Appeal to the EU: challenge the Central Asian governments on pressing human rights concerns

19 November 2013. Ahead of EU-Central Asian government talks scheduled to take place in Brussels tomorrow, International Partnership for Human Rights (IPHR) calls on the EU to use this opportunity to vigorously raise concerns about human rights protection in the Central Asian countries and to seek commitments from their governments for concrete steps to address such concerns. The EU should make clear that closer relations with the union require visible human rights progress by the governments of the region.

The meeting by EU officials and Central Asian government representatives will take place in the framework of the EU’s Central Asia Strategy and is expected to feature discussion on various aspects of EU relations with Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. The EU’s Central Asia Strategy sets out human rights as key element of mutual relations and an EU progress report adopted last year stated the need for enhanced action in this area given the lack of substantial improvements in the region since the Strategy was launched in 2007. While the EU has committed itself on a normative level to systematically promote human rights, democracy and rule of law in its external policies, the progress report also linked sustained engagement in support of these values to long-term stability, development and prosperity in Central Asia.

Serious human rights problems remain across Central Asia, although there are significant differences in the human rights situation between the five countries of the region. Major concerns pertain, among others, to the lack of free and fair elections and political pluralism, stifling of civil society, restrictions on media freedoms and impunity for grave human rights violations perpetrated during human rights crises (see more details below). In line with its value agenda and its commitment to “result orientation” as a guiding principle for its Central Asia engagement, the EU should give prominent attention to these and other human rights issues at the upcoming meeting and insist on effective measures by the Central Asian governments to address them. As part of this, the EU should remind the Central Asian governments of their obligations to implement relevant recommendations made by international human rights bodies and to regularly report on steps taken to this end, indicating that the progress made will influence future relations with the EU.

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Below follows a summary of major human rights concerns in the Central Asian countries, which we believe the EU should raise with its counterparts from the region.
Elections and political pluralism

The Central Asian countries are characterized by entrenched authoritarian rule or, as in the case of Kyrgyzstan, a strong heritage of such rule. No political opposition can function openly inside Turkmenistan and in Uzbekistan political opposition movements remain marginalized and divided, with their leaders living in exile abroad. The authorities of Kazakhstan and Tajikistan have recently stepped up pressure against opposition movements and leaders, among others through charges deemed to be politically motivated and dubious extradition requests in the cases of exiled opponents.

With the exception of the most recent elections in Kyrgyzstan, elections held in the region have consistently been assessed not to be free and fair. The most recent example is the presidential election held in Tajikistan on 6 November, which international observers concluded lacked any genuine choice. The only opposition candidate reported wide-ranging intimidation against her, her family and her supporters and had to give up as she did not succeed in gathering the required number of signatures. The parliamentary elections scheduled to take place in Turkmenistan on 15 December also do not hold any promise of offering any real choice in the current repressive environment, although two pro-president parties will participate this time rather than just one as previously. While Kyrgyzstan has made important progress on elections, the OSCE Office for Democratic Institutions and Human Rights has identified significant remaining shortcomings, which necessitate further electoral reform.

Civil society

Independent civil society groups and activists are under pressure in the region because of restrictive legislation and policies and they face suspicion and mistrust fueled by hostile political rhetoric and pro-government media coverage.

The authorities of Turkmenistan and Uzbekistan continue to heavily promote the role of so-called GONGOs, while impeding independent civil society activity. No independent human rights group is registered or able to operate openly at all in Turkmenistan, and the few independent human rights NGOs that exist in Uzbekistan as a rule carry out their work without registration and are in an extremely vulnerable position. Civil society activists and members who speak up about human rights problems face intimidation and harassment, ranging from threats and surveillance to denials to travel abroad and arrest and imprisonment on fabricated charges. There have recently been a number of new cases in Uzbekistan where human rights defenders have been imprisoned following processes that bear the hallmarks of politically motivated trials. There are serious concerns about the safety and well-being of these and the other at least two dozen activists, journalists and opposition figures who are currently in prison in the country.

