This document includes a progress update and evaluation of measures taken to implement recommendations of Round 3 Monitoring of the Istanbul Anti-Corruption Action Plan for Kyrgyzstan. The progress update was approved by the ACN Plenary Session on 13 September 2017.
Recommendation: Integrity in the business sector
Recommendation: Integrity in the Judiciary
Recommendation: Access to Information
Recommendation: Public procurement
Recommendation: Transparency and discretion in public administration
Recommendation: Conflict of interest prevention and asset declarations
Recommendation: Salaries in civil service
Recommendation: Integrity in the public service
Part 3: Prevention of Corruption
Recommendation: Statistics
Recommendation: Specialized anti-corruption law-enforcement bodies
Recommendation: Anti-corruption policy and corruption prevention institutions
Part 2: Criminalisation of Corruption and Law Enforcement
Recommendation: Offences and elements of offence
Recommendation: Sanctions
Recommendation: Confiscation
Recommendation: Immunities and statute of limitations
Recommendation: Investigation and prosecution of corruption
Recommendation: Strengthening of law enforcement bodies’ capacity to detect, investigate and prosecute corruption
Recommendation: Anti-corruption policy documents
Recommendation: Corruption surveys
Recommendation: Participation of civil society
Recommendation: Raising awareness and public education
Part 1: Anti-corruption policy
Recommendation: Corruption surveys
Recommendation: Participation of civil society
Recommendation: Raising awareness and public education
Recommendation: Anti-corruption policy documents
Recommendation: Corruption surveys
About the OECD
The OECD is a forum in which governments compare and exchange policy experiences, identify good practices in light of emerging challenges, and promote decisions and recommendations to produce better policies for better lives. The OECD’s mission is to promote policies that improve economic and social well-being of people around the world. Find out more at www.oecd.org.

About the Anti-Corruption Network for Eastern Europe and Central Asia
Established in 1998, the main objective of the Anti-Corruption Network for Eastern Europe and Central Asia (ACN) is to support its member countries in their efforts to prevent and fight corruption. It provides a regional forum for the promotion of anti-corruption activities, the exchange of information, elaboration of best practices and donor co-ordination via regional meetings and seminars, peer-learning programmes and thematic projects. ACN also serves as the home for the Istanbul Anti-Corruption Action Plan. Find out more at www.oecd.org/corruption/acn/.

About the Istanbul Anti-Corruption Action Plan
The Istanbul Anti-Corruption Action Plan is a sub-regional peer-review programme launched in 2003 in the framework of the ACN. It supports anti-corruption reforms in Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Mongolia, Tajikistan, Ukraine and Uzbekistan through country reviews and continuous monitoring of participating countries’ implementation of recommendations to assist in the implementation of the UN Convention against Corruption (UNCAC) and other international standards and best practice. Find out more at www.oecd.org/corruption/acn/istanbulactionplan/.
PROGRESS UPDATE METHODOLOGY

After the adoption of the Monitoring Report, the evaluated country presents a Progress Update at each subsequent ACN Plenary meeting.

The Progress Update begins with a description of the methodology, followed by the summary of the assessment of implementation of recommendations, as agreed during the Plenary Meeting. It then goes into each recommendation separately, providing the country report, as well as the ACN and expert evaluation.

The Progress Update follows the following steps:

1. Progress Update reports are prepared by country representatives
These documents include information on implementation measures taken for each recommendation, and may also cover additional anti-corruption developments. Country representatives submit a written Progress Update report to the ACN Secretariat through appointed National Co-ordinators, together with supporting documents, such as laws and statistical data. Civil society also submits alternative reports on progress.

2. Preparation of preliminary assessment by ACN Secretariat and experts
The Secretariat and the experts who contributed to the Monitoring Reports (or delegates replacing the experts) study the Progress Update reports and prepare a draft progress assessment for the Plenary Meeting. Civil society is also invited to contribute to the evaluation.

3. Discussion at ACN Plenary meeting
ACN Secretariat and experts discuss the Progress Update during a bilateral preparatory meeting with country representatives. The Plenary then discusses and endorses the assessment.

4. Finalisation of Progress Updates
Following the Plenary Meeting, the Secretariat adds the final assessment to the Progress Update reports finalises and publishes them on the ACN website.
16th ACN Istanbul Action Plan Meeting on 7-9 October 2015: (Please click here to view the progress update): Progress report on implementation of recommendations of the third round monitoring of the Kyrgyz Republic was presented by the National Coordinator for Kyrgyzstan, the General Prosecutor’s Office of the Kyrgyz Republic. The information was reviewed by the monitoring team: Mr. Vladimir Georgiev (the Former Yugoslav Republic of Macedonia); Ms. Antonina Prudko (OECD Secretariat) and Mrs. Rusudan Mikhelidze (OECD Secretariat). The progress report was discussed and approved at the Istanbul Action Plan monitoring meeting of OECD Network on October 7-9, 2015. Of 25 recommendations given to Kyrgyzstan following the results of the third round monitoring, progress had been achieved with regard to 15 recommendations, whereas there was no progress in implementation of the ten remaining recommendations.

17th ACN Istanbul Action Plan Meeting on 14-15 September 2016: The Progress Update was presented by the Kyrgyzstan's National Coordinator, General Prosecutor's Office of the Kyrgyz Republic. The information was reviewed by a group of experts: Mr Vladimir Georgiev, the state counsellor for anti-corruption policy, Secretariat of the State Commission for Prevention of Corruption (Former Yugoslav Republic of Macedonia); Mr Ion Nastas, Head of the Strategic Analysis Department, the National Anti-Corruption Center (Moldova); Andrey Kukharuk, OECD Secretariat, and Olga Olson, OECD Secretariat. The preparatory meeting was attended by: Arslan Khurshudov, Senior Prosecutor of the Department for Combating Corruption and Supervising Compliance with Laws, and Tilek Sayakbaev, Prosecutor of the Department for Combating Corruption and Supervising Compliance with Laws, both representing the General Prosecutor’s Office, as well as Jalidz Toralieva, Director of ‘Result’ NGO, and Bakitbek Satybekov, a coordinator of ‘Result’ NGO, both representing the civil society. The Progress Update was discussed and approved by a monitoring meeting of the Itsanbul Anti-Corruption Action Plan on September 14, 2016. Since the last progress update, experts have highlighted progress in 14 out of 25 recommendations, while 11 recommendations have seen no progress.

18th ACN Istanbul Action Plan Meeting meeting of 12-14 September 2017: The Progress Update on the implementation of the recommendations of the Third Round of Monitoring of the Kyrgyz Republic was provided by the Kyrgyz National Coordinator - the General Prosecutor’s Office of the Kyrgyz Republic, and presented together with representatives of the Secretariat of the Security Council and the Government Office. Alternative progress updates were also provided by TI Kyrgyzstan and NGO Result. The information was examined by the expert group: Mr. Ion Nastas (Moldova); Mr. Nerijus Genis, Senior Specialist of the Corruption Prevention Department of the Special Investigation Service (Lithuania) and Andrii Kukharuk (OECD Secretariat). The preparatory meeting was attended by: Mr. Arslan Khurshudov, Senior Prosecutor of the Department for Combating Corruption and Supervising Compliance with Laws of the Prosecutor General's Office, Mr. Ulukbek Mederkulov, Prosecutor of the Department for Combating Corruption and Supervising Compliance with Laws of the Prosecutor General's Office, Mr. Marat Karataev, Head of the Security Risk Analysis and Forecasting Sector of the Security Council Secretariat, Ms. Dinara Suyunbaeva, expert of the anti-corruption policy sector of the Government Office, Mr. Jantoro uulu Kubat, expert of the anti-corruption policy sector of the Government Office; as well as civil society representative – Ms. Jalidz Toralieva, Director of the NGO Result; representative from an international organization – Mr. Alibek Kurbanaliev, chief specialist of the programs of the OSCE Office in Bishkek. The Progress Update was discussed and approved at the monitoring meeting of the OECD Istanbul Action Plan on 13 September 2017. Since the previous update the progress was noted for 20 recommendations out of 25, including significant progress in the implementation of 1 recommendation, for 5 recommendations no progress was noted.
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<tr>
<th>Recommendation</th>
<th>Progress assessment</th>
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<td>16&lt;sup&gt;th&lt;/sup&gt; Plenary meeting October 2015</td>
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**Part 1: Anti-Corruption Policy**

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<th>Recommendation: Anti-corruption policy documents</th>
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<td>Recommendation: Corruption surveys</td>
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<td>Recommendation: Participation of civil society</td>
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**Part 2: Criminalisation of Corruption and Law Enforcement**

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<th>Recommendation: Offences and elements of offence</th>
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<td>Recommendation: Sanctions</td>
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<td>Recommendation: Confiscation</td>
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<td>Recommendation: Specialized anti-</td>
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<sup>1</sup> This Progress Update as well as the previous one uses a methodology based on new assessment rankings adopted for Round 4 Monitoring of the Istanbul Anti-Corruption Action Plan. To see the detailed methodology, follow this link.
**Recommendation:** Corruption law enforcement bodies

| Recommendation | Progress | Progress | Progress |

**Part 3: Prevention of Corruption**

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<th>Recommendation</th>
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<td><strong>Recommendation:</strong> Integrity in the public service</td>
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<td><strong>Recommendation:</strong> Salaries in civil service</td>
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<td><strong>Recommendation:</strong> Conflict of interest prevention and asset declarations</td>
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<td><strong>Recommendation:</strong> Publication of asset declarations</td>
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<td><strong>Recommendation:</strong> Whistleblowers protection</td>
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<td><strong>Recommendation:</strong> Transparency and discretion in public administration</td>
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<td><strong>Recommendation:</strong> Public financial control and audit</td>
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<td><strong>Recommendation:</strong> Public procurement</td>
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<td><strong>Recommendation:</strong> Access to Information</td>
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<td><strong>Recommendation:</strong> Political corruption</td>
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<td><strong>Recommendation:</strong> Integrity in the Judiciary</td>
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<td><strong>Recommendation:</strong> Integrity in the business sector</td>
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Part 1. Anti-corruption policy

Recommendation: Anti-corruption policy documents

Estimate the financial needs for the implementation of the specific measures/activities, when developing action plans, to enable appropriate budgetary allocations to the implementing institutions, as well as grounded requests for technical support from the international community.

Ensure active participation of the civil society in the forthcoming development of the action plans for implementation of the State Strategy on Anti-Corruption Policy.

Conduct regular monitoring and assessment of the implementation of the State Strategy on Anti-Corruption Policy with appropriate inclusion of NGOs, international community and experts in these processes.

Ensure wide publication of the reports on implementation of the State Strategy in general and action plans in particular.

17th Meeting, September 2016

Report of the Government:

The Action Plan of the government agencies of the Kyrgyz Republic for implementation of the State Strategy on the Anti-Corruption Policy of the Kyrgyz Republic for 2015-2017 was developed by a working group consisting of government employees from executive agencies, the Supreme Court, the General Prosecutor’s Office, the Secretariat of the Defense Council, etc., and representatives of civil society institutions and business associations. The Action Plan underwent public hearings and was subsequently approved by Resolution of the Government of the Kyrgyz Republic of March 30, 2015, no. 170.

In the course of development of the sectoral plans of activities (from 2016 onwards) for implementation of the State Strategy on the Anti-Corruption Policy for 2015-2017 the involved government authorities of the Kyrgyz Republic were recommended to identify the funding needs for implementation of certain measures and activities and to work with technical assistance partners. Such plans are always developed with participation of representatives of Public Councils with the government authorities and of the expert community, on the basis of the sectoral policy of each state body. The inter-agency anti-corruption plans for 2016 were agreed with the Department of Anti-Corruption Policy of the Office of the Government of the Kyrgyz Republic and with the Public Councils and approved by internal orders for each agency.

In pursuance of the Presidential Decree of the Kyrgyz Republic “On Measures to Eliminate the Causes of Political and Systemic Corruption in Government Agencies” (of November 12, 2013, no. 215) the expert groups of the Secretariat of the Defense Council of the Kyrgyz Republic, in cooperation with the officials of the Anti-Corruption Service of the State Committee for National Security, State Service for Combating Economic Crime and the Ministry of the Interior, independent experts and representatives of civic associations, furthered their efforts to develop step-by-step action plans for eliminating the causes and factors of corrupt practices in a number of government agencies. Corrupt schemes were detected and discontinued at 27 government agencies, with adoption of step-by-step action plans for elimination of the phenomenon of systemic corruption.

By now such government agencies as the Ministry of Justice, the State Service for Regulation and
Supervision of Financial Markets, the Fund of State Material Reserves, the State Intellectual Property Service, the State Agency for Anti-Monopoly Regulation and the State Registration Service with the Government of the Kyrgyz Republic have defined their funding needs and sources for implementation of relevant step-by-step action plans.

The matters of implementation of anti-corruption measures by government authorities of the Kyrgyz Republic throughout 2015 and in the first half of 2016 were presented at the meetings of the Government of the Kyrgyz Republic on April 15, 2016 and August 22, 2016, conducted with the participation of the Prime Minister of the Kyrgyz Republic.

