SUMMARY: The Community of Democracies Working Group on Enabling and Protecting Civil Society wishes to call your attention to Kyrgyzstan’s draft Law on Noncommercial Organizations and the draft Law on Registration of Legal Entities.

On December 31, 2019, a member of Kyrgyzstan’s Parliament initiated a draft law proposing amendments to the Law on Noncommercial Organizations (NCOs) and the draft Law on Registration of Legal Entities. Seven Members of Parliament (MPs) subsequently joined as co-initiators of the draft law. On January 24, 2020, the originating MP organized a public hearing on the draft law, with approximately 50 participants, including civil society organizations (CSOs), MPs, and their staff.

On January 29, 2020, the local NGO legal clinic “Adilet” held a public discussion on the draft law, which included representatives from NGOs, the Ombudsman’s office, and international organizations. The authors of the draft law, the presidential administration, and other members of government were invited to this event but did not attend. At this public discussion, all speakers, including the Ombudsman, opposed adoption of the draft law.

On the same day, the authors of the draft law held their own public discussion at another location, where they invited only those few NGOs and nationalist groups that support the draft law and even called for the adoption of a stricter law independent, non-government affiliated NGOs interpret the goal of this second meeting being to mislead the parliament and the public that all NGOs support the law’s adoption.

On March 3, Kyrgyz NGOs published on several websites an open appeal on the draft law addressed to the Parliament, President and Government of the Kyrgyz Republic: http://mnenie.akipress.org/unews/un_post:16560

On March 4, the draft law was adopted in its first reading. Out of 109 participating MPs, 100 MPs voted in favor of adoption and nine were opposed. The second reading is not yet scheduled, but per Kyrgyz law, should take place between March 16 and April 19, 2020. NGOs are concerned that the government is ignoring the concerns they have raised.

The draft law, if enacted, would impose severe constraints on civil society in Kyrgyzstan. Illustrative key concerns include the following:

- Introduction of a new report for NCOs (noncommercial organizations): The draft law proposes to amend Article 17, part 2, of the Law on NCOs and introduces a requirement for NGOs to publish on the Ministry of Justice’s web-site a new annual report on
revenues and expenditures, which duplicates existing reporting requirements and may be burdensome for many NGOs. Most importantly, the length and format of the report, the criteria for compliance, and the sanctions for non-compliance are not detailed in the bill. Rather the bill allows the government to determine these factors at a later date at its discretion.

- **Restrictions on information sharing:** This law lacks specific guidelines and restrictions to prevent the Government of Kyrgyzstan from interfering with legitimate activities and information sharing of noncommercial organizations, undermining fundamental democratic values, such as the freedoms of expression and association and peaceful assembly.

- **Barriers to civic and electoral education:** Kyrgyzstan will hold parliamentary elections this October, and this law would substantially hamper noncommercial organizations in informing Kyrgyz voters about matters they care about, thus denying them information they seek in deciding their votes.

**ACTIONS:** Members of the International Contact Group (ICG) are asked to consider the following actions:

1. **Convey Messages to the Government of Kyrgyzstan (GoK):**

   Consider available entry points both at the national level and through multilateral mechanisms to raise concerns with the GoK about the adoption of the draft law on amendments to the Law on NCOs and draft the Law on Registration of Legal Entities. ICG members are encouraged to underscore the following:

   i. That adoption could result in significant negative effects on the continued operations of all types of civil society organizations, including those that provide essential services.

   ii. That enabling and protecting civil society is vital to the GoK in achieving all of the Sustainable Development Goals (SDGs), in particular SDG 16.

   iii. That Kyrgyzstan abides by its obligations under domestic and international law (in particular, the Universal Declaration of Human Rights). Enabling and protecting civil society is clearly linked to the rights of freedom of opinion and expression, and of peaceful assembly and association.

   iv. That Kyrgyz authorities should meaningfully consult with civil society on any future legislation and regulations impacting NCOs.

2. **Share this message with your networks and diplomatic missions,** particularly in Kyrgyzstan, to encourage information sharing and spur coordination efforts between civil society and the international community to counter the adoption of the Law on NCOs and the draft Law on Registration of Legal Entities in its current form, and to encourage the adoption of legal amendments to render the legislation more enabling to civil society.

**CONSIDERATIONS:**

- Organizations with experience and expertise in this type of legislation, such as the Venice Commission, have yet to analyze this law. Such analyses, including best practices, case histories, and consistency with international obligations, would help lawmakers in amending and voting on this law.

- The law may conflict with the Kyrgyz Republic’s international obligations and commitments with international organizations, such as the United Nations, the World Bank, and the World Trade Organization.
The Community of Democracies Working Group on Enabling and Protecting Civil Society (WGEPCS) is a multi-stakeholder group comprising states, civil society and other international organizations working together to counter legal threats to civil society space around the globe. For further information on the WGEPCS and how to get involved, or for changes to this mailing list, please contact: Myriam.Pineault-Latreille@international.gc.ca.