



The EU Central Asia Strategy

An essential opportunity for human rights

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Human Rights Watch welcomes the initiative of the EU and the German presidency to embark upon a Central Asia strategy, following years of neglect of this important region by the EU.

A central thrust of this strategy should be securing greater compliance by the governments of Central Asian countries with their international human rights obligations. Currently, it is not. This paper explains why the strategy needs to incorporate human rights through identifying specific human rights concerns and benchmarks for progress. It also provides a brief summary of human rights concerns in several Central Asian countries and suggests key actions and benchmarks to address them.

Human Rights and the Central Asia Strategy

Ensuring respect for human rights is of critical importance to the goals of the Central Asia strategy articulated by the German presidency and of the EU's January 2007 Joint Discussion Paper on the Strategy for Central Asia ("the EU draft strategy"). The EU draft strategy states that the EU's overall aim is "The establishment of stable, independent and prosperous countries adhering to democratic values and market economy principles in Central Asia." It prioritizes promoting security and stability, strengthening energy security, and enhancing trade and investment.

The German presidency, as reflected in recent public statements by Foreign Minister Steinmeier, has also identified stability as a key EU concern that should be addressed by the strategy. Human Rights Watch believes that respect for human rights and the rule of law is essential to stability. Governments that meet their

international commitments, are accountable to their people, and provide avenues of dissent and public criticism, are those most likely to be stable and not to pose threats to regional or international security. This was a key precept of the CSCE (Conference on Security and Cooperation in Europe (or Helsinki) process and ultimately one of founding principles of the OSCE.

The human rights section of recent EU draft strategies implies that human rights conditionality—especially in policy toward Uzbekistan and Turkmenistan—and public expressions of concern on individual cases by EU governments have hampered the development of relationships with Central Asia and produced little result.¹

Grounded in this analysis, the documents’ human rights action points call for enhanced focus on education and training, structured human rights dialogues, and support for civil society. While these tools are important components of a strategy to promote human rights in the region, they alone are not enough to encourage meaningful change.

For example, a structured dialogue on human rights can be effective if, for each country, the EU articulates clear substantive goals to be achieved and presses on these goals at the highest levels and in a sustained manner.² Dialogue alone will not be effective, however, if the government that is being engaged takes no meaningful action to address issues raised in the dialogue and there is no next-step strategy.

Similarly, support for civil society and NGOs is essential to promoting human rights and good governance. But that alone will not be sufficient in countries whose

¹ With regard to Uzbekistan and Turkmenistan, it should be emphasized that to the degree that EU relationships with these governments have been interrupted, it was due not to EU policy but to the intransigent refusal by both governments to meet their human rights obligations and respond constructively to concerns expressed by the EU and the international community more broadly. With regard to Uzbekistan, the full potential of the post-Andijan EU sanctions was further undercut by the fact that the sanctions came long after the Andijan events and were not as strong as they might have been; the key person on the visa ban list was admitted to Germany on a humanitarian visa just after the sanctions were adopted, which, coupled with the absence of a public statement on the part of the German government clarifying its position and reaffirming its full commitment to the EU sanctions, no doubt sent a message to Tashkent that the sanctions could be evaded. Perhaps most importantly, however, the EU appears to have had no post-sanctions strategy, with the result that it failed to proactively use the sanctions as an effective policy tools for change by articulating the steps the Uzbek government would need to take in order for the sanctions to be eased or lifted.

² The EU Council acknowledged this in its 2001 European Union guidelines on Human rights dialogues, which states in point 12: “The European Union will ensure that the issue of human rights, democracy and the rule of law is incorporated into all meetings and discussions it has with third countries, at every level, including political dialogue.”

governments continue to hamper civil society, in some cases making it nearly impossible for NGOs to operate. This could have a subsequent, negative effect on the EU focus on education and training in cases where NGOs involved in such activities and are vulnerable to government attack.

The need for human rights criteria and high-level commitment

The EU Central Asia strategy should contain clear goals, criteria or benchmarks, and the will to incorporate human rights concerns at the political level, including, when necessary, through public statements. The EU draft strategy provides such goals in several other areas, but not in the area of human rights and governance. Goals and criteria in the human rights aspect of the strategy will give it a clear direction and enhance its potential to achieve concrete, positive results.

Further, since the EU is considering spending significant funds in programming in Central Asia it should consider staggering the expenditures so that some funds would be linked to specific benchmarks. Thus, human rights criteria or benchmarks could be linked to future benefits, like the deepening of engagement or increased assistance.

Formulating goals and criteria for human rights progress in the Central Asia strategy would be consistent with EU practices elsewhere and those of other European institutions.³ For example, while there are clear differences between the Central Asia strategy and the European Neighborhood Policy, the latter's Action Plans, which incorporated, among other things, specific human rights objectives, could be a useful model for the Central Asia strategy.

