

Kyrgyzstan “foreign representative” law and risk to IFI operations

1 March 2024

Dear Presidents Ajay Banga, Odile Renaud-Basso, Masatsugu Asakawa and Nadia Calviño,

We, the undersigned, are reaching out to the ADB, EBRD, EIB and World Bank to share our concerns and call on you to take action regarding the draft law on “foreign representatives” that passed second reading in Parliament on February 22 - known officially as the Draft Law “On Amendments to the Law of the Kyrgyz Republic “On Non-Commercial Organizations”. The third reading is expected to be voted on sometime between March 13 and April 10, after which, if it passes, the President will be required to either sign or veto it.

We have chosen to approach your institution because, if adopted, the law poses a serious threat to the success of your future operations in the country, and because we hope that your institution can help to prevent the law from being passed by reaching out and expressing concerns to the Kyrgyz authorities.

As recognised in a [joint letter co-signed by three UN Special Rapporteurs](#), an [Urgent Interim Opinion from the OSCE’s Office for Democratic Institutions and Human Rights \(ODIHR\)](#) and detailed in an [analysis by the International Center for Not-for-Profit Law](#), the law would silence critical voices in the country and have a stifling effect on society as a whole. Of particular note, the joint letter from the UN Special Rapporteurs states that “*many provisions in the proposed law would be contrary to the international human rights obligations of the Kyrgyz Republic, including the right to the freedom of association, the right to freedom of opinion and expression, the right to non-discrimination and the right to privacy. If passed, this draft law could have a chilling effect on the operation of all associations in the Kyrgyz Republic, limiting their ability to advocate for human rights, provide social services, and contribute to the development of a robust and inclusive society. How the national authorities will achieve 2030 SDG Agenda without civic engagement and public involvement*”.¹

The law would inevitably create a climate of fear, preventing people, including workers, human rights defenders and civil society organizations, from speaking out due to fear of reprisals. This comes at a time when the Kyrgyz authorities are already cracking down on freedom of expression more broadly, such as the recent imprisonment of 11 journalists.² By passing such a law, the Kyrgyz Republic, which has long stood out as an island of relative freedom in Central Asia, would send a message to neighboring countries that there no longer is a need for anyone to ensure critical voices are heard, as there are no repercussions if they are restricted.

In practical terms, this would threaten future projects financed by your institution, severely limiting your ability to carry out safe and meaningful stakeholder engagement. If this law is passed, the ability of civil society to operate will be severely reduced if not entirely eliminated. Ongoing and future projects that you might have in the country would be at a much greater risk of corruption if civil society is gutted, thereby ending its role as a watchdog and key contributor to public accountability. You further run the risk of potential social and environmental harms going unnoticed because whistleblowers, workers, human rights defenders and civil society organizations remain silent out of fear. This will enable the government to operate with little attention given to accountability measures, or prevention and mitigation of social and environmental impacts of investment projects and minimal engagement on anti-corruption issues.

In order for you to ensure that you can properly live up to your policy commitments on stakeholder engagement you must raise the issue of the draft law with the Kyrgyz authorities as soon as possible and express your concern about the impact of such a law on your ability to live up to the Bank’s policies.

1 <https://kyrgyzstan.un.org/en/248422-un-special-rapporteurs-have-urged-government-kyrgyz-republic-reconsider-and-withdraw-draft>

2 <https://cpj.org/2024/01/kyrgyzstan-authorities-raid-news-outlets-24-kg-and-temirov-live-arrest-journalists/>

We urge IFIs operating in Kyrgyzstan to jointly call on the Kyrgyz authorities to:

- Immediately withdraw the draft law on “foreign representatives”, as well as the draft law on mass media, making it clear that these initiatives are contrary to the principles and objectives of the development assistance programmes of IFIs in the country and that their adoption could result in the reconsideration of these programmes for the reasons set out above.
- Take concrete and effective measures to ensure that space for civil society and independent media remains open in the Kyrgyz Republic, in accordance with the recommendations of international human rights bodies.
- Agree to the creation of a platform that includes, among others, members of independent civil society, for promoting cooperation to solve socially impactful problems in the country.