



DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT



Evaluation of the EU's human rights policies and engagement in Central Asia

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DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION

DIRECTORATE B

POLICY DEPARTMENT

STUDY

EVALUATION OF THE EU'S HUMAN RIGHTS POLICIES AND ENGAGEMENT IN CENTRAL ASIA

Abstract

EU relations with the five Central Asian countries were upgraded in 2007 through the establishment of the 'EU and Central Asia: Strategy for New Partnership'. This brought about hope for a meaningful and coherent EU engagement in the region. One of the EU's main priorities in Central Asia is to advance and promote human rights, good governance, the rule of law, and democratisation. This objective has been supported by various policy and financial instruments. While the overall financial assistance, and in particular funding for democracy- and human rights-related projects, remains limited, the existing support has mostly sought to tackle technical problems in the judicial sector, including prison reform, leaving deeper shortcomings in the promotion and protection of human rights untouched. So far, the EU has had little impact on Central Asia's human rights record, due to the region's deeply embedded authoritarian rule, as well as the EU's limited leverage and its own inconsistencies and inadequate follow-up in implementing values-related policies and projects.

This study was requested by the European Parliament's Subcommittee on Human Rights.

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TABLE OF CONTENTS

LIST OF FIGURES	4
LIST OF ABBREVIATIONS	5
EXECUTIVE SUMMARY	6
1. PURPOSE AND SCOPE OF THE STUDY	7
2. PRESSING HUMAN RIGHTS MATTERS IN CENTRAL ASIA	9
2.1 KAZAKHSTAN	9
2.2 KYRGYZSTAN	10
2.3 TAJIKISTAN	10
2.4 TURKMENISTAN	11
2.5 UZBEKISTAN	12
3. EU POLICY INSTRUMENTS AND HUMAN RIGHTS PROMOTION	13
3.1 HUMAN RIGHTS DIALOGUES AND CIVIL SOCIETY SEMINARS	13
3.2 EU STATEMENTS ON KAZAKHSTAN	15
3.3 EU STATEMENTS ON KYRGYZSTAN	16
3.4 EU STATEMENTS ON TAJIKISTAN	17
3.5 EU STATEMENTS ON TURKMENISTAN	18
3.6 UZBEKISTAN	19
4. EU FINANCIAL INSTRUMENTS AND HUMAN RIGHTS PROMOTION	21
4.1 THE DEVELOPMENT COOPERATION INSTRUMENT (DCI)	21
4.2 EUROPEAN INSTRUMENT FOR DEMOCRACY AND HUMAN RIGHTS (EIDHR)	26
4.3 NON-STATE ACTORS AND LOCAL AUTHORITIES IN DEVELOPMENT (NSA-LA)	28
4.4 INSTITUTION BUILDING AND PARTNERSHIP PROGRAMME (IBPP)	28
4.5 INSTRUMENT FOR STABILITY (IFS)	29
5. RECOMMENDATIONS FOR THE EU	31
5.1 POLICY INSTRUMENTS	31
5.2 FINANCIAL INSTRUMENTS	32
6. CONCLUSION	34
7. ANNEX I: EU PUBLIC STATEMENTS CONCERNING CENTRAL ASIA	35
8. ANNEX II: OVERVIEW OF EIDHR GRANTS TO CENTRAL ASIA	38

LIST OF FIGURES

Figure 1: Thematic areas financed through the EIDHR in Kazakhstan in 2007 and 2009 27

Figure 2: Thematic areas financed through the EIDHR in Kyrgyzstan from 2007 to 2011..... 27

Figure 3: Thematic areas financed through the EIDHR in Tajikistan in 2007, 2009, and 2010 28

LIST OF ABBREVIATIONS

AAP	Annual Action Programme
CBSS	Country Based Support Schemes
COHOM	Council Working Party on Human Rights
CoE	Council of Europe
CSO	Civil Society Organisation
DCI	Development Cooperation Instrument
DG DEVCO	Directorate General for Development and Cooperation
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
EP	European Parliament
EU	European Union
EUCAM	Europe-Central Asia Monitoring programme
HRW	Human Rights Watch
IBPP	Institution Building and Partnership Programme
IfS	Instrument for Stability
ILO	International Labour Organisation
NGO	Non-Governmental Organisation
NSA-LA	Non-State Actors and Local Authorities in Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PCA	Partnership and Cooperation Agreements
PI	Partnership Instrument
SSR	Security Sector Reform
TACIS	Technical Aid to the Commonwealth of Independent States
UN	United Nations
UNDP	United Nations Development Programme
UPR	Universal Periodic Review
VC	Venice Commission

EXECUTIVE SUMMARY

In 2007 the European Union (EU) launched 'The EU and Central Asia: Strategy for New Partnership', a regional non-legally binding framework document that defines the EU's key priorities in the five Central Asian countries. Human rights, rule of law, good governance, and democratisation constitute the first of seven priorities outlined. The strategy has established regular human rights dialogues with the Central Asian states with the aim of enhancing cooperation over the issue and raising concerns, with a view to improving the human rights situation in the region. The EU also seeks to address human rights through public statements and 'quiet diplomacy' with the Central Asian states. In order to meet the established objectives, the EU provides assistance to Central Asian governments and civil society through the Development Cooperation Instrument (DCI), the European Instrument for Democracy and Human Rights (EIDHR), the Non-State Actors and Local Authorities in Development (NSA-LA), the Institution Building and Partnership Programme (IBPP), and the Instrument for Stability (IfS).

The overall human rights situation in Central Asia has not improved over the last decade. On the contrary, several regimes have harnessed their rule through further restrictions on basic and universal freedoms. Kazakhstan, for instance, has not progressed in terms of human rights or democratic development regardless of the commitments it undertook in the run-up to its chairmanship of the Organisation for Security and Cooperation in Europe (OSCE) in 2010. Kyrgyzstan is a positive exception, as the country went through considerable changes in 2010, adopting a new constitution and moving from a presidential to a parliamentary system. However, while the government seeks to implement democratic and economic reforms, concerns remain about human rights offences, largely related to the 2010 ethnic clashes between the Kyrgyz and Uzbek populations in the south. Tajikistan is the poorest country in the region and faces instability and severe security challenges. The regime struggles to exercise control over the country and human rights violations are commonplace, ranging from offences committed by security forces to the curtailment of political and religious freedoms. Uzbekistan is a well-known human rights offender, especially after the 2005 Andijan events in which hundreds of civilians lost their lives. Uzbekistan's human rights record is amongst the worst not only in Central Asia but also worldwide. Turkmenistan is extremely authoritarian and is considered one of the most closed countries in the world. Its human rights situation is problematic in all aspects, while the government remains unresponsive to any outside criticism.

Against this background, it is extremely difficult for the EU to promote democracy and defend human rights. The EU has little leverage in the region. Unlike with the countries included in the Eastern Partnership (EaP), the EU can offer neither political and economic associations nor visa free travel to Central Asian countries. Moreover, Central Asia does not feature high on the European agenda. When it does receive attention, however, the EU seeks carefully to balance its values-promotion with its energy and security interests in the region. Whereas EU relations with Central Asia have expanded substantially since 2007, results in the field of human rights and democracy are minor. This applies to individual high-level human rights cases, as well as long-term democratic reform and an independent rule of law.

This briefing paper presents six conclusions/recommendations to help strengthen EU policy and funding in the field of human rights in Central Asia, as well as concerning broader democracy promotion and the rule of law:

- The human rights dialogues should not be stand-alone events, but be part of a comprehensive EU engagement in Central Asia. At the same time, the civil society seminars, which so far have had different levels of impact in the Central Asian countries, need to be intensified in the countries where they can make a difference.

- The EU's quiet diplomacy needs to be matched with public diplomacy: consistency, thorough follow-up, and streamlined approaches to the political situation on the ground need to be strengthened for the EU's human rights policy to have a bearing on Central Asia.
- The EU should increasingly cooperate and coordinate with various regional and international organisations.
- Cooperation programmes on good governance, democracy, human rights, and the rule of law need to be extended beyond the governmental level and more civil society engagement is necessary to foster growth and influence of local civil societies.
- Grants to civil society organisations (CSO) in Central Asia should focus on fewer priority areas, while more emphasis needs to be placed on monitoring and evaluation projects that can boost European understanding of the human rights conditions in Central Asia and build local CSO capacities.
- Assistance to official institutions needs to be further country-tailored to ensure that programmes on judicial, prison or parliamentary reform, as well as broader human rights programmes, can have the desired short-term practical and long-term reform-oriented impact.

In addition to the difficult context in which the EU has to operate, two aspects in particular help explain the EU's lack of results in promoting human rights in Central Asia. First, EU public diplomacy tends to refer to human rights and democratic reform in general, rather than raising specific issues, while at the same time lacking coherence and follow-up. Consequently, hardly any specific human rights issue has been taken up seriously or has been solved. Second, overall financial assistance, and in particular in terms of democracy and human rights, is limited, not always well targeted, and frequently aimed at achieving quantifiable results rather than deep rooted democratic transformations. Prospects for democratic change and an improvement of human rights to meet international standards look dim in Central Asia. However, the EU could make a difference if it starts to apply better-tailored policy and financial instruments, has a consistent democracy and human rights agenda focused on concrete cases, and keeps long-term democratic reform in mind.

1. PURPOSE AND SCOPE OF THE STUDY

This briefing paper was commissioned by the European Parliament (EP), with a view to evaluate the EU's human rights policies and engagement in Central Asia. Since the adoption of the 2007 EU Strategy for Central Asia, no open evaluation of the EU's support to human rights promotion and protection has taken place. Whereas the three EU Council/Commission progress reports mention human rights, a more in-depth assessment has been lacking; this especially applies to the EU's financial instruments, of which most figures have not been publicly available. This study seeks to fill this gap by scrutinising the EU's engagement to date, with a specific focus on post-2007 developments and on the support provided to Central Asia's civil societies. Particularly, it assesses the performance of the EU's financial and policy instruments in terms of their relevance to the human rights situation in the region and their ability to tackle core problems in the countries concerned.

Section 2 provides an overview of the most pressing human rights concerns in each of the five Central Asian states. The analysis is based on views of Central Asian human rights activists; monitoring of media outlets; and a review of recent human rights reports by leading national and international human rights watchdogs (Freedom House, Human Rights Watch, and Amnesty International, as well as Central Asian human rights organisations and reports produced for the US Congress).

Section 3 looks at the performance of EU policy instruments. The EU has several human rights tools in Central Asia, including decisions, council conclusions, restrictive measures (sanctions), statements and declarations, demarches, and political dialogues. As the use of these instruments generally does not

envisage explicit objectives or benchmarks (with the exception of sanctions), it is difficult to assess their effectiveness in achieving specific human rights objectives. Moreover, some of these instruments, such as high-level political meetings or human rights dialogues, take place behind closed doors, as part of the EU's quiet diplomacy, and thus the only sources of information about their use are EU public statements and press releases. EU statements and Council Conclusions adopted in 2007–13 were scrutinised (see Annex I) to evaluate the consistency of the EU's messages and their follow-up. The analysis focuses predominantly on the EU's approach and not on Central Asian governments' responses.

In section 4, the EU's financial instruments that apply to Central Asia and that could be used to support human rights are examined. The fields of democracy support, good governance, and rule of law are also taken into account due to their interconnectedness with human rights through EU funding. The section draws on data included in the EUCAM factsheet 'Mapping EU development aid to Central Asia', published in July 2013¹. Additional information was gathered through desk research and a series of interviews with EU officials in Brussels and EU delegations in Central Asia. Annex II includes EIDHR grants for the period 2007–11. The funded programmes are evaluated in terms of their relevance to the situation on the ground and their potential (or inability) to tackle the most pressing human rights concerns in Central Asia.

A final section provides policy recommendations that could be used by the EU to strengthen its human rights promotion and protection efforts in Central Asia.

This report is the result of a team effort by three researchers who are closely involved in FRIDE's Europe-Central Asia Monitoring (EUCAM) programme. Through EUCAM, the authors made several trips to Central Asia and have carried out in-depth research and analyses on Central Asian political, economic and societal developments, as well as on international policies towards the region, in particular those of the EU and its member states. In this sense, the report builds on the knowledge acquired through interviews, meetings, and conferences over the last five years in Central Asia and Brussels, and on information gathered through desk research. For this specific briefing paper, additional written and personal interviews were held with EU officials in Brussels and at EU delegations in Central Asia, and with representatives from Central Asian and European human rights organisations. The authors would like to thank the interviewees for their valuable input. Responsibility for the arguments put forward in this study remains with the authors alone.

