

## **EIAS Zoom Webinar on Kazakhstan's International Human Rights Commitments in the Light of Political and Institutional Reforms**

### **EVENT REPORT**

*29 October 2021, EIAS, Brussels*

On 29 October 2021, the European Institute for Asian Studies (EIAS) hosted a webinar on the human rights commitments made by Kazakhstan in light of its political and institutional reforms. The webinar took place only two weeks after Kazakhstan was elected as a member to the next upcoming rotation of the United Nations Human Rights Council, for the period 2022-2024. The webinar discussed topics such as electoral integrity, rights of the incarcerated and undertrials, and gender equality in Kazakhstan. Much of the discussion was centred around the report published by Acquis EU Law and Policy, represented by Mr Jeroen Jansen.

The webinar was chaired and introduced by EIAS CEO Mr **Axel Goethals**, with the Ambassador of the Republic of Kazakhstan to the Kingdom of Belgium, Mission to the EU and NATO, H.E Mr **Margulan Baimukhan** giving the opening remarks. The other speakers included Ms **Elvira Azimova**, Human Rights Ombudswoman of Kazakhstan, Mr **Jeroen Jansen**, Managing Partner, Acquis EU Law & Policy, Ms **Espenova Mahabbat**, Head of the Kazakhstan Center for Civil Initiatives, Ms **Tatjana Ždanoka**, Member of the European Parliament, and Mr **Dietmar Krissler**, Head of Division for Central Asia, European External Action Service.

Mr Goethals introduced the event, congratulating Kazakhstan on the 30<sup>th</sup> anniversary of its independence, and for being elected to the United Nations Human Rights Council (UNHRC). He underlined the important role of reports by organisations such as the Organization for Security and Co-operation in Europe (OSCE), UNHRC and Human Rights Watch on Kazakhstan's human rights situation. He introduced the Acquis report, commending the work done while expressing the need for more open dialogue and objective reporting. The report highlights reforms undertaken, and observations concerning rights commitments requiring further exploration.

The report provides critical and complementary observations, and Mr Goethals ended his introduction by saying there was a need to “achieve a greater understanding of the reality of the situation in Kazakhstan, and what steps need to be taken to continue Kazakhstan's liberal reforms and democratisation”. He then passed the floor to His Excellency Margulan Baimukhan, Ambassador of the Republic of Kazakhstan to the Kingdom of Belgium, Mission to the EU and NATO, for his opening remarks.

H.E Baimukhan, stating that “Kazakhstan has become a state seeking to strengthen its contribution to the rule of law and democracy”, believed that reforms are the cornerstone of their commitment to international human rights standards. Under the Tokayev administration, priority measures in human rights were being adopted by the government at a rapid pace. He saw their election to the UNHRC as “a powerful sign for, and a huge incentive for new reforms and partnerships”, with dialogue on human rights being held between the EU and Kazakhstan. He further added that Kazakhstan was

“committed to providing humanitarian assistance to the Afghan people, promoting the rights of everyone”. Concluding his remarks, he hoped that the webinar and report would help enforce mutual trust and cooperation between Kazakhstan and the EU, as well as between the EU and Central Asia.

The next speaker was Ms Elvira Azimova, the Human Rights Ombudswoman of Kazakhstan. For her, “while every country is interested in assessing itself, they also must listen to the opinions of independent analysis”, and “while every country has its own peculiarities, global trends and international standards cannot be ignored”. In this context, Kazakhstan sees itself as a transparent country, especially in human rights, with constructive criticism being essential. The main crux of her talk was the issue of criminal justice and human rights of the incarcerated. It remains an important issue within her mandate, as the office of the Ombudswoman receives the most complaints from the incarcerated concerning their rights during the prosecution process. Expressing her gratitude for the presence of the panel, she stated that while international assessments may not always be pleasant, discussions allow for the “finding of common ground, especially in the field of human rights”. Concerning the 13<sup>th</sup> UN periodic review, she mentioned that Kazakhstan was not European, but European values were not ignored in the country, and working in the field allowed her to apply European recommendations and lessons to the Kazakhstan context. Another issue she addressed was public health, stating that it was necessary to bring health issues in balance with human rights. In this sphere, she talked about the importance of representatives of civil society, who provide unique viewpoints and perspectives, and invited them to be a part of the review process. The floor was then passed on to Mr Jeroen Jansen, Managing Partner of Acquis EU Law & Policy.

