EC-Tajikistan Partnership and Cooperation Agreement

P7_TA(2009)0017

European Parliament resolution of 17 September 2009 on the conclusion of a Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part

(2010/C 224 E/03)

The European Parliament,

— having regard to its previous resolutions on Central Asia, in particular those of 23 October 2003 on Turkmenistan, including Central Asia (¹), of 20 February 2008 on an EU Strategy for Central Asia (²), and of 14 February 2006 on the human rights and democracy clause in European Union agreements (³),

— having regard to its position of 2 September 2008 on the proposal for a Council and Commission decision on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union (⁴),

— having regard to the Partnership and Cooperation Agreements (PCAs) concluded between the EU and Uzbekistan, Kyrgyzstan and Kazakhstan, all of which have been in force since 1999,

— having regard to the human rights clauses in those agreements,

— having regard to the current framework for EU-Tajikistan relations, the Trade and Cooperation Agreement between the EU and the former Soviet Union, which will be replaced by a PCA once this has been ratified by all the EU Member States and by Tajikistan and once Parliament has given its assent,

— having regard to the ratification of the PCA with Tajikistan by all the 27 EU Member States and by Tajikistan,

— having regard to the Interim Agreement on trade and trade-related matters between the European Community and the European Atomic Energy Community, of the one part, and the Republic of Tajikistan, of the other part, signed on 11 October 2004 and in force since May 2005 (⁵),

— having regard to the adoption by the European Council of 21 and 22 June 2007 of an EU strategy for a new partnership with Central Asia,

— having regard to the Joint Progress Report of June 2008 by the Council and the Commission to the European Council on the implementation of the EU Central Asia Strategy and its assessment that implementation of the strategy is well under way,


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(¹) OJ C 82 E, 1.4.2004, p. 639.
(²) OJ C 184 E, 6.8.2009, p. 49.
— having regard to its resolution of 26 September 2007 entitled ‘Towards a common European foreign policy on energy’ (1),

— having regard to the first meeting of the official Human Rights Dialogue between the EU and Tajikistan held in October 2008 and to the list of recommendations from the meeting which are expected to be duly taken into account in ongoing legal reforms,

— having regard to the first EU-Tajikistan civil society seminar on human rights held in Dushanbe on 10 and 11 July 2009, and to the human rights dialogue to be held in Dushanbe on 23 September 2009,

— having regard to the EU-sponsored international conference on drugs held in Dushanbe in October 2008,

— having regard to the exchange of views between the Committee on Foreign Affairs and President Emomali Rahmon of Tajikistan on 10 February 2009,

— having regard to the Fourth Interparliamentary Meeting of the European Parliament and the Majlisi of Tajikistan, held in Dushanbe between 6 and 8 April 2009,

— having regard to its position of 17 September 2009 (2) on the conclusion of a PCA with Tajikistan,

— having regard to Rule 110(2) of its Rules of Procedure,

A. whereas the countries of Central Asia, of which Tajikistan is one, lie at a key intersection between Europe and Asia and, historically and traditionally, have represented an important meeting and transit point between the two continents,

B. whereas the EU takes a very close interest in security and stability, the development and consolidation of democratic institutions and respect for human rights and the rule of law in the region, particularly since strategic, political and economic developments and the growing trans-regional challenges in Central Asia also have a direct and indirect bearing on the interests of the EU itself,

C. whereas the new EU Strategy for Central Asia aims to improve political dialogue and strengthen ties between Europe and its Central Asian partners, in keeping with the values on which the EU is founded,

D. whereas Tajikistan, with a common frontier running for more than 1 300 km with Afghanistan, is a key regional player on the front line with Afghanistan in EU- and other international- efforts to combat drug trafficking, extremism and threats to regional security,

E. whereas EU policy objectives vis-à-vis Tajikistan are primarily aimed at support for poverty reduction, good governance and reforms, and, regionally, for a more effective fight against drug trafficking and organised crime, and whereas the EU provides assistance for this, particularly through support for border management through its Border Management and Drug Action in Central Asia (BOMCA/CADAP) programmes,

F. whereas the PCA with Tajikistan provides for commitments and cooperation on re-admission and on the control of illegal immigration; whereas a separate agreement should be concluded setting out the details of this cooperation,