¹ T. Tsertsvadze and J. Boonstra, 'Mapping EU Development Aid to Central Asia', EUCAM Factsheet 1, 18 July 2013, available at: http://www.eucentralasia.eu/uploads/tx_icticontent/EUCAM-FS-1-EN.pdf

2. PRESSING HUMAN RIGHTS MATTERS IN CENTRAL ASIA

2.1 Kazakhstan

In Kazakhstan, human rights are foremost curtailed through state control over citizens and their participation in public life. This mainly applies to freedom of speech, press, assembly, religion, and association. It is accompanied by the lack of an independent judiciary, widespread corruption, and unlawful practices by law enforcement bodies, such as arbitrary arrests and detentions, torture, and infringements on citizens' privacy rights. Kazakhstan's steep economic growth over the past few years has brought some positive social and economic developments for the average population and has made the government more sensitive to outside criticism concerning its democratic and human rights credentials. But regime security still prevails and human rights offences are structural in nature.

In 2010, Kazakhstan held the OSCE chairmanship, after making several commitments to implement political reforms to improve democratic governance and the electoral and judicial systems. However, efforts have been superficial and have not led to the establishment of a genuine system of checks and balances. The country's political landscape remains dominated by President Nursultan Nazarbayev, who has been in power for over 20 years and since 2010 enjoys the status of 'Leader of the Nation'.

In preparation for the OSCE chairmanship, the government adopted a National Human Rights Action Plan for 2009–12. However, according to leading Kazakh human rights non-governmental organisations (NGOs), only about 23% of its recommendations have been implemented, while in some areas the human rights situation has even deteriorated². Over the last few years, more restrictive legislation regarding national security, religion, and the Internet has been introduced. Meanwhile, the end of 2011 was marked by a crackdown on oil workers' protests in the western city of Zhanaozen, which left 14 dead and over 100 injured and was characterised by observers as the country's 'worst violence since independence'³. A series of arrests, with multiple reports of abuse and torture in custody, followed. In early 2012, dozens of workers and activists were convicted for instigating violence, including opposition leader Vladimir Kozlov, who remained in prison at the time of writing. Freedom of expression was further tightened through the banning of several media outlets critical of the authorities' actions in Zhanaozen.

Currently, a number of Kazakhstani dissidents residing in Europe in self-imposed exile face potential extradition and prosecution on what are seemingly politically motivated charges⁴. Amongst them, Mukhtar Ablyazov, a former energy minister and banker and a long-time critic of President Nazarbayev, has been held in custody in France since July 2013. In January 2014, a French court ruled that he should be extradited to Russia or Ukraine, where he is also accused of embezzlement and financial fraud⁵. Ablyazov has appealed this ruling.

² Final Review on Implementation of the National Action Plan for Human Rights for 2009-2012 by the Republic of Kazakhstan, available at: <http://www.bureau.kz/news/download/362.pdf>

³ J. Lillis, 'Kazakhstan: Violence in Zhanaozen Threatens Nazarbayev Legacy', Eurasianet, 21 December 2011, available at: <http://www.eurasianet.org/node/64745>

⁴ A. Koj, 'Kazakhstan using Interpol to chase dissidents in EU', EUobserver, 4 September 2013, available at: <HTTP://EUOBSERVER.COM/OPINION/121311>

⁵ J.-F. Rosnoble, 'French court rule Kazakh dissident should be extradited', NBC News, 9 January 2014, available at: http://www.nbcnews.com/id/54021053/ns/world_news-europe/#.Uv4vdYWt0Q0

2.2 Kyrgyzstan

Among the Central Asian republics, Kyrgyzstan is commonly seen as the most open to democratic reforms and to accepting universal human rights principles. The political course followed by the country's leadership during the first years of independence allowed for the development of an independent media, civil society organisations and a relatively strong activist culture. After these initial liberal years, the tightening of citizens' rights and freedoms, growing corruption, social disparities and elite rivalries in particular resulted in two government overthrows in 2005 and 2010. The latter led to the adoption of a new constitution and the introduction of Central Asia's first parliamentary system.

In June 2010, Kyrgyzstan witnessed deadly inter-ethnic clashes that brought to the surface long-existing tensions between the Kyrgyz and Uzbek communities in the south of the country. Some 470 people were reportedly killed, thousands wounded and over 400 000 displaced, with the Uzbek minority being the most affected. Kyrgyz security forces largely failed quickly to stop the outbreak of violence and reportedly took sides in the conflict. Their actions during and in the aftermath of the clashes were characterised by the use of illegal and abusive practices, including beatings, looting of houses, arbitrary ethnic-based arrests, and torture in custody⁶.

Currently, the most pressing human rights issues are related to continued ethnic tensions, especially in the south of the country. These are accompanied by the denial of due process and the lack of accountability in judicial proceedings in connection to the 2010 events. The government's inability to hold to account those responsible for the killings and destruction three years after the events undermines its legitimacy and popular trust in the existing justice system.

Kyrgyz law provides for freedom of association and of expression. However, while the government generally respects these rights, occasional cases of pressure against NGOs, human rights activists, and journalists who write about sensitive issues (such as the 2010 ethnic conflict) or criticise certain public figures have been reported. In September 2010, Azimjan Askarov, a prominent human rights defender and a once outspoken critic of police brutality was convicted and sentenced to life in prison in a process marred with multiple violations. Despite numerous calls from international human rights organisations for the Kyrgyz authorities to review his case, the government remains unwilling. In this context, self-censorship due to fear of being targeted by state institutions is a recurrent issue⁷. A recent report by Human Rights Watch (HRW) has highlighted several cases of aggression and extortion by the police of gay and bisexual men in Kyrgyzstan; a phenomenon that is most likely commonplace in other Central Asian countries too⁸.

2.3 Tajikistan

Tajikistan is the poorest country in the region, and is particularly prone to conflict due to several security challenges, ranging from poverty to extreme Islamism and from authoritarian rule to porous borders with Afghanistan. The country went through a high-intensity civil war in the 1990s and in recent years has been startled several times by violent clashes, such as those in the Rasht Valley in 2010 and in Gorno-Badakhshan province in 2012. The authorities' response during these events was characterised by a lack of capacity and unlawful practices by the security forces, including

⁶ Report of the International Independent Commission of Inquiry into the Events in Southern Kyrgyzstan in June 2010, May 2011, available at: http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_490.pdf

⁷ J. Nichol, 'Kyrgyzstan: Recent Development and U.S. Interests', CRS Report for Congress, 30 August 2013, available at: <http://www.fas.org/sgp/crs/row/97-690.pdf>

⁸ Human Rights Watch, 'They said we deserved this. Police violence against gay and bisexual men in Kyrgyzstan', January 2014, available at: http://www.hrw.org/sites/default/files/reports/kyrgyz0114_forUpload.pdf

unauthorised detention and torture in custody. Moreover, the government has used the incidents to justify restrictions on basic freedoms such as those of movement, expression, religion, and assembly.

Despite adopting some legislative changes in line with international standards in 2012–13 to end the use of torture in detention, law enforcement officials continue frequently to use coercive methods. In a recent report by the Tajikistan Coalition of NGOs, torture still figures among the country's biggest human rights problems, followed by the lack of equal access to justice, the weak position of defence counsels, and the absence of fair trial⁹.

While freedom of expression is guaranteed by law, the authorities control most of the media facilities, limiting the free flow of information when deemed necessary, and occasionally exercising pressure on government critics through the threat of prosecution and heavy fines¹⁰. Human rights groups and NGOs also sometimes experience constraints.

The presidential elections held on 6 November 2013, in which President Emomali Rakhmon won a fourth seven-year term with 83% of the votes, were characterised by some restrictions on political freedoms. Prior to the elections, the government took measures to restrain open debate and crackdown on opposition party leaders¹¹. Tajikistan remains the only country in the region with an officially-registered Islamic political party represented in parliament; a remnant from the civil war, established through a peace deal between the current leadership and Islamic and democratic opposition forces. Nevertheless, concerns remain about restrictions on the freedom of religion and limitations to religious education, especially after new legislation introduced in 2012 that allows for restrictions on different religious groups, including minority and non-traditional religions.

2.4 Turkmenistan

Turkmenistan is the most repressive state in Central Asia, and according to Freedom House, it is also among the 'worst of the worst' human rights abusers worldwide (¹²). After some cosmetic improvements following the death of former President Saparmurat Niyazov in 2006, the regime's human rights record has not seen any improvement in recent years. While the country remains closed to independent scrutiny, including by special rapporteurs from the United Nations (UN), few human rights watchdogs operating outside of Turkmenistan have the knowledge or the capacity to report regularly on the actual situation. According to their reports, the main problems include the use of unlawful practices, such as arbitrary arrests and torture by law enforcement agencies, and severe restrictions to civil and political rights, foremost freedoms of speech, press, assembly, association, and movement. Meanwhile, the enormous gas revenues collected by the regime have been used to the benefit of a small group of elites and large shallow building projects, not for the broader development of the country.

Following the February 2012 presidential elections, in which incumbent President Gurbanguly Berdimukhamedov won with 97% of the votes, he continued to enjoy unlimited power and to build his personality cult. All spheres of public life are fully controlled by the government, with no effective political opposition, independent judiciary, or free civil society present. Imprisonment and

⁹ NGO Report on the Republic of Tajikistan's Implementation of the International Covenant on Civil and Political Rights, July 2013, available at: http://www2.ohchr.org/English/bodies/hrc/docs/NGOs/NGOsCoalition_Tajikistan_En.pdf

¹⁰ J. Nichol, 'Tajikistan: Recent Development and U.S. Interests', CRS Report for Congress, 25 September 2013, available at: <http://www.fas.org/sgp/crs/row/98-594.pdf>

¹¹ Human Rights Watch, 'Tajikistan: End Crackdown Ahead of Election', 22 October 2013, available at: <http://www.hrw.org/news/2013/10/21/tajikistan-end-crackdown-ahead-election>

¹² Freedom House, Freedom in the World 2010, 'Worst of the worst', June 2010, available at: http://www.freedomhouse.org/sites/default/files/inline_images/Worst%20of%20the%20Worst%202010.pdf

disappearances of political opponents and government critics are regularly reported. Torture and other abusive practices, including forced medical treatment, are allegedly widespread in detention facilities¹³. Human rights abuses by security and law enforcement officials are hardly ever investigated. The judicial sector is reputed to be corrupt and inefficient¹⁴.

Freedom of assembly and association is heavily restricted. The activities of civil society actors that are not officially registered with the Ministry of Justice are considered illegal. Independent human rights NGOs are non-existent in the country. The authorities often decline permits to public meetings and demonstrations that are not initiated by the government.

Broadcasting, print, and electronic media are almost entirely controlled by the authorities. While the December 2012 law on media formally prohibits state interference into the activities of media outlets, a system of 'cross-censorship' by various government agencies has developed, which severely limits freedom of press¹⁵.

Restrictions on the freedom of movement have further intensified in recent years, highlighting the country's international isolation (which is not that far from North Korea's). The March 2012 law on migration increased government control over entry and exit from the country and provided a new tool for the authorities to prevent government critics from travelling abroad. In 2013, several people who had been previously prohibited from traveling abroad were allowed to leave the country. However, arbitrary travel bans, including for students studying at foreign universities, remain common practice¹⁶.

2.5 Uzbekistan

Along with Turkmenistan, Uzbekistan features on Freedom House's list of the world's most repressive countries. Its democracy and human rights record has deteriorated steadily since the 1990s, experiencing a peak of international criticism in the mid-2000s. For over 20 years, the country has been governed by President Islam Karimov, whose regime leaves little room for genuine citizen participation in politics. In 2005, Uzbekistan experienced a major incident of human rights violations during public protests in the eastern city of Andijan, when hundreds of people, largely unarmed civilians, were killed by government forces¹⁷. The events triggered EU sanctions against the state, which remained in force until late 2009.

The regime's strong grip combined with the lack of any genuine democratic procedures and a succession mechanism for aging leader Karimov could eventually lead to instability in the most populous country of the region. Uzbekistan has lost economic primacy to Kazakhstan, but it can still boast to have the largest security sector, including the largest armed forces, in the region.

