **on the freedom of assembly**. Finally, in December 2019, the President of Kazakhstan announced the development of a new law on peaceful assembly. However, it transpired that the draft law contradicts the recommendations of the UN, EU and OSCE, and also further suppresses the right to peaceful

<sup>1</sup> [https://www.europarl.europa.eu/doceo/document/TA-8-2019-0203\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2019-0203_EN.html)

<sup>2</sup> Items 92 and 93 - [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session83/A\\_HRC\\_WGAD\\_2018\\_67.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session83/A_HRC_WGAD_2018_67.pdf)

assembly. The authorities provided for norms that are not present in international practice, in particular, the provision that rallies are possible only in 'special places' ([Section 4](#)).

In practice, the situation with peaceful assemblies has deteriorated further. In the period after the adoption of the Resolution of the European Parliament and until today, more than 5,000 peaceful protesters were subjected to arbitrary detention. Contrary to the recommendations of the European Parliament, the authorities detain and prosecute those who express their support for the opposition DCK movement and participate in peaceful rallies. In fact, **the authorities equated dissent with 'extremism'**.

The authorities of Kazakhstan promise to make minor changes to the procedure for registering parties. But this does not solve the systemic problem of the lack of a competitive political environment. In addition, Kazakhstan was placed on the list of countries with the worst conditions for trade union activity ([Section 5](#)).

The authorities also declare their readiness to decriminalise libel, an article that has been a tool for intimidating journalists for many years. The persecution under this article is ongoing. **The space for media freedom remains minimal.** Journalists are prosecuted for conducting journalistic investigations; they are attacked and detained during the coverage of rallies. Authorities regularly block online media and social networks ([Section 6](#)).

In June 2019, as a result of elections that were not recognised by international observers as fair, Nazarbayev's successor, Kassym-Zhomart Tokayev, became the President ([Section 8](#)). Previously, the Kazakhstani authorities openly rejected the fundamental recommendations of the UN and the EU on human rights, but now the new President has softened official rhetoric.

In communication with the EU, Tokayev tries to show himself to be more supportive and 'heeding' the recommendations, and presents his initiatives as 'achievements'. **However, this rhetoric does not reflect the reality. In fact, this is only an imitation of reforms, as they conceptually contradict the requirements of the UN, EU and OSCE.** Therefore, the statements of the EU authorities regarding their 'appreciation' of the reforms announced by Tokayev do not seem sufficiently balanced. Thereby, the significance of expert conclusions issued by international human rights organisations is weakened.

Kazakhstan's declarations of adherence to democratic standards are used merely for appearance's sake. In this way, the authorities of Kazakhstan are striving to build confidence in order to use this for economic interests, as well as to continue to misuse the mechanisms of international legal assistance in the hunt for political opponents ([Section 9](#)).

It should be emphasised that **the pressure from the EU and other democracies is an important factor restraining oppression.** Fearing reputational risks and personal sanctions, the Kazakhstani authorities are forced to react. At the same time, the Kazakhstani regime is making concessions, striving to save face. This helps save the fate of individual political prisoners, protect the local civil society and prevent Kazakhstan from rolling back in the level of openness and freedom to neighbouring Uzbekistan or Tajikistan.

The report also analysed the stage of the implementation of the EP's recommendations addressed to the EU Delegation to Kazakhstan, the European External Action Service and senior EU officials. In particular, the problems of insufficient EU involvement in solving systemic human rights problems in Kazakhstan and a lack of objective information to assess the situation in the country ([Section 9](#)), as well as the need to revise the principles on which relations with Kazakhstan are based, are examined ([Section 10](#)).

## 2. CRIMINAL LEGISLATION

**The EP's recommendation: revise and amend provisions of the Criminal Code's Article 174 ('inciting social, national or other discord') and Article 274 ('spreading information that is known to be false') with the aim of preventing arbitrary prosecutions that violate human rights norms; refrain from using provisions of Article 174 and Article 274 of the CC as a basis to charge and imprison civil society activists and journalists.**

The result: not fulfilled.

These articles remain unchanged. They are vague and non-specified, which creates additional conditions for politically motivated prosecution. In December 2019, President Tokayev announced his intention to "humanise" Article 174 of the CC and state its provisions "more correctly".

According to human rights defenders, as of December 2019, 68 criminal cases have been initiated under Art. 174 of the Criminal Code. As for the cases initiated under article 274 of the CC, from January to November 2019, at least 7 such cases were recorded.<sup>3</sup>

**The EP's recommendation: repeal the relevant articles in the new Criminal Code relating to criminal libel, place a moratorium on criminal libel.**

The result: not fulfilled.

In Kazakhstan, criminal libel cases are initiated on the basis of private complaints. Journalistic investigations often end up with criminal prosecution for their authors. In many cases, government officials file civil suits demanding that journalists and bloggers pay compensation for 'non-pecuniary damage' for 'libel' and 'insulting honour'. In 2019, the courts ordered to pay a total of more than 23,000 euros under such claims.<sup>4</sup>

On 13 December 2019, a Kazakhstani court sentenced blogger Zhambyl Kobeyzinov to 6 months in prison for 'libel' against the head of the police department. On 23 September 2019, journalist Amangeldy Batyrbekov was sentenced to 2 years and 10 months in prison for 'libel' against a local official. The journalist spent several months in prison, after which he was acquitted in January 2020.

In general, according to the Adil Soz Foundation for the Protection of Freedom of Speech, in 2019, at least 26 cases of criminal charges of 'libel' and seven cases of charges of 'spreading information that is known to be false' were recorded.

