

Civil Society Appeal

Five Year Anniversary of EU Central Asia Strategy: Placing Human Rights at the Heart of EU Action

June 2012

It is five years since the EU adopted its Strategy for a New Partnership with Central Asia¹. As EU foreign ministers prepare to take stock of progress so far, we, the undersigned civil society organizations, would like to suggest ways to improve the effectiveness and impact of EU action to promote human rights in Central Asia.

The EU Central Asia Strategy, which was endorsed by the EU governments in June 2007, provides a framework for increased cooperation between the EU and Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan in political, economic and other areas. It also identifies human rights as a key element in EU-Central Asia relations and sets out that the EU will step up support for human rights in the region, *inter alia* by conducting “regular and results-oriented” human rights dialogues with the Central Asian governments and by cooperating closely with the UN, the OSCE and other international actors in this area.

However, five years on, there is broad consensus that the human rights dialogues established with the Central Asian governments and other measures taken to implement the Strategy’s human rights objectives have not been as effective as desired. The overall human rights situation in Central Asia has not improved in any substantial way and, in some respects, human rights protection has even deteriorated in the countries of the region.² EU actors have recognized this weakness, notably in a 2010 Joint Progress Report.³

We, the undersigned organizations, welcome and support efforts by the EU to strengthen and enhance its engagement on human rights in the framework of its Central Asia Strategy. We join in making the recommendations below for how we believe the EU should go about its human rights policies in Central Asia so as to ensure that they are as effective as possible in bringing about positive human rights change. While many of these points have been raised before and some of them may already have been partially addressed by the EU, we consider that they deserve renewed attention and focus.

- The EU should **pursue a coherent approach to strengthening respect for human rights** in Central Asia. In accordance with its Lisbon Treaty commitment⁴ to promoting human rights in all areas of EU external action, as well as the *Agenda for Change*⁵, which emphasises the importance of good governance and human rights in EU development policy, it should integrate human rights issues into all fields of cooperation with the Central Asian governments. It should coordinate action on such issues taken within different initiatives and programs, as well as by different actors. As underlined by the European Parliament⁶, the conduct of annual human rights dialogues with the

governments of the region should not be used as an excuse not to address or act on human rights in other ways.

- The EU should be **consistent in addressing human rights** in its relations with the Central Asian governments and **stay true to its values** at all times, not allowing other interests in the fields of energy and security to serve as an excuse for downplaying or ignoring human rights on any occasion. By expressing human rights concerns in some cases, while downplaying them in others, the EU risks delivering the message to the Central Asian governments that it is ready to trade its values when the circumstances so require. This will undermine the credibility and impact of its human rights policies. Official representatives of EU member states should also refrain from expressing views that contradict and undermine common EU human rights positions.
- The EU should **raise human rights issues visibly and prominently** in its relations with the Central Asian governments and more frequently **take a public stand** on human rights issues in the region. While quiet diplomacy may work best in some situations, a higher degree of overall visibility will help in enhancing the profile and integrity of the EU as a human rights actor (including in the eyes of the Central Asian public) and help show that it is serious about human rights. The recent use of local delegation statements is a positive practice, which should be further encouraged, though should not become a substitute for statements issued at the highest level from Brussels. It is also important that high-ranking EU officials convey strong human rights messages in connection with official visits to the region.
- The EU should be **more transparent** about its human rights policies in Central Asia. Above all, it should **regularly consult with civil society actors and other stakeholders, and provide relevant and timely information** to them about its priorities and actions in this area, including with respect to the implementation of the revised EU Human Rights Strategy (which is expected to be endorsed in late June 2012) in relation to Central Asia, as well as the country-specific EU human rights strategies that have been developed for the Central Asian states. Such consultations and interactions are essential to enabling these actors to contribute in meaningful ways to EU human rights policies toward the countries of the region.
- As part of its implementation of country strategies for human rights in Central Asia, the EU should adopt and elaborate specific **objectives for human rights change** for each of the states in this region, drawing on recommendations made by civil society, the European Parliament, international human rights review bodies and other relevant actors when doing so. It should promote implementation of the objectives in a sustained and public manner and **use conditionality** to this end, thereby ensuring that the level and nature of its continued engagement with the Central Asian governments depends on measurable human rights progress, as emphasized by the European Parliament⁷.