According to observers, the main human rights problems in Uzbekistan include the pervasive use of torture in the criminal justice system; the denial of due process and fair trial; severe restrictions on the

¹³ Amnesty International, 'Continued clamp down on freedom of expression, association and assembly, arbitrary detention, torture, enforced disappearance, and still no access for international monitors', Public Statement, 18 September 2013, available at:

<http://www.amnesty.org/en/library/asset/EUR61/004/2013/en/937c0387-42e9-46bc-b87c-f115156ca7a7/eur610042013en.pdf>

¹⁴ J. Nichol, 'Turkmenistan: Recent Development and U.S. Interests', CRS Report for Congress, 17 August 2012, available at: <http://www.fas.org/sgp/crs/row/97-1055.pdf>

¹⁵ 'Turkmen Laws are Strict but Censorship is Stricter', Chronicles of Turkmenistan, 28 October 2013, available at: <http://www.chrono-tm.org/en/2013/10/turkmen-laws-are-strict-but-censorship-is-stricter>

¹⁶ Human Rights Watch, World Report 2014 – Turkmenistan, 21 January 2014, available at: <http://www.refworld.org/docid/52dfda814.html>

¹⁷ Human Rights Watch, 'Bullets Were Falling Like Rain. The Andijan Massacre, May 13, 2005', June 2005, <http://www.hrw.org/sites/default/files/reports/uzbekistan0605.pdf>

freedom of religion, including continuous harassment of religious minority groups; and limitations of political and civil rights, such as freedom of expression, assembly, and association, with increasing pressure on civil society, opposition, and media¹⁸.

While some steps towards improving the criminal justice system have been taken by the government (for instance, attempts to expand the use of *habeas corpus*), reforms remain superficial and their implementation poor. Detainees are rarely granted access to lawyers and the justice sector is non-transparent and corrupt. Government and security officials often engage in abusive practices with impunity. Politically-motivated prosecution and imprisonment continue to be reported by human rights organisations.

Civil society activists, human rights advocates, and independent journalists regularly experience harassment and intimidation, which have intensified since 2005 as the government's response to the criticism of its actions in Andijan. NGO activities remain heavily monitored and restricted, while the government seeks to establish its own sector of 'NGOs'. Members of non-traditional religious associations and Muslim groups practicing their faith outside state control are constant targets of heavy fines, arbitrary detentions, and prosecution on the grounds of religious extremism.

Uzbekistan's economy is largely based on its cotton industry. Despite continuous international criticism, including from the European Parliament, state-sponsored forced and child labour in hazardous conditions, especially in the cotton sector, remains widespread. In 2012, the government officially prohibited the mobilisation of children under the age of 15 during harvest season – this is a positive sign, even though mainly prompted by fears of suffering economic losses in cotton exports in light of international pressure. However, forced mobilisation of adult state workers, students, and school children of around 16–17 years old has reportedly increased to compensate for the age restriction¹⁹.

3. EU POLICY INSTRUMENTS AND HUMAN RIGHTS PROMOTION

3.1 Human Rights Dialogues and Civil Society Seminars

The EU has been holding bilateral human rights dialogues with Central Asian countries since 2007. Until now, four rounds have been held with Kyrgyzstan, five with Kazakhstan, Tajikistan and Turkmenistan, and seven with Uzbekistan. The agenda of the dialogues usually includes between eight to ten issues. Among these are individual cases of pressure and prosecution of human rights activists, as well as broader country-specific human rights issues. The meetings are technical, focused on specific concerns, and held with the presence of experts from both sides. From the Central Asian side, meetings are chaired by the ministries of foreign affairs, accompanied by representatives of the ministries of justice and internal affairs, and in some cases the prosecutor's office, prison authorities, and the ombudsmen. From the EU, senior officials of the European External Action Service (EEAS) are present.

Before and after each dialogue round, the EEAS organises briefings for civil society organisations in Brussels. During such meetings, CSOs provide their input and are verbally informed about the main items discussed in the dialogue. Meetings with Central Asian CSOs are held on an *ad hoc* basis, and in most cases before the dialogue only.

¹⁸ See 2013 Report on Uzbekistan by Human Rights Watch, <http://www.hrw.org/world-report/2013/country-chapters%20/112428>

¹⁹ J. Nichol, 'Uzbekistan: Recent Development and U.S. Interests', CRS Report for Congress, 21 August 2013, available at: <http://www.fas.org/sgp/crs/row/RS21238.pdf>

According to the EU's guidelines, a set of objectives for each country's human rights dialogue is defined. In 2011, the EU also developed country-specific human rights strategies, but these documents have not been made public. Given the lack of available information about the topics discussed, the outcomes and impact of the dialogues are difficult to assess and largely depend on the opinions of those involved in the process, which might not be free of bias.

The issues raised during the dialogues should be taken up at higher-level political meetings. However, the public statements reviewed below demonstrate that this might not always be the case. In the case that human rights issues are raised at those meetings, it is usually done in a careful manner as part of general calls for countries to improve their human rights situations. The EU's guidelines and Strategic Framework and Action Plan on Human Rights and Democracy²⁰ further point to the need for an assessment of the dialogues by the Council's Working Party on Human Rights (COHOM), in cooperation with the relevant geographical working groups. The evaluation should look at the human rights situation in a given country in relation to the objectives set by the EU before the start of a dialogue. In case of a negative assessment, the EU should readjust objectives or consider whether to continue the dialogue with the country in question. As of today, human rights dialogues have been discussed in the relevant council working groups and the formal assessments included in the EU's guidelines should start in 2014.

The civil society seminars held in-between official dialogue rounds offer a forum for Central Asian and European civil society to discuss country-specific human rights issues in the presence of EU representatives and government officials. Topics are decided between the EU and respective governments. Civil society recommendations elaborated at the seminars should be incorporated into the human rights dialogues.

To date, the only two countries in Central Asia where the seminars have had some relevance to the dialogue with the government and the actual human rights situation are Kyrgyzstan and Tajikistan. The civil society seminar held in Kyrgyzstan in February 2012 recommended to the government the adoption and implementation of a law on 'National Preventive Mechanism' (against torture)²¹. Such a law was adopted by the Kyrgyz parliament on 7 June 2012. At the same time, a National Centre for the Prevention of Torture and a Coordination Council for the Prevention of Torture were established. Similarly, after the 2012 EU-Tajikistan civil society seminar on 'Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment,' Tajikistan adopted in the same year a law that classified torture as a criminal offence and developed a manual for judges and prosecutors regarding the investigation of cases related to torture or alleged inhumane treatment²². While these developments do indicate progress, in both instances the results achieved cannot be attributed exclusively to the EU's human rights dialogues and civil society seminars. The issues discussed above had been previously raised within UN fora (during Universal Periodic Reviews – UPR). The EU-initiated dialogues have thus played a complementary, facilitating role in supporting other international actors in their attempts to improve human rights in Central Asia.

In Kyrgyzstan and Tajikistan, the governments have agreed to conduct a dialogue with civil society on these sensitive matters, which is a positive step. Nonetheless, despite legislative changes evidence

²⁰ Council of the European Union, 'EU Strategic Framework and Action Plan on human Rights and Democracy', 25 June 2012, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf

²¹ Final recommendations to the EU – Kyrgyzstan civil society seminar, 10 April 2012, available at: http://eeas.europa.eu/delegations/kyrgyzstan/press_corner/all_news/news/2012/news10042012_en.htm

²² P. Narvuzova, 'Freedom from Torture in the Republic of Tajikistan', The Coalition of Civil Society of Tajikistan against Torture, 3 October 2012, available at: <http://www.osce.org/odihr/106546>

shows that torture and ill-treatment remain major human rights concerns in both countries. The EU has to ensure that these governments take the implementation part equally seriously. Here the Union can play a more prominent role, by raising the importance of implementing legislation both at high-level political meetings and at the subsequent human rights dialogues.

Contrary to the seminars held in Kyrgyzstan and Tajikistan, civil society in Kazakhstan was excluded from the selection process of the topics to be discussed in the 2011 EU-Kazakhstan civil society seminar. Under the title 'Building Stronger Interaction between State and Civil Society as an Engine of Progress', the meeting covered the rights of disabled people and gender issues, as well as dialogue with the government on those two questions. While the seminar took place in parallel to the ongoing oil workers' strike in western Kazakhstan, this issue was not officially part of the agenda. The subsequent seminar organised in Astana in 2012 focused on the 'Contribution of Civil Society to Judicial Reforms in Kazakhstan'. The topic bore relevance to the ongoing judicial reforms in the country, even though there were no government officials present. The major shortcomings of these two seminars were that in the first case, the selected topic was of lower relevance given the country's actual problems. And in the second, while the topic was relevant, the Kazakh government took no interest in the event. Whether the recommendations from the 2012 seminar have been included in the human rights dialogues, especially in view of the ongoing judicial reform process, is not clear. The subsequent human rights dialogue took place only a year later, on 27 November 2013, and was preceded by another civil society seminar, involving local human rights organisations, which was held a day earlier²³.

So far, only one civil society seminar has been held in Uzbekistan, in 2008. The topic discussed, media freedom, turned to be a politically-sensitive issue and the seminar disappointing for both the EU and Uzbekistan. No further attempts were made to organise seminars in Uzbekistan or in Turkmenistan.

The relevance and impact of the human rights dialogues and the accompanying civil society seminars have differed in each country. The leaderships in Kyrgyzstan and Tajikistan were willing to discuss rather sensitive topics with local civil society, and the meetings were followed by a few concrete legislative changes. The impact in the other three countries remains extremely limited, at best. The question remains whether this exercise will bear fruit in the long run. The EU and Central Asian states risk ending up in a situation where all parties are satisfied, having addressed human rights problems by means of quiet diplomacy but without advancing on actual reforms. In addition, there is a risk that the dialogues increasingly become 'tick of the box' exercises that separate deliberations on human rights from other policy areas such as security and energy cooperation. Complementing quiet diplomacy with public statements and a consistent follow-up on what has been previously discussed could be one way for the Union to demonstrate that it is serious about its values-based objectives in Central Asia.

3.2 EU statements on Kazakhstan

Recently two issues have featured prominently in the EU's public statements vis-à-vis Kazakhstan: the Zhanaozen events of 16 December 2011, when around 14 unarmed protesters died after police dispersed the rally; and the ongoing negotiations over an EU-Kazakhstan Enhanced Partnership and Cooperation Agreement (PCA). The latter, as declared by the EU, is subject to human rights and democratisation advancements and is thus of particular relevance here.

After the Zhanaozen events, the High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, made two statements calling for an 'objective and transparent investigation of

²³ EU-Kazakhstan Human Rights Dialogue, Press Release, Astana, 27 November 2013, available at: http://eeas.europa.eu/statements/docs/2013/131127_01_en.pdf

events'. The EU also made a statement at the OSCE Permanent Council on 22 December 2011, calling 'to ensure that (investigations into the events) are conducted transparently and with full respect for human rights'. The EU delegation together with other international actors monitored the Zhanaozen trials. According to Freedom House, '(b)ased on trial observation and media reports, the proceedings were marred by credible allegations of torture that authorities refused to adequately investigate²⁴. In the trials, 34 out of 37 defendants were convicted.

Meanwhile, in July 2011 a first round of talks on an enhanced PCA between the EU and Kazakhstan began. EU foreign policy chief Catherine Ashton made three statements in this regard. In the first two, she indicated that a successful conclusion depended on Kazakhstan undertaking political and democratic reforms. However, the third statement, made on 30 November 2012 after a meeting with President Nazarbayev in Astana, did not mention any of these issues and mostly focused on economics and trade, as well as security.

These public statements show inconsistency and a lack of follow-up; not least because the issue of fair trial and transparent investigations of the Zhanaozen events was not discussed and given that prosecutions of political opponents and silencing of media critical of the government have continued without the EU clearly speaking out on these matters. Regarding the PCA, talks continue behind closed doors and little is known on how the EU is conditioning progress in the negotiations.

3.3 EU statements on Kyrgyzstan

Concerning EU-Kyrgyzstan relations, this document focuses on public statements made after the various high-level meetings and statements related to the case of Uzbek human rights advocate Azimjan Askarov, who was sentenced to life imprisonment.