Mr Jansen highlighted that Kazakhstan’s election to the UNHRC reflected the important work undertaken by them in reforming and progressively implementing their Human Rights commitments. Stating that “the implementation of human rights commitments is an evolutionary process”, he went on to introduce and explain the main conclusions of the Acquis report on the subject. It includes an analysis of reports and the accompanying debates in UN Human Rights fora. Based on desk research of official documents and statements, the report had numerous findings including the following:

- Kazakhstan has signed and ratified a full range of international human rights mechanisms, playing an active role in the EU-Kazakhstan Human Rights Dialogue, under the Enhanced Partnership and Cooperation Agreement (EPCA)
- The reforms presented in the last two years are a testament to Kazakh human rights commitments, and several recommendations have been made to address a range of concerns and improve shortcomings
- Existing concerns are focused on the civil society aspects of Human Rights compliance

Mr Jansen elaborated on the recommendations given by Acquis, including maintaining and strengthening collaboration with civil society in Kazakhstan, and reviewing and acting upon recommendations from the UN Universal Periodic Review (UPR), OSCE and EU. Acquis also suggests engaging with partners to provide factual information to counter disinformation, and the facilitation of independent reviews and in-country audits to follow up on these. From this, the floor was then given to Ms Espenova Mahabbat, Head of the Kazakhstan Center for Civil Initiatives.

Representing the civic alliance of Kazakhstan, and Nursultan in particular, Ms Mahabbat stated that human rights reports play an important role for the recognition of Kazakhstan's achievements over the years, and as an analysis instrument for decision makers and civil society organisations. She underlined other issues requiring mitigation and monitoring along with human rights, such as ecological rights, economic associations, violations of fundamental freedoms, health issues, and the demand for better internet connectivity. According to her, in the transformation of Kazakhstan's civil society, "we can see some institutions strengthening, while some remain in crisis". She believes it is important to develop and expand the network of civil centres in Kazakhstan at all levels and talked about the importance of "Public Councils" as a mechanism for dialogue on human rights. She concluded by underlining the concept of the "hearing state", with effective communication being key in society. She believes that a "hearing" state with a "speaking society" results in a "speaking state" and "hearing society", with communication increasing cohesiveness between a government and its people. The floor was then passed on to Ms Tatjana Ždanoka, Member of the European Parliament.

Ms Ždanoka expressed interest in the concept of "Public Councils", their organisation and use. Within the scope of human rights, the balance between rights and security (especially regarding religious rights) is of vital importance. As a part of her committee work, she mentioned that her ambit analysed how the state interacted with religion, especially with the dangers of radicalisation. She commended the statements given by Mr Jansen and Mr Goethals and said that "the EU is not in a position of teaching, as we are not perfect either". She gave the example of the arrest of a Latvian journalist on "fake charges", which she believed were due to their critical articles and discussions of political issues. She concluded that "everyone is obligated to fight against the violation of human rights, no matter when or where they take place". The floor was then passed on to Mr Dietmar Krissler, Head of Division for Central Asia, European External Action Service.

Mr Krissler underlined the strengthened cooperation between the EU and Kazakhstan on human rights, including high-level visits and meetings between officials. He commended their focus on human rights, and explained that issues were discussed in an open and frank manner. However, he also believed that "more needs to be done to ensure effective implementation of reforms on human rights, and efforts must be strengthened to ensure the promotion and protection of human rights". He concluded by reiterating that discussions with civil society are organised in Brussels and Nursultan, and their feedback is an important source of information for meetings with Kazakh authorities and to prepare for annual Human Rights dialogues.

After the panel discussion, an interactive Q&A session followed. Many of the questions dealt with Kazakhstan's human rights record, and their priorities, aspirations, and expectations going forward as a member of the UNHRC.

In response to the latter, Ms Azimova mentioned that Kazakhstan was well on the way to improving its record; with the Acquis report showing that out of 245 recommendations given, 214 were accepted, including those on Human Rights defenders, prevention of torture, and gender equality etc. They plan to work in line with the UPR, decriminalising certain articles of the penal code, and working on trade union legislations. Her office has received a government response on reviewing articles of legislation and is aiming to come to mutually acceptable solutions.

On matters relating to the registration of civil society organisations, she acknowledged complaints received regarding situations where applications were denied, but emphasised that the Ministry of Public Awareness had tabled a proposal to amend the law on public associations, with a governmental working group being set up. She again emphasised the importance of civil society, and the need to consolidate efforts and increase the level of oversight. She spoke on specific procedures that can be applied such as going through the prosecutor general or courts for grievances, working in a constructive manner, which remained an obligation of all stakeholders. Mentioning that US representatives had requested dialogues on human rights relating to freedom of religion, she extended an invitation to the EU to do the same.

Mr Krissler mentioned the importance of working level dialogues addressing the subject of political repression, as most work is accomplished there. He emphasised the importance of individual cases as these are part of critical dialogues and sessions undertaken by the EU. Ms Azimova stated that political rights issues are a “barometer of democracy”, and that responses to these issues need to be structured and then followed up.

Mr Goethals then gave his closing remarks, highlighting that we must take into consideration that Kazakhstan has only been independent for thirty years. A positive approach should be taken and discussions and dialogues are needed in order for Kazakhstan to continue to develop into a more vibrant democracy .