For several years, Kazakhstan has ignored the recommendations of the UN and the OSCE on the decriminalisation of libel. In December 2019, President Tokayev promised to transfer this article to the Administrative Code. *"At the same time, it is necessary to maintain a high level of responsibility in order to guarantee the rights of other citizens and protect them from slanderous speculations and attacks"* - Tokayev said<sup>5</sup>. In addition, in international practice, cases of protection of honour are considered, as a rule, not under the Administrative Code, but in the framework of the Civil Code, where there is no increased role of the state.

<sup>3</sup> <http://www.adilsoz.kz/news/show/id/3114>

<sup>4</sup> <http://www.adilsoz.kz/monitoring/show/id/208>

<sup>5</sup> [http://www.akorda.kz/ru/speeches/internal\\_political\\_affairs/in\\_speeches\\_and\\_addresses/vystuplenie-glavy-gosudarstva-k-tokaeva-na-vtorom-zasedanii-nacionalnogo-soveta-obshchestvennogo-doveriya](http://www.akorda.kz/ru/speeches/internal_political_affairs/in_speeches_and_addresses/vystuplenie-glavy-gosudarstva-k-tokaeva-na-vtorom-zasedanii-nacionalnogo-soveta-obshchestvennogo-doveriya)

### 3. POLITICAL PRISONERS

**The EP's recommendation: release the activists, journalists and other critical individuals currently detained under Article 174 and 274 of the CC.**

The result: not fulfilled.

Political prisoners convicted under Art. 174 of the CC, namely: activist Almat Zhumagulov, bloggers Ruslan Ginatullin and Igor Chuprina are still being held in prison. Serikzhan Bilash, a human rights defender convicted under the same article, is under restrictions provided for by a suspended court sentence. A new criminal case under Art. 174 of the Criminal Code was instituted against blogger Azamat Baikenov 'for publishing files of oppositional content on social networks'.

The political prisoner Maks Bokayev was convicted under both articles of the CC, i.e. 174 and 274.

**The EP's recommendation: fulfil the decision of the UN Working Group on Arbitrary Detention regarding immediate release of Maks Bokayev and ensure his full rehabilitation.**

The result: not fulfilled.

The civil society activist Maks Bokayev has been held in detention for almost 4 years now. In 2016, he was sentenced to 5 years' imprisonment for his human rights activities and participation in a peaceful rally against changes to the Kazakhstani Land Code (during the rally, the authorities detained more than 1000 participants). In April 2017, the UN Working Group on Arbitrary Detention called for Bokayev's immediate release and compensation<sup>6</sup>. Kazakhstan refuses to comply with the recommendations of the UN.

While in detention, Bokayev has suffered with severe health problems, specifically, hepatitis C and osteochondrosis. In September 2019, Bokayev announced that a representative of the Presidential Administration had promised him release in exchange for 'repentance' and refraining from civil society activities.<sup>7</sup> Bokayev refused to accept the conditions of the authorities. This incident was yet another confirmation of the fact that, in politically motivated cases, court decisions 'are made at the higher levels', namely: in the President's office.

**The EP's recommendation: fulfil the decision of the UN Working Group on Arbitrary Detention regarding immediate release of Iskander Yerimbetov, review his case and ensure his full rehabilitation; ensure that the allegations of torture concerning Iskander Yerimbetov are duly investigated.**

The result: partially fulfilled.

Iskander Yerimbetov was released only on 27 December 2019, a year after the decision of the UN WGAD had been issued<sup>8</sup>. The release has not been implemented as part of UN requirements. Kazakhstan authorities released Yerimbetov "in connection with a serious illness", according to part 2 of Article 75 of the Criminal Code.

Yerimbetov's poor health condition is a consequence of brutal tortures he endured in detention center. The authorities of Kazakhstan have not recognised the violations and have not fulfilled the requirements of paragraphs 92 and 93 of the decision of the UN<sup>9</sup> and the international community<sup>10</sup>: Yerimbetov had

<sup>6</sup> [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A\\_HRC\\_WGAD\\_2017\\_16.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_16.pdf)

<sup>7</sup> <https://www.uralskweek.kz/2019/09/02/maks-bokaev-zona-eto-kazaxstan-v-miniatyure/>

<sup>8</sup> [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session83/A\\_HRC\\_WGAD\\_2018\\_67.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session83/A_HRC_WGAD_2018_67.pdf)

<sup>9</sup> [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session83/A\\_HRC\\_WGAD\\_2018\\_67.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session83/A_HRC_WGAD_2018_67.pdf)

not been released immediately and unconditionally; there had been no independent investigation of the circumstances of his arbitrary deprivation of liberty; no one had been punished for the violation of Yerimbetov's rights and for the brutal torture against him; he had not been paid compensation for an unfair trial and illegal imprisonment.

Yerimbetov continues to be at risk of re-imprisonment. Representatives of penitentiary system will control his health condition. Yerimbetov is still a political hostage: If authorities consider that Yerimbetov «has recovered», they can resume the execution of his sentence and put him in jail again.

**The EP's recommendation: release Mukhtar Dzhakishev immediately and ensure his full rehabilitation.**

The result: not fulfilled.

Political prisoner and torture victim Mukhtar Dzhakishev has been held in prison for over 10 years. In December 2015, the UN Human Rights Committee acknowledged that Dzhakishev had not been provided with the right to a fair and public trial, the right to defence, and the right to humane treatment. The UN demanded the verdict be annulled and Dzhakishev released<sup>11</sup>. However, Kazakhstan refused to comply with the decision of the UN Committee.

Dzhakishev suffers from life-threatening illnesses, he is now at risk of stroke and heart attack. Recent examinations have shown impaired brain function and cataracts in both eyes. No international observers are allowed to visit him.