Since 2007, there have been four Cooperation Council meetings between the EU and Kyrgyzstan. EU statements made after the three meetings that took place before the April 2010 events listed the issues discussed in a similar hierarchy: political reforms, rule of law, and human rights first; technical issues, such as regional cooperation, trade and economy second. Of these, the meeting that took place in February 2010, just before the events of April 2010 and the ethnic violence of June 2010, underlined the deteriorating situation of human rights and fundamental freedoms, and called on the Kyrgyz government to strengthen the administrative capacities of the judiciary. The following Cooperation Council meeting took place over three years later in November 2013. By this time, the EU's view of the country's human rights conditions was more positive and questions such as human rights, inter-ethnic reconciliation, and democracy were listed only in the second part of the statement, after political reform, economy, trade, energy, and transport.

Azimjan Askarov's life prison sentence, torture, and confiscation of property prompted a statement from the EU delegation in the country and from Catherine Ashton on 18 September 2010, in which she called for a fair trial and due process as necessary conditions for inter-ethnic reconciliation. However, despite the fact that Askarov remains imprisoned and the numerous calls from international organisations for his release and for a full and independent investigation of his case²⁵, Catherine Ashton did not mention the issue in the public statement that followed her meeting with President Atambaev and Foreign Minister Abdyldaev during her visit to Bishkek in November 2012. In the following three high-level meetings between President Atambaev, foreign policy chief Ashton, European Council President Herman van Rompuy and European Commission President Jose Manuel Barroso in

²⁴ Freedom House, 'Convictions in Zhanaozen Trial Trample Rule of Law', 5 June 2012, available at: <http://www.freedomhouse.org/article/convictions-zhanaozen-trial-trample-rule-law>

²⁵ Written interview with M. Rittmann, Central Asia Researcher, Human Rights Watch, 27 November 2013.

September 2013, human rights, judicial reform, and inter-ethnic reconciliation were raised but none of the leaders mentioned the case of Askarov or any other specific human rights violations.

Askarov's case evidences Kyrgyzstan's broad justice problems. The EU should carefully observe and where possible pressure the authorities on these particular cases²⁶. In this instance, the EU could have done more via public statements, especially taken into account that during President Atambaev's visit to Brussels in September 2013 Kyrgyzstan and the EU signed a financing agreement for EUR 13.5 million to promote respect for the rule of law and EUR 30 million in macro-financial assistance.

3.4 EU statements on Tajikistan

The EU-Tajikistan Partnership and Cooperation Agreement entered into force on 1 January 2010. High-level Cooperation Council meetings and the more technical Cooperation Committee meetings have been taking place thereafter. The issues raised at the three Cooperation Council meetings held so far include economic and social reforms, corruption, improving the investment climate and security, rule of law, human rights and democracy, and water, energy and the environment.

Two other high-level meetings between President Rahmon and EU foreign policy chief Catherine Ashton took place in November 2012 during Ashton's Central Asia trip and in April 2013 during Rahmon's visit to Brussels. The 2012 bilateral meeting focused on the future of Afghanistan, energy, water, and economic reforms. Political reform, rule of law, and human rights were only mentioned in the last part of the statement issued after the meeting. Ashton also put emphasis on the closure of one of Tajikistan's leading human rights organisations, the young lawyers association 'Amparo'. This was the first time that a high-ranking EU diplomat mentioned a very specific case in a bilateral meeting with the Tajik leader. However, during her next meeting with the president, Ashton did not follow-up on this issue despite the fact that Amparo remained closed. While energy and water issues have stood central in most EU high-level statements on Tajikistan, human rights, freedom of media, religion and association are only mentioned in general terms. Traditional development aid issues, and political and practical cooperation override a focus on human rights in Brussels' relationship with Dushanbe.

The 2012 review of the EU's policy towards Central Asia proposed the celebration of regular high-level security dialogues. So far, only one meeting has been held, in June 2013 in Brussels. These dialogues are regionally-focused and not particularly geared towards Tajikistan, although European and local security and stability concerns to a large extent relate to Tajikistan's dire security situation. Not least because Tajikistan's porous borders with Afghanistan have resulted in large-scale drug trafficking; weak control by the Tajik authorities over the territory; tensions with Uzbekistan over water resources; and potential instability as a result of poverty and lack of opportunity for a quickly growing and ever younger population. The EU did not take up human rights during the first meeting. The next High-Level Dialogue, which is expected to be held in 2014 in Tajikistan²⁷, could offer an opportunity for the EU carefully to link security challenges to human rights problems, for instance by addressing Security Sector Reform (SSR).

²⁶ Ibid.

²⁷ EU-Central Asia High level Security Dialogue, 13 June 2013, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137463.pdf

The latter links reform in the security sector (police, armed forces, etc.) to strengthened democratic oversight of the security apparatus, including public scrutiny of the human rights aspects of police, military, and intelligence work²⁸.

3.5 EU statements on Turkmenistan

The ratification of the EU-Turkmenistan Partnership and Cooperation Agreement has been stalled by the European Parliament for over 10 years; the reason for this is the country's grim human rights situation. Nonetheless, the EU has been pursuing its quiet diplomacy, without publicly raising specific human rights issues in bilateral meetings, and has opted for an 'open door' policy in the hope that it will bring more results on human rights and more importantly, results for the EU's strategic energy interests in the country. Turkmenistan harbours the world's fifth-largest energy reserves and the EU's interests there are largely driven by energy diversification motivations²⁹. In 2011, European Commission President José Manuel Barroso and EU Energy Commissioner Günther Oettinger visited Turkmenistan. Energy security and the Trans-Caspian pipeline were the main points discussed.

Compared to other Central Asian countries, considerably fewer bilateral meetings have taken place with Turkmenistan and fewer policy instruments have been used by the EU overall. Turkmenistan was the only country Catherine Ashton did not visit during her Central Asia tour in November 2012. She met with Turkmenistan's Foreign Minister Meredov during his visit to Brussels in April 2013. The statement after the meeting underlined the importance of strengthening the rule of law and political reform in the country, and outlined the EU's concerns with regard to Turkmenistan's human rights situation.

Given that the EU has not been very successful in terms of pursuing a coherent human rights public diplomacy even with energy-poor countries such as Kyrgyzstan and Tajikistan, it is even less likely that the Union will raise pressing human rights issues with Turkmenistan on a regular basis. When comparing EU policies towards Belarus, another former Soviet Union country known for its severe human rights violations, the difference of interests closer to home or in retrospect of other strategic interests is evident. Belarus cannot boast crucial energy resources but shares with Turkmenistan the same neglect for human rights. In Belarus, the EU pursues a policy of critical engagement³⁰, and EU sanctions against the country have been in force since 2010³¹. This is not to say EU policy towards Belarus has been more successful, but it does show the EU's different approaches towards energy-rich and energy-poor countries.

The EU has openly favoured a policy of engagement over isolation with Turkmenistan, which is largely determined by its strategic interests. Within this context, negligence of its normative agenda proves the lack of a long-term vision in Turkmenistan. Unless it improves its judicial, legal, and political framework of governance, and as long as it continues to depend on one-man's will instead of on the law and international standards, Turkmenistan will not be able to become a reliable energy partner.

²⁸ J. Boonstra, E. Marat and V. Axyonova, 'Security Sector Reform in Kazakhstan, Kyrgyzstan and Tajikistan. What role for Europe?', EUCAM Working Paper 14, May 2013, available at: http://www.eucentralasia.eu/uploads/tx_ictcontent/EUCAM-WP14-SSR-EN_01.pdf

²⁹ J. Hale, 'Real Costs of Turkmenistan's Hydrocarbons', Open Society European Policy Institute, November 2012, available at: <http://www.opensocietyfoundations.org/sites/default/files/turkmenistan-policy-brief-20121203.pdf>

³⁰ EEAS, 'The European Union and Belarus', Fact Sheet, 131029/01, Brussels, 29 October 2013, available at: http://eeas.europa.eu/statements/docs/2013/131029_01_en.pdf

³¹ Council of the European Union, 'EU sanctions against Belarus extended', Presse 445, 15513/13, Brussels, 29 October 2013, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/139261.pdf

3.6 Uzbekistan

EU-Uzbekistan bilateral relations are regulated by a Partnership and Cooperation Agreement in force since 1999. Two issues stand central in the relationship. First, forced and child labour in Uzbekistan's cotton fields and international campaigning, in which the EU participates, against this practice. Second, Uzbekistan is the only Central Asian country where the EU has applied sanctions, as a result of the serious human rights violations during and after the Andijan events of May 2005.

The case of forced and child labour spurred international attention in 2007 after a *BBC* documentary, leading to repeated calls from Uzbek and international civil society groups for European and the US governments to take action. A number of specific actions by international governmental and non-governmental actors have been carried out. In this regard, the EU, and in particular the European Parliament, have played a key role. In 2011, the EP voted (603 to 8 votes) not to include trade in cotton and other textiles into the EU-Uzbekistan PCA³². As a result of this and continued international pressure and criticism, the Uzbek government has taken a few steps, including the ratification of international labour conventions on child labour – Convention No. 182 and No. 138 (in 2008 and 2009, respectively) – and allowing International Labour Organisation (ILO) monitors to observe the 2013 cotton harvest.

After the 2013 ILO mission, the Government of Uzbekistan expressed willingness to continue cooperating with the ILO and to address child and forced labour and other fundamental workers' rights issues³³. The results of this campaign to date indicate that persistent and coordinated efforts by international actors can bring medium- and long-term results. The EU should remain engaged in international efforts as well as with the Uzbek government to eliminate once and for all such practices in the country.

EU sanctions were imposed in 2005. These included an embargo on arms exports and military training; a visa ban targeting individuals directly responsible for the disproportionate use of force in Andijan; and a suspension of technical cooperation meetings under the PCA (the high-level political dialogue under the PCA remained in place). The following conditions were imposed for the lifting of sanctions:

- to conduct transparent trials of those accused of organising the Andijan protests;
- to stop detention and harassment of those who questioned the Uzbek authorities' version of the Andijan events;
- to cooperate with the internationally-appointed rapporteur to investigate the Andijan events;
- to implement international obligations in relation to human rights and fundamental freedoms;
- to allow unimpeded access by the relevant international bodies (ICRC) to prisoners;
- to engage with the UN Special Rapporteurs on Torture and Freedom of Media;
- to let NGOs, including Human Rights Watch, operate without restrictions (and allow accreditation of the new HRW country director);
- to release human rights advocates and stop harassment; and

³² Other international efforts included repeated reports from human rights organisations and concerns expressed by the ILO supervisory body since 2005. As a result Uzbek cotton was listed on the US department of Labour list of goods produced with the use of child and forced labour. The US government's Trafficking in Persons Report highlighted Uzbekistan as a worst case of state system of forced labor and placed Uzbekistan on a list of sanctionable countries. Over 130 major brands and retailers publicly committed to avoid using Uzbek cotton until forced labor of children and adults is ended. The Organisation for Economic Cooperation and Development (OECD) National Contact Point in France condemned the trade of cotton produced by forced child labor.

³³ Written interview with the Cotton Campaign Manager, January 2014.

– to implement reforms in the judiciary, law enforcement and police³⁴.

Until 2010, the Council reviewed the fulfilment of these conditions on an annual basis. Despite the fact that most conditions remain unfulfilled, the sanctions were gradually lifted and eventually completely removed, ending with the conclusion of the arms ban in 2009. Initially, the International Committee of the Red Cross was allowed access to prisons (but it ended its activities in Uzbekistan in April 2013)³⁵, a number of human rights defenders were released, and changes in legislation (such as the abolishment of the death penalty and the introduction of *habeas corpus*) took place³⁶.

The last Council Conclusions on Uzbekistan were issued on 25 October 2010. Even though by then sanctions had already been completely lifted, the conclusions still outlined a number of areas about which the EU remained concerned, including the release of all human rights defenders, allowing for civil society organisations to operate, cooperation with the relevant UN bodies, guaranteeing freedom of speech and media, and the implementation of international conventions against child labour. Since then, there has been no follow-up to evaluate the level of compliance by the Uzbek government.

On 30 January 2011, Uzbek President Islam Karimov met with European Commission President Jose Manuel Barroso and Energy Commissioner Gunther Oettinger in Brussels. During the meeting, an agreement on the establishment of an EU delegation in Tashkent was reached and the two sides signed a Memorandum of Understanding on Energy. In a statement issued after the meeting, President Barroso mentioned three individual cases and called for the release of all political prisoners, as well as the accreditation of a Human Rights Watch representative in Uzbekistan (³⁷). In March 2011, two months after Karimov's visit to Brussels, the Uzbek authorities shut down the HRW office in Tashkent. From the individual cases mentioned by Barroso, only one person has been released under a suspended sentence; the other two remain in prison.