In order to improve the tools of management, monitoring and evaluation of the implementation of anti-corruption measures by government agencies the Government of the Kyrgyz Republic (by Ordinance of September 15, 2015, №450) issued its “Guidance on comprehensive assessment of the efficiency of implementation of anti-corruption measures by government authorities of the Kyrgyz Republic”.

All final reports prepared by the Government of the Kyrgyz Republic, with any explanations and analytical papers, are also discussed with non-governmental organizations and business associations at the available discussion platforms (the Civic Anti-Corruption Council with the Government of the Kyrgyz Republic). The final report for 2015 was published and made universally accessible on the Government’s WEB page www.anticor.e-gov.kg. The report on the outcomes of the first half of 2016 was published on the official WEB site of the Ministry of Economy - http://mineconom.gov.kg/.

TV and social networks broadcast the meetings of the Government and discuss specific achievements and shortcomings covered in the published reports. Representatives of the Office of the Government, of the Public Administration Academy under the President of the Kyrgyz Republic and of the Ministry of Economy also make presentations on general anti-corruption efforts during their site visits to the regions or universities, at events held by business associations, and so forth. Government authorities of the Kyrgyz Republic publish their final reports on implementation of anti-corruption measures on own WEB sites. Monitoring is carried out by the Public Councils of the government agencies.

Civil society activists attended a presentation on the “Guidelines for Making of an Alternative Report by Civil Society Representatives”, in accordance with the OECD methodology. So far such alternative reports were prepared by the Anti-Corruption Business Council (ACBC), NGO Result and, on specific sectors, by a number of other NGOs.

Government authorities of the KR are willing to cooperate with the civil sector and ready to provide access to the drafting of alternative reports to any interested NGOs.

In March of 2016 the NGO Result engaged a wide circle of civil society representatives to begin an alternative monitoring of implementation of 15 (1-5, 14-22, 25) recommendations of the 3rd Round of Monitoring of the Istanbul Action Plan, with subsequent presentation of own proposals and recommendations.

The report on such alternative 3 Round monitoring was made public in May 2016. It contains an independent review and assessment of the progress achieved by the KR in implementation of the IAP anti-corruption measures and the nation’s abidance by the recommendations after the beginning of the 3d Monitoring Round (see the full text at http://result.kg/category/%D0%BE%D1%82%D1%87%D0%B5%D1%82%D1%8B/).

After the formation of Public Councils with public authorities one person in each council passed special training and joined working groups for comprehensive assessment of the efficiency of
Implementation of anti-corruption measures by government authorities of the Kyrgyz Republic. The system of systemic assessment (verification) of the efficiency of anti-corruption measures in the Kyrgyz Republic was de facto launched in the beginning of 2016, as at the end of 2015 such evaluation was carried out only with regard to 2 government agencies. The methodology of the anti-corruption monitoring and assessment was approved by Ordinance of the Government of 12.02.2014, N 44-p. For the purpose of implementation of this methodology the same Ordinance in September 2015 approved the “Guidance on comprehensive assessment of the efficiency of implementation of anti-corruption measures by government authorities of the Kyrgyz Republic”.

In March 2016 the Office of the Government assessed 25 public bodies, and the General Prosecutor’s Office in its turn conducted such assessment (in August 2016) of 42 different authorities.

Apart from that, the General Prosecutor’s Office checked on the execution of anti-corruption legislation by the Offices of Plenipotentiary Representatives of the Government of the Kyrgyz Republic in the Regions and at the Mayor's offices of Bishkek and Osh. These audits covered compliance with the anti-corruption legislation in individual performance evaluation, hiring procedures, formation of Ethics Commissions, response to citizens' petitions alleging unlawful actions of state or municipal employees, and the execution of measures envisaged by the State Strategy on the Anti-Corruption Policy. The results of the audit were announced at the meeting of the Kyrgyz Government in August 2016.

The schedule of the working groups’ visits to the government authorities for their assessment (verification) is drafted on the basis of the list of state agencies with the lowest level of credibility, which is published by the National Statistical Committee of the Kyrgyz Republic on the basis of the results of opinion polls on “Individual perception of the level of corruption in the state bodies of executive power and local self-government” (http://www.stat.kg/ru/indeks-doveriya-naseleniya/).

Progress assessment – 17th meeting: PROGRESS

The country reports that some government authorities have outlined their needs to finance action plans to eradicate causes and conditions enabling corrupt practices, however no details are provided. Moreover, civil society representatives state that the lack of evaluation of financial needs still makes it difficult for the authorities to receive funding.

The government takes certain measures to engage the civil society in anti-corruption plan development through consultations with the civil society and public councils. At the same time, the NGOs state that the government should take into account more proposals and recommendations from the civil society and engage more NGOs into the process.

Kyrgyzstan is evaluating the efficiency of anti-corruption measures applied by the government and publishing reports on anti-corruption measures. Representatives of the civil society inform that publication of the reports should be systemic and consistent and underline the importance of public discussions of the reports. Moreover, they state that the quality and objectivity of monitoring reports need improvement.

18th Meeting, September 2017

Report of the Government:

Within the framework of implementation of the State Anti-Corruption Strategy there was adopted the Decree of the President of the Kyrgyz Republic No. 215 of 12 November 2013 and the Resolution of the Government of the Kyrgyz Republic No. 170 of 30 March 2015. These normative legal acts are at the implementation stage, and they envisage the measures that minimize corruption in several areas: legislative, managerial, functional, technical (automation) and institutional.
Legislative and functional areas are realized through the performance of direct functional duties of civil servants and do not require additional financial injections.

Regarding the technological area, the national project "Taza Coom" is being implemented at the state level, which includes the implementation of the above processes and is provided with financing at the state level (the allocated budget is 220 mln soms). "Taza Coom" is an effective tool for the eradication of corruption in the public sector by minimizing the impact of the human factor through the automation of administrative processes and procedures and the provision of digital public services.

There was established an institution of the Anti-Corruption Commissioner in the state in the institutional area. In connection with the introduction of the post of the Anti-Corruption Commissioner in the Register of the State and Municipal Posts of the Kyrgyz Republic (Presidential Decree of the Kyrgyz Republic of 31 January 2017 No. 17) there were established offices of the Anti-Corruption Commissioner in 43 authorized agencies. In some ministries and departments there operate anti-corruption departments (sectors) with a staffing of 3-4 units. The republican budget allocates around 33.2 million soms annually for the salary of these employees.

At the end of 2016, the Anti-Corruption Commissioner discussed the main problems of the successful implementation of the State Anti-Corruption Strategy of the Kyrgyz Republic for 2015-2017.

To ensure active participation of the civil society in the implementation of the State Anti-Corruption Strategy, the Security Council Working Group is working to identify corruption risks in the state authorities, which also involves representatives of public councils of the state authorities and the expert community, based on sectoral policies. At the meetings of the Security Council Working Group, there were reviewed 44 state authorities and more than 700 corruption risks, the liquidation of which required the implementation of more than 2000 systemic long-term and short-term measures. Thanks to the systematic work being carried out by the Security Council Working Group, to date about 42% of the anti-corruption measures were implemented. The remaining measures are under implementation.

Since the beginning of 2017, there were developed 12 anti-corruption plans for the government agencies, and monitoring was conducted in 28 state authorities, in which representatives of the civil society participated directly. In addition, weekly reports on the implementation of anti-corruption measures and monitoring results are published on the information portal, including government websites.

There was strengthened coordination of interaction of the state authorities, as well as control over execution of the approved anti-corruption measures. Thus, the Vice-Prime Minister and the Chairman of the Accounts Chamber of the Kyrgyz Republic were included in the Security Council Working Group. There was established a process of constant monitoring of the progress of the state authorities at the level of the Vice Prime Minister, while the problematic issues are addressed at the level of the Prime Minister of the Kyrgyz Republic. At the Governmental level the work was arranged to systematically review the reports on implementation of the anti-corruption measures at the government meetings, there were taken the measures to ensure interaction of the state authorities in the area of organization of a platform with the state authorities, which co-execute the comprehensive plans.

In accordance with the order of the Prime Minister of the Kyrgyz Republic of 14 December 2016, there was approved a schedule of workshops on the implementation by the state authorities of the comprehensive step plans for dismantling systemic corruption (two state authorities per month). As of 1 August 2017, 14 meetings were held.
A report on implementation of the anti-corruption measures by the state authorities following the results of 2016 was heard at the Government meeting with participation of the Prime Minister of the Kyrgyz Republic (24 February 2017).

All final reports, prepared by the Government of the Kyrgyz Republic with explanations and analytical reports, are discussed with non-governmental organizations and business associations at the special available dialogue platforms (Anti-Corruption Council under the Government of the Kyrgyz Republic with the civil society and business associations). The final report for 2016 and the results of the first half of 2017 were made publicly available on the anti-corruption website of the Government Office of the Kyrgyz Republic - www.anticor.gov.kg, and the official website of the Ministry of Economy - http://mineconom.gov.kg/.

The sessions of the Government of the Kyrgyz Republic are broadcasted on television and in social networks and individual achievements and shortcomings in the published reports are discussed. The final reports on implementation of the anti-corruption measures are published on the departmental websites of government agencies (monitoring is carried out by public councils of the state authorities).

The system of evaluation (verification) of the effectiveness of the anti-corruption measures in the Kyrgyz Republic was systematically launched since the beginning of 2016. In the first half of 2017, the Government Office conducted an assessment of 15 state authorities.

### Progress assessment – 18th Meeting: PROGRESS

The provided information does not contain data on the assessment of financial needs for implementation of the State Anti-Corruption Strategy, with the exception of amounts spent on the introduction of the institution of the Commissioner for the Prevention of Corruption in State Agencies. Accordingly, funding for the implementation of the strategy remains largely unordered. The "Taza Coom" project is aimed at informatization of the country, and although some of the steps implemented in its framework may be of anti-corruption nature, it is not directly related to the implementation of the strategy.

Also there was received general information on the involvement of the public in the development of monitoring implementation of the departmental anti-corruption plans. It is also indicated that semi-annual reports on implementation of the strategy are discussed with the public and the business community. These reports are published on the website of the Ministry of Economy. The Government Office assesses the effectiveness of the anti-corruption measures in the state authorities. However, there is no information on how the international and expert communities are involved in monitoring implementation of the strategy. In addition, the question remains about the effectiveness of monitoring, how it contributes to improving the situation with the implementation of the strategy and overcoming corruption in general.

### Recommendation: Corruption surveys

*Conduct regularly and based on comparative methodology studies and opinion polls on corruption issues, as well as on public trust of government institutions and disseminate such reports.*

*Ensure that part of anti-corruption researches are commissioned on a competitive basis to nongovernmental institutions.*

*Use findings and recommendations of corruption studies in development and monitoring of anti-corruption strategies and programmes.*
Report of the Government:

1) On the initiative of business associations the Analytical Center BIZEXPERT researched entrepreneurs’ perception of the Charter “Business of Kyrgyzstan against Corruption”. This research showed the attitudes of the business people of Kyrgyzstan to the Charter and its weaknesses in terms of implementation. The survey was conducted on-line, anonymously and on voluntary basis. See https://docs.google.com/forms/d/1bTsFLalYtaGUyhclRKcvLyZJal__jT6LBxoOkKyYDs/viewform?c=0&w=1. The results of this research were presented on April 19, 2014 at the conference “Business Against Corruption: Current Challenges and Tendencies”.

2) In order to assess the efficiency of measures taken to counter corruption over the recent years, the Analytical Center BIZEKSPERT jointly with the Chamber of Commerce of the KR conducted a research of the key macroeconomic indicators in the context Kyrgyzstan’s corruption rating according to Transparency International and prepared a study titled “When will Kyrgyzstan get rid of corruption?”

3) At the end of 2015 patients at health care institutions of the KR anonymously replied to a questionnaire on non-official charges for rendered medical services. This project received broad media coverage.

4) The State Inspectorate for Environmental and Technological Safety under the Government of the Kyrgyz Republic and the Department of Prophylaxis and of Sanitary and Epidemiological Oversight of the KR Ministry of Health launched a feedback mechanism that is to provide prompt and objective evaluation of inspecting authorities’ performance by the client businesses. The results of this evaluation will serve to further improve the work of inspecting authorities. This initiative is supported by the Ministry of Economy of the Kyrgyz Republic and by an International Finance Corporation (IFC) project promoting improvement of the investment climate in the Kyrgyz Republic; the project is financed by the Governments of Switzerland and the UK. The survey results will be automatically generated on www.proverka.kg every three months in the form of graphs.

5) In February 2016 the participants of the “Civic Control and Transparency in the Public Procurement System” Project developed a methodology for monitoring of e-procurement, conducted such monitoring and assessment of e-procurements and issued an analytical paper on the obtained results.

6) With the financial support of OSCE Centre in Bishkek the SIAR Research & Consulting Agency (Kyrgyzstan) and INDEM Foundation (Russia) carried out corruption research and surveys titled “The society and corruption in Kyrgyzstan”. The two researching entities were selected on competitive basis from amongst non-government institutions. (http://www.osce.org/ru/bishkek/140511?download=true).

