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President
Président
Präsident
Presidente

Sharan Burrow

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PERC/AL/pw

Brussels, 7 July 2021

Draft Law on Trade Unions

Dear Mr. President,

On behalf of the International Trade Union Confederation (ITUC) which represents 200 million workers in 163 countries and territories and has 332 national affiliates I would like to express our indignation with the recent adoption by the Parliament of Kyrgyzstan of a new draft Law on Trade Unions. We call on you to veto this draft law and to make sure that the expertise and assistance of the ILO is engaged for any legislative process to regulate labour relations in your country, including establishment and activities of trade unions or employers' associations.

As you will be aware, we welcomed your decision on 12 May to veto the previous draft bill as it was in clear breach of the international obligations of the country, particularly of ILO Conventions 87 and 98, as documented by the ITUC and competent international authorities, including the ILO and UN.

To our astonishment, the Parliament not only ignored your comments, arguments and reasons of your decision to veto the bill, but hastily voted on 30 June the new draft, developed again in a non-transparent and non-inclusive manner, without proper consultations with trade union organisations and competent governmental officials and without respecting its own scrutiny mechanisms.

As a result, the new draft bill still largely contradicts the Constitution of Kyrgyzstan and core international labour standards, including ILO Conventions 87 and 98. In particular, it establishes a direct monopoly of the Federation of Trade Unions of Kyrgyzstan as the only social partner and puts all unions in the country under its total control. Trade unions would be deprived of the right to independently determine the organizational structure, forms and types of associations, the right to establish their own charters and governing bodies. Moreover, the new draft bill is full of technical contradictions and discrepancies, which clearly shows a very low level of legal examination.

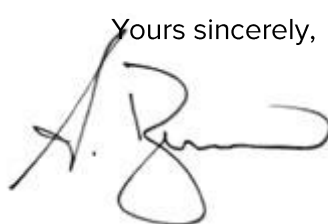
There is no justification for such haste, incompetence and a lack of due process.

We call on you to veto this draft law. Furthermore, we urge you to make sure that the expertise and assistance of the ILO is engaged for any legislative process to regulate labour relations in your country, including the establishment and activities of trade unions or employers' associations. The ILO has allocated considerable resources to Kyrgyzstan, including through bilateral and multilateral cooperation programmes, and it is regrettable that this cooperation is totally neglected and undermined by the legislators.

This is the third time in the course of two years that we have had to call on the President of Kyrgyzstan to act as guarantor of the Constitution and veto draft trade union legislation, developed by certain members of the Parliament. That undermines the credibility of the legislative process, would put the executive and judiciary branches under duress and create risks for the stability of the country and challenge the trust of its international partners.

I hope that we will hear from you directly that this legislation will not be allowed to stand.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. B.', written in a cursive style.

General Secretary