During her visit to Tashkent in November 2012, Catherine Ashton met with President Karimov. In a statement issued after the meeting, the high representative underlined regional challenges linked to the developments in Afghanistan and water management, the importance of judicial reform, and the role of civil society in this regard³⁸. However, she did not mention any of the issues included in the 2010 Council Conclusions neither did she follow-up publicly on the issues previously taken up by Barroso.

During the sanctions period, several human rights advocates were released from prison. Yet the sanctions have not brought about concrete results in terms of tackling other pressing human rights shortcomings on the ground or helping victims of the Andijan massacre. The fact that sanctions were lifted without Uzbekistan fulfilling most of the conditions proves the EU's inconsistency and lack of willingness. Overall, however, it can be said that EU sanctions have been both ineffective and successful. They were successful in achieving the release of Umida Niyazova from custody, a well-known human

³⁴ The list of sanctions as well as other information in this paragraph was compiled from EU public statements on Uzbekistan (see annex I) as well as from V. Axyonova, 'The European Union's Democratization Policy for Central Asia: Failed in Success or Succeeded in Failure?' Stuttgart: 2014 (forthcoming).

³⁵ In 2008, an agreement was reached to allow the International Committee of the Red Cross (ICRC) to resume visits in Uzbek prisons, but in April 2013 the ICRC terminated the visits. According to ICRC director general, Yves Daccord, 'Visits must have a meaningful impact on detention conditions, and dialogue with the detaining authorities must be constructive. And that's not the case in Uzbekistan'.

³⁶ Human Rights Watch 'No One Left To Witness', 13 December 2011, available at: <http://www.hrw.org/reports/2011/12/13/no-one-left-witness>

³⁷ European Commission, 'Statement of European Commission President José Manuel Barroso following his meeting with the President of Uzbekistan Islam Karimov', Press Release, MEMO/11/40, Brussels, 24 January 2011, available at: http://europa.eu/rapid/press-release_MEMO-11-40_en.htm

³⁸ European Commission, 'Remarks by High Representative Catherine Ashton at the end of her visit to Uzbekistan', Press Release, MEMO/12/926, Tashkent, 29 November 2012, available at: http://europa.eu/rapid/press-release_MEMO-12-926_en.htm

rights defender, who afterwards received asylum in Germany. But more importantly, the sanctions were ineffective in the sense that the Uzbek government did not meet key demands, including allowing an independent international investigation into the Andijan events. At the time of writing, there were still almost 10 000 persons convicted on politically-motivated charges of alleged extremism and anti-constitutional activity in Uzbekistan. The overall number of political prisoners in Uzbekistan is larger than in all the former Soviet Union countries combined³⁹.

4. EU FINANCIAL INSTRUMENTS AND HUMAN RIGHTS PROMOTION

The promotion of human rights, rule of law, good governance, and democratisation is the first among the seven priorities set in the 2007 EU Strategy for Central Asia. In this sense, the EU has supported cooperation programmes through various financial instruments. Assistance has been provided both to governments and to the non-governmental sector.

The financial instruments applicable to Central Asia include the Development Cooperation Instrument, which is complemented by several thematic instruments and programmes. The main EU instrument specifically targeting human rights is the European Instrument for Democracy and Human Rights, which provides support to civil society organisations. Additionally, the Non-State Actors and Local Authorities in Development programme aims to support local participation in development and improve governance, and the Instrument for Stability addresses global security and development challenges, especially in emerging crises and post-crisis situations. During the period covered in this study (2007–13), Uzbekistan was the only Central Asian country that still benefitted from assistance under the Institution Building and Partnership Programme (IBPP), formerly part of TACIS. The latter preceded the current DCI.

4.1 The Development Cooperation Instrument (DCI)

Among the most pressing human rights issues in all Central Asian countries, the lack of independence of the judiciary, arbitrary detentions, the absence of due process, and torture in detention facilities are prevalent. However, the extent of these problems and the frequency of human rights violations vary across countries. The EU has provided different amounts of assistance through DCI, IfS and EIDHR to Central Asian states to address these questions.

Total DCI allocations from 2007, including many other priorities, ranging from security to education and from poverty reduction to water management, were distributed as follows: an estimated EUR 56.70 million for Kazakhstan, EUR 106.15 million for Kyrgyzstan, EUR 100.20 million for Tajikistan, EUR 28.46 million for Turkmenistan, and EUR 38.6 million for Uzbekistan⁴⁰. The focus of EU assistance was on Kyrgyzstan and Tajikistan, the poorest countries in the region. As part of the overall bilateral support, Kazakhstan, Kyrgyzstan, and Uzbekistan received assistance for judicial and criminal justice system reforms, including reform of the prison system and parliamentary reform. Turkmenistan received assistance to strengthen national capacities to promote human rights. In Tajikistan, the EU mainly funded socio-economic projects and public financial management through a sector budget support programme. Tajikistan is the only Central Asian country in which the EU did not implement any government support programme related to human rights or democratisation throughout the period covered by this study. This could be explained by the fact that specific priorities for channelling

³⁹ Written interview with S. Swerdlow, Human Rights Watch, Central Asia Researcher, 18 November 2013.

⁴⁰ Tsertsvadze and Boonstra 2013, op. cit.

development assistance are agreed between the EU and respective governments, and these priorities have tended to focus on socio-economic issues.

From 2007, the EU supported reform of the judicial sector in Kazakhstan, with a total of EUR 15.5 million. This includes a project in 2007-8 that sought to strengthen the judiciary, and one in 2012 to support judicial reform⁴¹. Kazakhstan's interest to reform the judiciary is partly due to the fact that economic development and full integration into the world market, to which Kazakhstan strongly aspires, requires an independent judiciary and functioning legal system. The EU's cooperation projects funded under DCI aimed to help Kazakhstan's aspirations in this regard.

Projects in Kazakhstan	Amount allocated by the EU(in EUR)	Objectives
Support to Strengthen the Judiciary	3.5 million	<ul style="list-style-type: none"> – Develop sectoral strategy for the justice system. – Strengthen capacities of the judiciary in specific areas. – Support the government's policy aimed at improving the balance between judges, lawyers, and prosecutors. – Improve the investment climate for local and foreign investors through judicial reform.
Support for Judicial Reform	12 million	<ul style="list-style-type: none"> – Strengthen rule of law and judiciary reform by supporting the implementation of the national policy of humanisation of the justice system. – Enhance the protection of individual rights, in particular in the criminal justice system. – Foster approximation towards European and international standards.

⁴¹ Additionally, in 2011 EUR 0.5 million from the Instrument for Stability (IFS) was allocated to the Council of Europe to support 'the Independent Electoral Commission to develop and consolidate capacity for future elections; see European Commission, '2011 Annual Report on the Instrument for Stability', Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2012) 405 final, Brussels, 24 July 2012, available at:

http://eeas.europa.eu/ifs/docs/ifs_annual_report_2011_en.pdf

While the objectives set for these two programmes are relevant to the problems faced by Kazakhstan's judicial sector, the results to date have been poor. The Zhanaozen trials clearly showed that judicial independence is still not guaranteed and that the Soviet legacy of excessive state power and harsh sentencing remains commonplace in Kazakhstan. The separation of powers is incomplete and vertical governance is deeply rooted in the country's political culture, while public trust in the judiciary remains low.

In Kyrgyzstan, the EU provided a total of EUR 16 million for good governance projects (through DCI and IfS). This includes support for prison reform, and promotion of respect for the rule of law, with particular emphasis on fostering transparency and accountability. Compared to its neighbours, Kyrgyzstan's political leadership has shown more willingness and interest to implement democratic reforms and is more open to dialogue with civil society. So far, Kyrgyzstan has received the largest amounts in DCI and IfS assistance for democracy-related projects.

Projects in Kyrgyzstan	Amount allocated by the EU (in EUR)	Objectives
Support for Prison Reform	2.5 million	<ul style="list-style-type: none"> – Improve institutional capacity of the prison administration to manage prisons effectively, in line with UN standards and norms. – Achieve a healthier working and living environment in prisons, contributing to the prevention of disease and the promotion of mental and physical health.
Promotion of Respect for Rule of Law	13.5 million	<ul style="list-style-type: none"> – Assist in strengthening respect for the rule of law by promoting transparency, accountability, and anti-corruption measures. – Strengthen public oversight functions. – Increase efficiency, independence, professionalism, and capacities of the judiciary. – Strengthen media and civil society to keep institutions accountable. – Empowerment for unimpeded access to justice

Here European funding focused on the conditions in prisons and detention facilities, as this remains one of the most pressing human rights concerns in Kyrgyzstan, leading primarily to the draft of a prison reform strategy and legislation. Other outcomes include training of prison staff; a needs-assessment to upgrade sanitary and health conditions in four prisons; and vocational training on various skills for prisoners in several facilities. The EU will need to engage further in this area in order to secure a long-term impact, including strategy implementation, new legislation, and addressing severe shortcomings in the prison system (torture and ill-treatment).

The objectives set in the second cooperation project that deals with respect for the rule of law also match the problems faced by Kyrgyzstan. Implementation is set to begin in 2014. The success of this

project will depend on its ability to mix deep legislative and practical reform with public awareness. The level of involvement of civil society and media will also be a determining factor in terms of planning, implementation, and evaluation. A preliminary allocation of EUR 3 million for civil society involvement has been envisaged from an overall budget of EUR 13.5 million.

EU human rights and democracy assistance for Turkmenistan from 2007 consisted of one project to strengthen national capacities so as to promote and protect human rights, which is implemented in cooperation with UNDP/OHCHR⁴². Upon request of the Turkmen government, the EU committed a further EUR 2.3 million to a project aimed at supporting the development and modernisation of the Turkmen parliament⁴³. However, the signing of the financing agreement and the implementation of the project has been delayed since 2010 by Turkmenistan for unknown reasons, and it is unclear whether it will be implemented at all.

Projects in Turkmenistan	Amount allocated by the EU (in EUR)	Objectives
Strengthening National Capacities to Promote and Protect Human Rights	2 million	<ul style="list-style-type: none"> - Engage the government to comply with international human rights standards. - Improve knowledge and capacity on human rights.

Key deliverables of the human rights project include the opening of three human rights resource centres in Ashgabat, Mary, and Dashoguz, with the aim of providing students, teachers, and other citizens with information about human rights. In addition, two study visits were organised to Poland and to Croatia, so that officials from the Turkmen parliament and the foreign and justice ministries could become acquainted with European practices. A workshop for Turkmen journalists was also organised.

Considering its immediate outputs, the project can be considered as a success. However, Turkmenistan continues to be one of the most repressive states and human rights abusers worldwide. In a country where disappearances, arbitrary arrests, torture, and forced medical treatment of critics are common practices, the opening of a human rights centre heavily controlled by the state is only a very small step towards improving Turkmenistan's human rights record. It is difficult to assess if such centres in fact contribute to genuine awareness of Turkmen citizens and perhaps to foster a slightly more positive disposition of the government towards human rights, or if the project is simply a window-dressing measure by the Turkmen government to boost its image without making any substantive changes.

In Uzbekistan, the EU allocated EUR 12 million in total to human rights and democratisation. The largest project relates to criminal judicial reform. The activities under this project include the formulation of a long-term strategy for criminal justice reform, needs-assessments for the training of judges, prosecutors, police, and prison personnel, 'including but not exclusively covering human rights issues', training courses, seminars, study tours, and equipment necessary for the functioning of a research centre⁴⁴. Given the deep-rooted problems of the Uzbek criminal justice system, the objectives outlined

⁴² Draft Commission Decision, 2007, http://ec.europa.eu/europeaid/documents/aap/2007/ec_aap-2007_tm_en.pdf

⁴³ Support to the development and modernization of the parliament of Turkmenistan, DCI-ASIE/2010/022-185, available at: http://ec.europa.eu/europeaid/documents/aap/2010/af_aap_2010_tkm.pdf

⁴⁴ Support to criminal Judicial Reform in Uzbekistan, DCI-ASIE/2009/020-509, available at: http://ec.europa.eu/europeaid/documents/aap/2009/af_aap_2009_uzb.pdf

in the table below are highly relevant. The activities envisaged also seem feasible. Yet again, despite the huge investment, actual reform, legislative changes in accordance to international standards, and the enactment of already existing laws are hardly addressed in the implementation phase and are unlikely to be met with enthusiasm by the Uzbek authorities. The project is thus likely to focus above all on technical improvement and less so on deeper reform of the criminal justice system.

