



## **United States Mission to the OSCE**

### **On Draft Legislation in Central Asia Impacting NGO Operating Space**

As delivered by Ambassador Daniel B. Baer  
to the Permanent Council, Vienna  
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The United States is concerned about the introduction of draft legislation in Kyrgyzstan, Tajikistan, and Kazakhstan that could restrict the operating space for non-governmental organizations. While each piece of draft legislation is distinct—and its supporters may claim a legitimate interest to facilitate activities in the NGO sector—we believe it is important for these governments to consult closely with civil society and international experts to ensure that provisions in these draft laws do not infringe on or undermine freedoms of association and expression in those countries.

In Kyrgyzstan, the draft law “On Making Additions and Amendments to Certain Legislative Acts of the Kyrgyz Republic” proposes changes to several existing laws, which taken together, would require civil society groups and NGOs involved in undefined “political” activities to register as “foreign agents” and label themselves as “foreign agents” on all printed materials. It would also require the Ministry of Justice to conduct an invasive set of audits and checks on any group it determines to be a “foreign agent.” The Ministry of Justice itself has argued against the draft law, stating that such determinations are outside of its competencies, and civil society groups have noted that there are existing government agencies already equipped to handle NGO registration and regulation. We urge the Government of Kyrgyzstan to oppose the draft law and continue engaging civil society in a transparent and meaningful way, without stigmatizing or restricting peaceful NGO activities.

In Tajikistan, a draft amendment to the Law on Public Associations would require all NGOs to register any foreign funding and anonymous donations with a yet-to-be established “state humanitarian fund.” The proposed amendment does not specify whether the government would have the authority to approve or deny a grant’s registration, nor does it specify which ministry would manage the state humanitarian fund. Tajikistan’s Ministry of Justice states that the amendment is intended to combat terrorist financing and corruption, and the Ministry of Foreign Affairs insists that the draft amendment would not restrict NGO activities in Tajikistan. However, we are concerned that the amendment could be used to impede the funding of legitimate NGO activities that the government deems politically threatening. We urge the Government of Tajikistan to reconsider the draft amendment to ensure that NGOs can continue their peaceful work unhindered and to continue to meaningfully consult with NGOs as the government considers this proposed legislation.

In Kazakhstan, we appreciate the government’s efforts to facilitate a state grant-making “Operator” mechanism—which can be taken as a sign of tangible support for the vital social and cultural work that NGOs perform. We are concerned, however, that this mechanism could affect non-state or even international funding for civil society. The last draft made available to civil society did not stipulate that only state sources of funding would be funneled through the “Operator.” We urge the Government of Kazakhstan to clarify in the text that the new “Operator” mechanism would not apply to private and foreign funding of NGOs.

In all of these cases, consultations with ODIHR and with the UN Special Rapporteur on Freedom of Peaceful Assembly and Association Maina Kiai, as well as with other experts in international law, as well as discussions following up on these experts' advice with civil society, could help ensure that the governments proceed in a way consistent with their obligations.

Thank you, Mr. Chair.