Raising human rights at the political level and establishing goals and benchmarks in human rights do not, as some in the EU have suggested, set back the EU's relationships with Central Asian governments with no result. In the case of Turkmenistan, for example, even in the absence of an interim trade agreement with the EU, contact and engagement with the EU continued at many levels. Notably, several of the reform promises made by

³ For example, EU guidelines on human rights dialogues calls for the establishment of benchmarks, criteria for measuring the progress toward benchmarks, and "criteria for a possible exit strategy." With regard to Turkmenistan and Uzbekistan the European Bank for Reconstruction and Development has set benchmarks that these respective governments need to meet in order to qualify for public sector investment.

the new Turkmen president directly address EU parliament human rights benchmarks for entering into an interim trade agreement with Turkmenistan.

Some argue that setting criteria or benchmarks with Central Asian governments will isolate them or further drive them into partnerships with Russia and China. This is an overly simplistic view. Central Asian governments want and need EU engagement. They are wise enough to have balanced foreign policy and to balance their partnerships. Some countries, such as Tajikistan and Kyrgyzstan are donor dependent and need EU financial support, directly and through international financial institutions. Others seek EU support for broader political aims, such as Kazakhstan's aspirations to assume the chairmanship of the OSCE.

More important, incorporating benchmarks and making clear that human rights principles feature prominently in the EU's strategy will demonstrate to governments and citizens in Central Asia that the EU is serious about promoting universal values as a core element of its foreign policy. It will help counter cynicism that EU interests in the region are solely about energy and counterterrorism. It will make clear that the EU has an interest in people's lives.

Concrete actions and benchmarks to promote human rights in Central Asia

The Central Asian governments' human rights records vary. For each country, the EU strategy should set out clear actions to be taken, with benchmarks to measure progress, that reflect each country's unique situation. A set of possible actions and benchmarks, which is by no means comprehensive, is suggested below. The EU should consult with civil society institutions of each country to solicit views about criteria and benchmarks, with a view to incorporating them into the strategy.

Uzbekistan: The EU is already familiar with Uzbekistan's very poor human rights record. There is still no justice for the hundreds killed by government troops in the 2005 Andijan massacre. Many in the EU, including some who participated in them directly, acknowledge that the rounds of EU-Uzbek experts' meeting did nothing to provide accountability for the crimes committed in Andijan or even to clarify the many outstanding questions surrounding the massacre. At most it provided an opportunity

for the Uzbek government to recount its version of the events that led up to the massacre, but did not even begin to address the killings that followed these events.

The crackdown on human rights defenders, independent journalists, peaceful political activists, and the like continues. Government repression and harassment has made it almost impossible for local NGOs and groups to function. Since the Andijan events, 13 human rights defenders are currently serving prison sentences, and two others are in custody awaiting trial. In addition, Sanjar Umarov, an Uzbek political opposition leader, and other political dissidents are in prison. Thousands have been imprisoned on “extremism” charges for their Islamic affiliations, practices and belief that fall outside official religious institutions. There has been no perceptible change in the government’s record on torture, termed by the UN Special Rapporteur on torture as “systematic.” In some cases defendants at trial continue to report torture allegations.

Action required of the Uzbek government/ benchmarks for measuring progress:

- Create space for civil society, which is essential if there is to be accountable government, but also necessary if the NGO assistance the EU proposes is to be meaningful. This requires: the release of imprisoned human rights defenders, registration of NGOs and independent media outlets, and demonstrable evidence that the government allows them to function without undue hindrance over a sustained period of time. This is particularly important in view of the forthcoming 2007 presidential election;
- Ensure justice and accountability for the Andijan massacre, which requires a genuine independent international inquiry and EU access to/information about priority Andijan detainees, as set out in the November 2005 GAERC conclusions;
- Decriminalize certain kinds of religious activity and release people convicted exclusively on religion-related charges;
- Commit to eradicating torture, which requires implementation of recommendations made by the UN Special Rapporteur on torture and cooperation with other UN special mechanisms, including granting of access to those who have requested invitations to visit the country.

Kyrgyzstan: The current Kyrgyz government came to power on the promise of reform but has failed to articulate or prioritize a human rights policy. Its uneven statements and actions in the past two years regarding NGOs give rise to concerns about future attempts to unduly regulate or interfere with civil society. The government has little capacity, coherence, or will to undertake significant human rights reforms.

The EU and OSCE have devoted significant resources to a police reform program; while the current phase of this program includes training on human rights, the pervasiveness of torture and ill-treatment of detainees and other rights violations in the Kyrgyz criminal justice system warrants expanding the emphasis on human rights in this program as well as more EU political engagement on this issue.

Violence against women in the form of domestic violence and kidnapping of women and girls for forced marriage is on the rise, with no effective government response. This results in human rights violations that degrade the status of women in society and thereby set back social development.

The government has hosted hundreds of Uzbek refugees and asylum seekers, but is failing in its obligation to protect them and has been complicit in the forced return to Uzbekistan of at least nine refugees and asylum seekers; it is unclear what role it played in the disappearance and possible forced return of four additional asylum seekers.