Projects in Uzbekistan	Amount allocated by the EU (in EUR)	Objectives
Criminal Judicial Reform	10 million	<ul style="list-style-type: none"> – Strengthen the separation of powers thereby reinforcing constitutional independence of judges and prosecutors. – Enact primary legislation, regulations, internal rules, and codes of conduct that meet best international standards. – Support the development of independent council by lawyers to accused persons. – Introduce modern training techniques and e-learning tools. – Facilitate access to legal information to all stakeholders and the public.
Further Strengthening of the Bi-Cameral Parliamentary System and Networking with Regional Assemblies	2 million	<ul style="list-style-type: none"> – Increase the effectiveness of the legislative process. – Create an electronic network for better information-sharing between the two chambers of parliament and regional assemblies of parliamentarians (and procurement of necessary IT equipment). – Increase the awareness of the Uzbek society about the role of the parliament.

The smaller project supported with DCI funds in Uzbekistan focuses on strengthening the parliament and its links with regional assemblies. It is a follow-up of two previous EU initiatives in the area. Financing of such projects needs a careful case-by-case approach, which takes into account the country's context. How much can be expected of parliamentary support in a country that is authoritarian, shows no inclination towards democratic reform, and where parliament merely fulfils a rubber-stamp role? In fact, such projects might only serve as propaganda for the incumbent government to show it is interested in reform and has a functioning legislature, while in practice this is

clearly not the case. Parliamentary support programmes to foster the legislative's oversight role and effectiveness in holding the government to account are worthwhile only if the recipient country genuinely wishes to reform its governance procedures. Uzbekistan's current circumstances (just as in Turkmenistan, which has shelved a similar EU project) do not allow for this, thus making of this project a largely tick-of-the-box democracy promotion exercise.

Overall, EU DCI cooperation programmes in Central Asia mostly cover judicial and parliamentary reform and human rights promotion with a rather heavy technical emphasis, focusing on training or the provision of equipment. However, given the limited amount of funds and the unwillingness of the governments to embark on real reforms, the assistance does little more than scratch the surface. Radical changes, maybe with the exception of Kyrgyzstan, are not expected in the coming years. The EU should thus seek engagement with the regimes, urging for deeper reforms and setting clear targets for concrete and practical improvements. The EU will also need better to coordinate and plan internally. Most of the programming and financing are shaped by the Commission's DG DEVCO, which is not always included in planning and determining EU priorities in Central Asia, a process led by the EEAS. This is one of the reasons for the existing gap between the expected political impact of EU assistance envisaged in the EU's strategic documents and the actual technical implementation of cooperation programmes. A miss-match between the EEAS's policy objectives and DEVCO's developments goals hampers identification of worthwhile projects, as well as the achievement of concrete results.

4.2 European Instrument for Democracy and Human Rights (EIDHR)

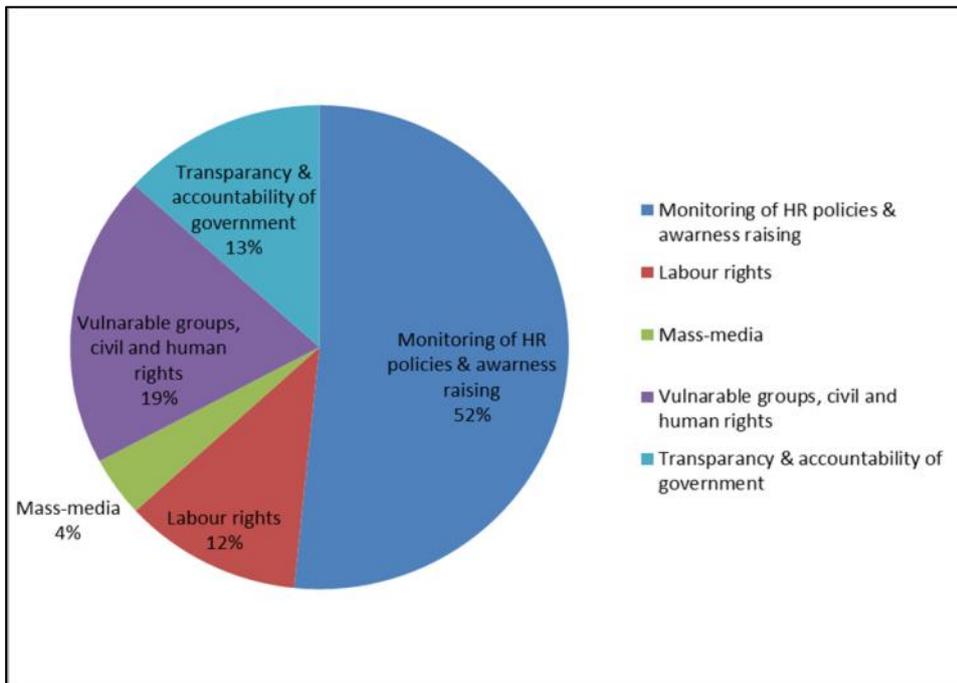
Kazakhstan, Kyrgyzstan, and Tajikistan have been the primary beneficiaries of EIDHR Country Based Support Schemes (CBSS) (for a list of grants see Annex II). Turkmenistan and Uzbekistan were targeted by the EIDHR only through a few regional projects funded under global calls and implemented by larger international NGOs or inter-governmental organisations. This is partly because there are hardly any human rights NGOs in those countries and partly due to the absence of fully-fledged EU delegations that could manage programmes on the ground⁴⁵.

Since 2007, the EU committed an estimated EUR 2.36 million under EIDHR to Kazakhstan, EUR 2.7 million to Kyrgyzstan, and EUR 2.7 million to Tajikistan.

In Kazakhstan, grants were allocated to fewer areas, focussing on government transparency and accountability, monitoring of human rights policies and awareness raising, labour rights, mass media and vulnerable groups. 52% of the total allocation was devoted to a project aimed at monitoring human rights policies and raising awareness.

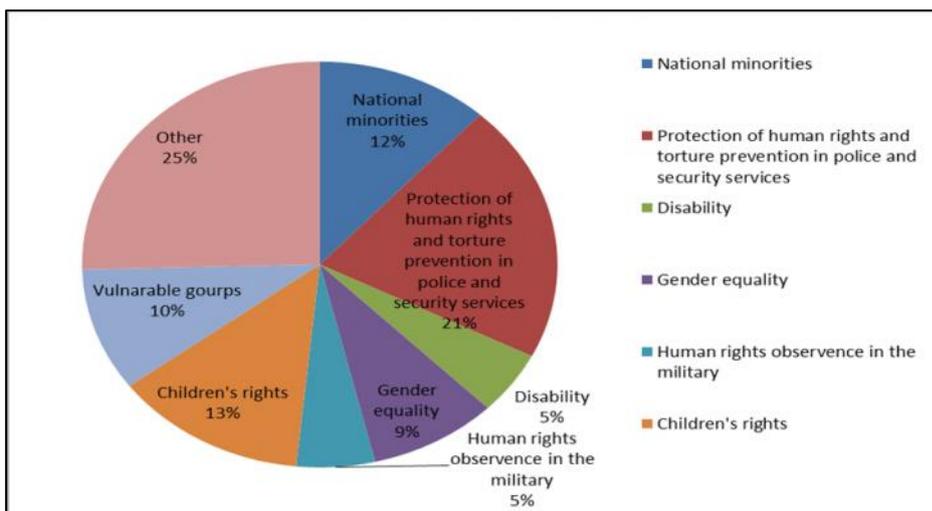
⁴⁵ The opening of the EU delegation in Uzbekistan was agreed upon in 2011 and became operational in 2012. In Turkmenistan, only a Europa House with three staff members has been present since 2008.

Figure 1: Thematic areas financed through the EIDHR in Kazakhstan in 2007 and 2009⁴⁶



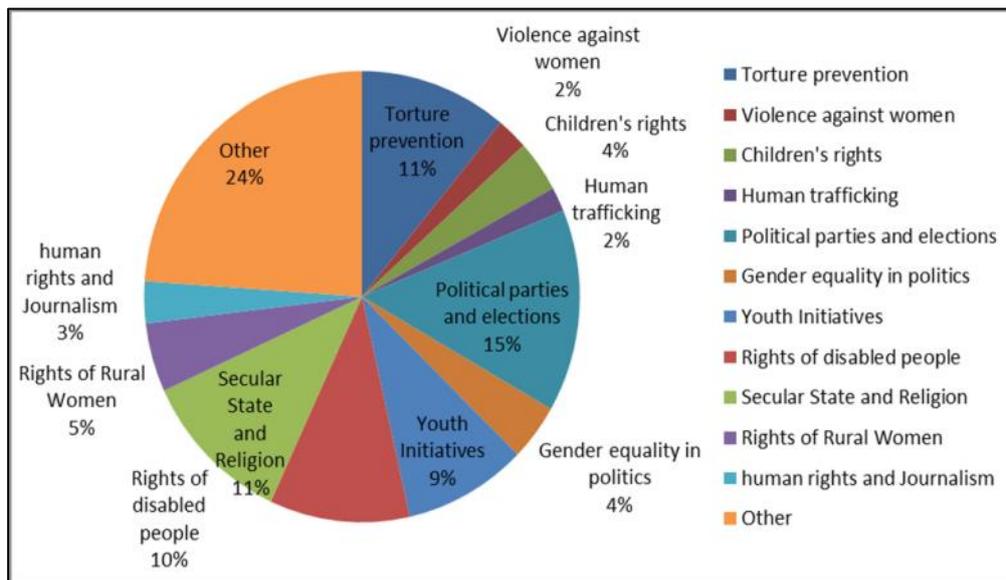
In Kyrgyzstan and Tajikistan, funds were spread over a wide variety of areas, making it hard to assess whether any strategic priorities were taken into account when allocating grants. In Tajikistan, EIDHR funds were spread over 12 different areas, from violence against women to political parties and elections, while in Kyrgyzstan eight different areas were funded. For the two most pressing human rights areas – protecting minorities in the post-conflict situation and torture prevention in the police and prison system – 17 and 21% were provided, respectively.

Figure 2: Thematic areas financed through the EIDHR in Kyrgyzstan from 2007 to 2011



⁴⁶ According to official documents, funds under the CBSS were allocated to Kazakhstan in 2008-10 and in 2012, as detailed in Tsertsvadze and Boonstra 2013, op. cit. However, projects funded in 2007 and 2009 by the EIDHR are publicly available at: http://eeas.europa.eu/delegations/kazakhstan/documents/funding_opportunities/grants_awarded_under_2011.pdf and http://eeas.europa.eu/delegations/kazakhstan/documents/funding_opportunities/contract_award_2009_en.pdf

Figure 3: Thematic areas financed through the EIDHR in Tajikistan in 2007, 2009, and 2010



The EIDHR CBSS provides support to local civil society organisations. While narrowing down priorities and thus spending more money on strategically important issues would bring more coherence, it is also important that civil society receive grants in similar areas where government-to-government cooperation programmes are implemented. This will give a chance to civil society to engage in the same areas and provide wider awareness raising, monitoring, and evaluation activities.

4.3 Non-State Actors and Local Authorities in Development (NSA-LA)

The Non-State Actors/Local Authorities in Development programme has only been implemented in Kazakhstan, Kyrgyzstan, and Tajikistan. Since 2007, Kazakhstan received EUR 3.15 million, Kyrgyzstan EUR 3.75 million, and Tajikistan EUR 3.3 million⁴⁷. The primary beneficiaries were civil society groups and local authorities, such as city or district administrations. In all three countries, NSA-LA largely concentrated on development issues without a particular focus on human rights. In Kazakhstan, NSA-LA financed projects related to civil society capacity building, involvement of people with HIV in public life, people with disabilities, and poverty reduction of children deprived of parental care⁴⁸. In Kyrgyzstan, major areas financed through NSA-LA included capacity building for farmers, improving rural living standards, involvement of civil society in self-governing organs, and the role of women in poverty reduction⁴⁹. In Tajikistan, projects were financed in social dialogue, social protection, environment, primary education, local civil society capacity building, and increasing food safety in rural areas⁵⁰.