7) The “Public Confidence Index” earlier approved by Decree of the Government “On assessment of performance efficiency of the state bodies of executive power and local self-government of the Kyrgyz Republic” of February 17, 2012 (no. 105) was supplemented with an additional index “Individual perception of the level of corruption in the state bodies of executive power and local self-government”. This is to help in the research and identification of the extent of corruption in the Kyrgyz Republic (http://www.stat.kg/ru/indeks-doveriya-naseleniya) and to provide research-based sociological data on the current state of corruption in the society as a whole and in specific government authorities. The questionnaire was developed on the basis of the TI Global Corruption Barometer. The most recent relevant publication covered the results of the first half of 2016.
According to the information provided, Kyrgyzstan carries out corruption-related sociological polls from time to time and publishes their results. The country continues measuring public awareness of the corruption rate in the government authorities. We have received no new data of how the poll results are used to develop and implement the anti-corruption policy. Although the government has not reported that the public was engaged on a competitive basis to conduct the polls, the civil society representatives report that such engagement is practiced.

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<th>18th Meeting, September 2017</th>
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**Report of the Government:**

Within the framework of implementation of the State Anti-Corruption Strategy there was adopted the Decree of the President of the Kyrgyz Republic No. 215 of 12 November 2013 and the Resolution of the Government of the Kyrgyz Republic No. 170 of 30 March 2015. These normative legal acts are at the implementation stage, and they envisage the measures that minimize corruption in several areas: *legislative, managerial, functional, technical (automation) and institutional.*

Legislative and functional areas are realized through the performance of direct functional duties of civil servants and do not require additional financial injections.

Regarding the technological area, the national project "Taza Coom" is being implemented at the state level, which includes the implementation of the above processes and is provided with financing at the state level (the allocated budget is 220 mln soms). "Taza Coom" is an effective tool for the eradication of corruption in the public sector by minimizing the impact of the human factor through the automation of administrative processes and procedures and the provision of digital public services.

There was established an institution of the Anti-Corruption Commissioner in the state in the institutional area. In connection with the introduction of the post of the Anti-Corruption Commissioner in the Register of the State and Municipal Posts of the Kyrgyz Republic (Presidential Decree of the Kyrgyz Republic of 31 January 2017 No. 17) there were established offices of the Anti-Corruption Commissioner in 43 authorized agencies. In some ministries and departments there operate anti-corruption departments (sectors) with a staffing of 3-4 units. The republican budget allocates around **33.2 million soms** annually for the salary of these employees.

At the end of 2016, the Anti-Corruption Commissioner discussed the main problems of the successful implementation of the State Anti-Corruption Strategy of the Kyrgyz Republic for 2015-2017.

To ensure active participation of the civil society in the implementation of the State Anti-Corruption Strategy, the Security Council Working Group is working to identify corruption risks in the state authorities, which also involves representatives of public councils of the state authorities and the expert community, based on sectoral policies. At the meetings of the Security Council Working Group, there were reviewed 44 state authorities and more than 700 corruption risks, the liquidation of which required the implementation of more than 2000 systemic long-term and short-term measures. Thanks to the systematic work being carried out by the Security Council Working Group, to date about 42% of the anti-corruption measures were implemented. The remaining measures are under implementation.

Since the beginning of 2017, there were developed 12 anti-corruption plans for the government agencies, and monitoring was conducted in 28 state authorities, in which representatives of the civil society participated directly. In addition, weekly reports on the implementation of anti-corruption measures and monitoring results are published on the information portal, including government websites.

There was strengthened coordination of interaction of the state authorities, as well as control over
execution of the approved anti-corruption measures. Thus, the Vice-Prime Minister and the Chairman of the Accounts Chamber of the Kyrgyz Republic were included in the Security Council Working Group. There was established a process of constant monitoring of the progress of the state authorities at the level of the Vice Prime Minister, while the problematic issues are addressed at the level of the Prime Minister of the Kyrgyz Republic. At the Governmental level the work was arranged to systematically review the reports on implementation of the anti-corruption measures at the government meetings, there were taken the measures to ensure interaction of the state authorities in the area of organization of a platform with the state authorities, which co-execute the comprehensive plans.

In accordance with the order of the Prime Minister of the Kyrgyz Republic of 14 December 2016, there was approved a schedule of workshops on the implementation by the state authorities of the comprehensive step plans for dismantling systemic corruption (two state authorities per month). As of 1 August 2017, 14 meetings were held.

A report on implementation of the anti-corruption measures by the state authorities following the results of 2016 was heard at the Government meeting with participation of the Prime Minister of the Kyrgyz Republic (24 February 2017).

All final reports, prepared by the Government of the Kyrgyz Republic with explanations and analytical reports, are discussed with non-governmental organizations and business associations at the special available dialogue platforms (Anti-Corruption Council under the Government of the Kyrgyz Republic with the civil society and business associations). The final report for 2016 and the results of the first half of 2017 were made publicly available on the anti-corruption website of the Government Office of the Kyrgyz Republic - www.anticor.gov.kg, and the official website of the Ministry of Economy - http://mineconom.gov.kg/.

The sessions of the Government of the Kyrgyz Republic are broadcasted on television and in social networks and individual achievements and shortcomings in the published reports are discussed. The final reports on implementation of the anti-corruption measures are published on the departmental websites of government agencies (monitoring is carried out by public councils of the state authorities).

The system of evaluation (verification) of the effectiveness of the anti-corruption measures in the Kyrgyz Republic was systematically launched since the beginning of 2016. In the first half of 2017, the Government Office conducted an assessment of 15 state authorities.

**Progress assessment – 18th Meeting: PROGRESS**

The provided information does not contain data on the assessment of financial needs for implementation of the State Anti-Corruption Strategy, with the exception of amounts spent on the introduction of the institution of the Commissioner for the Prevention of Corruption in State Agencies. Accordingly, funding for the implementation of the strategy remains largely unordered. The "Taza Coom" project is aimed at informatization of the country, and although some of the steps implemented in its framework may be of anti-corruption nature, it is not directly related to the implementation of the strategy.

Also there was received general information on the involvement of the public in the development of monitoring implementation of the departmental anti-corruption plans. It is also indicated that semi-annual reports on implementation of the strategy are discussed with the public and the business community. These reports are published on the website of the Ministry of Economy. The Government Office assesses the effectiveness of the anti-corruption measures in the state authorities. However, there is no information on how the international and expert communities are involved in monitoring implementation of the strategy. In addition, the question remains about the
effectiveness of monitoring, how it contributes to improving the situation with the implementation of the strategy and overcoming corruption in general.

**Recommendation:** Participation of civil society

Ensure more efficient co-operation between civil society and public institutions in fighting corruption and conduct joint practical anti-corruption activities, for example, in the area of research or training.

Further involve the public at large in developing policies, laws and in assessing anti-corruption measures, including through public consultations and hearings, publication of draft policy documents, using and on-line comments and similar tools easily accessible for the public.

**17th Meeting, September 2016**

**Report of the Government:**

1) The Government of the Kyrgyz Republic has established its Anti-Corruption Council.

2) The Anti-Corruption Forum of Government Agencies and Business Associations was established on the basis of the former Anti-Corruption Forum of Government Agencies and Civil Society Institutions with the Ministry of Economy. The first meeting of the Forum occurred on July 29, 2015 and was followed, on October 2, 2015, by the signing of the Memorandum of Understanding and Cooperation between the Government and the Business Community in the Anti-Corruption Sphere.

3) On May 24, 2014 the Kyrgyz Republic passed the Law “On Public Councils” according to which such Councils operate in 34 (out of 36) government authorities. The Councils include representatives of the academia, business associations, commerce, and industries and from a total of 187 NGOs. In the beginning of 2016 the Public Councils created their Coordination Board that features an anti-corruption working group.

4) Another format that continues to work in the KR is the Anti-Corruption Coordination Meeting of law enforcement, fiscal and other authorities and of self-government bodies under the General Prosecutor’s Office. At the last session of June 28, 2016 the Meeting participants covered in much detail the progress in implementation of the anti-corruption legislation and analyzed the efficiency of the performance of the GPO and the Office of Government of the Kyrgyz Republic.

On September 12, 2015 the General Prosecutor’s Office marked the International Anti-Corruption Day by a Research and Practice Conference on “Modern Methods of Combating Corruption”. The event was attended by Deputies of the Jogorku Kenesh, representatives of the Office of the President, the Secretariat of the Council of Defense, the Supreme Court and the Accounting Chamber, by senior officers of the law enforcement and other government agencies, by law students and scholars, and by representatives of IGOs, NGOs and the media. The conference adopted a Resolution on its results.

**Progress assessment – 17th meeting: PROGRESS**

The country reports about different forms of cooperation between the government and civil society in the anti-corruption area, including cooperation in public councils. Largely, there is no new information about public engagement in the anti-corruption policy development. Representatives of the civil society report broad cooperation in education and R&D, while stating that the cooperation in policy development should be stronger. Furthermore, members of the public complain of a lack of feedback on their proposals submitted to the government.
Report of the Government:

The Government Office and the Secretariat of the Security Council of the Kyrgyz Republic meet with representatives of the civil society on a monthly basis. The problems raised by representatives of the civil society are discussed in close interaction with them.

In addition, independent experts and members of public councils systematically conduct sectoral studies of corruption risks in the state authorities. Based on the results of these studies, which are subsequently considered at the meetings of the Security Council Working Group of the Kyrgyz Republic, independent experts and the state authorities jointly develop anti-corruption measures that are also approved at the meetings of the above-mentioned Working Group and become binding for the relevant state authorities.


In July 2017, the Secretariat of the Security Council held a presentation on preventing and combating corruption for the National Business Club of Kyrgyzstan, which includes about 30 leaders of various associations of Kyrgyzstan. As a result of the meeting, it was decided to hold a conference on countering corruption in September 2017 jointly by the Secretariat of the Security Council, the business community and Transparency International-Kyrgyzstan.

Anti-Corruption website. The Secretariat of the Security Council together with UNDP prepared for launching a website (anticorruption.kg) with an appropriate mobile application allowing citizens to file complaints on corruption cases in order to involve the public and civil society in the anti-corruption process, as well as to ensure inevitability of public reprimand of "thievish" officials. Launch of the beta version is scheduled for the end of September 2017.

The main purpose of the website is to provide an effective system of information interaction between the state authorities and the population, entrepreneurs, business companies, citizens and companies of foreign countries and others to promote and inform anti-corruption activities, implement the State Anti-Corruption Strategy, and collect information from Internet users and website visitors about the facts of corruption in the state authorities, the collection of assessments and opinions for the anti-corruption rating of the state authorities.

The website contains an interactive map with regions, districts and industries being mostly exposed to corruption (based on the citizens’ applications). In addition, the citizens have an opportunity to determine the rating of corruption-related state authorities through Internet voting on the website. The goal is to involve the public in the anti-corruption process, to create mechanisms for the state authorities’ reporting to the public and to ensure inevitability of public reprimand of "thievish" officials.

On 6-8 October 2016, there was held an on-site seminar on the topic "Strengthening the Capacity of Anti-Corruption Commissioners" at the initiative of the Analytical Center "BIZEXPERT" together with the Government of the Kyrgyz Republic.

On 15 December 2016, the annual conference "Assessment of Interaction of the Public Councils and the State Authorities in 2016" was held in the State Residence "Ala-Archa" No. 1 in Bishkek with
participation of the state authorities and public councils.

On 12 December, the Prosecutor General’s Office with participation of the MPs of the Jogorku Kenesh, representatives of the President’s Office, the Secretariat of the Security Council, the Supreme Court, the Accounts Chamber, heads of law enforcement and other state bodies, academic lawyers from universities, representatives of international organizations, NGOs and the media, held scientific and practical conference on "Uniting in the Fight Against Corruption in the Interests of Development, Peace and Security", dedicated to the International Anti-Corruption Day. There was held a contest of essays, photographs, posters among all participants on the topic "Corruption and Its Consequences", there were awarded prizes (the main prize was $ 120) and souvenirs.

On 27 June 2017, in Bishkek there was performed a presentation of the recommendations of the UN Convention against Corruption. Representatives of the Department for Combating Economic Crimes at the Headquarters of the United Nations Office on Drugs and Crime V.Kozin and employees of the Department of International Legal Cooperation of the Prosecutor General's Office of the Kyrgyz Republic made the presentation. This event was held as a result of the first cycle of the Review (monitoring) of Chapter 3 "Criminalization and Law Enforcement", as well as Chapter 4 "International Cooperation" of the UN Convention against Corruption.

In the first half of 2017 prosecutors participated in more than 180 rural gatherings, prosecutors spoke at more than 140 meetings in representative bodies and institutions, and carried out more than 150 speeches and publications in the media on the said topic.

**Progress assessment – 18th Meeting: PROGRESS**

In Kyrgyzstan, there is a legislative framework for cooperation between the authorities and the public, including in the anti-corruption sphere. In practice, there are also positive examples of cooperation – both the Security Council and the Government Office meet periodically with the public to discuss problematic anti-corruption issues; the Security Council cooperates with the public in the process of identifying and eliminating corruption risks. Periodically, various joint events are held to discuss anti-corruption topics.