In November 2018 and July 2019, a Kazakhstani court twice refused to release Dzhakishev on parole. On 10 September 2019, the court rejected his appeal, once again refusing to release him. This court decision is a "*sentence to a slow, agonising death in captivity*" - said the Kazakhstan International Bureau of Human Rights. On 6 February 2020, Dzhakishev once again filed an application for release on parole. The court session is scheduled for 3 March 2020.

**The EP's recommendation: release Aron Atabek, Sanat Bukenov, Makhambet Abzhan and Saken Tulbayev immediately; underline that civil activists Almat Zhumagulov, Kenzhebek Abishev, Aset Abishev and Ablovas Dzhumayev were sentenced to prison terms for criticising the authorities online and supporting DCK opposition movement.**

The result: partially fulfilled.

Almat Zhumagulov, Kenzhebek Abishev, Aset Abishev, who have been subjected to ill-treatment, and Sanat Bukenov, continue to serve their sentences in prison. The dissident poet Aron Atabek has been imprisoned for 13 years now.

In 2019, Makhambet Abzhan and Ablovas Dzhumayev were released on parole. Until the end of the sentence, they are under the control of the authorities and cannot carry out any civil society activities. Saken Tulbayev, similarly to the activist Edige Batyrov, were released only after they had completely served their terms.

<sup>10</sup> <https://www.hrw.org/news/2018/02/16/kazakhstan-businessman-alleges-torture> ;  
[https://www.notorture.kz/otnositelno\\_prekrasheniya\\_dela\\_k\\_erimbetovu/](https://www.notorture.kz/otnositelno_prekrasheniya_dela_k_erimbetovu/)

<sup>11</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f115%2fd%2f2304%2f2013&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f115%2fd%2f2304%2f2013&Lang=en)

**The EP's recommendation: calls for the full rehabilitation and immediate release of all activists and political prisoners currently in jail.**

The result: not fulfilled.

At the moment, at least 16 people who are being held in a detention facility or in prison are political prisoners. On 17 January 2020, the Minister of Justice of Kazakhstan stated: *'We have no political prisoners'*.<sup>12</sup>

In addition to the persons mentioned in the previous paragraphs of this document, there are also other persons who continue to be held in custody, namely: activists convicted for social activity Yerzhan Yelshibayev and Kaiyrly Omar, trade union leader Erlan Baltabay, as well as asylum seekers from Xinjiang Murager Alimuly and Kaster Musakhanuly.

In 2019, several political prisoners accused of criticising the authorities on social networks and participating in peaceful rallies were released from detention in a detention facility and were sentenced to restriction of liberty. These persons include: single mothers Gulzipa Dzhauserova and Zhazira Demeuova, mother of many children Oksana Shevchuk, and activists Anuar Ashiraliyev, Bolatkhan Zhunusov and Serik Zhakhin. The Kazakhstani court imposes additional restrictions on persons convicted to restriction of liberty and persons with suspended sentences, such as bans on participating in public associations, attending meetings and using social networks.

In addition, in the period between 2019-2020, journalists Yaroslav Golyshkin and Amangeldy Batyrbekov were released from prison on parole.

The total number of politically persecuted persons in Kazakhstan is growing, primarily due to the detentions of participants in peaceful rallies.

#### **4. FREEDOM OF PEACEFUL ASSEMBLY AND FREEDOM OF EXPRESSION**

**The EP's recommendation: end all forms of arbitrary detention, reprisals and harassment against human rights activists, civil society organisations and political opposition movements, including against actual or perceived supporters of the peaceful opposition movement Democratic Choice of Kazakhstan (DCK); express concern over the use of excessive force against peaceful protesters.**

The result: not fulfilled.

For the last two years, anti-government protests of thousands of people were held in various regions of the country. Peaceful rallies ended with mass arbitrary detentions of protesters, unprecedented in the history of Kazakhstan. In the period between 2018-2019, more than 6000 participants in peaceful assemblies were detained. Of these, more than 5,000 people were detained after the adoption of the Resolution of the European Parliament, in the period from March 2019 to January 2020. The UN Human Rights Office labelled the actions of the authorities 'extremely regrettable'.<sup>13</sup>

Persons detained at peaceful rallies were taken to police stations and interrogated about their political views. The police also confiscated phones from detainees and checked whether they were subscribed to the pages of the opposition movement "Democratic Choice of Kazakhstan" (DCK).

In March 2018, at the request of the Prosecutor's Office, the Kazakhstani court labelled the DCK as an "extremist" organisation. The court stated that the DCK "incites social discord" and "forms a negative image of authorities". Referring to this decision, the Kazakhstani prosecutor's office criminalised "positive approval" of the ideas of the DCK and its leader Mukhtar Ablyazov. Since March 2018, more

<sup>12</sup> <https://kursiv.kz/news/obschestvo/2020-01/ssha-provedut-rabotu-s-kazakhstanom-po-politizaklyuchennym>

<sup>13</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24691&LangID=E>

than 40 people have been prosecuted based on the decision to ban the DCK. In this case, 3 people continue to be held in prison (Aset Abishev, Almat Zhumagulov and Kenzhebek Abishev), while more than 23 people received suspended sentences.

In addition, there have been systematic instances of authorities resorting to preventive detention and arrest before planned peaceful protests. The victims are persons suspected by the authorities of “intention to participate in the rally”, persons who have previously participated in rallies, as well as those who are members of groups in social networks where future rallies are discussed.

The latest example was the preventive persecution before the rally planned by the DCK opposition movement on 22 February 2020. Since the beginning of February, at least 20 people (including participants of solitary pickets) have been detained. 12 of them have been subjected to administrative arrest. Human rights activists also record cases of activists being followed and summoned to the police, where they were threatened with criminal liability for supporting the DCK and participating in rallies<sup>14</sup>.