4.4 Institution Building and Partnership Programme (IBPP)

In 2007–12, the IBPP was only implemented in Uzbekistan. The purpose of the programme was to empower local civil society organisations and promote their participation in policy-making. Formerly part of TACIS, the programme operated on the basis of Annual Action Programmes (AAPs), which were subject to financing agreements between the EU and the recipient country. Due to inability to sign such

⁴⁷ Numbers are drawn from the Annual Action Programmes and 'Mapping EU Development Aid to Central Asia', EUCAM Factsheet 1, 18 July 2013, available at: http://www.eucentralasia.eu/uploads/tx_icticontent/EUCAM-FS-1-EN.pdf

⁴⁸ 'Grant contracts awarded during 2009 (Kazakhstan)', available at: http://eeas.europa.eu/delegations/kazakhstan/documents/funding_opportunities/contract_award_2009_en.pdf

⁴⁹ Information based on files provided by the EU delegation in Kyrgyzstan.

⁵⁰ Information based on files provided by the EU delegation in Tajikistan.

an agreement with Uzbekistan in 2008 according to the established procedures, the European Commission re-committed the earlier allocated amount of EUR 2.2 million in 2010⁵¹. This resulted in the continuation of the programme in Uzbekistan. Since the launch of the programme in 2002, over 20 IBPP projects have been implemented by European and Uzbek CSOs⁵². These have focused mainly on providing basic services or economic opportunities to local communities. Human rights issues, such as women's and children's rights and the rights of disabled persons have only been indirectly addressed. Independent human rights NGOs (which are rare in Uzbekistan) are not among the beneficiaries.

4.5 Instrument for Stability (IfS)

Kyrgyzstan is the only country in Central Asia that received funding under the IfS in 2008 and later in 2010, as part of assistance for reconciliation following the 2010 ethnic violence. As the tables below indicate, allocations were divided between purely technical support (IT equipment and transport) and support for judiciary and constitutional reform. Whereas the Kyrgyz authorities show a clear inclination towards reform, the effectiveness of the actual implementation of judicial reform cannot be taken for granted. For instance, violations of human rights norms by law enforcement agencies in the investigation process and at trials have largely not been acknowledged or investigated by the authorities to date⁵³.

All numbers in EUR

Instrument for Stability 2008 – Kyrgyzstan	
<i>Name of the Project</i>	
Support to Judiciary Reform in Kyrgyzstan	2 219 491
Support to Judiciary Reform – Supplies of transport equipment	97 200
Support to Judiciary Reform – Supplies of IT equipment	52 756
Support to the Constitutional Reform	1 500 000
TOTAL	3 869 447

51 V. Axyonova, 'EU Human Rights and Democratisation Assistance to Central Asia: In Need of Further Reform', EUCAM Policy Brief 22, January 2012, available at:

http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/10_eucam_/10_eucam_en.pdf

52 European Commission, EuropeAid Development and Cooperation Directorate General, 'Institution Building and Partnership Programme (IBPP): Civil Society Projects in Uzbekistan', June 2012, available at: http://ec.europa.eu/europeaid/where/asia/country-cooperation/uzbekistan/documents/ibpp_brochure_july_2012_en.pdf

⁵³ Human Rights Watch, 'Distorted Justice', 8 June 2011, available at: <http://www.hrw.org/node/99472/section/3>

Instrument for Stability 2010 – Kyrgyzstan Democratisation and Stabilisation package	
<i>Name of the Project</i>	
Social Stabilisation through Reconstruction of Destroyed Houses	1 600 000
Civil Monitoring for Human Rights Protection and Conflict Prevention	1 600 000
Community Security Initiative	750 000
Institutional Support for the Implementation of the New Legal Framework	1 100 000
Political Leadership for Democratic Transition	346 525
Support Media Reform and Strengthening Conflict – Sensitive Reporting	300 000
TOTAL	5 696 525

Given, on the one hand, ongoing problems such as access to justice, negligence to investigate violations conducted by law enforcement officers, and ethnic-based discrimination, and on the other, the declared openness of the political elites in Bishkek to cooperate on concrete democracy issues, the EU should not settle down for the technical achievements of these particular cooperation programmes. Leaving reform to a technical level provides only quick-fixes, with poor deliverables for the overall judicial system. The EU certainly has more fertile ground for progress in this area in Kyrgyzstan, but should address the core underlying aspects of reform that lie foremost in legislation and actual practice in applying independent rule of law.

5. RECOMMENDATIONS FOR THE EU

5.1 Policy instruments

- The human rights dialogues should not be stand-alone events, but be part of a comprehensive EU engagement in Central Asia. At the same time, the civil society seminars, which so far have had different levels of impact in the Central Asian countries, need to be intensified in the countries where they can make a difference.

In order to maximise the chances of the human rights dialogues bringing about concrete outcomes, it is essential that the EU spells out, clearly and publicly, what specific reform steps it expects Central Asian governments to take as part of a successful relationship with the EU⁵⁴. Defining specific objectives and expectations would also make it easier to evaluate results.

While the added value of the dialogues may be disputed, the civil society seminars have proved to be valuable tools in facilitating dialogue between non-state actors and the government in some of the Central Asian states. So far, the dialogues have been most productive in Kyrgyzstan and Tajikistan, while Kazakhstan provides space for constructive discussions, although the government tends to avoid debating the most pressing issues with civil society. The seminars provide a forum for human rights actors to voice their concerns in an official setting and thus empower their position vis-à-vis the government. Moreover, in the long run, the seminars may help develop a culture of communication and exchange of views between governments and civil society on rather sensitive issues.

Organising bilateral civil society seminars in Turkmenistan and Uzbekistan is hardly possible, as previous experiences have shown. Academics and civil society representatives from these countries could be invited to (inter)regional fora, with NGOs from the EU as well as from Russia and other former Soviet countries. Such informal fora have already been established, for instance the Civic Solidarity Platform or the annual OSCE Parallel Civil Society Conference. Coordinating EU efforts with such initiatives with a view to support (inter)regional civil society exchanges and continuing the practice of bilateral seminars with Kazakhstan, Kyrgyzstan, and Tajikistan seems to be the best way to proceed.

- The EU's quiet diplomacy needs to be matched with public diplomacy: consistency, thorough follow-up, and streamlined approaches to the political situation on the ground need to be strengthened for the EU's human rights policy to have a bearing on Central Asia.

The EU can only successfully promote human rights in Central Asia if it is responsive to political developments and sends consistent messages through its various policy tools. So far, the EU has proved rather evasive in taking up critical issues in its declarations and official statements, while human rights concerns often remain off the agenda at high-profile political meetings that focus more on security or trade. This probably also applies to the EU-Central Asia High-Level Security Dialogues, which so far has only been held once and did not link security to human rights. European actors need to ensure that human rights issues are not discussed exclusively in the framework of the human rights dialogues and only generally mentioned in other fora. This is not to discard the value of quiet diplomacy, but more responsiveness to human rights violations in Central Asian countries through open statements needs to be ensured, otherwise the EU's credibility as a values-based community could be undermined.

- The EU should increasingly cooperate and coordinate with various regional and international organisations.

⁵⁴ Interview with V. Szente Goldston, advocacy director for Europe and Central Asia, Human Rights Watch, 4 October 2013.

The anti-torture legislative changes effected in Kyrgyzstan and Tajikistan were the result of a two-way approach: within UN fora as part of the UPR and through the EU's human rights dialogues. The international campaign to end forced and child labour in Uzbekistan's cotton fields and its outcomes to date also demonstrate that coordinated action can bring specific medium- and long-term results. In these cases, changes have taken place at the legislative level in respective Central Asian countries, although still a lot has to be done to ensure actual improvements in terms of implementation. Where possible, the EU should increasingly join forces with other regional and international organisations on specific topics in Central Asian countries, foremost with the UN, the OSCE and the Council of Europe (CoE). Cooperation with the latter offers a good opportunity for coordinated and enhanced advancement of democracy and the rule of law. The EU and the CoE's Venice Commission already worked together in Central Asia through the EU's regional Rule of Law initiative (2009–11). Increased cooperation with the OSCE's human dimension activities, foremost in Kyrgyzstan and Tajikistan where the OSCE is well represented and established, could also potentially work as a force multiplier.

5.2 Financial instruments

- Body Cooperation programmes on good governance, democracy, human rights, and the rule of law need to be extended beyond the governmental level and more civil society engagement is necessary to foster growth and influence of local civil societies.

Currently, the largest part of mainstream DCI assistance is channelled to governments, leaving civil society actors in Kyrgyzstan's case for instance with less EIDHR and NSA/LA funds or IfS assistance. This allows the regimes to define the priority areas, leading to a situation where human rights and good governance programmes are either not funded by the EU or are confined to a technical level, leaving legislative and policy changes unaddressed. The involvement of civil society actors in the planning, implementation, and evaluation of programmes aimed at government reform may help bridge this gap. In the countries where independent civil society organisations can operate and do have capacities to work with EU funding (Kazakhstan and Kyrgyzstan), it would be advisable to increase support to human rights projects implemented by non-governmental actors or those envisaging cooperation between independent human rights NGOs and state authorities. In cases where the absorption capacity of local CSOs are limited (Tajikistan, Turkmenistan, and Uzbekistan), project implementation and management could be taken over by larger international NGOs in cooperation with local partners, as long as these projects have local capacity building elements incorporated.

- Grants to civil society organisations in Central Asia should focus on fewer priority areas, while more emphasis needs to be placed on monitoring and evaluation projects that can boost European understanding of the human rights conditions in Central Asia and build local CSO capacities.

Considering the modest amounts of EU assistance allocated to Central Asia, the EU would best concentrate its efforts on key problems, including through follow-up of previous projects that proved to be successful and thematically relevant. The EU delegations, together with the EEAS and the Commission's DG DEVCO, need to identify key areas for support, taking into account relevant assistance provided by other international actors in order to avoid duplication. In view of the currently insufficient coordination among the various EU institutions, especially EEAS and DG DEVCO, it is important that the latter be included in defining priority areas and in the strategic planning of EU financial support to Central Asia from the outset.

In Turkmenistan and Uzbekistan, financing human rights projects to be implemented by local and foreign NGOs continues to be practically impossible, due to the extremely difficult conditions for the few local NGOs that are active in those countries. In Uzbekistan, a small opening has been offered in

areas that do not directly challenge the government's authority, such as projects that address women's rights or rights of the disabled. Concerning Kazakhstan, a continuation and intensification of monitoring and evaluation projects would certainly make sense. This practice could easily be extended to Kyrgyzstan, taking into account the many reforms that the government plans to undertake. In Tajikistan, perspectives for human rights projects are fairly broad, but the capacity of local NGOs is very limited; capacity building around monitoring projects, as well as carefully chosen practical projects, should be in the cards.

- Assistance to official institutions needs to be further country-tailored to ensure that programmes on judicial, prison or parliamentary reform, as well as broader human rights programmes, can have the desired short-term practical and long-term reform oriented impact.

Financing government-implemented programmes on judicial reforms, strengthening capacity of national parliaments, prison reform or broader human rights programmes needs to be assessed more closely taking country-specific circumstances into account. In Central Asia – where regimes see democratic reform as a threat to their existence – such projects are often the lowest common denominator on which the EU and local governments can agree. Frequently these projects only scratch the surface through technical assistance and some training, but do not have any bearing on deeper problems. In each particular case, the EU will need carefully to assess the costs and benefits. In this sense, the EU could for instance conclude that assistance rendered to Uzbekistan is costly while the benefits in terms of concrete reforms are minor or non-existent. As long as there is no genuine will towards democratic reform in Uzbekistan, support to a rubber-stamp parliament is unlikely to have the desired impact. Establishing human rights resource centres in Turkmenistan is a step forward, but to make sure that benefits outweigh costs the EU will need to stay on the ball and ensure that the centres actually contribute to awareness raising among the population and do not become advertisement posters of EU efforts or of Turkmenistan's human rights achievements. If no satisfactory agreement with governments can be reached, then it is better to abstain from funding such projects and seek to invest in other fields such as educational programmes instead.

As of 2014, Kazakhstan will no longer receive DCI assistance. Instead, it will benefit from the Partnership Instrument (PI), designed for upper-middle income countries with which the EU aims to advance its interests and address global challenges. Nonetheless, Kazakhstan's judiciary and democratic institutions will need further reform. The EU could provide twinning programmes and expertise to address deeper shortcomings in the judiciary and democratic institutions, as well as the human rights situation. In Kyrgyzstan, continuing assistance to judicial reforms is most promising. However, here the EU could also fail to tackle core human rights issues if it does not follow a hands-on approach. When providing assistance for judicial reforms, the EU needs to ask for specific deliverables such as the re-opening of post June-2010 court cases in order to investigate torture and ill-treatment by law enforcement personnel. The EU should condition its assistance to Kyrgyzstan, for judicial reform as well as sectoral budget support for socio-economic programmes to specific human rights related deliverables. Should the EU decide also to render support to Tajikistan in the field of human rights, it will need to tie such assistance closely to the already existing sectoral budget support, while setting clear objectives and making use of the experience gained in Kyrgyzstan.