At the same time, the problem of real influence of the civil society on the formation of anti-corruption policy and the adoption of important political issues related to this issue remains actual. As before, the public reports on the possibility of commenting and expressing views on draft laws and other regulations, but effective feedback is still lacking.

An anti-corruption website is being prepared for launch, where it is planned to conduct more active communication with the public, which, perhaps, will change the situation for the better.

**Recommendation: Raising awareness and public education**

Assign an institution to develop targeted and practical awareness-raising and public education activities (about practical solutions, rights and duties of citizens when facing corruption) and to coordinate their implementation.

Evaluate the outcomes and impact of public anti-corruption awareness-raising and education activities and use in subsequent activities.

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17th Meeting, September 2016

*Report of the Government:*
1) Coordination of activities of the law enforcement, fiscal and other agencies of the Kyrgyz Republic and of local government bodies in the development and implementation of anti-corruption measures, data collection, processing and analysis of data on the state of corruption in the public administration and local government, including assessment of the efficiency of implemented measures and of the degree of corruption-related national security threats, as well as enhancement of international cooperation and development of effective forms of cooperation with law enforcement bodies and special services are, according to Article 6 of the Law “On Combating Corruption”, vested with the prosecution authorities.

2) The Regulation on the Division for defense, law enforcement and emergencies at the Office of the KR Government specifies the following tasks of this Division (which has a Unit for anti-corruption policies): drafting of regulations and other documents on matters within the competence of the Division; control over implementation of comprehensive national anti-corruption programs and action plans; analysis of the situation in the sphere of combating corruption, with development of proposals on improvement of measures for preventing corruption; coordination of ongoing activities of the government authorities for implementation of international anti-corruption projects (programmes) and compliance with international commitments in the sphere of prevention of corruption; proper interaction with the civil society for promotion of government agencies’ and public councils’ initiatives, etc.

The Government of the KR has developed learning and methodological literature on anti-corruption training, awareness-raising and advocacy; these sources are posted in the Analytical Papers section at www.anticor.e-gov.kg.

3) The Ministry of Justice of the Kyrgyz Republic makes use of the mass media or Internet resources to raise the legal awareness of the population and to spread the knowledge related to prevention of corruption.

5) The authority in charge of anti-corruption training is the State Personnel Service of the Kyrgyz Republic. The State Order for 2016 approved by the Decree of the Government of July 27, 2015, no. №354-p, provided for an “Anti-corruption policy” course to train 400 government employees. By August 1, 2016 12 course trainings took place; they were attended by 254 government employees (93 % of the expected total).

During 2015 the General Prosecutor’s Office with the support of the Office of the Government held a string of workshops for government officials on methods of corruption risk assessment and management. The trainings featured specially prepared reports and presentations on “The system of assessment and management of corruption risks in the Kyrgyz Republic” and “The methods of corruption risk assessment and management in the government authorities of the Kyrgyz Republic”.

In 2016 17 training seminars were conducted so far. By the end of the year it is planned to hold more than 30 events and on-site lectures at government agencies and for business communities, civic councils, local government officials, university students, etc.

**Progress assessment – 17th meeting: NO PROGRESS**

The information has been provided about corruption prevention and fighting powers of a number of government agencies. However, this information fails to disclose further actions taken by Kyrgyzstan since the last progress update to designate an agency to be responsible for integrated approaches and activities in anti-corruption awareness raising, outreach and training and for coordination of such activities.

Moreover, there is no information about evaluation of performance and impact of anti-corruption awareness raising, outreach and training activities.
Report of the Government:

In order to determine the state authority or its structural unit responsible for developing comprehensive approaches and measures for anti-corruption education, the Prime Minister of the Kyrgyz Republic Order No. 65 dated 27 January 2017 made appropriate additions to the Regulations on the Department of Defence, Law Enforcement and Emergency Situations of the Government Office of the Kyrgyz Republic, approved by the Resolution of the Prime Minister of the Kyrgyz Republic dated 02 June 2016 No. 305.

The Government Office of the Kyrgyz Republic conducts regular seminars and methodological workshops for anti-corruption commissioners and representatives of public councils, such as "Mechanisms for the Civil Society Involvement in Implementation of the Anti-Corruption Measures" (28 April 2017); "Strengthening the Capacity to Implement Anti-Corruption Measures in the Regions of Kyrgyzstan" (30 June 2017), presentation of the former head of the Italian National Anti-Corruption Agency Mr. Luca Trifone (29 March 2017), "Sharing the Experience and Best Practices of Romania and the Kyrgyz Republic in Combating Corruption and Successful Anti-Corruption Reforms" (29 August 2017), etc.

In addition, the Secretariat of the Security Council of the Kyrgyz Republic in cooperation with the Government of the Kyrgyz Republic provides methodological assistance in organizing anti-corruption education in terms of identifying corruption risks and drafting anti-corruption measures in the state authorities. Thus, in order to "institutionalize the memory" of the mechanisms for drawing up detailed plans for eliminating corruption, in early 2017 the Secretariat of the Security Council of the Kyrgyz Republic developed and published 1,500 copies of Methodological Aids for Anti-Corruption Commissioners in the State Authorities and Public Councils for Identifying Corruption Risks, Working out and Monitoring of Anti-Corruption Activities with practical experience of the Security Council Working Group. Based on these materials, trainings are conducted for the anti-corruption commissioners in the state authorities and for representatives of the public councils.

The brochure contains specific step-by-step methodological recommendations and an algorithm of actions for self-identification of corruption risks, determining the causes of corruption risks, working out of preliminary measures, as well as a detailed plan of measures to eliminate corruption by the state authorities themselves.

On 28 April 2017, there was held a two-day training on ethics, conflict of interest and risk assessment for anti-corruption commissioners, which covered the issues of identification of corruption schemes in this brochure.

On 3 May 2017, the Secretariat of the Security Council of the Kyrgyz Republic with the support of the OSCE held made a presentation/training for 80 people – anti-corruption commissioners and members of the public councils to train participants in the methodology for identifying corruption risks and working out of the respective anti-corruption plans.

In August 2017, there was held a training for the Accounts Chamber on the State Anti-Corruption Strategy of the Kyrgyz Republic, as well as a methodology for identifying corruption risks.

In accordance with the Public Order approved by the Resolution of the Government of the Kyrgyz Republic on 25 January 2017, the State Personnel Service of the Kyrgyz Republic forms a public order and organizes training and advanced training for state and municipal employees, which envisages 14 courses on "Anticorruption Policy" and there were held 5 courses on the anti-corruption policy, in which 89 civil servants were trained.
In June 2017 the Public Administration Academy under the President of the Kyrgyz Republic together with the OSCE Program in Bishkek held the Summer School "National Interests of the Kyrgyz Republic in Modern Conditions", whose goal was to organize an expert platform for discussion, training, exchange of experience of practitioners, international and national experts, government officials, which will facilitate on-site decision-making.

As part of the discussion, there were addressed issues of the anti-corruption policy, which were considered in the reports on legislative initiatives to protect the national interests of the Kyrgyz Republic as well as design and development of the mechanisms to ensure the national interests of the Kyrgyz Republic.

In September 2016 there was developed the educational-methodical complex on discipline "Anticorruption policy in the Kyrgyz Republic".

**Progress assessment – 18th Meeting: PROGRESS**

According to the received information, relevant changes were made to the Regulations on the Department of Defence, Law Enforcement and Emergency Situations of the Government of the Kyrgyz Republic to determine the agency or its subdivision responsible for developing comprehensive approaches and measures for anti-corruption education. However, the powers of the Government Office apply only to the executive authorities, and for example, do not apply to the work of the State Personnel Service, which may further cause difficulties with the formation of a coordinated approach to anti-corruption education.

It should be noted that there are carried out various educational activities in the anti-corruption area. The active participants in this process include the Government Office, the Security Council, the State Personnel Service, and the Public Administration Academy.

At the same time, the results and impact of anti-corruption education and training activities are still not assessed.

**Recommendation: Anti-corruption policy and corruption prevention institutions**

*Assess the adequacy and effectiveness of anti-corruption functions performed by different existing state institutions and consider if these institutions have the necessary independence resources and specialisation as required by international standards.*

*Enhance the capacity of the body (bodies) responsible for development and control of implementation of national anti-corruption policy and programme and action plan on countering corruption by the government; provide sufficient budgetary resources, increase specialised staff and trainings, as well as ensure necessary independence to effectively and free from any undue influence carry out such functions.*

**17th Meeting, September 2016**

*Report of the Government:*

The General Prosecutor’s Office has, jointly with the representatives of the Secretariat of the Council of Defence, the Office of the Government of Kyrgyz Republic and members of Public Councils with the government authorities, conducted checks on (monitoring of) implementation of the earlier planned measures against corruption in the government institutions in the sphere of education and science, health care, finance and public procurement, architecture and construction, geology and mineral resources, land cadastre and registration of real estate property rights, and in
other bodies, including law enforcement agencies of the Republic. Such audit of execution of the scheduled activities for elimination of the system of government corruption and for implementation of the national anti-corruption policy and of the relevant strategy in the 3rd quarter of 2015 and over the reporting period of 2016 resulted in evolvement of 16 official instructions on elimination of violations of the existing regulations and 3 official motions on annulment of the unlawfully issued regulations (all 3 motions were satisfied). Disciplinary penalties were imposed on 29 officials. The identified violations pertained to drafting and adoption of some regulations, implementation of the computerized tracking system, registration of documents, etc.

This matter was discussed on June 28, 2016 at the Anti-Corruption Coordination Meeting of law enforcement, fiscal and other authorities and of self-government bodies, which decided to recommend to the Government to ensure full compliance of the executive authorities and local self-government bodies of the Kyrgyz Republic with the anti-corruption legislation, including development and further adoption of appropriate subordinate regulations according to the scheduled activities approved by the Secretariat of the Kyrgyz Republic’s Defence Council and adopted by the Government of the Kyrgyz Republic on the basis of Decrees of the President of the Kyrgyz Republic.

Moreover, the recent July and August audits of compliance with the anti-corruption legislation in the Offices of Plenipotentiary Representatives of the Kyrgyz Government in the Regions, local administrations and local self-government bodies generated 215 prosecutorial interventions regarding elimination and unacceptability of violations of the law and annulment of unlawfully approved regulations. Disciplinary sanctions were imposed on 161 officials, and 12 more were held administratively liable.

All relevant materials were forwarded to the Prime Minister of the Kyrgyz Republic and presented at the meeting of the Government of the Kyrgyz Republic on August 22, 2016.

Ordinance no. 281 of the KR Prime Minister (of May 18, 2016) approved the Methodological Guidance on assessment and management of corruption risks, for assistance in the implementation of Chapter IV (Prevention of corruption by corruption risk assessment and management) of the Action Plan of government agencies of the Kyrgyz Republic for implementation of the State Strategy on the Anti-Corruption Policy of the Kyrgyz Republic for 2015-2017 (approved by Resolution of the Government of the Kyrgyz Republic of March 30, 2015, no. 170) and also for making of the List of corruption risks and the List of official government positions of high corruption risks.

### Progress assessment – 17th meeting: NO PROGRESS

Kyrgyzstan reports some actions taken to check whether planned anti-corruption activities have been carried out by different government authorities at a central and regional level. Moreover, the government has adopted the Methodology Guidelines for corruption risk evaluation and management.

However, these steps fail to implement this recommendation, despite being positive in general.

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<td><strong>Report of the Government:</strong></td>
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<td>The Decree of the President of the Kyrgyz Republic of 18 July 2016 No. 161 approved a set of measures to build an effective system of the law enforcement agencies of the Kyrgyz Republic.</td>
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<td>The main objectives of reforming the system of law enforcement agencies of the Kyrgyz Republic also include definition of clear strategic tasks with a delimitation of functions and responsibilities, as well as the role of each law enforcement agency; strengthening of coordination of activities of the state and law enforcement agencies in the main areas of security; eliminating the root causes of</td>
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corruption and building a modern system of law enforcement agencies aimed at protecting private property, business, the rights and interests of entrepreneurs, and society as a whole; taking measures to stimulate performance and social security, improve the level of training and retraining of law enforcement officers; introducing effective and efficient indicators for assessing the performance of law enforcement agencies; forming a high level of legal awareness of the population with restoration of confidence in law enforcement agencies; launching mechanisms for the self-cleaning of law enforcement agencies.

In this regard, since the beginning of 2017, a number of significant changes were made, where, based on the assessment of the anti-corruption functions of law enforcement agencies and the effectiveness of their implementation of measures to combat and prevent corruption, the necessary level of their independence is ensured, additional resources are released and their specialization in countering corruption is strengthened.

In order to determine the area of responsibility in countering corruption in 2017, coordination of the state authorities in the anti-corruption process was strengthened.

Thus, the Security Council Working Group of the Kyrgyz Republic, which monitors implementation of the State Anti-Corruption Strategy of the Kyrgyz Republic, develops and implements policies for preventing and combating systemic corruption, norms and restrictions that prevent the emergence of systemic corruption activity, developing conceptual documents in the field of combating systemic corruption, performing comprehensive analysis, developing expert assessments and methodology for elimination of corruption. The Secretariat of the Security Council of the Kyrgyz Republic provides organizational assistance thereto.