**The EP’s recommendation: implement the recommendations of the UN Special Rapporteur on the rights of freedom of peaceful assembly and freedom of association.**

The result: not fulfilled.

For over 10 years, the UN and the EU have recommended that Kazakhstan replace the system for sanctioning rallies from the approving to notification procedure. Finally, in December 2019, President Tokayev promised to do so. However, his declarations are not true.

A draft law on peaceful assembly<sup>15</sup>, published on 7 February 2020, stipulates that a notification procedure will be only possible if ‘fewer than 250 people’ are going to participate in the rally. If there are more protesters, then the approval of the authorities is necessary. This vague norm can be used by the authorities for abuse and dispersal of rallies.

The new law provides for blatantly discriminatory norms. Any peaceful assembly can only be organised in ‘special places’, appointed by the local authorities. If the organisers disagree with the place designated by the authorities, a peaceful assembly is not permitted. It is also prohibited to agitate before obtaining the permission to hold assembly.

A peaceful assembly may not be held without an “organiser”, who must wear a “special distinguishing sign” during the assembly. For example, the law requires the organizer to “report on the sources of funding” for the rally and “provide medical care and fire safety” during the rally.

The bill proposes to increase the fine by 5 times (more than 650 euros)<sup>16</sup>, as well as to provide an arrest to 20 days for violation of the legislation on peaceful assembly.

It also stipulates that a journalist will be able to cover a peaceful assembly only if they are included in the list of journalists “invited by the organiser to cover the assembly”. They are also required to have a journalist's identity card and a “distinguishing sign”. In this regard, coverage of peaceful assemblies by bloggers will be considered illegal. Journalists are also required to present photo and video footage of the rally at the request of the authorities.

Kazakhstani human rights activist Yevgeniy Zhovtis stresses that the new law not only contradicts Kazakhstan's obligations under the International Covenant on Civil and Political Rights<sup>17</sup>, but also further worsens the situation with freedom of assembly<sup>18</sup>.

<sup>14</sup> <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2593831140936153/>

<sup>15</sup> <https://legalacts.egov.kz/npa/view?id=3074745>

<sup>16</sup> <https://www.facebook.com/tatiana.chernobil/posts/10156683875892155>

<sup>17</sup> [https://kz.media/archives/6672?fbclid=IwAR1MijgL\\_Bbx5oqObW-sfWEJHfYQEt4n9RZYzumvMUmK2BNmij0-j-Lrgk](https://kz.media/archives/6672?fbclid=IwAR1MijgL_Bbx5oqObW-sfWEJHfYQEt4n9RZYzumvMUmK2BNmij0-j-Lrgk)

<sup>18</sup> [https://www.facebook.com/tatiana.chernobil/posts/10156682982602155?comment\\_id=10156683362197155&reply\\_comment\\_id=10156683602452155](https://www.facebook.com/tatiana.chernobil/posts/10156682982602155?comment_id=10156683362197155&reply_comment_id=10156683602452155)

At the same time, the Kazakhstani authorities claim that the draft complies with Kazakhstan's international obligations, and, among others, the experience of Western countries was taken into account in its development. However, the facts confirm that is not true.

In addition, Kazakhstan's Criminal Code still has the articles on 'violation of the order of organising rallies' (Article 400) and 'provoking people to participate in an illegal strike' (Article 402).

## 5. FREEDOM OF ASSOCIATION

### **The EP's recommendation: review the Law on Public Association.**

The result: not fulfilled.

In December 2019, President Tokayev stated that he '*considers it possible to reduce by half, the threshold for the number of members of political parties for their registration: from 40,000 to 20,000 people*'.<sup>19</sup> However, this measure alone is not enough to create a competitive political environment. After all, in Kazakhstan opposition parties and real opposition candidates do not participate in the political process; tough electoral legislation rules out the possibility of nominating independent candidates; Government officials have monopoly access to state-run media.<sup>20</sup>

One illustrative example is that at the legislative level, there are very strict requirements on presidential candidates that reduce the possibility of nominating independent candidates to zero. Thus, according to the Constitutional Law "On Elections", the candidate must have at least five years' experience working in the public service or in elected government positions. This provision limits the opportunity for people from outside the system to participate in elections.

Besides, the presidential candidate must be supported by at least one percent of the total number of voters, equally representing at least two thirds of the regions, cities of republican significance and the capital of the republic. At the moment, 1% of the total number of voters in Kazakhstan is at least 118,000 signatures. Individuals who sign a candidate's support must provide complete personal information. Thus, there is a danger of forming a list of "unreliable persons" who are ready to support opposition candidates.

Moreover, only seven political parties are registered in Kazakhstan<sup>21</sup>. In fact, real opposition parties are banned or marginalised through laws against "extremism" and trumped-up criminal charges against their leaders<sup>22</sup>.

In addition, a number of articles of the Criminal Code provide for membership or leadership in a public association as an aggravating factor.

### **The EP's recommendation: review the conditions of access by non-governmental organisations to funding, and emphasise that the law imposed burdensome reporting obligations and state regulation of funding through a government-appointed body.**

The result: not fulfilled.

This problem remains relevant. In November 2019, during the UN Universal Periodic Review, the Kazakhstani authorities promised to 'consider and give an answer' on this issue in the future.