- The EU should **insist on concrete and measurable human rights change** in the Central Asian countries and not be satisfied with window-dressing, i.e. measures that are taken by the governments of the region to create an impression of human rights progress but that do not result in any meaningful positive change in practice (e.g. the adoption of legislation, action plans or programs that are not adequately or effectively implemented). Regular and thorough evaluation of human rights improvements in the countries of the region is of key importance in this regard.
- The EU should **reinforce and improve the impact of the human rights dialogues** it conducts with the governments of the region, among others, by adopting and publicising clearly defined objectives and priorities for the dialogues; involving civil society more closely in the dialogues (see more below); informing all relevant stakeholders about the discussions and outcomes of the dialogues; and ensuring that there is a systematic follow-up on the dialogues. The EU should also regularly assess the achievements of the dialogues in relation to their objectives, in line with the EU Guidelines on Human Rights Dialogues,⁸ which call for the EU to measure progress against objectives set before the start of the dialogues with a view to ensuring the added value of the dialogues. The EU should consider on this basis whether to reorient a dialogue if there is evidence it is not achieving added value, or even becoming an end in itself.
- The EU should, as a matter of practice, hold comprehensive preparatory meetings with both international NGOs and independent local groups (including exile groups where relevant) prior to its human rights dialogues with the Central Asian governments; **integrate civil society concerns and recommendations more prominently** into the dialogues; and invite civil society to participate in assessing the outcomes of the dialogues.

The EU Civil Society seminars held in Kazakhstan, Kyrgyzstan and Tajikistan offer a platform for engagement with civil society groups on dialogue agenda items, but the seminars would benefit from a more careful preparation in consultation with participants (including with respect to the selection of topics) and a **closer linkage to the official dialogues**. The EU should ensure that issues discussed and recommendations agreed by seminar participants are adequately addressed during the official dialogues and that the implementation of civil society recommendations is effectively monitored and followed up on. Given the extremely repressive climate in Uzbekistan and Turkmenistan, and the difficulties experienced in organizing Civil Society seminars there, the EU should consider organizing such events in nearby countries instead and inviting both activists based in the region and exiled activists.

- The EU should also do more to **proactively engage with independent human rights activists** from Central Asia **outside the human rights dialogues**, systematically pursuing such consultations and input both **through the EU delegations and EU member state**

embassies based in the region, and through Brussels-based EU institutions. Interaction with local human rights defenders is an important means for the EU to obtain first-hand information about developments in the Central Asian countries that can inform and guide its human rights policies toward the governments of the region, granted that this information is used and acted upon in a coordinated and effective way. Such interaction is also in line with the EU Guidelines on Human Rights Defenders⁹, which call for a proactive policy toward human rights defenders, providing visible recognition to them and communicating support with activists, who are often subject to pressure and hostility by national authorities in the Central Asian countries.

- The EU should **continue to provide financial assistance to** human rights projects implemented by **independent civil society groups in Central Asia**. It should consider simplifying the process and requirements for applying for grants, on the basis of the example of other international donors that are perceived as having less demanding albeit rigorous requirements in this respect; funding more small-scale projects; and facilitating the organization of hands-on trainings on how to apply for grants with a view to enabling more local civil society groups to obtain assistance. Local groups are in a unique position to carry out projects that directly benefit local communities given their knowledge and understanding of the situation, their on-the-ground experience and their local networks.
- The EU should **coordinate and streamline its engagement on human rights in Central Asia with efforts to promote democratic reform, rule of law, socio-economic development, anti-corruption measures** etc. as these are all closely related and mutually reinforcing objectives. Such an approach would ensure that action to promote human rights priorities is clearly linked with and an integral part of EU-funded cooperation and assistance programs that are implemented in related areas (e.g. in the framework of the new Rule of Law initiative). An essential component of this approach is ensuring that all EU-supported initiatives that affect human rights protection are implemented in a transparent manner and that civil society organizations are given an opportunity to have a say on the activities carried out. It is also crucial that projects implemented by local civil society groups are directly supported in the framework of EU assistance and development programs.
- The EU and its member states should ensure that **all EU-based companies that operate in the Central Asian countries, as well as foreign-based companies that are involved in trade between the EU and Central Asian countries are committed to upholding human rights values and anti-corruption practices** in their business dealings in the region, e.g. by aligning their operations with the OECD Guidelines on Multinational Enterprises¹⁰ and the UN Guiding Principles on Business and Human Rights¹¹. Moreover, in order to promote transparency and accountability, the EU should also require that oil, gas and mining companies with which it and its member states cooperate in Central Asia disclose the payments made to governments in the region on a country-by-country and

project-by-project basis in their annual financial accounts, as called for by the Publish What You Pay civil society coalition¹².