The Government Office of the Kyrgyz Republic coordinates the state authorities, performs targeted propaganda of anti-corruption behaviour in the society and monitors implementation of the anti-corruption measures in order to reduce the level of corruption in the country. The Government Office – at the level of the Vice Prime Minister and the Prime Minister – reviews reports of the heads of the state authorities and clarifies the reasons for non-fulfilment or delay in the execution of the activities, both by the direct executors and co-executors. In case of revealing a subjective factor in performance of the anti-corruption measures, the Prime Minister or the Deputy Prime Minister imposes disciplinary sanctions against the leadership of the state authorities.

In turn, the Prosecutor General's Office oversees proper implementation of the anti-corruption measures developed by the Security Council Working Group while monitoring implementation of the anti-corruption measures.

The civil society, i.e. NGO representatives, expert community, public councils under the state authorities are actively involved in the anti-corruption process by participating in the development of detailed plans for eliminating corruption and in monitoring of their implementation.

**Progress assessment – 18th Meeting: PROGRESS**

There is provided information on changes in the law enforcement system based on assessment of the anti-corruption functions of the law enforcement agencies and effectiveness of their implementation of the measures to combat and prevent corruption.

Information is also provided on the functions of the Security Council Working Group to monitor implementation of the State Anti-Corruption Strategy of the Kyrgyz Republic, the Government Office and the Prosecutor General’s Office in the field of formation and implementation of the anti-corruption policies. However, this information only confirms that assessment of the powers, conditions and practices of their implementation has not been carried out and at the moment there is no clear delineation of these powers.

During bilateral consultation, representatives of the Security Council, the Government Office and the Prosecutor General's Office provided examples of intensifying their coordinated work on implementation of the anti-corruption policies, which may indicate progress, but rather insignificant.
Part 2: Criminalisation of Corruption and Law Enforcement

Recommendation: Offences and elements of offence

<table>
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<tr>
<th>Harmonize the Criminal Code, the Law on Countering Corruption, the Code of Administrative Offences and other legislative acts in the anti-corruption area on the basis of their detailed comparative analysis.</th>
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<tr>
<td>Revise the Law on Countering Corruption by regulating its provisions and ensuring the possibility of its implementation and consistency with other laws.</td>
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<td>Establish criminal liability for all the elements of corruption-related crimes (both in the public and private sector) in accordance with the international standards, including for offering and promise, demand for and acceptance of offering or promise of bribe, use of intermediaries, obtaining of advantages by third parties, undue advantage in an intangible form, an autonomous and integral notion of “public official”.</td>
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<td>Provide for, with the Criminal Code, liability for trade in influence, revise the wording of offences related to malfeasance (abuse) in office to ensure that they are not overly broad in violation of the legal certainty requirements, and abrogate liability for “corruption”.</td>
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<td>Incorporate in law liability of legal entities for corruption offences, with proportional sanctions, and ensure their implementation.</td>
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<td>Revise provisions on effective regret to ensure their consistency with the international standards.</td>
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17th Meeting, September 2016

Report of the Government:

The draft Criminal Code of the Kyrgyz Republic (passed at the session of the Jogorku Kenesh on June 30, 2016 in the second reading) covers corruption and other crimes against the interests of the state and municipal services, including: abuse of official position; abuse of power; illicit enrichment; acceptance of bribe; solicitation of bribe; giving of bribe; intermediation in bribery, etc. In addition, the draft article of the Criminal Code (intermediation in bribery) criminalizes a promise or offer of assistance in bribing.

The draft Code features definitions of “official”, “official holding a responsible position”, “foreign public official” and “official of a public international organization”.

The draft Criminal Code provides for application of coercive measures of criminal law with regard to legal persons if an offence is committed by a natural person on behalf of or by means of a legal person for the benefit of such legal person, regardless of whether the individual is brought to criminal liability. The coercive measures of criminal law applicable to legal persons are imposition of a fine an entity, restriction of its rights and liquidation of the legal entity. These measures may be applied to legal persons for the following offences: fake entrepreneurial activities; legalization (laundering) of proceeds from crime; abuse of power in a commercial or other organization; commercial bribery; illegal acceptance of remuneration by an employee; illegal participation of an official in business activity; intermediation in bribery; giving of bribe, and others.

The Administrative Procedure Code of the Kyrgyz Republic was developed and passed by the Jogorku Kenesh in the second reading on May 25, 2016.
Other draft laws were also developed, including drafts of the Code of Criminal Procedure and the Code of Misdemeanours, which were passed by the Parliament in the second reading on, respectively, June 29 and June 30 of 2016.

Improvements in the criminal law in terms of combating corruption with application of the provisions of the UN Convention against Corruption and the types of liability of legal persons are reflected in the previous progress report discussed at the 16th Meeting.

Progress assessment – 17th meeting: PROGRESS

According to the information provided, the Parliament passed a draft Criminal Code at a second reading. In particular, the document establishes penal sanctions to be applied to legal entities and seeks to implement other provisions of the recommendation, for example, regarding intermediaries in bribery. However, the draft fails to encourage implementation of other requirements, for example, those relating to abrogation of liability for “corruption”, establishment of liability for such elements of bribery offences as advantages received by the third parties, undue advantages in a non-pecuniary form, etc.

18th Meeting, September 2017

Report of the Government:

On 2 February 2017 there was adopted the new Criminal Code of the Kyrgyz Republic, where Chapter 44 (Corruption and other crimes against the interests of the state and municipal service) sets criminal liability for abuse of office, excess of power, illicit enrichment, bribe-taking, extortion of bribes, bribe-giving, mediation in bribery, etc. In addition, criminal liability is stipulated for a promise or offer of mediation in bribery.

The definitions of such crimes as abuse of office and excess of power were revised.

This Code defines the following terms: "official", "official in charge", "foreign public official" and "official of a public international organization".

The Criminal Code also provides for use of coercive criminal law measures against legal entities (Chapter 20) if the act is committed in the name or through a legal entity by an individual to the benefit of that legal entity, regardless of whether such an individual is held criminally liable. The coercive criminal law measures applied to legal entities include a fine, restriction of rights and liquidation of a legal entity. Confiscation of assets of a legal entity can be used as an additional criminal law measure.

These measures can be applied to legal entities in case of commission of the following crimes: legalization (laundering) of criminally received proceeds; abuse of powers in a commercial or other organization; commercial bribery; illegal receipt of remuneration for employees; illegal participation of an official in entrepreneurial activities; mediation in bribery; bribe-giving and other unlawful actions.

When the court appoints a punishment, mitigating circumstances include sincere repentance or active promotion of the disclosure of a crime (Article 73 of the new Criminal Code of the Kyrgyz Republic).

The concept of the new Criminal Procedural Code of the Kyrgyz Republic adopted on 2 February 2017 is aimed at solving the following fundamental problems of criminal justice:

1. Reformattng the stage of institution of a criminal case, which, in the framework of pre-trial
proceedings, starts from the moment of registration in the uniform register of a statement (report) about crimes and misdemeanours. All procedural actions can be committed only after commencement of criminal proceedings on the case.

2. Giving the procedural form to the operational-search actions carried out within the framework of the criminal case being investigated. A separate chapter of the Criminal Procedural Code of the Kyrgyz Republic is devoted to the special investigative actions, which include a variety of investigative actions, while information about the fact and method of their conduct are not subject to disclosure.

3. Making the criminal process more flexible by introducing the institution of a "procedural agreement": (1) an agreement on pleading guilty; 2) procedural cooperation; 3) agreement on reconciliation of the parties.

The Criminal Procedural Code of the Kyrgyz Republic contains a new section "Special Procedure for Criminal Proceedings", which includes a new institution "Peculiarities of Proceedings in Relation to Legal Entities". If during the pre-trial proceedings it turns out that a suspect, acting individually or as a member of the collegial structure of the relevant legal entity, based on the right to represent a legal entity, act on his behalf or take decisions on behalf of a legal entity or exercise control within the legal entity or on service of a legal entity has committed a criminal act in the interests of this legal entity, the investigator issues a grounded decision on commencement of the pre-trial proceedings on applying criminal law measures to a legal entity.

The provisions concerning the suspect and the accused, which are now equal in their legal status, have been brought in line with the international requirements. In the Criminal Procedural Code of the Kyrgyz Republic much attention is paid to ensuring safety of participants of the criminal proceedings.

On 31 January 2017 the Criminal Executive Code of the Kyrgyz Republic was adopted.

On 1 February 2017 the Code on Misdemeanours of the Kyrgyz Republic was adopted.

On 13 April 2017 the Code on Violations of the Kyrgyz Republic was adopted.

All new codes will become effective from 01 January 2019.

Progress assessment – 18th Meeting: PROGRESS

In February 2017, Kyrgyzstan adopted a new Criminal Code, which will enter into force on 1 January 2019. The Code introduces quasi-criminal liability of legal entities for corruption, which is a significant step forward. Also, the Code criminalized the consent to accept a bribe, offer and promise of a bribe in the public sector as a separate corpus delicti and envisaged liability for bribe-receiving "in person or through an intermediary".

At the same time, the new Code does not facilitate implementation of other important parts of the recommendation, for example, on abolition of liability for "corruption", establishment of liability for such elements of bribery as receiving benefits from third parties, improper benefit in non-material form as a subject of bribery, etc.

Another problematic aspect is that the definition of "official" in the new Code excludes employees who perform auxiliary or other functions.
**Recommendation: Sanctions**

Collect and analyse statistics on application of sanctions for corruption offences to assess their effectiveness in practice.

Revise sanctions for corruption offences to ensure their efficiency, proportionality and dissuasiveness and eliminate corruption risks.

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**17th Meeting, September 2016**

**Report of the Government:**

The Supreme Court of the Kyrgyz Republic regularly generalizes local courts’ decisions in corruption-related cases. In the second quarter of 2016 the cases where lower courts had invoked Articles 225 and 303-315 of the Criminal Code of the KR totalled 434, including those where the courts delivered relevant sentences.

Prosecutor’s offices carry out similar analysis on a quarterly basis; its results are considered at the meetings of the Board of the General Prosecutor’s Office of the Kyrgyz Republic (specifically, on February 12 and July 22 of 2016).

Moreover, the Work Plan of the Anti-Corruption Coordination Meeting for 2016 envisages an analysis of the applied articles and pronounced sentences in criminal cases on corruption offences over the period from 2013 through 2015, in order to determine how effectively the system performed and to draft proposals on ensuring the lawfulness of proceedings in criminal cases of this category and of the penalty review, with the safeguards of efficiency, effectiveness and proportionality of punishment. This matter will be considered at the next Coordination Meeting.

The drafters of the Criminal Code sought to optimize criminal liability and for this purpose defined some offences as criminal misdemeanours covered in a separate Code of Misdemeanours. Basically, a misdemeanour is what used to be called an offence of minor gravity. The new draft Code sets the minimum (one year) and the maximum (15 years) terms for deprivation of liberty, with a possibility of cumulative 20 years of imprisonment for multiple offences. Life imprisonment may by way of pardon be commuted to twenty years of prison.

The draft of the Criminal Code provides for alternative punishments that imply no deprivation of liberty. These include public works; deprivation of the right to occupy certain official positions or engage in certain activities; correctional work; triple ayip; fine.

Some penalties are broken down into categories depending on the duration of specific sentences or by the size of the sum to be paid.

The draft Code of Misdemeanours imposes penalties without deprivation of liberty – mostly fines and public works.

**Progress assessment – 17th meeting: NO PROGRESS**

The information provided about the case law analysis and sanction analysis conducted by public prosecutor’s offices does not specify the actions taken, what conclusions they have prompted and what practical results they have brought. Planned actions cannot be considered evidence of progress.

Moreover, the draft Criminal Code fails to reconcile inconsistencies regarding proportionality and
effectiveness of penalties. The inconsistencies were revealed by experts during the monitoring and laid a ground for this recommendation.

**18th Meeting, September 2017**

**Report of the Government:**

Based on a thorough analysis of judicial practice, development of the new Criminal Code of the Kyrgyz Republic (adopted on 2 February 2017), the priority tasks include optimization of criminal liability, reform of the system and types of punishment, introduction of the probation institute and others.

In accordance with Chapter 11 of the new Criminal Code of the Kyrgyz Republic, a court may apply to persons found guilty of committing a crime, including corruption crimes; such types of basic punishments with their graduation from less severe to more severe (please refer to the attached). The types of punishments are correlated according to the degree of severity in accordance with the rules set forth in Annex 2 to this Code (Table of Conformity of Types and Levels of Punishments for Crimes for the Unified Sanction Formation), which fall into the appropriate categories. This novelty is aimed not only to ensuring effectiveness of the application of sanctions, but also to eliminating corruption risks when imposing criminal penalties.

Determination of the type of correctional facility for a convict and the place of serving a sentence in the form of deprivation of liberty is carried out by a special commission of the state authorities of the penal system in accordance with the requirements of the new Criminal Executive Code of the Kyrgyz Republic of 31 January 2017 (effective from 1 January 2019), i.e. now the court will not decide the place and condition of serving the sentence.