G. whereas the civil war that ended in 1997 destroyed infrastructure and institutions and ravaged Tajikistan’s economy, leaving it the poorest of the former Soviet republics; whereas, although Tajikistan has seen a period of strong recovery in recent years, around 60% of the population still lives in abject poverty, and healthcare and education in the poorer areas remain inaccessible; whereas Tajiks rely heavily on remittances from migrant workers, but whereas this income is seriously threatened by the economic crisis in the region, and it is, therefore, of the utmost importance to help Tajikistan develop a sustainable and sound domestic economic system,

H. whereas Tajikistan has the highest birth rate in Central Asia, with almost 40% of its population of 7.3 million being made up of young people aged under 15; whereas the development of a good education system is crucial for the future of the country,

I. whereas Tajikistan’s main economic drivers are cotton and aluminium production, but whereas prices for those commodities are falling on the world market; whereas Tajikistan has no oil and little gas and, despite its substantial hydroelectric reserves, has suffered severe energy shortages,

J. whereas the institutional, legal and financial environment is not favourable to the development of Tajik businesses and needs significant encouragement,

K. whereas Tajikistan is dependent on foreign aid and humanitarian assistance, and whereas nearly half the labour force works abroad, mainly in Russia, supporting families at home through remittances,

L. whereas the dissolution of the Soviet Union has brought about a disruption of traditional economic relations and regional markets which is adding to the present economic slump; whereas the EU should make every effort to rebuild confidence between the countries of the region and, by so doing, facilitate the resumption of regional cooperation,

M. whereas, in addition to receiving assistance under the Development Cooperation Instrument, Tajikistan also participates in several ongoing regional programmes,

N. whereas, whilst apparently enjoying popular support, President Rahmon has systematically repressed all opposition and effectively done away with the power-sharing which the 1997 peace agreement was intended to guarantee,

O. whereas the final election observation report of the OSCE/ODIHR (OSCE’s Office for Democratic Institutions and Human Rights) noted a lack of genuine choice and meaningful pluralism in the 2006 presidential elections,

P. whereas corruption is widely recognised as being endemic and pervasive at all levels, and whereas much of the international donor funding received is not directed to its proper purpose,

Q. whereas civil society is still nascent, its genuine development has often been obstructed by the government and it has a long way to go before it can fulfil its potential for fostering human development in the country; whereas some activities by religious groups have been curtailed by the requirement to register with the State Committee on Religious Affairs and by other restrictive measures under a newly-adopted law on freedom of conscience and religious associations,

1. Welcomes the fact that Tajikistan has made it clear that it is committed to cooperation with the EU, that it wishes to improve its levels of trade with the EU and to promote educational links, and that it will implement specific measures in key areas, such as social welfare, health, education, tackling corruption and improving human rights, in order to show that it takes those commitments seriously;
2. Is aware of the strong sense of disappointment on the part of the Tajik Government that the PCA has not yet been concluded, particularly in view of the EU's position that, as political, economic, social and other conditions differ widely among the Central Asian states, it is absolutely essential for the EU to differentiate its policies accordingly; consequently, expresses its intention to give its assent, and looks forward to the PCA being concluded as soon as possible;

3. Views its assent to the conclusion of the PCA as sending out a signal of willingness to engage with Tajikistan and of encouragement to Tajikistan to take all necessary steps towards the reforms that are desperately needed; however, draws the attention of Tajikistan above all to the conditionality implicit in the human rights/suspension clause;

4. Takes the view that the full development of the PCA and the enhancement of bilateral relations should be based on an accurate and timely assessment of the progress made in the key areas and, in this respect, urges the Commission to define a clear set of benchmarks and conditions;

Economic situation

5. Notes the severe economic difficulties facing Tajikistan and its fragile transport and energy infrastructure, and is seriously concerned that, as of May 2009, owing to the impact of the economic crisis and the inadequacies of the agricultural sector, 1.5 million people were in a situation of food insecurity;

6. Urges the Tajik Government to address the supply-side root of the problem and to review its policy of over-ambitious projects which do nothing to address the fundamental and immediate needs of the people; at the same time, calls on it to strengthen regional markets and improve local production and to urgently implement food-support and job-creation programmes;

7. Calls on the Tajik Government to address urgently the disastrous state of the education and health sectors, which threatens to create a new wave of social problems in coming generations and to undermine the future of the country;