<sup>19</sup> [http://www.akorda.kz/ru/speeches/internal\\_political\\_affairs/in\\_speeches\\_and\\_addresses/vystuplenie-glavy-gosudarstva-k-tokaeva-na-vtorom-zasedanii-nacionalnogo-soveta-obshchestvennogo-doveriya](http://www.akorda.kz/ru/speeches/internal_political_affairs/in_speeches_and_addresses/vystuplenie-glavy-gosudarstva-k-tokaeva-na-vtorom-zasedanii-nacionalnogo-soveta-obshchestvennogo-doveriya)

<sup>20</sup> <https://en.odfoundation.eu/a/9299,presidential-elections-in-kazakhstan-a-simulated-handover-of-power-in-a-void-of-political-competition/>

<sup>21</sup> <https://www.zakon.kz/4965683-politicheskie-partii-kazahstana.html>

<sup>22</sup> <https://freedomhouse.org/report/freedom-world/2019/kazakhstan>

**The EP's recommendation: end the crackdown on independent trade unions and lift restrictions imposed on their activities; cease politically motivated criminal prosecutions of trade union leaders, as well as urges the government to address the European Parliament's concerns regarding the criminal investigation against Erlan Baltabay; quash the convictions of Larissa Kharkova, Nurbek Kushakbaev, and Amin Eleusinov and allow them to resume their union activities without interference or harassment.**

The result: not fulfilled.

Authorities have not fulfilled the International Labour Organisation's recommendation to amend trade union law. This law requires local trade unions to register with the Ministry of Justice and become members of a higher-level trade union within six months. Referring to this law, the authorities banned the Confederation of Independent Trade Unions of Kazakhstan. The International Trade Union Confederation included Kazakhstan in the list of 10 countries with the worst conditions for trade union activity<sup>23</sup>.

In 2019, the UN Committee on Economic, Social and Cultural Rights expressed its concern about the persecution of trade union activists.<sup>24</sup> In relation to Larisa Kharkova, Nurbek Kushakbaev, and Amin Eleusinov, a ban on engaging in public and trade union activities is still valid.

In July 2019, a trade union leader Erlan Baltabay was sentenced to 7 years in prison. However, due to international public pressure, he was pardoned in August 2019. The unserved part of Baltabay's sentence was replaced with a fine. He refused to pay the fine because he considers himself innocent. On 31 October 2019, the court arrested Baltabay for 5 months because of his refusal to comply with the terms of the pardon.

## 6. FREEDOM OF THE MEDIA AND DISSEMINATION OF INFORMATION

**The EP's recommendation: review restrictive amendments to the media and information law; cease blocking access to information both on-line and offline.**

The result: not fulfilled.

Over the past few years, almost all independent media have been eliminated in Kazakhstan. The authorities have not repealed amendments to the law, which require that the infrastructure of online media be located exclusively on the territory of Kazakhstan. Also, the law prohibits journalists from distributing personal or commercial data without the consent of the subject of such data.

The law enforcement bodies have the right to block the work of social networks and access to Internet resources without a court decision, in particular, "in case of potential or actual social, natural or technical emergency". Blocking the Internet and social networks during peaceful assemblies have become commonplace in Kazakhstan<sup>25</sup>.

The latest systemic blockages of the Internet in Kazakhstan were recorded after clashes on the grounds of ethnic hostility that took place on 7 February 2020 in several villages of the Kordai district of Zhambyl region. During the clashes, more than ten people were killed. On 13 February 2020, President Tokayev demanded the intensification of work in the information space, "*rigidly suppressing any attempts to spread false information and provocations*"<sup>26</sup>.

<sup>23</sup> <https://www.ituc-csi.org/IMG/pdf/ituc-global-rights-index-2018-en-final-2.pdf>

<sup>24</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/KAZ/CO/2&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/KAZ/CO/2&Lang=En)

<sup>25</sup> <https://netblocks.org/reports/social-media-blocked-in-kazakhstan-on-victory-day-eBOg47BZ>

<sup>26</sup> <https://ru.sputniknews.kz/society/20200213/12836685/kazakhstan-tokaev-sobytiya-korday-provokatsii.html>

In the period from 13 to 17 February 2020, the international monitoring group NetBlocks.org recorded large-scale blockages of access to Google services in Kazakhstan<sup>27</sup>. After Kazakhstani Internet users began to massively complain about problems with access to Internet resources and messengers<sup>28</sup>, Tokayev's press service reported that the President, *"having learned about the malfunction of Internet access", "instructed to restore the work of all information resources"*<sup>29</sup>.

**The EP's recommendation: end the harassment and reprisals against journalists critical of the government.**

The result: not fulfilled.

According to the 'Adil Soz' Foundation for the Protection of Freedom of Speech, in 2019, more than 30 journalists were detained while covering peaceful rallies. Also, cases were repeatedly recorded when unidentified persons wearing masks (the so-called 'titushky') appeared in places of mass detention of protesters, helped detain protesters and obstructed the work of journalists.<sup>30</sup>

Journalists who cover peaceful rallies are also victims of provocation. For example, journalists Saniya Toiken and Svetlana Glushkova were detained and fined under fabricated pretexts. In reality, it happened because they covered the protests<sup>31</sup>. Their cases are mentioned in a written declaration of 22 PACE deputies, who in April 2019 called for personal sanctions against persons involved in human rights violations in Kazakhstan<sup>32</sup>.

Svetlana Glushkova, like her colleague Asem Tokayeva, are former journalists of the Kazakhstani Radio Svoboda. They claim that the editorial board is influenced by the Kazakhstani authorities and does not respect the principles of objective journalism<sup>33</sup>.

On 22 July 2019, in Almaty about 20 women unidentified by the investigation attacked journalists and speakers at a press conference on the subject of politically prosecuted persons. They pushed and hit people, took away smartphones from several journalists and broke their video cameras. Kazakhstani human rights activists believe the authorities are behind the attack. Law enforcement agencies refuse to qualify the incident as obstructing journalistic activities. Thus far, the police failed to conduct the necessary investigative actions: the perpetrators remain unpunished.

## **7. TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT IN PLACES OF DETENTION**

**The EP's recommendation: calls for protection for victims of torture, for them to be provided with proper medical care and for the proper investigation of incidents of torture, and emphasise the fact that impunity for torture and ill-treatment of prisoners and suspects remain the norm.**

The result: not fulfilled.