Actions required of the Kyrgyz government/ benchmarks to measure progress:

- Hold accountable those found to be guilty of ill-treating detainees, and invite the UN Special Rapporteur on torture to visit Kyrgyzstan with a view to developing a set of recommendations to end torture;
- Demonstrate that it is strengthening the judiciary by, for example, implementing OSCE recommendations on the judiciary; implement OSCE recommendations on carrying out trials, including investigation of all allegations of torture;
- Provide demonstrable evidence that it is enforcing its laws on domestic violence and kidnapping of women and girls for forced marriage;
- Commit firmly to protecting remaining refugees and asylum seekers from forced return by, for example, holding accountable officials complicit in the

forced return of refugees and asylum seekers and apply national refugee law equally to all asylum seekers.

In addition, the EU should increase programming assistance to nongovernmental groups that provide essential services to victims of violence against women.

Kazakhstan: Kazakhstan ratified the International Covenant on Civil and Political Rights (ICCPR) in 2006, the last Central Asian state to do so, but has yet to bring its national legislation into full compliance with this instrument. The Kazakh government benefits from comparisons to more repressive Central Asian governments but has shown a disappointing lack of commitment to human rights reform. Like several other governments in the region, the Kazakh government has yet to hold a national election that meets international standards. President Nazarbaev's reelection in December 2005 was no exception, and since then, the government has further tightened control over independent media, interfered with the political opposition (among other things, by refusing to register a major opposition party), and initiated politically motivated lawsuits against its critics.

Kazakhstan's aspiration to hold the chairmanship of the OSCE in 2008, provides the EU window of opportunity in advance of the December 2007 decision to press for human rights improvements. The German presidency's public endorsement of Kazakhstan's bid for the OSCE chairmanship without insisting on improvements in human rights as a pre-condition has squandered an important opportunity for serious change. The EU needs to act quickly to develop a set of criteria for the chairmanship that will also be retained in the Central Asia strategy.

Actions required of the Kazakh government/ benchmarks to measure progress:

- Registration of opposition parties and of political movements without delays and complications;
- Implementation of OSCE recommendations on elections;
- Review of legislation on freedom of expression and assembly, with a view to annulling criminal penalties for libel;
- Amendment of national legislation to fully comply with the ICCPR;

- Implementation of OSCE recommendations on carrying out trials, including investigation of all allegations of torture.

Turkmenistan: Saparmurad Niazov, who ruled Turkmenistan for 21 years and died in December 2006, created one of the most repressive governments in the world. It is too early to tell whether the new Turkmen government under Gurbanguly Berdymukhammedov will turn Turkmenistan definitively away from the ruinous policies of his predecessor, and whether it will deliver on its promises of social and economic reform.

Berdymukhammedov was elected in a vote that offered no real choice to voters and that was organized in a country that, after so many years of dictatorship, had absolutely no conditions for free and fair elections. While the government and presidential candidates promised social and economic reform during the electoral campaign,⁴ Berdymukhammedov has emphasized repeatedly that he will continue the policies of Niazov, a worrying sign that some of the worst aspects of the Niazov regime may remain in place. The only sign of possible political reform to date was a promise by Berdymukhammedov to make the internet more accessible in Turkmenistan.

Actions required of the Turkmen government and benchmarks to measure progress:

After 21 years of tyranny under Niazov the human rights landscape in Turkmenistan is abysmal in every area of civil and political and social and economic rights. The Central Asia strategy is an exceptional opportunity to link specific improvements in human rights to deepened engagement with the EU. The EU should adopt a two-tiered approach to criteria and benchmarks—long term and short term. The short term benchmarks, listed below are the preconditions for EU engagement set out in the October 4, 2006 European Parliament resolution:

⁴ The government pledged to restore the tenth grade to the compulsory education system, ordered the reopening of the Academy of Sciences, and promised to allow more students to study abroad and to attract more foreign specialists into Turkmenistan's higher education system. No specific promises have been made, however, to restore the full program of compulsory education. Berdymukhammedov also promised to improve the pension system, ensure that pensions and salaries are paid on time, and provide gas, water, electricity and salt free of charge to consumers.

- Release all political prisoners (also as called for by the EU in its February 16 statement);
- Allow the International Committee of the Red Cross to work freely in Turkmenistan;
- Realign the educational system with international standards;
- Abolish governmental impediments to travel abroad;
- Allow independent NGOs to work without undue government interference;
- Permit UN and other international human rights monitors to operate freely in the country to monitor such progress.

Long-term actions should include:

- Allow freedom of expression and information. This should include lifting of all restrictions on independent journalistic activity, including access for and free functioning of foreign journalists in the country.
- Allow freedom of religion.
- Fully restore the education system.
- Restore a functioning health care system, cancelling the policies that saw healthcare workers replaced by military conscripts in most of the country's healthcare facilities.
- Establish a genuinely pluralistic political environment, including registration of alternative political parties, and conditions for future elections to be conducted in accordance with democratic standards as determined by OSCE Copenhagen commitments. Exiled opposition figures should be allowed to return to Turkmenistan and participate in the political life of the country.