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## Central Asia's civil society at 25 years of independence: Appeal for solidarity

**Written statement by International Partnership for Human Rights; Kazakhstan International Bureau for Human Rights and Rule of Law; Nota Bene; Turkmen Initiative for Human Rights; the Association for Human Rights in Central Asia; the Voice of Freedom Foundation; and the Human Rights Movement Bir Duino Kyrgyzstan to the 2016 OSCE Human Dimension Implementation Meeting**

This year, it has been 25 years since the Central Asian states gained independence. With the fall of the Soviet Union, these countries embarked on a transition process, with great expectations for what it would bring in terms of democracy, freedom and respect for human rights. However, the transition has proved to be far from as easy as imagined at the time. The current overall trend regarding the protection of fundamental rights in Central Asia is a downward one and while a free and vibrant civil society is a cornerstone of any democracy-aspiring society, the region's authorities have increasingly tightened the screws on this sector.

The civil society climate is extremely repressive in Turkmenistan and Uzbekistan and there is little hope for immediate improvements in Uzbekistan in the post-Karimov period. While the situation in Kazakhstan, Kyrgyzstan and Tajikistan is not quite as bleak, it has recently deteriorated in an alarming way, with national security arguments being exploited by the authorities to stifle free speech, curtail dissent and narrow the space for civil society. The current economic downturn in the region has reinforced this trend as the authorities, fearing more widespread discontent, have become increasingly hostile to criticism.

Yet, even when faced with this challenging reality, Central Asian civil society actors continue their tireless efforts to stand up for justice, dignity and rights and push back against repression. It has been said before, but it bears repeating: now more than ever, the region's civil society needs the support of the international community. We appeal to all of you to join in on this cause using available means, whether that means re-tweeting this or other civil society appeals, participating in solidarity campaigns, speaking up on the issue at the HDIM or other forums, or intervening directly on behalf of individuals at risk.



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Below we would like to draw your attention to a number of key concerns regarding the current situation of civil society in the five Central Asian countries:

## **Kazakhstan**

This spring the Kazakhstani authorities resorted to **repressive measures to thwart unprecedented wide-scale peaceful protests on land reforms and broader issues**, which peaked on 21 May when people gathered in cities across the country to voice discontent. Hundreds of protestors, civil society activists and journalists were detained, and dozens of activists were fined or locked up for up to 15 days for participating or planning to participate in protests.

Several **well-known civil society activists have been charged with criminal offenses** in apparent retaliation for their participation in the land reform protest movement. Among these are Maks Bokaev and Talgat Ayan who remain in pre-trial detention and Makhambet Abzhan who was recently sentenced to one year's restricted freedom, during which time he will be subjected to court-imposed restrictions. There has also been a **number of other recent cases where activists, social media users and journalists have been charged with criminal offenses because of their civic and professional activities**, in particular with the broadly worded offenses of "inciting" national and social discord and "deliberately spreading false information". Among others, activists Ermek Narymbaev, Serikzhan Mambetalin and Bolatbek Blyalov are subject to court-imposed bans on their civic engagement after being convicted of "inciting discord" earlier this year. Political opposition leader Vladimir Kozlov, who was convicted on "incitement" and other charges in 2012, was finally released on parole in August 2016 after spending more than four years in prison.

New legislation adopted in 2015 provides for **increased government oversight of NGO activities** and requires NGOs to **submit information to a new government database** at the threat of fines or suspension of their activities. The NGO International Legal Initiative, which has challenged the new reporting requirement in court and declined to comply with it, was subjected to an unscheduled tax inspection in August 2016. It linked this to its opposition to the new legislation. According to recent Tax Code amendments, all individuals and organizations receiving foreign funding for the provision of legal assistance, public opinion study or information gathering/analysis/dissemination are required to report this information and a public database containing such information will be created. It is not clear how exactly these provisions will be applied, but there are concerns that this will mean **yet another reporting obligation** for NGOs engaged in the types of activities concerned and that the publication of details specifically on foreign funding **may stigmatize and endanger individuals and groups**.

## **Kyrgyzstan**

The May 2016 vote by Kyrgyzstan's parliament to reject the Russia-inspired "foreign agents" draft law was a victory for civil society, which had been campaigning against this bill since it was introduced in 2014. However, it cannot be ruled out that similar legislation will resurface and **the discussion surrounding the draft law has reinforced negative and suspicious attitudes toward NGOs, with long-lasting implications**.

Public figures and media make continue to make **discrediting statements about human rights groups and activists**, with President Atambaev setting the tone in a speech delivered shortly after the rejection of the “foreign agents” draft law. In this speech, he accused leading human rights defenders Aziza Abdirasulova and Tolekan Ismailova of “working off their foreign grants” in support of a movement bent on toppling the government. He has failed to retract his accusations and a defamation lawsuit filed by the two human rights defenders has been rejected by court – they now plan to file an appeal with the Supreme Court.