In addition, according to the Resolution of the Coordination Meeting of the Law Enforcement, Fiscal and Other State Authorities, Local Governments of the Kyrgyz Republic on Combating Corruption of 23 June 2017 No. 1, the Government of the Kyrgyz Republic together with the law enforcement, judicial and other state authorities on the basis of an analysis of punitive practices in criminal cases of corruption (official) crimes were recommended to consider the issue of drafting a law on implementing the criminal law prohibition of conditional sentence and termination of criminal proceedings for all crimes committed with use of official position.

On 11 July 2017, the Government of the Kyrgyz Republic approved the Action Plan for Implementation of this Coordination Meeting Resolution.

**Progress assessment – 18th Meeting: PROGRESS**

There was provided information on adoption of the new Criminal Code, which, among other things, is based on the analysis of judicial practice. Most of the provisions of the new Code in terms of criminal punishment cannot be called proportional. While the sanctions for bribe-taking can be called acceptable, the new Code does not contain the fines’ multiplicity of the subject of bribery or commercial bribery, as is the case in the current Criminal Code. In addition, the sanctions for bribe-giving, commercial bribery, unlawful receipt of remuneration for employees in the new code are clearly inadequate given the short statute of limitations. Quite low penalties are provided for legal entities.

It is worth noting the provision of the new Criminal Code on non-application of statute of limitation to certain corruption crimes (illicit enrichment of an official in charge, giving a bribe to such person or extorting a bribe by him), but the list of corruption crimes to which this rule applies is too narrow.

According to the information received from the public, in practice, the judiciary, when imposing sentences, mainly selects punishments not related to deprivation of liberty (91.0% in 2016, 83.8% for the 1st quarter of 2017), and more than 1/3 of the total number of cases considered (38.2% in 2016
and 32.1% in the 1st quarter of 2017) were terminated without involving officials in punishment. The main reason for this situation is the lack of statute of limitation and the frequent change by courts of qualifications in favour of less grave crimes.

There is no information that would be indicative of an analysis of the practice of applying sanctions. However, such analysis is planned – the Coordination Meeting of the Law Enforcement, Fiscal and Other State Authorities, Local Self-Government Bodies of the Kyrgyz Republic initiated the practice study for the government and consideration of the issue of legislative changes regarding the impossibility of conditional sentence and termination of criminal proceedings for all crimes committed with use of official position.

All above facts are indicative of the relatively insignificant progress in implementation of the recommendation.

**Recommendation: Confiscation**

*Introduce amendments to the procedure of confiscation of property and income received as a result of corruption offences to allow application of confiscation in all corruption crimes irrespective of their gravity.*

*Consider introducing the possibility of reversal of the burden of proof in the proceedings of confiscation; Ensure enforcement of illicit enrichment in practice.*

**17th Meeting, September 2016**

**Report of the Government:**

In terms of the existing legislation the law enforcement and other competent authorities have adequate powers to identify and trace the assets that are or may be subject to confiscation or are suspected to constitute proceeds of crime. The matters of supplementing the criminal law with regard to confiscation of property and compensation of inflicted damage and of the procedure for retrieval and seizure of the proceeds of crime are reflected in the previous progress report on the Kyrgyz Republic.

As regards the implementation of Article 308-1 (Illicit enrichment) of the Criminal Code of the Kyrgyz Republic it should be noted that the elements of this crime fully appear only when an official is unable to justify a significant increase of own assets that exceeds his/ her legal income. The need to prove the origin of one’s assets as an obligation of a public servant arises from the obligation to declare own incomes, assets and liabilities of tangible nature.

Control over the authenticity of information submitted in the declarations of civil servants is exercised by means of the mechanism of validation of the declared information.

At present the relevant article of the Criminal Code of the Kyrgyz Republic is invoked in 2 investigated cases that were initiated on the facts of illegal enrichment of officials of the Ministry of Defence and of the State Tax Service under the Government of the Kyrgyz Republic.

**Progress assessment – 17th meeting: NO PROGRESS**

The information provided offers no news on the steps taken to implement the recommendation in relation to the confiscation mechanism regulations.

The information relating to two cases under investigation pursuant to Article 308-1 (‘Illegal Enrichment’) is regarded as a positive step on the way towards implementation of the
recommendation. Nevertheless, it is not enough to report a progress as the cases are still under investigation (charges have not been brought, and cases have not been referred to the court) and there are no results of court hearings.

<table>
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<tr>
<th>18th Meeting, September 2017</th>
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<tr>
<td><strong>Report of the Government:</strong></td>
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<tr>
<td>The procedure for confiscation of assets and incomes received as a result of corruption crimes was changed at the legislative level.</td>
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<td>In accordance with Chapter 16 of the Criminal Code of the Kyrgyz Republic adopted on 2 February 2017, confiscation (seizure) of assets is a gratuitous withdrawal of the latter with its subsequent conversion into the state ownership on the basis of a conviction. The new Criminal Code covers all objects that must be confiscated when committing corrupt crimes in accordance with the international standards, including: confiscation of guns and proceeds of crime, equivalent (value) confiscation, confiscation of converted or mixed criminally received proceeds, confiscation of benefits derived from income from a crime, confiscation from a third party.</td>
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<td>Confiscation is applied by the court on the basis of a conviction on the basis of the grounds specified by the code, regardless of whether the person is held criminally liable or released from criminal liability or punishment.</td>
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<td>Confiscation is not considered a form of punishment, but is rather a coercive criminal law measure. It will be applied to all corruption crimes, and not only to those where it is mentioned as a penalty, as stipulated in the current Criminal Code of the Kyrgyz Republic.</td>
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<td>The procedure for conversion of the confiscated assets into the state income or its destruction is regulated by the Government of the Kyrgyz Republic.</td>
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<td>Currently, confiscation mechanisms are successfully applied in practice.</td>
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<td>For example, according to the court verdict, the deputy of the Jogorku Kenesh of the Kyrgyz Republic, in case with N.T., sentenced to imprisonment for committing corruption crimes, his assets (houses, apartments, shopping centers, cars, shares), including assets of third parties, were confiscated and in 2016-2017 were converted into the state income.</td>
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<tr>
<td>Article 323 (Illicit enrichment) of the new Criminal Code of the Kyrgyz Republic provides for criminal liability of an official acquiring into ownership (using) assets that exceed its official income, confirmed by lawful sources for two full years, or transferring such assets to close relatives.</td>
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<td><strong>Progress assessment – 18th Meeting: SIGNIFICANT PROGRESS</strong></td>
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<td>The new Criminal Code of Kyrgyzstan provides for a confiscation regime, which generally meets the international standards: confiscation is a coercive criminal law measure, but not a form of punishment, which will allow to apply it to all corruption crimes; all items that must be confiscated in accordance with the international standards when committing corruption crimes are covered (value confiscation, confiscation from third parties); confiscation will be applied by the court on the basis of the set grounds, regardless of whether the person is held criminally liable or released from criminal liability or punishment.</td>
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<tr>
<td>However, the new legislation does not contain provisions on the reversal of the burden of proof in the confiscation proceedings. Despite the improved version of the article on illicit enrichment in the new Criminal Code, information on application of the relevant provisions of the current legislation is not provided.</td>
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Recommendation: Immunities and statute of limitations

Ensure that immunities of the officials do not impede effective investigation and prosecution of corruption offences, in particular:

- Introduce functional immunities for all relevant officials subject to immunities under the current legislation;
- Abolish the immunity of the former President;
- Streamline procedures for lifting immunity of deputies of the parliament, Prosecutor General and Ombudsman.

17th Meeting, September 2016

Report of the Government:

The Action Plan of the government agencies of the Kyrgyz Republic for implementation of the State Strategy on the Anti-Corruption Policy of the Kyrgyz Republic for 2015-2017 was approved by the Resolution of the Government of the Kyrgyz Republic of March 30, 2015, no. 170. Its P. 5 addresses review of the provisions on immunity of public officials, in order to make sure that they do not obstruct efficient investigation and prosecution of corruption crimes.

The current status of implementation of the Action Plan was considered on June 28, 2016 at the Anti-Corruption Coordination Meeting of law enforcement, fiscal and other authorities and of self-government bodies, which decided to recommend to the Government to take efficient measures for the development and further adoption of appropriate regulations according to the scheduled activities.

All this was also reflected in the draft Criminal Procedure Code of the Kyrgyz Republic (adopted in the second reading by the Jogorku Kenesh of the Kyrgyz Republic on June 29, 2016) that has a separate Chapter on “Particular Features of Criminal Proceedings Against Certain Categories of Individuals” listing those entitled to a special procedure in criminal offence cases and in misdemeanour cases.

Progress assessment – 17th meeting: NO PROGRESS

The information provided fails to report any practical steps taken to implement the recommendation. The draft Criminal Procedure Code covers the general rules to impose criminal liability on immune people. However, these provisions are not a potential tool for implementation of this recommendation.

18th Meeting, September 2017

Report of the Government:

The existing legislation was amended, where the issues of lifting immunity from the country's top officials were radically resolved.

Thus, in accordance with the Constitutional Law of the Kyrgyz Republic "On Certain Powers of the Prosecutor's Office Set by the Constitution of the Kyrgyz Republic" No. 124 of 13 July 2017, the decision to initiate criminal proceedings is taken by the Prosecutor General of the Kyrgyz Republic in respect of: 1) the President of the Kyrgyz Republic, who has been removed from office by the Jogorku Kenesh of the Kyrgyz Republic in accordance with the procedure established by the Constitution of the Kyrgyz Republic; 2) the deputy of the Jogorku Kenesh of the Kyrgyz Republic; 3) the Prime Minister of the Kyrgyz Republic; 4) a member of the Government of the Kyrgyz Republic; 5) judges; 6) Chief of the General Staff of the Armed Forces of the Kyrgyz Republic; 7) heads of the Offices of the President of the Kyrgyz Republic, the Jogorku Kenesh of the Kyrgyz Republic and the
Government of the Kyrgyz Republic; 8) Secretary of the Security Council of the Kyrgyz Republic; 9) Chairperson of the Accounts Chamber of the Kyrgyz Republic; 10) Chairperson of the Central Commission for Elections and Referendums of the Kyrgyz Republic; 11) Akiykatchy (Ombudsman) of the Kyrgyz Republic and his/her deputy.

A decision to initiate criminal proceedings against the Prosecutor General of the Kyrgyz Republic is taken by one of the deputies of the Prosecutor General of the Kyrgyz Republic with the consent of the Jogorku Kenesh of the Kyrgyz Republic at the proposal of the President of the Kyrgyz Republic.

A decision to hold a deputy of the Jogorku Kenesh criminally liable for crimes is taken by the Prosecutor General with the consent of the Jogorku Kenesh, with the exception of cases of committing particularly grave crimes (Article 478 of the Criminal Procedural Code of the Kyrgyz Republic of 2 February 2017).

After adoption of the Law of the Kyrgyz Republic "On Amending the Constitution of the Kyrgyz Republic" following the referendum held on 28 December 2016, the Constitution was conceptually changed. In this regard, further implementation of this measure is entrusted to the Ministry of Justice of the Kyrgyz Republic to bring the legislative array in line with the newly adopted amendments to the Constitution.

Moreover, the Ministry of Justice developed additional mechanisms to lift immunities from senior political officials, which are reflected in the draft Law of the Kyrgyz Republic "On Amendments to Certain Legislative Acts of the Kyrgyz Republic" providing for changes to the Law of the Kyrgyz Republic "On the Guarantees of Activities of the President of the Kyrgyz Republic", the Law of the Kyrgyz Republic "On the Status of a Deputy of the Jogorku Kenesh of the Kyrgyz Republic", the Law of the Kyrgyz Republic "On the Ombudsman (Akiykatchy) of the Kyrgyz Republic", the Law of the Kyrgyz Republic "On the Prosecutor's Office of the Kyrgyz Republic", the Law of the Kyrgyz Republic "On the Regulations of the Jogorku Kenesh of the Kyrgyz Republic" and the Law of the Kyrgyz Republic "On the Status of Judges of the Kyrgyz Republic". To date, this bill is going through the approval procedure.

**Progress assessment – 18th Meeting: NO PROGRESS**

Despite the provided information, there were no changes in part of restricting immunities from criminal prosecution in Kyrgyzstan. There is no information about streamlining regulation of the procedure for lifting immunity of the parliament members, the Prosecutor General and the Ombudsman. Kyrgyzstan reported on a bill drafted by the Ministry of Justice containing additional mechanisms for lifting immunities from senior political officials. However, the content of this bill is not disclosed, and it is still at the stage of agreement. All of the above does not allow us to conclude that there is progress in implementing the recommendation.

**Recommendation: Investigation and prosecution of corruption**

**To amend legislation in order to allow effective access of law enforcement officials to bank secrets, tax and customs information, including before formal institution of a criminal case, while ensuring that proper protection of personal data is safeguarded. To reconcile provisions on access to bank data in the Law on Bank Secrecy and the Criminal Procedure Code.**

**To ensure that the FIU work closely with the law enforcement authorities in order to identify patterns of possible corruption and establish effective exchange of information and feedback on the action taken based on STRs. To remove legal obstacles to allow that the STRs directed to law enforcement agencies be used as evidence, insofar as they relate to domestic information.**
In accordance with Article 10 of the Law “On Banking Secret” any information constituting a banking secret is disclosed by banks on the basis of a court decision issued in accordance with the procedural legislation of the Kyrgyz Republic.