8. Notes, too, that chronic poverty is helping to fuel the drug trade, with some reports suggesting that 30-50 % of the country's economic activity is linked to narcotics trafficking;

9. Urges Tajikistan to exploit its huge potential for hydroelectric power generation in a rational and democratic manner in view of concerns in downstream countries which traditionally rely on secure seasonal water flows; urges the Commission, in this regard, to make every effort to facilitate the development of joint projects which involve all regional actors potentially affected and are in line with EU standards;

10. Urges Tajikistan to introduce structural changes to improve the investment climate for foreign firms;

11. Urges Tajikistan to fully implement necessary economic reforms, with particular emphasis on the need to introduce agricultural reforms in order to enable farmers to be freed from debt and to move from a cotton monoculture into alternative forms of agriculture;

Political situation

12. Recognises that Tajikistan is a relatively stable country, with no indication either of an external threat so far or of any well-organised local insurgency; notes, however, indications of some cracks in the regime (for example, in 2008, instances of violence and demonstrations in the autonomous mountain region of Badakhshan, and a recent security operation in the eastern Tavildara district involving government forces and armed former opposition groups and foreign militants) which have raised questions about the President's grip on power; equally, draws attention to fears that entrenched poverty, rampant corruption and an increasingly authoritarian government may increase the risk of future political, economic and social instability;
13. Reminds Tajikistan of the Millennium Development Goals and of the EU’s support for serious efforts to achieve progress in this area;

14. Draws attention to the parliamentary structure in Tajikistan, which is dominated by the pro-presidential People’s Democratic Party (PDP); deplores the fact that opposition parties have been sidelined and potential rivals imprisoned or exiled; with a view to the elections promised by the President for 2010, calls on the Tajik Government to honour its commitments with regard to democratisation by allowing the emergence of a genuine multi-party political system and revising the Electoral Law (e.g. to provide for non-partisan observers, the cancellation of the registration fee for candidates, and more transparency in the counting, tabulation and publication of the results of votes);

15. Criticises the restrictions imposed on NGOs and the absence of influential and visible civil society activity in Tajikistan, since this absence could undermine future democratic development, and reiterates the need for significant reform and respect for human rights in all sectors of society;

16. Notes that corruption is widely recognised as a major problem in Tajikistan, owing in part to the lack of a legal culture and the inability of the country to pay its civil servants properly; wishes to see evidence that the Law on Corruption, the Anti-Corruption Agency and the ambitious anti-corruption strategy for 2008-2012, now in place, are more than mere window-dressing;

17. Calls on Tajikistan to institute a policy of complete transparency in the economic sector, including public accounting of all income from state-owned enterprises (both on-shore and off-shore), such as the Tajik Aluminium Company Talco and the power utility company Barqi Tojik, as well as transparency in cotton-sector financing;

Regional issues

18. Stresses Tajikistan’s geographical neighbourhood role vis-à-vis Afghanistan and the related issues of drugs, terrorism and extremism, and notes the potential for Tajikistan to create a modern, functioning state capable of acting as a firewall against the spread of extremism from Afghanistan and the region; stresses the importance of further engaging with Tajikistan with a view to helping it to operate as a stable, functioning state; points out that the fight against terrorism cannot be used as a pretext for the repression or intimidation of opposition forces and must be carried out with full respect for human rights and civil liberties;

19. Notes that energy and water are key issues for human security and inter-state relations within Central Asia: draws particular attention to the energy dispute between Tajikistan and Uzbekistan (as evidenced by, inter alia, the temporary but unannounced closure of the border by Uzbekistan, its cutting-off of gas supplies and the doubling of prices) and to the water disputes with Uzbekistan and the Kyrgyzstan; calls in this context for urgent region-wide consultations on the rational use of energy resources;

Human rights

20. Is seriously concerned by human rights abuses in Tajikistan, perpetrated with virtual impunity and taking various forms, including pressure applied on courts and judges both by the government and by criminal networks, pressure on the media, widespread abuse of women’s rights, child labour and the exploitation of students, including minors, for cotton harvesting, workers living in what the US-based Freedom House has described as ‘financial servitude’, appalling conditions of detention, including torture and other forms of mistreatment, and human trafficking;