Against the background of the current negative public perception of NGOs, human rights groups and defenders have increasingly been **subjected to threats, pressure and undue interference** into their activities. Those working to defend the rights of minorities are particularly vulnerable to intimidation.<sup>1</sup>

Human rights defender **Azimjan Askarov continues to serve a life sentence** for his alleged role in the 2010 inter-ethnic violence in southern Kyrgyzstan, although the UN Human Rights Committee called for his immediate release and for quashing his conviction earlier this year. In a much-anticipated decision on Askarov’s case issued in April 2016, the Committee concluded that he had been arbitrarily detained, tortured and denied fair trial rights in violation of the International Covenant on Civil and Political Rights. Kyrgyzstan’s Supreme Court subsequently reconsidered Askarov’s case, but **failed to comply with the key requests of the Human Rights Committee**: instead of cancelling his conviction and releasing him, it sent the case back for re-trial at Chui Regional Court. The re-trial is scheduled to begin in early October 2016.

## Tajikistan

Recently tax and other authorities have carried out a **growing number of inspections and checks of NGOs** with reference to national security concerns. For example, NGOs have been subjected to excessive scrutiny when seeking to re-register with the authorities, which they are required to do e.g. when changing their legal address, and they have only been granted re-registration with consent by security services. Several **NGOs have been warned, fined and/or issued with lawsuits** because of their alleged failure to comply with registration and other technical requirements.

**New legislation** that entered into force in August 2015 **introduced a new scheme requiring NGOs to report information about foreign and international grants** for inclusion in a special government registry. Implementing regulations that were finally adopted this spring set out broad powers for the Ministry of Justice with respect to processing reported information and concerns remain that implementation of this legislation **may result in undue interference into the work of NGOs**. This has yet to be seen as NGOs have now only started reporting information about grants, using a government-approved reporting form.

**Several prominent lawyers have been charged with criminal offenses in what appears to be retaliation for their professional activities**. Among these are lawyers who have provided legal assistance to arrested members of the Islamic Renaissance Party of Tajikistan (IRPT), including Buzurgmehr Yorov and Nuriddin Mahkamov (who were arrested last autumn and whose trial on extremism and other charges began in May 2016) and Dzhamshed Yorov (who was arrested on charges of disclosing state secrets in August 2016). At the beginning of September 2016, it was announced that Shukhrat Kudratov, another lawyer working on high-profile cases who was imprisoned in 2015, is due to be released under a general amnesty proclaimed in connection with the 25 years’ anniversary of Tajikistan’s independence.

## Turkmenistan

In its new Human Rights Action Plan for 2016-2020, Turkmenistan's government has undertaken to promote "favourable" conditions for the registration, development and operation of NGOs. In order to deliver on this commitment, the government **must take meaningful measures to enable independent NGOs working on human rights related issues to acquire registration and work without hindrance** in the country. Currently there is no space for such organizations to operate and the government focuses on promoting the work of GONGOs.

Turkmenistani **civil society activists, journalists contributing to foreign media and dissident voices continue to be subjected to intimidation and harassment** – both in- and outside the country. **Freelance journalist Saparmamed Nepeskuliev** was imprisoned on spurious charges of possessing narcotics in August 2015 and **remains behind bars**, in spite of calls for his release by among others the UN Working Group on Arbitrary Detention. **Former independent journalist Chary Annamuradov was arrested in Belarus in July 2016** on a Turkmenistani arrest warrant, which was issued after he fled his native country 16 years ago and was granted refugee status. Thanks to active interventions on his behalf by the EU and other international actors, Annamuradov was eventually released in mid-September 2016 and could return to Sweden, where he resides with his family. If he had been extradited to Turkmenistan, he would have been at serious risk of an unfair trial, torture and imprisonment in life-threatening conditions. Dozens of individuals imprisoned on politically motivated grounds in Turkmenistan have disappeared in prison.

Several Moscow-based Turkmenistani dissidents have recently reported being subjected to attacks and Austria-based TIHR Chairman Farid Tuhbatullin has faced renewed intimidation in relation to his work.

## Uzbekistan

The sudden death of long-term dictator Islam Karimov in Uzbekistan has potentially created a window of opportunity for human rights change. However, **the system left in place by Karimov is an extremely repressive one** and reforming it will require huge effort and political determination to break with the legacy of his rule. It is imperative that Uzbekistan's international partners makes systematic human rights reform a key priority in their relations with the post-Karimov leadership.

