

RE: Shrinking civil society space in Kyrgyzstan

TO: ADB President, Mr Masatsugu Asakawa

ADB Country Director, Mr Zheng Wu

civilsociety@adb.org

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Dear Mr President Asakawa,
Dear Mr Wu,

We, CEE Bankwatch Network, are writing to you to express our concern about the recent setbacks in democratic development in Kyrgyzstan, leading to the suppression of public discourse, political pluralism and accountability. We fear that the new law on non-governmental organisations, which aims to restrict the work of civil society and independent media in the Kyrgyz Republic, will have a negative impact on the country's development. Developments in the Kyrgyz Republic will undermine the ADB's contribution "to a prosperous, inclusive, resilient and sustainable Asia and Pacific as it continues its efforts to eradicate extreme poverty in the region", which the ADB aims to achieve by 2030.

As one of the country's largest financiers, ADB plans to focus its operations on three strategic priorities: Improving economic opportunities for all, strengthening resilience to climate change and disasters, and strengthening governance and private sector development. However, recent developments undermine the realisation of these goals and could drastically increase poverty, unemployment and corruption. The climate for freedom of expression and civil society participation in decision-making has deteriorated further. The discriminatory draft law on non-governmental organisations (which follows the example of the infamous Russian law on "foreign agents") threatens to severely criminalise civil society engagement. The bill went through the first of three hearings in the Kyrgyz parliament on 25 October, with the final vote likely to take place these days.

The policies and procedures of development banks such as the ADB assume that information on the impact of their projects can be effectively collected and disseminated. The banks assume that local residents can be effectively consulted and - if necessary – compensated. However, this is not possible in a political environment where voicing concerns can lead to retaliation by the state. The ADB and other development institutions will not be able to work effectively in Kyrgyzstan if legislation restricting civil society is implemented. In such an environment, proper consultations and stakeholder engagement, the cornerstones of investment decision-making, cannot be carried out.

The new Constitution, which came into force in 2021, has already weakened the separation of powers in the country by granting the president overly broad powers without creating effective checks and balances. Other recent developments have further heightened concerns about attempts to limit independent scrutiny and

oversight of decision-making and create a permissive environment for corruption and inefficient investment of public funds.

We recognise the efforts of international financial institutions, including the ADB, which have warned the Kyrgyz authorities that the amendments to the Law on Public Procurement would undermine the efficient use of taxpayers' money and the national procurement system and significantly increase corruption risks. Unfortunately, the authorities have heeded only some of the recommendations.

Moreover, the proposed laws on non-governmental organizations and on media continue the trend that makes Kyrgyzstan an unsafe place for anyone who questions state decisions. This new restrictive legislative initiative already affects non-governmental organisations, media and online platforms, and the court-approved ban on peaceful protests in central areas of the capital Bishkek, has been repeatedly extended.

In the past year, the number of arrests at peaceful gatherings has increased tenfold, culminating in October 2022 in the arrest of 25 prominent politicians, human rights defenders and activists who had spoken out against the border agreement between Kyrgyzstan and Uzbekistan. In May 2023, the ombudswoman Atyr Abdrakhmatova, who had been a critic of these developments, was dismissed by parliament before her term of office expired. In addition, the authorities declared the public councils, which acted as public watchdogs in most state institutions, ineffective without much evidence and enforced their abolition.

The independent media has come under increasing pressure. The fight against disinformation has been exploited to prevent the dissemination of information on issues of public interest. Those who criticise, oppose and question the authorities' policies have been increasingly intimidated and harassed, including the prosecution of allegations deemed to be politically motivated.

We and our civil society partners in the country fear that due to weak transparency and anti-corruption mechanisms, Kyrgyzstan is at risk of state resources being captured by a small group of power-holders and the rest of the population sinking into even greater poverty. As civil society organisations play a crucial role in exposing corruption, restricting the freedom of action of CSOs will make the situation even worse.

We would like to ask the management of the Asian Development Bank to work with the current government of the Kyrgyz Republic and signal to it that curtailing civil society space and creating obstacles for the media would undermine the country's development and create unnecessary problems for its economic development.

We propose that the ADB consider the following mechanisms for co-operation with the Kyrgyz authorities:

- Greater coordination and joint efforts by all development partners and donors to signal that the current legislative initiative on the Foreign Agents Law and policy trends are contrary to the spirit and principles guiding development assistance to the Kyrgyz Republic; revitalise the existing Donor and Partner Coordination Councils (DPCC); jointly prepare and adopt specific proposals and recommendations for the Government of the Kyrgyz Republic with clear conditions for their implementation.
- Facilitate stronger and more systematic engagement of international donors and partners with local civil society, including their involvement in multi-stakeholder platforms between government, donors, civil society, business and other actors to hold open discussions, provide feedback and ensure their input into government policies and decisions.

- Develop and communicate specific positions on key repressive legislation in bilateral discussions with government; share such positions with national civil society and publicise them where possible.

Sincerely yours,



Mark Martin
Executive Director
CEE Bankwatch Network