6. CONCLUSION

The EU's 2007 Central Asia Strategy has so far brought limited results in improving rule of law, good governance, democracy, and human rights in the region. It lacks clearly defined objectives, which makes it harder to assess the EU's engagement.

Two factors in particular help explain the lack of results in promoting human rights in Central Asia. First, EU public diplomacy tends to refer to human rights and democratic reform in rather general terms, instead of raising specific issues, while at the same time lacking coherence and follow-up. Consequently, only few specific human rights issues have been taken up seriously or have been solved. Second, overall financial assistance, and in particular in terms of democracy and human rights, is limited, not always well targeted, and frequently aimed at achieving more quantifiable results than deep rooted democratic transformations. To date, this approach has led to a situation where a number of programmes in judicial, prison or parliament reform only tackle shortcomings on the surface, failing to trigger any meaningful long-term changes.

Prospects for democratic change and an improvement of human rights to meet international standards look dim in Central Asia. However, the EU could make a difference if it applies better tailored policy and financial instruments, has a consistent democracy and human rights agenda focused on concrete cases, and keeps long-term democratic reform in mind.

7. ANNEX I: EU PUBLIC STATEMENTS CONCERNING CENTRAL ASIA

Kazakhstan

Statement by the spokesperson of the EU High Representative Catherine Ashton on the events in the Zhanaozen district of Kazakhstan, Brussels, 17 December 2011,

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/127032.pdf

Statement by High Representative Catherine Ashton following her meeting with the Minister of Foreign Affairs of Kazakhstan, Mr. Yerzhan Kazykhanov, Brussels, 2 February 2012,

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/127813.pdf

EU statement on the events in western Kazakhstan, OSCE Permanent Council 895, Vienna, 22 December 2011,

http://eeas.europa.eu/delegations/kazakhstan/documents/press_corner/statement_zhanaozen_en.pdf

Statement by the High Representative Catherine Ashton on EU-Kazakhstan relations, Brussels, 19 July 2011,

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/123941.pdf

Statement by High Representative Catherine Ashton following her meeting with the Minister of Foreign Affairs of Kazakhstan, Mr. Yerzhan Kazykhanov, Brussels, 2 February 2012,

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/127813.pdf

Remarks by High Representative Catherine Ashton following her meeting with the President of Kazakhstan, Astana, 30 November 2012,

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/133929.pdf

Kyrgyzstan

9th meeting of Cooperation Council between the EU and the Kyrgyz Republic, Brussels, 13 February 2007,

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/92765.pdf

10th meeting of the Cooperation Council between the EU and the Kyrgyz Republic, Brussels, 22 July 2008,

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/er/101917.pdf

11th meeting of the Cooperation Council between the EU and the Kyrgyz Republic, Brussels, 23 February 2010,

<http://www.consilium.europa.eu/uedocs/cmsUpload/113006.pdf>

12th meeting of the Cooperation Council between the EU and the Kyrgyz Republic, Brussels, 21 November 2013,

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/139665.pdf

Statement by High Representative Catherine Ashton at the end of her visit to Kyrgyzstan, 27 November 2012,

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/133872.pdf

Statement by the spokesperson of EU High Representative Catherine Ashton following her meeting with the President of the Kyrgyz Republic, 17 September 2013,

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/138758.pdf

Remarks by President of the European Council Herman Van Rompuy after his meeting with the President of Kyrgyzstan Almazbek Atambaev, 17 September 2013,

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/138749.pdf

Statement by President Barroso following his meeting with Almazbek Atambaev, President of the Kyrgyz Republic, 17 September 2013,

http://europa.eu/rapid/press-release_SPEECH-13-715_en.htm

Tajikistan

EU-REPUBLIC OF TAJIKISTAN COOPERATION COUNCIL, First meeting, Brussels, 13 December 2010,
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/118431.pdf

Second meeting of the Cooperation Council between the European Union and the Republic of Tajikistan, Brussels, 27 February 2012,

http://europa.eu/rapid/press-release_PRES-12-69_en.htm

Third meeting of the Cooperation Council between the European Union and the Republic of Tajikistan, Brussels, 1 October 2013,

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/138875.pdf

First Meeting of the Cooperation Committee between the European Union and the Republic of Tajikistan, Dushanbe, 16 March 2011,

http://eeas.europa.eu/delegations/tajikistan/press_corner/all_news/news/2011/20110316_01_en.htm

Remarks by High Representative Catherine Ashton following her meeting with the President of Tajikistan, Dushanbe, 29 November 2012,

http://europa.eu/rapid/press-release_MEMO-12-927_en.htm

Statement by EU High Representative Catherine Ashton following her meeting with Tajik President Emomali Rahmon, Brussels, 9 April 2013,

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/136700.pdf

Turkmenistan

Statement by EU High Representative Catherine Ashton following her meeting with Turkmen Foreign Minister Rashid Meredov, Brussels, 9 April 2013,

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/136701.pdf

EU Commission President Barroso visits and Turkmenistan EU Energy Commissioner Günther Oettinger, Ashgabat, 17 January 2011,

http://www.europahouse-tm.eu/files/EU%20Commission%20President%20Barroso%20visits%20Turkmenistan_Europa%20House_TK_%20ENG_January_2011.pdf

Uzbekistan

Council conclusions on Uzbekistan – 2675th General Affairs and External Relations Council meeting, Brussels, 18 July 2005,

<http://www.consilium.europa.eu/uedocs/cmsUpload/UZBEKISTAN6912rev1.pdf>

EU Council Conclusions on Uzbekistan, Luxembourg, 3 October 2005,

Council Conclusions on Uzbekistan, GAERC, 5 March 2007,

<http://www.consilium.europa.eu/uedocs/cmsUpload/UZBEKISTAN6912rev1.pdf>

Council Conclusions on Uzbekistan 2824th External Relations Council meeting, Luxembourg, 15-16 October 2007,

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/96513.pdf

Council Conclusions on Uzbekistan, 2897th External Relations Council meeting, Luxembourg, 13 October 2008,

<http://www.consilium.europa.eu/uedocs/cmsUpload/103295.pdf>

Conclusions on Uzbekistan 3041st Foreign Affairs Council meeting, Luxembourg, 25 October 2010,
http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/117329.pdf

Statement of European Commission President José Manuel Barroso following his meeting with the
President of Uzbekistan Islam Karimov, Brussels, 24 January 2011,
[http://europa.eu/rapid/press-release MEMO-11-40_en.htm](http://europa.eu/rapid/press-release_MEMO-11-40_en.htm)

Remarks by High Representative Catherine Ashton at the end of her visit to Uzbekistan, Tashkent, 29
November 2012,
http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/133899.pdf

8. ANNEX II: OVERVIEW OF EIDHR GRANTS TO CENTRAL ASIA

All amounts in EUR.

Kazakhstan

EIDHR 2007 Kazakhstan (published on 24 October 2008)	
<i>Name of the Project</i>	
Increase life quality by protecting our rights	236 625.45
Legal protection on the labour market today is your decent old ages tomorrow	198 001.84
Improvement and reformation of legislation on publishing activity and allied industries in Kazakhstan	97 373.33
Enhancing the capacity of civil society to disseminate human rights Information in the Kazakh language	156 064.00
The international standards about mass media and national legislation	68 438.94
Development of effective legal and social instruments for protection of the vulnerable groups' civil and human rights in Kazakhstan	97 079.90
Educational legal trainings in response to human trafficking	213 088.00
Open budget Kazakhstan	130 374.72
TOTAL	1 197 046.18
EIDHR 2009 Kazakhstan (published on 28 April 2010)	
<i>Name of the Project</i>	
Monitoring the National Human Rights Action Plan by Kazakhstan for 2009-2012 implementation progress	240 000.00
National Action Plan for Human Rights in the Republic of Kazakhstan: increasing public awareness and monitoring of its implementation	274 452.39
TOTAL	514 452.39

Kyrgyzstan

EIDHR 2007 Kyrgyzstan	
<i>Name of the project</i>	
Support Centre for National Minority Rights	63 889
Project for Inclusion of the Human Rights in Kyrgyz Police	68 000
Bir-Duyno One World Kyrgyzstan	45 326
Improving the lives of people with disabilities	107 518
Increase of efficiency of national mechanism on gender equality achievement	52 801
National video dialogue network	149 994
EU Civil Society Dialogue on Human Rights	119 373
TOTAL	606 901
EIDHR 2008-2009 Kyrgyzstan	
<i>Name of the Project</i>	
Torture prevention and support to victims of torture in Kyrgyzstan	95 000
Youth rights inclusion and political engagement in southern Kyrgyzstan	187 305
Cooperation of civil society and military institution as a guarantee of human rights observance in the military team	113 536
Empowerment of NGOs working in the field of children's rights in Kyrgyz republic	281 250
Strengthening of dialogue between NGOs and the public sector on social protection of vulnerable people in Kyrgyzstan	209 452
Monitoring of custody conditions and right of incarcerated elderly people and organisations of social work with convicted elderly	162 628
National video dialogue network	226 352
TOTAL	1 275 523

EIDHR 2010-2011 Kyrgyzstan	
<i>Name of the Project</i>	
Helping women by helping men: media campaign on domestic violence prevention	85 400
Institutional support to implementation of the regional strategy (2010-2012) on gender equality achievement in Issyk-Kul Oblats	48 570
The right to life without violence in old age	159 347
Empowering civil society actors in Kyrgyzstan to become effective and influential contributors to the process of democratising policing and other security related issues	209 950
TOTAL	503 267
Tajikistan	
EIDHR 2007 Tajikistan	
<i>Name of the Project</i>	
League of Women Lawyers – Join efforts to prevent torture in Tajikistan	66 549
RURAL DEVELOPMENT INITIATIVES – People’s involvement in torture prevention	45 758
NIHOL – Contribution to development of the legal security capacity of women against violence	50 000
NASLI NAVRAS – Children as partners for child rights monitoring in Tajikistan	80 000
PROGRESS – Awareness raising and elimination of trafficking in human being victims in Sughd region of the Republic of Tajikistan	37 950
Bureau for Human Rights – Human Rights Journalists Network	64 695
CONSUMERS UNION OF TAJIKISTAN – Promoting people-centred consumer policy framework in energy sector of Tajikistan	83 994
RUSHD – Enhancing the capacity of political parties in Khatlon region for electoral observation	87 570
BUNEDKOR – Country’s women for democratic elections in Tajikistan	55 560
JAHON – Strengthening democracy and governance process by increasing women’s empowerment in politics	87 000
TOTAL	659 076

EIDHR 2009 Tajikistan	
<i>Name of the Project</i>	
NATIONAL ASSOCIATION OF POLITICAL SCIENTISTS OF TAJIKISTAN – Fair Parliamentary Elections-2010	170 056.00
GROUP OF INITIATIVE VOLUNTEERS – Soghd Youth Initiatives	92 869.11
RURAL DEVELOPMENT INITIATIVES – People's involvement in torture prevention-2	124 448.00
Mission OST – Enabling civil society to promote the rights of people with disabilities	224 408.00
INTERNATIONAL ALERT LBG – Dialogue for a policy on the relationship between the secular state and religion	243 244.00
TOTAL	855 025.11

EIDHR 2010 Tajikistan	
<i>Name of the Project</i>	
NIHOL – Strengthening national and international framework for protection of socio-economic rights of rural women, including rights of unofficial wives	106 491.00
BHR – Promotion interests of displaced related to the construction of Rogun HPP	90 172.00
ZDOROVIE – Your rights and capabilities	30 992
MUNIS – Day shelter for exposed girls	70 247
INTERNATIONAL ALERT LBG – Mainstreaming of youth policy against radicalism (MYPAR)	104 141
WELTHUNGERHILFE – Enforcing democratic structures and the rule of law in irrigation management	239 797.00
HANDICAP INT – Empowering representative organisations of persons with disabilities in Tajikistan to effectively promote the equal participation of persons with disabilities and their human rights in the development of Tajikistan	241 844
TOTAL	883 684.00

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