Currently most of so-called civil society in Uzbekistan is made up of GONGOs, while the few **independent NGOs working to promote human rights are marginalized and harassed**. It is virtually impossible for such NGOs to obtain legal status and a wide range of government regulations and requirements hamper the implementation of NGO activities.

There is a **well-established pattern of persecution of human rights activists, independent journalists and government critics**, who are subjected to surveillance, phone tapping, travel restrictions, questioning, arbitrary arrests and prosecution in retaliation for their work. Numerous activists, journalists and dissidents remain **imprisoned on trumped-up charges**. Torture and ill-treatment are rampant in prison and **the sentences of those convicted on politically motivated charges are often extended** when nearing an end because of alleged violations of prison rules.

Among those currently imprisoned are human rights defenders Ganihon Mamathanov, Nuraddin Dzhumaniyazov, Fakhridin Tillaev and Azam Farmonov, former UN employee Erkin Musaev and Muhammad Bekzhanov, one of the world's longest imprisoned journalists who is due to be released this autumn after serving 17 years in prison. There are serious concerns about the health and well-being of these individuals and the sentences of some of them have been arbitrarily prolonged.

Human rights **activists monitoring forced labour are at particular risk of harassment**. One of these activists, Uktam Paradaev was given a three-year suspended sentence in January 2016. If he is considered to violate the conditions of his probation, he may be imprisoned. Another activist and journalist monitoring forced labour, Dmitry Tikhonov was forced to flee Uzbekistan earlier this year due to persecution.

Human rights **defenders who have fled Uzbekistan also face intimidation and pressure** because of their engagement on behalf of victims of human rights violations in their native country.

## **Recommendations**

On the basis of the issues described above, we could like to make the following recommendations:

### **The authorities of Kazakhstan should:**

- Reverse the pattern of repression in response to peaceful protests and, as a matter of priority, reform legislation and law enforcement practice on the conduct of assemblies to bring them into line with international human rights standards.
- Stop prosecuting civil society activists, social media users and journalists in relation for their civic and professional activities; drop all charges against those prosecuted or convicted on such grounds; and revoke or revise the broadly worded Criminal Code provisions on "inciting" national, social and other discord and "deliberately spreading false information."
- Ensure that implementation of the new NGO legislation from last year and the recent Tax Code amendments requiring individuals and organizations to report on foreign funding are not implemented in violation of the right to freedom of association and other internationally protected rights.

### **The authorities of Kyrgyzstan should:**

- Closely consult with civil society on any new legislative initiatives affecting NGOs and ensure that such legislation is fully consistent with Kyrgyzstan's national and international human rights obligations.
- Refrain from using rhetoric that stigmatizes and discredits NGOs and activists, in particular by suggesting that their actions are threatening national security. Instead, publicly acknowledge the importance of their work, and ensure that they can carry out their work without hindrance.
- Fully implement the decision of the UN Human Rights Committee in the case of Azimjan Askarov, including by releasing him, quashing his conviction and granting him adequate compensation.

### The authorities of Tajikistan should:

- Refrain from undue interference into the work of NGOs and ensure that NGOs can operate without intimidation and hindrance.
- Ensure that the recent legislation requiring NGOs to report foreign grants is not implemented in violation of the right to freedom of association as protected by international standards.
- Ensure that no lawyer is arrested, charged or imprisoned in retaliation for his or her work; promptly release those held on such grounds.

### The authorities of Turkmenistan should:

- Take meaningful steps to deliver on the commitment to ensure “favourable” conditions for NGOs and enable independent NGOs to obtain legal status in a fair and transparent process and to carry out their activities without undue interference.
- Put an end to the persecution of independent journalists, civil society activists and others who criticize government policies, including exiled activists and their family members.
- Immediately release all individuals imprisoned on politically motivated grounds, disclose the faith of those who have disappeared in prison, and allow representatives of the international community to visit prisons, as agreed by Turkmenistan’s president and the German chancellor during their recent meeting in Berlin.

### The authorities of Uzbekistan should:

- Set out on a systematic program of human rights reform and cooperate with international human rights bodies and experts. This should include issuing a standing invitation to the Special Procedures of the UN Human Rights Council, and facilitating country visits in particular by the Special Rapporteurs on human rights defenders and torture.
- Allow independent NGOs to obtain legal status and to work without interference and invite them to take part in the elaboration and implementation of a new national human rights agenda.
- Put an end to persecution of human rights defenders, journalists and dissident voices; and immediately and unconditionally release all those who have been detained solely for peacefully exercising their rights to freedom of expression, association and assembly.

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<sup>1</sup> For more information, see report on the situation concerning the right to freedom of association in Kyrgyzstan prepared by Bir Duino-Kyrgyzstan for the 2016 Human Dimension Implementation Meeting.