Torture in detention facilities and prisons in Kazakhstan continues to be a systemic phenomenon. According to statistics given by Penal Reform International, in 2015, Kazakhstan recorded 1413 cases of torture during criminal proceedings, and in 2016 - 1460 cases. Annually, the NGO Coalition Against Torture registers approx. 200 incidents of torture in penitentiary institutions in Kazakhstan.<sup>34</sup> Every one

<sup>27</sup> <https://twitter.com/netblocks/status/1228991647339438080?s=19>

<sup>28</sup> <https://www.facebook.com/toregozhina/posts/3033740289971869>

<sup>29</sup> <https://www.facebook.com/100003403233694/posts/2620980691358680/?d=n>

<sup>30</sup> <https://www.youtube.com/watch?v=Jz9MGhMPj2s>

<sup>31</sup> <https://rus.azattyq.org/a/kazakhstan-svetlana-glushkova-and-saniya-toiken-cases-in-courts/29854980.html>

<sup>32</sup> <http://www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=27671&lang=EN>

<sup>33</sup> <https://eadaily.com/ru/news/2019/01/24/eks-sotrudnik-radio-svoboda-v-kazahstane-teper-rupor-vlastev>

<sup>34</sup> <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=6872&file=EnglishTranslation>

and a half days, one person dies in Kazakhstani places of detention as a result of suicide, torture or tuberculosis - such data was cited by human rights activist Amangeldy Shormanbayev in October 2019.<sup>35</sup>

According to human rights defenders, in the first half of 2019 alone, more than 50 people reported that they had been subjected to torture.<sup>36</sup> According to official figures, from January to November 2019, the authorities launched an investigation in only 24 cases of torture, and only 11 of them were sent to court.<sup>37</sup>

The UN Human Rights Council cited evidence that there is still no effective mechanism for investigating torture in Kazakhstan, and most cases are being closed<sup>38</sup>. Torture victims face threats of criminal liability for 'false denunciation' and recant their statements.<sup>39</sup> Human rights defenders have also repeatedly documented cases of pressure on witnesses of torture in places of detention. Threatening torture, the authorities are demanding that they retract their testimonies<sup>40</sup>.

**The EP's recommendation: ensure that allegations of torture, including those made in the context of the Zhanaozen events, are fully investigated, and note that the authorities have failed to conduct a credible investigation into the allegations of torture during the extended oil sector strike in Zhanaozen in 2011.**

The result: not fulfilled.

In November 2019, during the UN Universal Periodic Review, it was confirmed that Kazakhstan had not yet complied with the UN recommendations on the creation of an international commission to investigate the shooting of protesting oil workers in Zhanaozen in 2011. In addition, no one was punished for the brutal torture of more than 20 oil workers accused of "organising and participating in mass riots".

## 8. ELECTIONS

**The EP's recommendation: fully implement the recommendations of the OSCE/ODIHR according to which the country still has a considerable way to go in meeting its OSCE commitments for democratic elections.**

The result: not fulfilled.

In March 2019, Nursultan Nazarbayev, who had been President for 30 years, announced his resignation. On 9 June 2019, extraordinary presidential election was held, which was won, as expected, by Nazarbayev's protegee, Kassym-Zhomart Tokayev.

The OSCE stated that the election was held in a "*political environment dominated by the ruling political party and in an atmosphere that suppressed critical opinions*". The organisation noted that irregularities on election day made it impossible to guarantee a fair vote count. The OSCE also noted the mass detentions of civic activists and protesters during the election campaign and on election day, which are contrary to Kazakhstan's international human rights obligations<sup>41</sup>.

<sup>35</sup> <http://mindet.kz/ru/2019/10/10/shormanbayev-pravo-na-zhizn-issledovanie/>

<sup>36</sup> <https://kaztag.kz/ru/news/bolee-50-chelovek-soobshchili-o-faktakh-pytok-s-yanvarya-po-iyun-2019-goda-v-kazahstane>

<sup>37</sup> <https://rus.azattyq.org/a/kazakhstan-un-universal-periodic-review/30258149.html>

<sup>38</sup> <https://undocs.org/A/HRC/WG.6/34/KAZ/3>

<sup>39</sup> [https://www.facebook.com/story.php?story\\_fbid=2723522941071795&id=100002423464135&refid=52&\\_tn=-R](https://www.facebook.com/story.php?story_fbid=2723522941071795&id=100002423464135&refid=52&_tn=-R)

<sup>40</sup> [https://www.facebook.com/story.php?story\\_fbid=612528896199678&id=100023277185705](https://www.facebook.com/story.php?story_fbid=612528896199678&id=100023277185705); <https://www.notorture.kz/svideteli-po-delu-o-pytkah-i-smerti-zakljuchennogo-v-karagandinskoj-oblasti-poprosili-zaschity/>

<sup>41</sup> <https://www.osce.org/odihr/elections/kazakhstan/422501>

Thus, in Kazakhstan, the transit of power from Nazarbayev to his protégé, Tokayev, was actually formalised. Nursultan Nazarbayev is now the Chairman of the Security Council of Kazakhstan and has control over all key government agencies. Kassym-Zhomart Tokayev, who became President, continues Nazarbayev's policy and strengthens the authoritarian regime.

## 9. THE EU AND KAZAKHSTAN

**The EP's recommendation: requests an end to the abuse of Interpol's extradition procedures and the cessation of harassment of the political opposition.**

The result: not fulfilled.