In Kazakhstan, registration is also compulsory for NGOs, while authorities enjoy wide discretion to deny such status. This places groups that work on politically and socially sensitive issues at risk of being denied registration especially in a climate of growing suspicion toward them. Civil society activists engaged in efforts to promote justice and human rights remain vulnerable to punitive action by authorities, including politically motivated charges and forced psychiatric examinations and treatment, as seen in several recent cases such as those of Zinaida Mukhortova and Alexander Kharlamov. In Tajikistan, broad legal provisions in place allow for liquidating NGOs for violating any national law or “systematically” carrying out activities contrary to their own statutes, and a number of NGOs have been closed down by court on questionable grounds in the last few years. Among these are human rights groups, such as Amparo known for its efforts to counteract abuses in the army. Frequent inspections interfering with the work of NGOs have also been reported.
A new draft law that was put forward by two MPs in Kyrgyzstan earlier this fall and that is now under discussion poses a threat to independent NGOs in this country. Similarly to the infamous Russian law in force since 2012, the draft law requires NGOs that receive foreign funds and engage in broadly defined “political” activities to adopt the stigmatizing label of “foreign agents.” The president has said that he thinks that the law is “not needed,” but for now it remains on the table. Lawyers and activists assisting victims of the June 2010 inter-ethnic violence have faced harassment and human rights defender Azimjan Askarov continues to serve a life sentence handed down to him in unfair trial for his alleged role in the violence. In October this year, the Supreme Court upheld a decision not to initiate an investigation into a complaint filed by Askarov alleging torture in pre-trial detention.

Media freedoms

Restrictions on media freedoms are another persistent problem in the region.

The media scene in Turkmenistan and Uzbekistan is dominated by state-controlled media that disseminate government propaganda and offer highly selective coverage of domestic and world events. While a new media law that entered into force in Turkmenistan earlier this year explicitly prohibits censorship, censorship continues and has been reported to recently have taken on new forms. As previously, there are no independent media in the country. Media freedoms in Kazakhstan took a heavy toll when a number of leading opposition media were closed down for alleged extremism in late 2012. Throughout the region, independent journalists continue to face intimidation and harassment, including physical attacks, punitive defamation suits by government officials and legal cases that constitute retaliation for their work.

In another common pattern in the region, websites featuring criticism of authorities such as news and social media sites are blocked, with or without a court decision. Such blocking is systematically implemented in Turkmenistan and Uzbekistan, but is also a regular occurrence in Kazakhstan and Tajikistan. For example, the opposition news site guljan.org was blocked in Kazakhstan during the first six months of 2013 after a court ruled to penalize it for posting information about an unsanctioned peaceful protest. In Tajikistan, You Tube and several other sites were reported to have been blocked on the basis of an informal government order on the eve of the presidential elections. In Kyrgyzstan, a problematic precedent was set by a June 2011 parliament resolution that ordered the blocking of the independent regional news site Ferghana due to its coverage of the 2011 inter-ethnic violence in the country. Under this resolution, the state provider blocked the site from February 2012 to May 2013, although there had been no court decision to sanction such a measure.

Accountability

As highlighted by both UN human rights bodies and NGOs, impunity for grave human rights violations remains a serious concern in the region, including impunity for violations of the right to life and the ban on torture.

The authorities of Uzbekistan have consistently rejected calls for an independent international investigation into the May 2005 Andijan events, when government troops forcefully put down a rare mass protest and killed hundreds of civilians. The government has stated that the issue is “closed” for it. However, no government officials have been brought to justice for their role in the killings, and the fate remains unknown of many of those who were arrested and convicted for their participation in the protest in unfair trials, with relatives not having received any information about the terms of their sentences or the places where they are held.
Kazakhstan’s government has failed to impartially and thoroughly investigate the December 2011 Zhanaozen events, when more than a dozen people died as police used arms to put down riots that broke out following a several months-long peaceful oil workers strike. A few police officers have been convicted for “abuse of power,” but others who used excessive force or gave orders about it have not been held accountable. Individuals accused of involvement in the riots were convicted and imprisoned following a biased trial, whose credibility was undermined by the use of questionable witness testimonies and torture allegations.

The authorities of Kyrgyzstan have failed to investigate and prosecute in a comprehensive and fair manner the June 2010 inter-ethnic violence in the south of the country. These events left hundreds of people dead and thousands injured and involved abuses that an international inquiry commission found may in some cases have amounted to crimes against humanity. In the follow-up to the violence, members of the Uzbek minority have been selectively targeted for prosecution and legal processes have been flawed, e.g. because of torture allegations that have not been investigated and courtroom violence against defendants and their lawyers.

The authorities of Tajikistan have not provided satisfactory information about the July 2012 special security operation in the Gorno-Badakhshan Autonomous Province, when up to 200 people were reported to have been killed or injured. The authorities have also not taken effective measures to investigate the civilian casualties or to hold accountable those responsible for them.

The authorities of Turkmenistan continue to withhold information about individuals convicted and sentenced to lengthy prison terms in show trials after the purported assassination attempt against late President Saparmurad Niyazov in November 2002. Those convicted have disappeared in prison, with family members having received no information about them or their whereabouts.