

**MEMORANDUM OF UNDERSTANDING ADOPTED BY PARTICIPANTS IN
FORUM OF CENTRAL ASIAN HUMAN RIGHTS ORGANIZATIONS:**

Solidarity, Cooperation and Support

Kiev, Ukraine, 6 February 2013

1. Background

The human rights situation in Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) is of serious concern. These countries are characterized by entrenched authoritarian rule or, as in the case of Kyrgyzstan, a strong heritage of such rule and while there are marked differences between the five states, fundamental rights and freedoms remain endangered throughout the region.

The Central Asian countries have ratified major international human rights treaties, made wide-ranging human rights commitments in the framework of the UN and the OSCE, and undertaken to abide by human rights clauses in trade and cooperation agreements concluded with the EU. However, current legislation and practice in these countries conflict with international human rights standards in fundamental ways. The authorities of the countries have consistently failed to implement recommendations made by international human rights bodies.

Turkmenistan and Uzbekistan are some of the most repressive countries in the world where fundamental rights such as freedom of expression, freedom of association and assembly and freedom of religion are systematically curtailed. Kazakhstan's human rights record has deteriorated dramatically in the recent period, as seen in a widening crackdown on the political opposition, media and civil society, and the enforcement of a new harsh religion law. Also in Tajikistan, recent developments have reinforced concerns about restrictions on the flow of information, operation of civil society groups and religious freedoms. Although Kyrgyzstan has made some progress on political reforms, serious human rights problems persist also in this country, in particular in relation to fallout from the 2010 inter-ethnic violence in the south.

Independent human rights groups remain under pressure throughout the region. It is impossible for independent human rights groups to operate openly inside Turkmenistan, and Uzbekistan's small human rights community is subjected to ongoing harassment and intimidation. Human rights groups in Kazakhstan and Tajikistan are experiencing increasing difficulties with respect to monitoring, documenting and publicizing violations. In Kyrgyzstan, members of human rights NGOs addressing issues relating to the 2010 inter-ethnic violence have been the subject of persecution. The work of independent human rights organizations in the region is undermined by government propaganda, hostile pro-government media coverage and GONGO campaigns.

2. Points of agreement

2.1. Resilience and determination in human rights promotion

With regard to the alarming human rights situation in Central Asia, the failure of the authorities to live up to their international human rights obligations and the precarious conditions in which human rights groups operate, we, the organizations participating in this Forum, declare our commitment and determination to carry on with our struggle for fundamental rights and freedoms for the people of the region. Together with international NGO partners, we will:

- Seek to counteract widespread public indifference and apathy with respect to human rights in our countries, mobilize broader civil society support for human rights promotion activities and attract more young people to human rights defense, in spite of the difficulties and dangers associated with this mission. We will do so by implementing strategies and actions that are adapted to the conditions in our respective countries.
- Continue and strengthen efforts to engage with inter-governmental organizations, international institutions and foreign governments in a position to help enforce human rights in our countries, as we are conscious that this remains an essential strategy of human rights promotion in the region given the limited opportunities of civil society groups to directly affect the policies of the authorities. We will seek new, more effective ways to encourage and assist international community actors to follow through on their responsibilities and commitments with respect to pursuing human rights in relations with the governments of the region and to use their influence to bring about real progress.
- Step up efforts to garner wider international support and solidarity for civil society campaigns for human rights in the region. To this end, we will develop and employ new and innovative strategies, such as interaction with businesses and other non-state actors; using sports, cultural or other events as opportunities to attract attention to human rights issues; and implementing social media and other creative initiatives to reach out to civil society actors outside the region who can serve as a voice for change.
- Do all in our power to defend our organizations and our ability and integrity to carry out our work in the face of attempts to discredit, intimidate and silence us, and continue to insist on human rights improvements in our countries, although progress is often frustratingly slow and incremental.

2.2. Coordination, resource-sharing and cooperation

We recognize that human rights groups from the different Central Asian countries can significantly benefit from coordination, resource-sharing and cooperation as they deal with similar issues, face similar challenges and pursue similar objectives in their work. In view of this, we agree to:

- Regularly exchange information on developments affecting the protection of fundamental rights in our respective countries, and assist each other with disseminating such information among wider networks of contacts in- and outside the region.
- Consult with each other on existing and evolving challenges in different areas of human rights protection and share ideas, insights and experience with respect to addressing such challenges in an international human rights framework.

- Work with each other and international NGO partners on identifying common human rights priorities and positions, elaborating strategies for pursuing these at the international level, and coordinating action to this end.
- When conducting international advocacy, use opportunities to place human rights problems in individual Central Asian countries into a regional context, highlight similar challenges and underline the need for effective responses to human rights violations across the region.
- Provide each other support and solidarity; build alliances together with international NGO partners to promote international interventions on behalf of colleagues who are subject to persecution, in particular in urgent cases; and stand ready to offer mutual cooperation and assistance, in accordance with the capacity and resources of our respective organizations, in response to emerging human rights crises and/or sudden changes in the political situation in some part of the region that create opportunities for enhanced human rights action.

