



EUROPEAN UNION

**Permanent Council Nr 878
Vienna, 1 September 2011**

EU statement on the rule of law and human rights issues in Kazakhstan

The EU has taken note of a number of developments with regard to the upholding of the rule of law and human rights standards that have occurred in Kazakhstan in August.

The EU follows closely the activities of the Kazakh law enforcement authorities regarding striking oil workers and their representatives. In particular, we are concerned that, on 8 August, trade union lawyer Natalya Sokolova, who had been active on behalf of striking oil workers, was, despite alleged procedural violations during the trial, handed down a six-year imprisonment sentence for 'inciting social discord and organising illegal gatherings'. These violations apparently include refusal by the court to hear defence witnesses and rejection of other potentially exonerating evidence. Ms Sokolova has announced her intention to appeal the verdict, and the EU calls on Kazakhstan to ensure her a free and fair trial. In this context and in the context of other court rulings and administrative sanctions as well as reported cases of violence, the EU calls on Kazakhstan to uphold its international obligations and commitments, including those undertaken within the OSCE human dimension, in the fields of freedom of expression, association and assembly, including the right to organise and participate in trade union activities.

The EU regrets that, yet again, on 2 August the application of human rights defender Evgenyi Zhovtis for early release was rejected. The EU has expressed its strong concern with the procedural violations in the Zhovtis trial on many occasions and reiterates its call for the provision of a remedy.

Mr Chairperson,

Almost ten years ago, in this room, the EU welcomed the transfer of the Kazakhstani prison system from the Ministry of the Interior to the Ministry of Justice. It is worth recalling that the transfer had been a recommendation of the UN Committee Against Torture. We note that conditions in detention facilities have improved somewhat since this transfer. It is with concern, therefore, that we have learnt of the Decree by President Nazarbayev, made public on 4 August, which reverses the transfer. It appears that this decision was not subject to public debate beforehand, although the matter is of vivid interest to many NGOs. There is concern that the decision will negatively affect access of NGOs and other independent monitoring bodies to detention facilities, as well as the ongoing work by the Ministry of Justice to reform the Probation and Prison Health systems. The EU hopes that Kazakhstan will take steps to ensure continued monitoring possibilities for all detention facilities and will continue to reform the detention system in order to achieve its humanisation and uphold the country's commitments and obligations as regards prevention of torture and other cruel, inhuman or degrading treatment or punishment. One important step would be the establishment of a National Preventive Mechanism under the Optional Protocol to the Convention against Torture.

The EU would appreciate being kept updated on developments with regard to the matters we have raised today.

The candidate countries CROATIA*, the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO* and ICELAND**, the countries of the Stabilisation and Association Process and potential candidate countries ALBANIA, BOSNIA AND HERZEGOVINA and SERBIA, the European Free Trade Association country NORWAY, member of the European Economic Area, align themselves with this statement.

*Croatia, the Former Yugoslav Republic of Macedonia and Montenegro continue to be part of the Stabilisation and Association Process.

**Iceland continues to be a member of the EFTA and the European Economic Area.