Signatories

International Partnership for Human Rights (Belgium)
The Netherlands Helsinki Committee
Kazakhstan International Bureau for Human Rights and Rule of Law
Turkmen Initiative for Human Rights (Austria)
Initiative Group of Independent Human Rights Defenders of Uzbekistan
Human Rights Watch
Norwegian Helsinki Committee
Legal Policy Research Centre (Kazakhstan)
Feminist League (Kazakhstan)
International Legal Initiative (Kazakhstan)
Adil Soz International Foundation for Protection of Freedom of Speech (Kazakhstan)
MediaNet (Kazakhstan)
Almaty Helsinki Committee (Kazakhstan)
Fenix Centre of Development and Adaptation (Kazakhstan)
Human Rights Alliance of Uzbekistan
Human Rights Society of Uzbekistan, *Ezgulik*
Fiery Hearts Club (France)
Mulberry Media (Spain)
LIGLIS-CENTER for Political Studies (France)
Youth Human Rights Group (Kyrgyzstan)
Voice of Freedom Foundation ("Golos Svobody") (Kyrgyzstan)
Nota Bene Public Foundation (Tajikistan)
Avesto (Tajikistan)
Lawyers' Association Pamira (Tajikistan)
Association of Parents of Disabled Children (Tajikistan)
Tajikistan Bureau for Human Rights and Rule of Law
Bar Association of Sughd Province (Tajikistan)
National Association of Independent Mass-Media in Tajikistan (NANSMIT)
Independent Centre for the Protection of Human Rights (Tajikistan)
Association of Invalids in Dushanbe, *Imkoniyat*
Human Rights Centre (Tajikistan)
Equal Opportunities (Tajikistan)
Society and Law (Tajikistan)
Law and Prosperity (Tajikistan)
Moscow Helsinki Group
Helsinki Citizens' Assembly – Vanadzor (Armenia)
Ukrainian Helsinki Human Rights Union
Promo Lex Association (Moldova)

Association of Ukrainian Monitors on Human Rights Conduct in Law Enforcement (Ukraine)
Human Rights Monitoring Institute (Lithuania)
Georgian Young Lawyers' Association
Belarusian Human Rights House in Vilnius
Crude Accountability (United States)
Human Rights Centre of Azerbaijan
Freedom Files (Russia)
Article 19 (United Kingdom)

¹ The EU and Central Asia: Strategy for a New Partnership,
http://www.eeas.europa.eu/central_asia/docs/2010_strategy_eu_centralasia_en.pdf

² For an overview of current human rights problems in Kazakhstan, Turkmenistan and Uzbekistan, please see the separate document *The EU Central Asia Strategy and Human Rights Protection: Civil Society Views and Recommendations* issued by International Partnership for Human Rights, the Netherlands Helsinki Committee, Kazakhstan International Bureau for Human Rights and Rule of Law, Turkmen Initiative for Human Rights, and Initiative Group of Independent Human Rights Defenders of Uzbekistan. It is available at www.iphronline.org

³ Joint Progress Report by the Council and the European Commission to the European Council on the implementation of the EU Central Asia Strategy. Available at:
<http://register.consilium.europa.eu/pdf/en/10/st11/st11402.en10.pdf#page=2>

⁴ Article 21 of the Treaty of the European Union, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF>

⁵ "Increasing the Impact of EU Development Policy: An Agenda for Change", COM (2011) 637 final, October 2011,
http://ec.europa.eu/europeaid/what/development-policies/documents/agenda_for_change_en.pdf

⁶ Par. 12 of European Parliament resolution of 15 December 2011 on the state of implementation of the EU Strategy for Central Asia, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0588&language=EN>

⁷ Par. 3 of the resolution cited in previous endnote.

⁸ The EU Guidelines on Human Rights Dialogues state that the assessment of human rights dialogues "will involve assessing the [human rights] situation [in a given country] in relation to the objectives which the Union set itself before the start of the dialogue, and will examine how much added value has been provided by the dialogue". The Guidelines are available at: <https://www.consilium.europa.eu/uedocs/cmsUpload/16526.en08.pdf>

⁹ The EU Guidelines on Human Rights Defenders are available at:
<http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf>

¹⁰ The last updated version of the Guidelines was endorsed by 42 OECD and non-OECD countries in May 2011,
<http://www.oecd.org/dataoecd/43/29/48004323.pdf>

¹¹ These Guiding Principles were adopted by the UN Human Rights Council on 16 June 2011. Section II of them concerns "The corporate responsibility to protect human rights." See <http://www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf>

¹² This is a global coalition, with over 650 member organizations, campaigning for transparency in the payment, receipt and management of revenues from the oil, gas and mining industries. For more information, see <http://www.publishwhatyoupay.org/about>