2.3. Shared priorities with respect to human rights protection in Central Asia

We further endorse shared key priorities with respect to measures for safeguarding the rights to freedom of expression, freedom of association and assembly, and freedom of religion in Central Asia and agree to pursue them through coordinated and joint action, in cooperation with international NGO partners. These priorities include measures by the governments of the region to:

- Carry out democratic reform with a view to ensuring true division of power, free and fair elections and unobstructed participation by opposition parties in the political process.
- Stop labeling those who openly challenge current official policies as “extremists”, “terrorists”, “spies”, “fifth columns” and the like and publicly welcome and encourage debate on issues of public interest.
- Put an end to undue restrictions on media, including by ensuring that independent and opposition media can operate freely, and by refraining from filtering, censoring or blocking websites simply because they feature information that authorities do not like or agree with.
- Immediately and unconditionally release all human rights defenders, journalists, and other individuals who are currently imprisoned on politically motivated charges, and promptly, thoroughly and impartially investigate all cases of threats, harassment and attacks against defenders, journalists and their family members with a view to bringing those responsible to justice.
- Allow independent NGOs to carry out their activities in an unimpeded way and do not deny any such groups registration or shut them down because of their work on human rights or other politically sensitive topics.
- Ensure that legislation and practice on freedom of assembly are consistent with international human rights obligations and commitments, applying the OSCE guidelines developed for this purpose. The authorities should in particular abolish the requirement of obtaining advance permission in favor of a simple process of notification for holding assemblies, in accordance with the example of Kyrgyzstan, and stop suppressing peaceful protests and detaining and punishing participants.
- Bring legislation on freedom of religion into line with international standards, in accordance with recommendations made by international and national independent experts, and protect the right of members of minority religious communities to peacefully practice their faith without fear of

persecution. The authorities should promote religious tolerance and support civil society initiatives to improve inter-faith relations.

As an additional priority, we will promote measures by governments in- and outside the region to:

- Protect Central Asian asylum seekers and refugees who, if sent back to their countries, would face a real threat of persecution because of their peaceful exercise of fundamental rights such as freedom of expression, association, assembly and religion.

2.4. Recommendations for international community action

We, the organizations participating in this Forum, also endorse a number of recommendations for how we believe international community actors should promote human rights in relations with the Central Asian governments. Together with our international NGO partners, we will advocate the following recommendations:

Recommendations to international organizations and foreign governments generally

- Raise concerns about the lack of democratic progress and violations of fundamental rights and freedoms visibly and prominently in contacts with the governments of the Central Asian countries, including at the highest political level. Do not allow energy, security or other interests to serve as an excuse for downplaying or ignoring human rights.
- Make effective use of available means of influence to put pressure on the governments of the region to adopt meaningful human rights reforms. Where relevant, condition further bilateral and multilateral cooperation with these governments on concrete and measurable progress on addressing human rights problems.
- Engage closely with independent human rights NGOs in the region, provide visible recognition and support to them and continue to assist them financially in the implementation of human rights projects. Use both proactive engagement and urgent responses to help ensure the protection of human rights defenders at risk.

Recommendations to the EU and its member states

- In accordance with the EU Human Rights Strategic Framework and Action Plan adopted in June 2012, integrate human rights issues into all fields of cooperation with the Central Asian governments; adopt and implement in a consistent fashion specific country human rights priorities in relation to each of the countries of the region; and establish clear objectives and progress indicators for the EU Human Rights Dialogues with the governments of the region and regularly assess the outcome of these dialogues.

Recommendations to the community of OSCE participating States

- Put in place effective mechanisms to monitor the implementation of recommendations made to individual OSCE participating States at Human Dimension review events; facilitate the continued development of OSCE guidelines on the implementation of specific OSCE commitments and promote

the use of these in practice by individual states, including the Central Asian ones; and establish a mandate of an OSCE Representative on Human Rights Defenders to monitor developments in this area, provide early warning and take action to enhance the security and protection of defenders at risk.

Recommendations to human rights-friendly UN member states

- Through actions at UN forums and elsewhere, help ensure that there is a systematic follow-up on the implementation by the Central Asian governments of recommendations addressed to them by UN treaty bodies, UN special representatives, as well as the UN Human Rights Council in the framework of the Universal Periodic Review. Likewise help ensure that these governments are held to account for failures to cooperate constructively with UN human rights bodies.

List of Central Asian organizations participating in the Forum who have endorsed this memorandum:

Kazakhstan International Bureau for Human Rights and Rule of Law
International Foundation for Protection of Free Speech *Adil Soz*, Kazakhstan
Human Rights Movement *Bir Duino*, Kyrgyzstan
Public Foundation *Golos Svobody* (Voice of Freedom), Kyrgyzstan
Interfaith Council in Kyrgyzstan
Human rights Protection Center *Kylym Shamy*, Kyrgyzstan
Public Association GIV-Accent, Tajikistan
National Association of Independent Media of Tajikistan (NANSMIT)
Independent Human Rights Center, Tajikistan
Turkmen Initiative for Human Rights (Austria)
Civil Democratic Union of Turkmenistan (the Netherlands)
Association of Independent Lawyers of Turkmenistan (the Netherlands)
Initiative Group of Independent Human Rights Defenders of Uzbekistan

The following organizations participating in the Forum also support the memorandum:

International Partnership for Human Rights (Belgium)
The Netherlands Helsinki Committee
The Norwegian Helsinki Committee