21. Welcomes, in this respect, the start of an official and result-oriented Human Rights Dialogue between the EU and Tajikistan; regards progress in this field as crucial for the development of bilateral relations; stresses the importance of involving the NGOs operating in Tajikistan formally and substantively in such dialogue;

22. Deplores the new law on NGOs, modelled on a Russian law, which has introduced onerous registration and re-registration requirements;
23. Stresses that, although freedom of speech and of the press is guaranteed by Tajik law, the authorities often subject individuals who disagree with government policies to intimidation and discourage them from speaking freely or critically; criticises, furthermore, the fact that the independent media are subjected to various types of intimidation and control that force them to practise self-censorship;

24. Is concerned, too, that religious freedom is in decline and that the new law on religion, signed by the President on 25 March 2009, prohibits many religious practices and may outlaw many religious communities, pushing them underground;

25. Stresses that discrimination and violence against women remains a widespread problem; calls on the Commission to set up ad hoc programmes in order to enhance women's opportunities and urges the Tajik authorities to make every effort to put an end to women's rights abuses and facilitate women's access to justice;

26. Notes with concern the 2007 Law on Observing National Traditions and Rituals, which imposes restrictions on how Tajiks dress or celebrate traditional events;

27. Deplores the widespread use of torture, points out that the definition of torture is still incomplete in Tajik law, and calls once again for the adoption of all necessary measures to ensure compliance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in particular by bringing to justice officials responsible for degrading treatment or ill-treatment, and for the ratification of the optional protocol (OPCAT) providing for monitoring of places of detention; calls, furthermore, for the complete abolition of the death penalty;

28. Notes that the Tajik parliamentary committee responsible for legal issues and human rights is entrusted with the task of vetting legislation for compliance with human rights provisions, but that it has not been very effective;

29. Welcomes the recent nomination of the Ombudsman and calls on the Tajik Government to guarantee his full independence;

The international community

30. Urges international donors to take all possible steps to encourage and support the emergence of a viable and dynamic civil society and to encourage the independent media to cover the issue of state corruption and the flow of international funds;

31. Calls on the Commission to ensure, in cooperation with the Council Presidency, that democracy and human rights are fully taken into account at all levels of its dialogue with Tajikistan and that the EU offers Tajikistan all the assistance it requires in those fields;

32. Stresses the need for more funding to be channelled directly to local authorities and civil society, conditional on transparency and verifiability;

33. Calls on the Commission to report back regularly to it on developments in the fields of democracy and human rights and to keep its Committee on Foreign Affairs fully informed of progress achieved in the context of the political dialogue; calls on the Council to involve it in the Human Rights Dialogue with Tajikistan;

34. Urges the Commission to engage as soon as possible in negotiations with the Tajik Government on the conclusion of implementing agreements for the PCA, such as that concerning readmission and the control of illegal immigration;
35. Urges the EU, in the light of Tajikistan’s role as a transit country for drugs from neighbouring Afghanistan to Russia and western Europe, to further strengthen its support for measures to counter these activities in Tajikistan, paying particular attention to the funding of the Tajik Drug Control Agency, without undermining cross-border trade, which is vital for the economic development of the border regions;

36. Draws attention to the existence of unexploded cluster bombs in Tajikistan and urges that funding for their clearance be increased;

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37. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the Government of the Republic of Tajikistan.

Situation in Lithuania following the adoption of the law on protection of minors

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European Parliament resolution of 17 September 2009 on the Lithuanian Law on the Protection of Minors against the Detrimental Effects of Public Information

(2010/C 224 E/04)

The European Parliament,

— having regard to international and European human rights obligations, including those contained in the UN conventions on human rights and in the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, and to the UN Convention on the Rights of the Child of 20 November 1989,

— having regard to the European Union’s provisions on human rights, in particular Article 6 of the EU Treaty, Article 13 of the EC Treaty and the Charter of Fundamental Rights of the European Union,

— having regard to Article 13(1) of the EC Treaty, which provides that: ‘without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation’,

— having regard to Council Directives 2000/43/EC (1) and 2000/78/EC (2) prohibiting direct and indirect discrimination on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation, to the Commission proposal of 2 July 2008 for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426) and to Article 21(1) of the Charter of Fundamental Rights of the European Union, which prohibits ‘[A]ny discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation’,

— having regard to Rule 115(5) of its Rules of Procedure,