Kazakhstan has carried out politically motivated prosecution with the use of Interpol mechanisms, extraditions and international legal assistance against dissenting voices, primarily with the aim of laying hands on the opposition politician Mukhtar Ablyazov, his family members and former colleagues from the EU. On 9 December 2016, the French Council of State stressed the political nature of the case against Ablyazov and refused his extradition<sup>42</sup>. Interpol removed him from the search list.

The report 'Misuse of Interpol's Red Notices and impact on human rights'<sup>43</sup>, prepared at the request of the European Parliament, indicates several victims of the abuse of INTERPOL by Kazakhstan, in particular, Zhanara Akhmetova, Tatiana Paraskevich, Viktor and Ilyas Khrapunov.

Kazakhstan is seeking the extradition of Zhanara Akhmetova, a journalist and one of the leaders of the opposition DCK movement, from Ukraine. She continues the lawsuit with the Migration Service of Ukraine, which denies granting her refugee status. International<sup>44, 45</sup> and Ukrainian<sup>46</sup> human rights organisations emphasise that Akhmetova is being persecuted for expressing her views and for her opposition activities as one of the leaders of the DCK.

As part of international legal assistance, Kazakhstan sent requests to the Swiss authorities to investigate allegations against the Khrapunov family, the relatives of Mukhtar Ablyazov. On 12 November 2019, the Geneva Prosecutor's Office closed the criminal case against the Khrapunov family and stated that Kazakhstan did not comply with the conditions of international legal assistance, including the clauses on the inadmissibility of political persecution<sup>47</sup>.

Another example of the abuse of international legal assistance by Kazakhstan was the case of Botagoz Jardemalie, a lawyer who provided legal advice to Mukhtar Ablyazov and victims of political persecutions in Kazakhstan. Belgium's authorities granted her political asylum. In order to compel Jardemalie to return to Kazakhstan and testify against Ablyazov, the authorities brutally tortured her brother Iskander Yerimbetov in a Kazakhstani detention facility. On 1 October 2019, in Brussels, at the request of Kazakhstan's authorities, the Belgian police conducted a search in Jardemalie's flat. Present during the time of the search were two unknown Kazakhstani officials, who were photographing the seized documents. The transfer to Kazakhstan's authorities of the seized electronic devices and documents, which are the subject of legal secrecy, will subject Kazakhstani victims of political persecutions, whom Jardemalie is defending, to serious danger.

<sup>42</sup> <https://www.conseil-etat.fr/ressources/decisions-contentieuses/dernieres-decisions-importantes/ce-9-decembre-2016-m.-o>

<sup>43</sup> [https://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO\\_STU\(2019\)603472](https://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU(2019)603472)

<sup>44</sup> <https://www.csce.gov/international-impact/press-and-media/press-releases/chairman-hastings-urges-ukraine-grant-akhmetova>

<sup>45</sup> <https://twitter.com/FedDirittiUmani/status/1217009557643452416>

<sup>46</sup> <https://org.zmina.info/statements/migracijna-sluzhba-ukrayiny-zakryvaye-ochi-na-politychnyj-kontekst-peresliduvannya-zhanary-ahmetovoyi-zavava-ukrayinskyh-pravozahysnykiv/>

<sup>47</sup> [https://www.facebook.com/permalink.php?story\\_fbid=2020478618054431&id=100002769384378](https://www.facebook.com/permalink.php?story_fbid=2020478618054431&id=100002769384378)

**The EP's recommendation: urges the Kazakhstani authorities, therefore, to expand the OSCE's mandate in the country, and in particular to restore the mandate of the OSCE Centre in Astana, as an important condition for further cooperation between the EU and Kazakhstan.**

The result: not fulfilled.

Kazakhstan has not extended the OSCE mandate. Moreover, authorities have shown disrespect for the conclusions of the OSCE. In response to an OSCE report on systemic election irregularities in Kazakhstan, the newly elected President Kasym-Zhomart Tokayev stated as follows: *"I know all this environment very well, I know how they prepare these reports, how politically biased they can be depending on the country in which these people are working. Therefore, I take the OSCE reports with absolute peace of mind, believe me. ... The OSCE/ODIHR is just one of the many international organisations. We should not focus on the assessments of this particular organisation"*<sup>48</sup>.

**The EP's recommendation: 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.**

The result: not fulfilled to the full extent.

In most cases, the EU delegation did not publicly respond to the mass detentions of peaceful protesters, even rallies took place directly near their building. And so, on 26 November 2019 and 27 November 2019, more than 40 peaceful protesters gathered outside the EU Delegation building in order to draw the EU representatives' attention to human rights violations in the country. However, none of the European diplomats came out to meet with them. After that, 16 people were subjected to administrative arrests for the period of 10 to 15 days for participating in this rally<sup>49</sup>.

In July 2019, Head of the EU Delegation Sven-Olov Carlsson gave an interview on the priorities of the new EU strategy in Central Asia.<sup>50</sup> Unfortunately, the interview does not mention the aspect of respect for human rights in the region and in Kazakhstan in particular. This question is not mentioned in several other interviews with the EU representative.

In addition, the EU Delegation 'appreciates' the results of EU-funded justice reform projects in Kazakhstan.<sup>51</sup> In November 2019, the EU Delegation introduced the new regional Rule of Law programme with an increased budget of EUR 8 million<sup>52</sup>. At the same time, within the framework of these programmes, the EU Delegation does not indicate specific systemic problems in the work of Kazakhstani justice. An illustration of the real situation in this area is the massive political persecution for participating in peaceful elections and publishing comments on social networks.

**The EP's recommendation: calls for the EU, and in particular on the European External Action Service (EAAS), to monitor closely developments in Kazakhstan, to raise concerns with the Kazakhstani authorities where necessary, to offer assistance.**

The result: not fulfilled to the full extent.