According to Article 6 of the Law “On Customs Regulation in the Kyrgyz Republic” the customs authorities of the Republic pursuant to official requests provide information as follows: to the law enforcement bodies – with regard to initiated criminal cases only in respect of persons who have committed offenses in the sphere of customs affairs; to the courts during court proceedings – as officially requested by such courts.

Article 54 of the Tax Code of the Kyrgyz Republic stipulates that no tax secret may be disclosed by the tax authorities or their officials unless such information is provided to the law enforcement authorities solely in respect of a taxpayer under criminal proceedings for a tax offense.

According to the Provisions on the State Financial Intelligence Service under the Government of the Kyrgyz Republic (approved by Decree of February 20, 2012, no. 130) one of the tasks of the Financial Intelligence Unit of the Kyrgyz Republic is “to conduct, pursuant to the established procedure, analytical work for identifying transactions with cash or other property that are related to legalization (laundering) of criminal proceeds and financing of terrorist or extremist activities, as well as consolidating such information and its forwarding to the law enforcement and judicial authorities, in accordance with the legislation of the Kyrgyz Republic”.

In this regard the Financial Intelligence Unit has the right to provide, in accordance with the established procedure, the following information: on request of the law enforcement, prosecution and judicial authorities – information or consolidated materials on criminal cases under investigation or under court proceedings, in relation to legalization (laundering) of criminal proceeds and financing of terrorist or extremist activities; on own initiative, to the court (judge), prosecutor, bodies of investigation and inquiry bodies – consolidated materials in relation to legalization (laundering) of criminal proceeds and financing of terrorist or extremist activities.

The Law of the Kyrgyz Republic no. 200 of July 28, 2015 amended and supplemented the Law of the Kyrgyz Republic “On Countering Legalization (Laundering) of Criminal Proceeds and Financing of Terrorist or Extremist Activities” of July 31, 2006 (no. 135); specifically, it clarified the concept of “proceeds of crime” which refers to any economic benefit or property derived from or obtained, directly or indirectly, by perpetration of a crime.

In this regard and in accordance with Article 183 of the Criminal Code of the Kyrgyz Republic corruption offenses constitute predicate (main) crimes preceding legalization (laundering) of the proceeds of crime.

Therefore, on the basis of a request of a law enforcement, prosecution or judicial authority the Financial Intelligence Unit of the Kyrgyz Republic has the right to provide such authority with information or consolidated materials on criminal cases under investigation or under court proceedings, in relation to legalization (laundering) of criminal proceeds, including income derived from perpetration of corruption offences.

Also, the FIU of the Kyrgyz Republic has the right on its own initiative to provide such consolidated materials to a court (judge), prosecutor, bodies of investigation and inquiry bodies.

The procedure of making, providing, registration and consideration of a consolidated material from the FIU, as well as the procedure of how the law enforcement agencies inform the State Financial
Intelligence Service under the Government of the Kyrgyz Republic about their response to the received consolidated materials, is specified in the Regulation on Providing and Responding to Consolidated Materials approved by the KR Government on March 5, 2010 (Ordinance no. 135). According to pp. 25 and 26 of this regulation the data in the consolidated material is used only for implementation of measures to counter legalization (laundering) of criminal proceeds and financing of terrorist or extremist activities.

In order to initiate a criminal case on the basis of a consolidated material from the FIU a law enforcement agency is to officially establish any data provided in the consolidated material, according to the procedure specified by law. Consolidated materials may not serve as evidence or be attached to a criminal case file. All consolidated materials and attachments thereto are confidential documents classified as “secret”.

The above described mechanism is fully in line with the FATF Recommendations, in particular p. 29.5 of the FATF Methodology for Assessing Compliance, according to which “FIU should be able to disseminate, spontaneously and upon request, information and the results of its analysis to relevant competent authorities, and should use dedicated, secure and protected channels for the dissemination”.

In this regard, elimination of legal obstacles to the use of consolidated materials or other information from FIU as evidence implies negative consequences for operational independence and autonomy of the Kyrgyz Financial Intelligence Authority.

It should be noted that there is also a need to adjust or specify the perception of the notion of STR – Suspicious Transaction Report. According to the 20th FATF Recommendation, “If a financial institution suspects or has reasonable grounds to suspect that funds are the proceeds of criminal activity, or are related to terrorist financing, it should be required by law to immediately report their suspicions to the financial intelligence unit (FIU)”.

In accordance with the legislation of the Kyrgyz Republic against legalization (laundering) of criminal proceeds and financing of terrorist or extremist activities the reports on suspicious transactions are expected from financial institutions and other established reporting entities.

Afterwards STRs are processed by the FIU of the KR. If the FIU finds any signs of legalization (laundering) of criminal proceeds and financing of terrorist or extremist activities it compiles relevant consolidated materials for the law enforcement authorities of the KR.

In this context a STR may not constitute evidence in a criminal case since it is only an opinion or suspicion of a compliance officer of a financial institution about a group of persons.

It is worth noting that the UN Convention against Corruption and FATF Recommendations carry no requirement as to the use of STRs as evidence in criminal cases.

The law enforcement agencies of the KR and the State Financial Intelligence Service under the Government of the Kyrgyz Republic have established close cooperation and information exchange ties in the investigation of criminal cases related to corruption.

During 2015 and in the first half of 2016 the Kyrgyz FIU provided its consolidated materials and other information to the indicated authorities as follows:
The number of provided consolidated materials and other data allegedly related to legalization (laundering) of criminal proceeds

<table>
<thead>
<tr>
<th></th>
<th>2015 consolidated materials</th>
<th>responses to requests</th>
<th>1st half of 2016 consolidated materials</th>
<th>responses to requests</th>
</tr>
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<tbody>
<tr>
<td>prosecutor’s offices</td>
<td>4</td>
<td>17</td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td>national security bodies</td>
<td>2</td>
<td>9</td>
<td>6</td>
<td>5</td>
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**Progress assessment – 17th meeting: NO PROGRESS**

In general, the information provided fails to report how the situation has changed regarding implementation of the recommendation. The statistics affords no ground for concluding that any systemwide changes have taken place.

**18th Meeting, September 2017**

**Report of the Government:**

With introduction of the new edition of the Criminal Procedural Code of the Kyrgyz Republic adopted on 2 February 2017, the procedures for initiating criminal cases will be simplified. Pre-trial proceedings in criminal cases will be carried out in the form of investigation, and for misdemeanours – in the form of proceedings on cases of misconduct in the manner prescribed by this Code. Pre-trial proceedings will start from the moment of entering information into the Uniform Register of Crimes and Misdemeanours.

In this regard, the issues of providing law enforcement officers with access to bank secrecy, tax and customs information prior to the formal initiation of criminal proceedings (pre-trial proceedings) will be lawful.

Besides, on 16 December 2016 there was adopted new Law of the Kyrgyz Republic No. 206 "On the National Bank of the Kyrgyz Republic, Banks and Banking Activities", according to which information constituting bank secrecy is disclosed on the basis of a judicial act.

With the support of the International Monetary Fund and the Eurasian Group on Combating Money Laundering and Financing of Terrorism, there were completed the first and second stages of the establishment of the SFIS Unified Information Network of the State Financial Committee, including systems of collection, storage and retrieval of information provided by responsible entities (banking institutions, financial institutions, non-financial commercial enterprises and other entities engaged in transactions (deals) with monetary funds or assets with a view of full-fledged IT-support of activity of the State Financial Intelligence Service (SFIS) under the Government of the Kyrgyz Republic.

The State Financial Intelligence Service under the Government of the Kyrgyz Republic and the law enforcement agencies of the Kyrgyz Republic cooperate with each other closely and have mechanisms for information exchange in the course of investigation of criminal cases related to corruption. Thus, for 2016 and the first half of 2017, SFIS sent the following number of summarized materials and information to the prosecutors and law enforcement agencies: 17/42 in 2016; 12/12 in 2017.

In accordance with the Regulations on the State Financial Intelligence Service (SFIS) approved by the Resolution of the Government of the Kyrgyz Republic No. 130 of 20 February 2012, one of the tasks of the State Financial Intelligence Service is “to carry out analytical work in accordance with the established procedure to identify transactions (transactions) with monetary funds or assets related to legalization (laundering) of criminally received proceeds and financing of terrorism or extremism,
as well as preparation and submission of summarized materials to the law enforcement and judicial bodies in accordance with the legislation of the Kyrgyz Republic”.

Therefore, SFIS has the right:

to provide at the request of the law enforcement agencies, prosecutors and courts information or summarized materials on criminal cases initiated and being examined related to legalization (laundering) of criminally received proceeds and financing of terrorism or extremism, including income derived from commission of corruption crimes, since according to Article 183 of the Criminal Code of the Kyrgyz Republic corruption crimes are predicate (main) crimes preceding legalization (laundering) of criminally received proceeds;

to provide at their own initiative to the court (judge), prosecutors' bodies, investigative bodies and inquiry bodies, summarized materials related to the legalization (laundering) of criminally received proceeds and financing of terrorism or extremism.

The procedure for formation, provision, registration and consideration of summarized materials, as well as the procedure for provision by the law enforcement agencies to the State Financial Intelligence Service under the Government of the Kyrgyz Republic of information on review of the received summarized materials, is specified in the Regulations on Provision and Consideration of Summarized materials approved by the Kyrgyz Government Resolution of 05 March 2010 No. 135, where paragraphs 25 and 26 state that the information contained in the summarized materials is used only in the course of implementation of measures on counteraction to legalization (laundering) of criminally received proceeds and financing of terrorism or extremism.

In order to initiate a criminal case, taking into account the summarized materials, the law-enforcement authorities must legalize the information contained in the summarized materials in accordance with the procedure established by law. The summarized materials cannot serve as evidence and are not attached to the criminal case. The summarized materials and annexes thereto are confidential documents bearing a stamp “secret”.

This mechanism for the formation, provision, registration and review of summarized materials fully complies with the FATF Recommendations, in particular criterion 29.5 of the FATF Evaluation Methodology, according to which the "Financial Intelligence Unit (FIU) should be able to disseminate, spontaneously and upon request, information and the results of its analysis to relevant competent authorities, and should use dedicated, secure and protected channels for the dissemination." In addition, the UN Convention against Corruption and the FATF Recommendations do not require using Suspicious Transaction Reports (STR) as evidence in a criminal case.

In this regard, the removal of legal obstacles to use summarized materials or information provided by the State Financial Intelligence Service as evidence entails negative consequences for the operational independence and autonomy of the SFIS.

It should also be noted that an amendment or clarification of the term "STR – Suspicious Transaction Report" should be made. According to the FATF Recommendations this term in Russian means “Сообщение о подозрительной операции – СПО».

According to the FATF 20th Recommendation "If a financial institution suspects or has reasonable grounds to suspect that funds are the proceeds of a criminal activity, or are related to terrorist financing, it should be required, by law, to report promptly its suspicions (STR) to the financial intelligence unit (FIU)".

In accordance with the legislation of the Kyrgyz Republic in the sphere of combating the legalization (laundering) of criminally received proceeds and financing of terrorism or extremism, an STR is sent
by financial institutions and certain categories of entities (entities who provide information).

Afterwards the STR is processed by the financial intelligence unit of the Kyrgyz Republic and if there are signs of legalization (laundering) of criminally received proceeds and financing of terrorism or extremism, the summarized materials are prepared for submission to the law enforcement agencies of the Kyrgyz Republic.

In this regard, the STR cannot be viewed as an evidence in a criminal case, since it is only a judgment or suspicion of the compliance officer of the financial institution and the entities supplying information.

Progress assessment – 18th Meeting: PROGRESS

The new Criminal Procedural Code of the Kyrgyz Republic changes its approach to the beginning of the criminal prosecution, cancelling the pre-investigation inspection stage, setting the rule on the automatic commencement of the investigation within 24 hours after receiving information about the crime. This will really enhance the capabilities of the investigation agencies by granting access to various information at the earliest stage of investigation.

However, it is unclear from the provided information that the law enforcement officers have got access to banking, customs or tax information prior to the investigation, which would enable them to form their own analytics and to increase their potential for self-identifying corruption schemes.

The provided information regarding cooperation of the law enforcement agencies with financial intelligence is indicative of some activity, but the achievement of practical results is subject to detailed study during monitoring stage.

Recommendation: Strengthening of law enforcement bodies’ capacity to detect, investigate and prosecute corruption

Increase the prevention potential of the investigators of the law enforcement and prosecution service, to increase their level of willing to take the initiative, in particular, by a broader use of analytical methods,

Besides operative information collected by the law enforcement bodies, it is necessary to use other methods of investigative departments, including more thorough analysis of the grounds for initiation of investigations, mass media reports, information from other jurisdictions, information from the tax authorities, auditors and the Pension Funds, as well as complaints received through the governmental web-site and hotlines, reports from embassies and information received through other channels of filing complaints.

