



Kyrgyzstan: Reject “Foreign Agents” Bill in Plenary

26 May 2015

We, members of the Civic Solidarity Platform (CSP), a network of human rights NGOs in Europe, North America and the former Soviet Union, call on the members of Kyrgyzstan’s parliament to reject the “foreign agents” bill, whose consideration by the full parliament is scheduled to begin this week. This draft law poses a serious threat to Kyrgyzstan’s civil society and is incompatible with national and international human rights standards.

On 19 May 2015, the Human Rights Committee of Kyrgyzstan’s parliament decided to submit the “foreign agents” bill for consideration by the whole parliament without adopting any position on it. Earlier, in March 2015, the Committee on Law, Order and Crime Prevention gave its approval to it. The draft law, which proposes the introduction of amendments to several existing laws affecting NGOs, was first initiated by a group of MPs in autumn 2013. It was later withdrawn, only to be reintroduced in May 2014. If adopted by the full parliament in three readings and signed by the president, it will enter into force.

The proposed amendments are inspired by and largely copied from the 2012 Russian “foreign agents” law. Similarly to this law, the draft amendments require NGOs to adopt the stigmatizing label of “foreign agents” if they receive funding from foreign and international sources and engage in “political activities”, a term that is excessively broadly defined as activities aimed at influencing government policies or public opinion. As a result, it could be applied to virtually any NGO activities. At the same time, most NGOs in Kyrgyzstan depend on foreign grants for their important work. NGOs refusing to register as “foreign agents” under the new law would risk being suspended or having to close down. The draft law also grant authorities new, broad powers to inspect and interfere in the internal affairs of NGOs and introduce new, problematic provisions on criminal liability for NGO representatives as a separate category of offenders.

The proposed amendments have been argued to be necessary to ensure transparency and accountability of NGO funding and to prevent threats to national security. However, as stressed by civil society and representatives of the international community, the transparency of the work of NGOs in the country is already ensured through a number of oversight and reporting mechanisms in place. Moreover, efforts by NGOs to exercise oversight over the work of authorities and participate in the discussion on issues of public interest are legitimate and valuable activities, and it is it is preposterous to suggest that NGOs would be implementing any secret political tasks of foreign donors using grants obtained in open tendering processes.

If adopted, the proposed amendments would violate the right to freedom of association, freedom of expression, non-discrimination and other fundamental rights protected by Kyrgyzstan's Constitution (articles 4, 16, 31, 35 and others), as well as international standards the country is bound to uphold (including articles 19, 22, 2 and others of the International Covenant on Civil and Political Rights, ICCPR). As emphasized by international human rights bodies, the ability for NGOs to access funding for their work – whether from domestic, foreign or international sources -- is an integral and vital part of the right to freedom of association. The UN Special Rapporteur on freedom of peaceful assembly and of association has, in particular, [warned](#) that “stigmatizing or delegitimizing” the work of foreign-funded NGOs by requiring them to be labelled as “foreign agents” unduly impedes ICCPR article 22. State parties to the ICCPR likewise [have an obligation](#) to refrain from interfering in the internal affairs of associations.

The Kyrgyzstani draft “foreign agents” law has been widely criticized by civil society, international human rights experts and the international community. Among others, at a public hearing in the parliament in November 2014, representatives of the UN, the OSCE and the EU all expressed concern about the bill and the human rights implications of its possible adoption. In a joint legal opinion, the OSCE Office for Democratic Institutions and Human Rights and the Venice Commission of the Council of Europe [concluded](#) that the proposed amendments are incompatible with relevant human rights standards and recommended that they not be adopted. On 18 May 2015, the EU again [expressed concern](#) about the draft law at its Human Rights Dialogue with Kyrgyzstan and on 26 May 2015, the UN High Commissioner for Human Rights [urged](#) the authorities of Kyrgyzstan to review the draft law to ensure that it does not restrict the work of civil society organizations in the country.

In an analysis of the draft law, the [International Center for Not-for-Profit Law](#) also found it in contradiction of national and international law and cautioned that it would “undermine and reverse” efforts to create a legal environment in which NGOs can assist authorities in improving the lives of citizens.

The “foreign agents” bill is being considered in a context in which civil society groups and activists in Kyrgyzstan recently have been subjected to [growing pressure](#), as part of a broader trend in the region of the former Soviet Union, where restrictive laws and practices adopted in Russia are [used as an example](#) elsewhere. There are concerns that the expansion of the Eurasian Economic Union, which Kyrgyzstan has now joined, will reinforce this pattern. The implementation of the Russian “foreign agents” law has had a seriously chilling impact on civil society in this country, targeting well-known human rights, environmental, research and other NGOs. Dozens of NGOs have faced legal proceedings, over 60 groups have been listed as “foreign agents” against their will, and more than 10 have had to close down to avoid further legal harassment for refusing to call themselves “foreign agents”.

We call on the members of Kyrgyzstan's parliament not to follow the problematic example set by Russia with respect to NGO regulation. They should instead safeguard the right to freedom of association of NGOs, as well as other fundamental rights and:

- Reject the “foreign agents” draft law as inconsistent with the Constitution of Kyrgyzstan, as well as the country's international human rights obligations, in particular article 22 of the ICCPR, and ensure that NGOs can carry out their activities without undue hindrance.

- Refrain from engaging in negative portrayals or stigmatization of NGOs because of their sources of funding -- or any other reason – and publicly acknowledge the importance and value of the work carried out by NGOs; and
- Closely consult and cooperate with civil society in any efforts to amend legislation affecting NGOs and comply with the recommendations of international human rights bodies and experts in this area.

Signed by the following organizations:

ARTICLE 19, Global Campaign for Free Expression (United Kingdom)
 Barys Zvozkau Belarusian Human Rights House
 Bulgarian Helsinki Committee
 Center for Civil Liberties (Ukraine)
 Center for National and International Studies (Azerbaijan)
 Centre for the Development of Democracy and Human Rights (Russia)
 Helsinki Citizens' Assembly – Vanadzor (Armenia)
 Helsinki Committee for Human Rights in Serbia
 Helsinki Committee of Armenia
 Helsinki Foundation for Human Rights (Poland)
 Human Rights Center of Azerbaijan
 Human Rights Information Center (Ukraine)
 Human Rights Movement "Bir Duino-Kyrgyzstan"
 Index on Censorship (United Kingdom)
 International Partnership for Human Rights (Belgium)
 Kazakhstan International Bureau for Human Rights and Rule of Law
 Kharkiv Regional Foundation Public Alternative (Ukraine)
 Kosova Rehabilitation Center for Torture Victims
 Legal Transformation Center (Belarus)
 Moscow Helsinki Group
 Netherlands Helsinki Committee
 Norwegian Helsinki Committee
 Nota Bene (Tajikistan)
 Office of Civil Freedoms (Tajikistan)
 Promo-LEX Association (Moldova)
 Public Verdict Foundation (Russia)
 Swiss Helsinki Committee
 Voice of Freedom Foundation (Kyrgyzstan)