During bilateral meetings, EU representatives do not publicly place much emphasis on the critical situation around human rights. For example, in July 2019, during the European Union-Central Asia Forum, the Vice-President of the European Commission Federica Mogherini only outlined in general

<sup>48</sup> [https://tengrinews.kz/kazakhstan\\_news/tokaev-ob-otchete-nablyudateley-obse-znayu-etu-kuhnyu-371041/](https://tengrinews.kz/kazakhstan_news/tokaev-ob-otchete-nablyudateley-obse-znayu-etu-kuhnyu-371041/)

<sup>49</sup> [https://twitter.com/qaharman\\_kz/status/1228396234408370177](https://twitter.com/qaharman_kz/status/1228396234408370177)

<sup>50</sup> <https://astanatimes.com/2019/07/new-eu-strategy-on-central-asia-identifies-challenges-optimises-opportunities-says-eu-ambassador-in-kazakhstan/>

<sup>51</sup> <https://www.facebook.com/EUinKZ/photos/a.1269492499807985/2024905074266720/?type=3&theater>

<sup>52</sup> [https://eeas.europa.eu/delegations/kazakhstan/70672/node/70672\\_en](https://eeas.europa.eu/delegations/kazakhstan/70672/node/70672_en)

terms, the need to improve standards of human rights and freedom of opinion.<sup>53</sup> At that time, mass detentions of peaceful protesters took place in Kazakhstan. On 15 August 2019, at a meeting with President Tokayev, EU Special Representative for Central Asia Peter Burian did not emphasise the priority of the human rights problem.

Practice shows that annual human rights dialogues consist in exchanging information, and, therefore, need to be transformed into a more structured, transparent, and accountable process.

On 20 January 2020, another meeting of the EU-Kazakhstan Cooperation Council was held. As a result of the meeting, the EU stated that Kazakhstan was taking steps to “successfully implement” the Enhanced Partnership Agreement, including the clauses regarding the rule of law. The EU also welcomed the amendments to the law on peaceful assembly announced by President Tokayev, as well as promises made by the authorities to decriminalise charges of “libel” and “incitement of social discord”<sup>54</sup>.

Such conclusions may indicate a lack of objective information which would allow to assess the situation in the country. The facts presented in this document confirm that Tokayev’s promises are only half measures that do not solve the systemic problem, and amendments to the legislation contradict the recommendations of the EU and the UN.

Kazakhstan’s authorities often provide incomplete and propaganda information. Therefore, as an alternative, communication and meetings with representatives of the country's civil society are important. EU justice and human rights reform projects are often implemented without the proper participation of local civil society, and thus, the authorities only create the appearance of reform. Strengthening political and financial support for civil society will make EU policies in Kazakhstan more effective.

## 10. CONCLUSIONS AND RECOMMENDATIONS

In January 2020, the EU confirmed that the Enhanced Partnership Agreement with Kazakhstan will fully enter into force on 1 March 2020. This Agreement will establish principles for building relationships based on respect for human rights and the rule of law.

EU should not only demand that Kazakhstan fulfil human rights obligations and comply with the rule of law, but also independently follow these principles when building relations with Kazakhstan. Trade and economic relations between democratic states and Kazakhstan should be developed on conditions of fulfilment of human rights obligations. It must be borne in mind that the security of European investments themselves depends on this.

The “economy first” approach has contributed to the near complete destruction of the opposition and dissent, which has taken place in Kazakhstan. The strengthening of the authoritarian regime leads to the growth of social tensions and an increase in the number of possible hotbeds of radicalisation in country and region, which, in turn, pose direct threats to the EU in matters of security, and the protection of investments.

In addition, the EU is the main importer, and largest investor and lender to Kazakhstan. It gives EU the levers of influence on Kazakhstan. Currently, it is important for the EU to make clear to the authorities of Kazakhstan that instead of imitating a dialogue, it must introduce real positive changes. We also emphasise the need to introduce personal sanctions against persons who are responsible for or involved in serious human rights violations in Kazakhstan, including torture and politically motivated criminal prosecutions, as well as against those involved in grand corruption.

<sup>53</sup> <https://rus.azattyq.org/a/federica-mogherini-mass-detentions-in-kazakhstan/30042935.html>

<sup>54</sup> <https://www.consilium.europa.eu/en/meetings/international-ministerial-meetings/2020/01/20/>

We hereby urge the EU to demand that the authorities of Kazakhstan:

- Effectively comply with all the provisions of the Resolution of the European Parliament of 14 March 2019, release all political prisoners and cease to prosecute people for exercising their freedom of opinion, assembly, association and freedom of information.
- Immediately meet the requirements of UN to release political prisoners Mukhtar Dzhakishev and Maks Bokayev, as well as provide Iskander Yerimbetov full release without additional restrictions and risks of re-imprisonment, and investigate the facts of torture used against him.
- Cease the persecution of participants in peaceful assemblies and release those who are detained or under house arrest.
- Undertake proper reform of the justice system and, as recommended by the UN and the OSCE, remove explicitly political articles from the criminal law.
- Carry out proper reform of criminal law and legislation regarding freedom of assembly, freedom of association and freedom of the media, in full compliance with the recommendations and standards of the UN, EU and OSCE.
- Stop using the “fight against extremism” as an instrument for violating the rights to freedom of peaceful assembly and freedom of opinion.
- Revoke the decision to ban the peaceful opposition movement “Democratic Choice of Kazakhstan”, as it does not have legal certainty and makes it possible to sentence people to prison terms for exercising their right to freedom of speech and assembly.
- Cease the misuses of the mechanisms of Interpol, extradition procedures, and international legal assistance, which are carried out with the aim of persecution of political opponents abroad.
- Ensure that torture is effectively combated and that all allegations of torture are properly addressed by increasing the number of cases of torture that go to trial.