

**Statement UN Resident Coordinator Antje Grawe**  
**National Dialogue: The Right to Freedom of Association and Assembly**

Hyatt Hotel, Shayir Hall

19 December, 9 am – 2 pm

Representatives of the Presidential Administration,

Members of Parliament,

Dear Atyr,

Dear Civil society representatives,

Distinguished participants from Embassies and international organisations,

A special greeting to colleagues from the OSCE and ODIHR,

On behalf of the United Nations in the Kyrgyz Republic, I am grateful to the Ombudsperson for the invitation to speak at this important and very timely roundtable.

Having listened to the last few minutes of the discussions, I am hopeful that today's event will just be one of many to come offering an enabling space for an open and constructive dialogue on freedom of association and the role of civil society and NGOs in Kyrgyzstan.

Ladies and gentlemen,

The right to freedom of association is a cornerstone of any democratic society. It is recalled in Art. 20 of the Universal Declaration of Human Rights (whose 75<sup>th</sup> Anniversary will be celebrated in 2023), and it is also reflected in article 36 of the Constitution of the Kyrgyz Republic.

Article 22 of the International Covenant on Civil and Political Rights reads: "*Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.*" The UN Human Rights Committee has reiterated that freedom of association is essential to the enjoyment of other human rights. Accordingly, the adoption of laws aimed at regulating fundamental freedoms, including the right to freedom of association, must be in compliance with the principles of legality, necessity, proportionality and non-discrimination.

Indeed, domestic laws regulating fundamental freedoms should strive at upholding applicable international human rights principles and standards, including effective and inclusive consultations with civil society and other stakeholders. I therefore welcome the openness of the Presidential Administration and the Parliament of the Kyrgyz Republic to hear and consider the views of all interested stakeholders today.

I also would like to acknowledge the important role played by the Ombudsperson in soliciting the Urgent Interim Opinion by the OSCE Office for Democratic Institutions and Human Rights (ODIHR). For any dialogue to be meaningful, the availability of independent and expert analysis is crucial, and I would like to thank ODIHR for its readiness – and in particular for its swiftness – to prepare an interim legal opinion. I truly hope that this dialogue will continue in a constructive fashion beyond today's meeting.

Dear participants,

The UN Charter puts human rights at the heart of international relations. Human rights, in particular freedom of association and a thriving civic space, are also a cross-cutting issue in the 2030 Agenda and all the Sustainable Development Goals which Kyrgyzstan strives to achieve.

The Kyrgyz Republic has for many years derived pride from its international recognition as a democracy where freedom of peaceful assembly, association, competitive elections, the right to free speech thrive.

As part of its commitment to human rights, Kyrgyzstan has been regularly engaging with the UN human rights mechanisms, regularly reporting to the UN Treaty Bodies. It has gone through three cycles of the Universal Periodic Review (and now plans to submit a voluntary mid-term report); in 2019 it ratified the UN Convention on the Rights of Persons with Disabilities; two years ago a standing invitation to the UN Special Procedures was extended, and Kyrgyzstan has hosted 12 official visits by various mandate-holders.

Recommendations of all these human rights mechanisms provide valuable guidance on how international human rights standards shall be implemented in national laws and practices. For instance, after the 3<sup>rd</sup> Universal Periodic Review in 2020, the Kyrgyz Republic supported the recommendations *“to protect civil society’s role in promoting good governance and transparency in the country”* and *“to ensure that legislation is not adopted, including the so-called “foreign agents law”, that would limit the ability of non-governmental organizations to operate freely, and that civil society is able to carry out its work in a safe environment free from intimidation, harassment and attacks.”*

I also wish to recall that the UN Human Rights Committee in its 3 November Concluding Observations recommended Kyrgyzstan to ensure that any legislation governing public associations and NGOs does not lead in practice to undue control over or interference in the activities of NGOs and does not lead to shrinking civic space.

Lastly, when looking at the issue from a human rights perspective, I would like to draw your attention to UN Human Rights Council Resolution 22/6 that provides that States must ensure that NGO reporting requirements “do not impede the functional autonomy” of associations. The mandate of the UN Special Rapporteur on freedom of assembly and association has reaffirmed in numerous reports that the use of burdensome and bureaucratic reporting requirements may ultimately hinder the legitimate work of NGOs.

**In this context, let us remind ourselves why the right to freedom of association is so important: it was designed to protect people’s ability to come together and work for the common good.**

This common good can mean NGOs working closely with government - or complementing government services - in improving access to health or education; access to food or clean water; help mitigate climate change by planting trees; and organise the delivery of humanitarian assistance in Batken region, which I have witnessed just this weekend again, where local NGOs work hand in hand with the local authorities to reach those most affected by the escalation in violence at the border in September of this year. It can also mean NGOs working on improving access to justice by providing free legal assistance to victims of human rights violations, or running crisis shelters for survivors of gender-based violence — just to mention a few.

Since I have arrived in your country, I have met with a huge variety of civil society representatives and NGO workers, from all over Kyrgyzstan. I have met highly committed individuals, who often serve as a bridge between the Government and people most in need and complement government activities. With their network of active, dedicated and passionate workers, they help the Government to deliver much needed services to vulnerable people and build an inclusive and a thriving society based on social cohesion, rule of law and human rights.

We need to understand that a restrictive legislative framework would stifle the work of all types of NGOs working for this common good. Most importantly, it would ultimately impede Kyrgyzstan's ability to implement its National Development Strategy 2040 and other important instruments of state policy, including the concept of "Kyrgyz Jarany".

Ladies and Gentlemen,

The pandemic has brought across the globe recession, undermining economies and livelihoods of people, hitting hardest the most vulnerable groups, including in Kyrgyzstan. The global food and energy crisis is unfortunately exacerbating these negative trends.

It is now time for critical and swift actions, together with civil society groups, to address the urgent socio-economic needs of the population.

**In times of crisis, we need more, and not less, civil society engagement. This is also the time for strengthening the essential relationship between the government and civil society.**

I am therefore happy to hear about the proposal to set up another working group composed of Government and civil society to discuss the draft legislation. I am sure Parliament will be represented as well. It will be important that all aspects are being taken into consideration during the discussions, including the potential impact on Kyrgyzstan's aspirations and plans to provide a safe, just and prosperous environment to her people as well as the reputational risk should Kyrgyzstan violate its international human rights obligations.

As Kyrgyzstan is about to begin its membership in the UN Human Rights Council in 2023, the year when the Universal Declaration of Human Rights will turn 75 years, the country has a unique opportunity to demonstrate that the spirit of the Universal Declaration of Human Rights has the potential to overcome division and polarization and can help pave the way for sustainable development for future generations.

Thank you! Chon rahmat!