



ITUC International Trade Union Confederation
CSI Confédération syndicale internationale
CSI Confederación Sindical Internacional
IGB Internationaler Gewerkschaftsbund

Ayuba Wabba

President
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Sooronbay Jeenbekov
President of Kyrgyzstan

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Sharan Burrow

General Secretary
Secrétaire générale
Generalsekretärin
Secretaria General

PERC/AL

26 April 2019

Draft law on trade unions

Dear Mr President,

On behalf of the International Trade Union Confederation (ITUC), which represents more than 207 million workers in 163 countries and territories and has 331 national affiliates, I would like to share with you our views and concerns in relation to the draft law on trade unions submitted to the Parliament.

It is the opinion of the ITUC that the draft law fall short of compliance with the ILO Convention 87 on Freedom of Association and Protection of the Right to Organize, and Convention 98 on the Right to Organize and Collective Bargaining, Convention 144 on Tripartite Consultations to Promote the Implementation of International Labour Standards; it also contravenes Article 4 of the Constitution and Articles 29-34 the Labour Code of the Kyrgyz Republic.

It threatens the existence of independent trade unions in the country. It would establish a hierarchical system in which all trade unions would be subordinated to the Federation of Trade Unions of Kyrgyzstan, and will lead to a practical monopolisation of the trade union space in the country.

Besides, the bill would severely restrict, inter alia, the rights of trade unions and their associations to independently determine their own organizational structure, forms and types of associations, trade union membership, as well as the right to establish governing bodies, timeframes for their elections.

The work and procedures at both the ILO and the ITUC would bring this non-compliance in the open through the ILO supervisory mechanisms of the laws where the ITUC presents violations of labour standards from around the world. Thus, the national legislation of Kyrgyzstan, if adopted with the outlined deficiencies, would be recognised as infringing the international obligations of the country and would potentially bring reputational losses both to the country and its trade union movement.

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We work on legal assessment of the proposed text and in meantime urge you to withdraw the present draft and request assistance of the ILO in making sure that any amendments to the present trade union law do not violate international labour standards ratified by Kyrgyzstan. We also will not hesitate to use the existing ILO supervisory mechanisms in relation to the Conventions ratified by your country where it is deemed necessary to make sure that freedom of association and collective bargaining is fully respected in law and in practice.

Yours sincerely,

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

General Secretary