



Kazakhstan:

EU should insist on respect for human rights as part of its PCA negotiations

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The EU should insist on reforms to strengthen respect for human rights and a concrete timetable on democratic reforms in its negotiations with Kazakhstan on a new Partnership and Cooperation Agreement (PCA). Kazakhstan has failed to carry out such reforms; authorities held disputed Parliamentary and Presidential elections in 2011, cracked down on journalists and social media, and adopted legislation restricting fundamental freedoms such as the freedom of religion or belief. Authorities even denounced efforts of election observers of the OSCE Office on Democratic Institutions and Human Rights (ODIHR); in stark contrast to its previous role as Chairman-in-office of the OSCE.

Kazakhstan held the OSCE Chairmanship in 2010. In order to get approval for this role among OSCE Participating States, Kazakhstani authorities made pledges to improve respect for human rights and to initiate democratic reforms. However this golden opportunity to bring the country up to OSCE and international standards has largely been missed. It has become clear that Kazakhstan did not intend to carry out such reforms, but rather use its Chairmanship role only to strengthen its international image.

Kazakhstan has been largely successful in balancing between great powers with interests in the Central Asia region; such as China, the Russian Federation, the US and the EU. In order to exploit its large oil and gas resources effectively, authorities have invited international investments and international oil companies to participate in developing its economy. It has also emphasised that it does not want to remain dependent on extractive industries only, and invited efforts to diversify the economic base.

Conflicts starting in the spring of 2011 and developing into violent riots in its Western oil rich region in December 2011, put into question the future stability of the country. Local and Central authorities had failed to deal effectively with problems of hardship of Kazakh oil workers, social problems and corrupt management of the industry.

On this background, the EU should maintain a strong position on human rights and the need for democratic reforms. The EU should demand concrete reform measures according to set benchmarks. Reform must take place according to a set timetable in order for increased trade and partnerships to materialize.

Media and civil society

While recent releases from prison of human rights activist *Evgeniy Zhovtis* and Editor *Ramazan Esergepov* are long-awaited and welcome events, they occur as a campaign of crack-downs on journalists, activists and political opposition in Kazakhstan is also taking place. Following the tragic December 2011 events in Zhanaozen, where officially 17 people were killed in clashes between police and oil workers and large scale destruction of property took place, authorities have arrested a number of people on charges of inciting social unrest and of conspiring to overthrow the government. Labour union lawyer *Natalia Sokolova* remains imprisoned, and *Erzhan Daukenov*, an activist from an unregistered labour union, *Zhanartu*, was recently sentenced to 8 years imprisonment. In addition, there is a concern that Zhanartu labour union activists in exile in the Russian Federation will be deported to Kazakhstan and face similar measures by authorities.

Representatives of well respected media outlets like the opposition newspaper *Respublika* and the internet TV channel *stan.tv* as well as independent activists have been subject to searches, threats and interrogation. Activists who have followed developments related to the Zhanaozen events and encouraged use of social media to spread information about the events have been subject to intimidation and threats.

Demonstrations against the way authorities has dealt with strikes among oil workers for better salaries and working conditions and in particular their handling of the Zhanaozen events have taken place in Almaty. However there has been heavy police presence and restrictions violating the right to assembly has been put in place. Demonstrations were only allowed to take place on locations far from the city centre. Persons in leading roles of arranging demonstrations have been brought in for questioning and even held by police on their way to take part in the demonstrations.

Dealing with Zhanaozen

In an attempt to meet international criticism, the Kazakhstani government has initiated investigation into the Zhanaozen events, also indicating that it will look into the way authorities have dealt with the root causes of the conflict and holding official's to account for any criminal acts related to the events. It has even indicated that it will invite international participation in the investigations.

A strategy for dealing with the causes and the consequences of the events in Zhanaozen has been launched. The Prosecutor General has initiated criminal cases against some local level police, officials in local administration and representatives of oil companies. However, a serious issue remains that the investigations are not fully independent. The people that have been charged are not those that gave the orders; but rather those who carried them out and are now punished as scapegoats.

On this background, the Norwegian Helsinki Committee urges the EU to insist on:

- **In order for trust to be restored after the violence, investigations must be open and independent, and authorities should deliver on their indication that they will include international investigators;**
- **Investigations should address those with ultimate responsibility for policies and actions that led to the tragic events in Zhanaozen; including officials at the highest levels of decision making.**

Even if the ongoing investigation into the Zhanaozen events is not fully adequate, the arrests of lower level company and authority representatives for embezzlement and corruption, nevertheless demonstrates some of the inherent problems of this vital business sector in Kazakhstan. Adding to this picture is that oil workers were at strike to get absent salaries; their claiming of legal rights were met with violence from authorities; labour unionists were imprisoned; and in the wake of the events there have been put restrictions on information of the events.

On this background, the Norwegian Helsinki Committee urges the EU to insist on:

- **A set of clear benchmarks in order to improve working conditions, transparency and trade union rights in Kazakhstan’s expanding oil and gas businesses.**

Restrictions on freedom of religion or belief

In particular small religious groups in Kazakhstan are now experiencing the negative effects of the new Law on Religion, adopted in 2011. In a recent statement, Kazakhstan’s senior state religious affairs official, *Kairat Lama Sharif* has described a 13 per cent fall in the number of registered religious communities as a “positive dynamic”. 579 small religious groups, with fewer than 50 adult members at the local level, which is the Law on Religion’s requirement for registration, have been stripped of registration.

According to the law, unregistered religious groups are not allowed to carry out any activities. The new Law on Religion is consequently showing to be an efficient tool to stop activity of such groups as independent mosques, Grace, Baptist and Seventh-day Adventists.¹

The Norwegian Helsinki Committee is concerned with reports that law is enforced despite more detailed regulations have not yet been made public by the State Agency of Religious

¹ Based on reporting of the Forum 18 News Service, *KAZAKHSTAN: Small religious communities "banned under new Law"* (22 February 2012), http://www.forum18.org/Archive.php?article_id=1671

Affairs. There are reports that there have been police raids on believers meeting to pray, and disputes over the use of property have arisen.

The restrictive Law on Religion has several provisions that violate international standards of freedom of religion or belief, as well as freedom of expression and freedom of assembly. The recently published *regulations on so-called technical expertise* that is to be carried out on religious literature are clearly in breach with international conventions that Kazakhstan is a signatory to, in that it effectively institutes a system of censorship of religious literature.

These developments in the sphere of freedom of religion, in addition to trends of crack-down on journalists and activists covering sensitive issues such as the Zhanaozen events, may illustrate an overall trend of restricting on fundamental freedoms.

On this background, the Norwegian Helsinki Committee urges the EU to insist on:

- **The incompatibility with human rights to have a state policy on reducing the number of religious groups being active in the country;**
- **Upholding respect for unregistered religious activity;**
- **Kazakhstan fighting violent extremism and terrorism, which is often referred to as a pretext for the restrictive legislation on religion, in compliance with international human rights. Banning peaceful religious activities will not benefit the fight against terrorism; on the contrary, there are ample documentation that such restrictions often lead to radicalisation and more violent extremism.**

Addressing the above mentioned issues should be a part of EU negotiations with Kazakhstan. There should be put clear conditionality on respect for core human rights principles in order for the enhanced PCA to be adopted.