Report of the Government:

The Presidential Decree “On Measures to Reform the System of Law Enforcement Authorities of the Kyrgyz Republic” (of July 18, 2016, no. 161) approved a package of actions for reforming the system of law enforcement bodies in the Kyrgyz Republic. This package was earlier approved by Resolution of the Council of Defence of the Kyrgyz Republic, also titled “On Measures to Reform the System of Law Enforcement Authorities of the Kyrgyz Republic” (of July 4, 2016, no. 3). In order to create a specialized system of initial and advanced training that would be uniform for all law enforcement agencies and to improve research-based development of the methods and techniques of law enforcement activities it is proposed to transform the present Academy of the Ministry of Interior and the advanced training centres of other law enforcement authorities into a new training and research institution - the Law Enforcement Academy, with an autonomous status in the system of
public authorities. The Academy will conduct basic training, refresher courses, certified courses and advanced workshops in crime detection/investigation, including such activities for senior law enforcement officers. Training at the Academy will be available only to individuals with higher education and/or upon completion of active military service (with the exception of NCO personnel with secondary education who will attend tailored specialized courses). Personnel for the law enforcement agencies will be selected on competitive basis only after mandatory refresher course at the Academy and successful performance at the relevant exams and attestations.

Such merging of the available training resources and capacities of the Kyrgyz law enforcement agencies will allow to standardize and improve the quality of advanced professional training, to improve the facilities for such training, to raise the level of supervision of the efficiency and quality of personnel training efforts and to create a domestic resource for forensic and criminological research for further prevention of crime, exchange and dissemination of best practices, and development of modern research-based methods of detection and investigation of crimes.

At present individuals can inform the law enforcement agencies about facts of corruption by using special post-boxes for petitions and complaints, by telephone and texting hotlines, by means of direct official letters or such letters from other agencies with the materials of relevant inspections, by way of publication in the mass media or by submitting their requests electronically via official WEB sites of the General Prosecutor’s Office, Ministry of Interior, State Committee for National Security, State Service for Combating Economic Crime and the Customs Service of the Kyrgyz Republic.

**Progress assessment – 17th meeting: NO PROGRESS**

The information provided fails to meet the recommendation. Kyrgyzstan has not offered facts about an increased capacity of law enforcement agencies and public prosecutor’s offices to promote their leadership role, partly through a wider use of analytical methods. At the time the progress update is drafted, we cannot evaluate how changes in the institutional framework of the law enforcement training can build up their capacity.

To evaluate the progress in the implementation of the second part of the recommendation, we need to see statistics of corruption detection with the methods outlined in the second part of the recommendation.

Therefore, the provided information does not suffice to evaluate the progress in implementation of the recommendation.

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**18th Meeting, September 2017**

**Report of the Government:**

In order to build an effective system of law enforcement agencies of the Kyrgyz Republic, on the basis of the Decree of the President of the Kyrgyz Republic "On Measures for Reforming the System of Law Enforcement Agencies of the Kyrgyz Republic" of 18 July 016 No. 161:

- the specialized Anti-Corruption Service of the State National Security Committee of the Kyrgyz Republic is entrusted with the task of combating corruption in the highest echelons of power, as well as with corruption crimes that threaten national security. Therefore, the State National Security Committee received the functions of the prosecutor’s office to investigate corruption crimes against high-ranking officials and law enforcement officials. At the same time, detection of corruption in the prosecutor’s office is within responsibility of the national security agencies of the Kyrgyz Republic;

- the State Service for Fighting Economic Crimes at the Government of the Kyrgyz Republic is entrusted with the task of combating corruption in civilian bodies, and therefore, the Service has obtained the powers to investigate corruption crimes and crimes in public office. At the same time,
the functions of the State National Security Committee on investigation of economic cases were transferred to the State Service for Fighting Economic Crimes, as the body responsible for the internal economic security of the Kyrgyz Republic.

According to Article 104 of the Constitution of the Kyrgyz Republic (as amended by the Law of the Kyrgyz Republic No. 218 of 28 December 2016), prosecutors are responsible for instituting criminal proceedings against officials of the state authorities the list of which is specified in the constitutional law, with the transfer of cases for investigation to the relevant authorities, as well as criminal prosecution of persons having the status of military personnel.

To facilitate disclosure and investigation of complex corruption crimes in accordance with the current provisions of the Criminal Procedural Code of the Kyrgyz Republic, the investigation of such cases is entrusted to an investigation team consisting of investigators from various law enforcement agencies in order to conduct a qualitative investigation and to exchange information promptly, as well as to carry out the relevant operative-search activities.

It should also be noted that in the framework of the ongoing reform of the law enforcement agencies of the Kyrgyz Republic, in accordance with the Decree of the President of the Kyrgyz Republic "On Measures for Reforming the System of Law Enforcement Agencies of the Kyrgyz Republic" of 18 July 2016 No. 161 there were taken measures to optimize the activities of investigative departments dealing with investigation of corruption (official) crimes by adjusting (increasing) the number of staff in accordance with the average workload of the investigators.

In connection with the ongoing reform of law enforcement agencies, the number of employees of the investigative departments of the State National Security Committee of the Kyrgyz Republic and the State Service for Fighting Economic Crimes at the Government of the Kyrgyz Republic has been increased.

Currently, the law enforcement agencies use various methods of obtaining information to identify corruption crimes, which are also grounds for instituting a criminal case if there are sufficient data which are indicative of the commission of a crime: appeals of citizens to the competent authorities on the facts of corruption; electronic appeals through the official websites of the Prosecutor General's Office, the Ministry of Internal Affairs, the State National Security Committee, the State Service for Fighting Economic Crimes at the Government of the Kyrgyz Republic; functioning of hotlines ("hotlines"); circulation of controlling and other state authorities with transfer of audit materials; publications in the media and Internet resources.

**Progress assessment – 18th Meeting: NO PROGRESS**

The provided information on reviewing the functions of law enforcement agencies does not indicate progress in implementation of the recommendation. Also, there was received general information on use of various sources of information to detect corruption, however, it does not show whether there had been any improvements. In order to assess progress in this part, it is necessary to obtain statistics on detection of corruption facts, based on the methods described in the second part of the recommendation.

**Recommendation: Specialized anti-corruption law-enforcement bodies**

**Ensure that law enforcement agencies dealing with corruption cases be operationally and structurally independent to be able to effectively target high-level corruption. Ensure effective specialisation in investigation of corruption crimes in line with international standards.**

**Organise regular training on enforcement of anti-corruption legislation for law enforcement officials, prosecutors and judges, including regular joint trainings.**
Take measures to ensure a uniform court practice regarding possibility of using the results of special investigative measures as evidence in corruption trials and, if necessary, amend legislation. Introduce in the law regulation of the simulated bribery and establish clear guidelines for law enforcement officers in line with human rights standards.

Secure funding for implementation of witness protection programmes.

**17th Meeting, September 2016**

In order to build an efficient system of law enforcement authorities of the Kyrgyz Republic and to implement the provisions of the National Sustainable Development Strategy of the Kyrgyz Republic for the period from 2013 through 2017, the Presidential Decree “On Measures to Reform the System of Law Enforcement Authorities of the Kyrgyz Republic” (of July 18, 2016, no. 161) approved the Package of measures to reform the entire system of law enforcement agencies in the Kyrgyz Republic. The aim of the reform is to ensure the security and proper operation of the law enforcement system and public institutions for the benefit of the society and the state. Such reform primarily implies restoration of the population’s trust in the law and of the credibility of the law enforcement institutions.

In order to focus the activities of prosecutor’s offices on oversight functions it is proposed to hand over their investigative functions to the State Committee for National Security and the State Service for Combating Economic Crime. At the same time and in order to safeguard a system of checks and balances for prosecution authorities such bodies will have the right to initiate criminal cases on crimes of office (corruption offenses), including proceedings against senior officials, and to further refer them to the relevant authorities for investigation. Moreover, it will also be allowed to refer an investigated case to another authority in order to curb any vested interests of an involved law enforcement body or to exclude a conflict of interests. Prosecutor’s offices will also retain the right to form inter-agency investigation teams, in strict accordance with the established procedure, for investigation of high-profile crimes affecting national security and the interests of the state. However, the right to initiate and organize the investigation of a criminal case against the President of the Kyrgyz Republic removed from office by the Jogorku Kenesh of the Kyrgyz Republic under the procedure established by the Constitution of the Kyrgyz Republic is the prerogative of the General Prosecutor of the Kyrgyz Republic.

(http://www.president.kg/ru/podpisannye_dokumeny/8123_prezident_almazbek_atambaev_podpisal_ukaz_o_merah_po_reforme_sistemyi_pravoohranitelnyih_organov_kyrgyzskoy_republiki/).

During the fourth quarter of 2015 and the reporting period of 2016 the Training Center of the General Prosecutor's Office of the Kyrgyz Republic held 6 seminars for 94 prosecutors, with the participation of 8 judges and 8 defense lawyers, on the following topics: “Anti-corruption measures and professional ethical behavior” (October 27-29, 2015), “International best practices in the investigation of financial crimes and asset recovery” (February 17-18, 2016), “Money laundering and financial crime investigation” (February 22 – March 4, 2016), “Organizing oversight of compliance with income declaration laws” (April 19, 2016), “General aspects of city/ district prosecutor’ oversight and work planning” (also covering corruption countering and oversight of compliance with the legislation) (May 23-27, 2016), “Prosecutorial oversight of implementation of laws and combating of corruption” (July 4-13, 2016).

The Anti-Corruption Service (ACS) of the State Committee for National Security prevents corruption offences, fosters legal knowledge of the population and promotes abidance by the anti-corruption legislation by continuous informational and awareness-raising activities. The most resonant arrests and uncovering of corruption schemes were broadcast on television and covered in the national press and on the websites of news agencies. For instance, in 2015 the Service produced and disseminated in the media 199 press releases, in 2016 - 29 press releases; it also took part in the making of 4 TV programs on the interim results of the Working Group of the Council of Defense of the Kyrgyz Republic aimed at elimination of systemic corruption in government authorities and,
specifically, on the performance of the Service. Also, in order to cover the progress and results of investigation of corruption-related criminal cases the agency participated in the making of 127 TV programs and 161 video footages; it also provided a series of interviews for the national radio stations and the media on the topic of combating corruption (OTRC, Channel 5, El TR, NTS, Azattyk, Maral, Radio 1).

In 2015 – 2016 employees of the Anti-Corruption Service of the State Committee for National Security conducted 246 events/activities about prevention of corruption for high- and medium-level public officials.

At the same time an important place in the activities of the ACS belongs to work with the communities and the build-up of the credibility of public authorities. In this regard ACS has public reception desks in its offices in Bishkek and the regional centers and has launched a WEB site. It also operates a hotline and has an e-mail address and is thus directly reachable to citizens. The number of visitors to the reception desks in 2005 was 3,562 people, in 2016 – 1,171.

In February 2016 30 employees of the State Service for Combating Economic Crimes under the Government of the Kyrgyz Republic received certificates for the attended workshops and trainings on “International best practices in the investigation of financial crime and asset recovery”, held with the assistance of the National Agency for Combating Crime in Central Asia. Young investigators benefited from 3 study sessions at the professional excellence school. OSCE Project “Assistance to the Government of the Kyrgyz Republic in combating financial crime, money laundering and financing of terrorism” also plans training courses for 2016. Moreover, on March 22, 2016 some personnel of the Head Office and of Bishkek Office of the State Service for Combating Economic Crime took part in a training “UNCAC and the main anti-corruption laws of the Kyrgyz Republic”.

In the framework of efforts against corruption in the public authorities the Ministry of Interior posted on its WEB site (mvd.kg) the numbers of its helpline and hotline (26-60-75, 26-63-61). This site also has a feedback page and a link to the agency’s e-mail (sekretariat@mvd.kg), with the telephone numbers of all subdivisions and duty units, including the number of the reception desk.

The official WEB site of the Ministry of Interior also features the helpline numbers of all units of Department of Patrol Police and its e-mail address (gupm@mvd.kg).

Within 6 months of 2016 the Ministry of Interior received 957 complaints and petitions regarding allegedly unlawful actions of its employees; 84 of them addressed corrupt practices and 21 proved true. The Ministry also received 265 petitions from citizens on facts of corruption in other government authorities of the Kyrgyz Republic.

In order to ensure protection of witnesses, victims and other participants of criminal proceedings in accordance with the Law of the Kyrgyz Republic “On Protection of Witnesses, Victims and Other Participants of Criminal Proceedings” the Resolution of the Government of the Kyrgyz Republic of October 1, 2014 (no. 12) approved the State Programme for protection of witnesses, victims and other participants of criminal proceedings for 2014 - 2016. According to this Programme during the annual budgeting process the Ministry of Interior of the Kyrgyz Republic, the State Committee for National Security of the Kyrgyz Republic, the State Service of Drug Control under the Government of the Kyrgyz Republic, the State Service for Combating Economic Crimes under the Government of the Kyrgyz Republic, the State Customs Service under the Government of the Kyrgyz Republic, the State Service of Corrections under the Government of the Kyrgyz Republic, the Ministry of Social Development of the Kyrgyz Republic in coordination with the Ministry of Finance and the Ministry of Economy of the KR are to provide for funds necessary for the activities under the witness protection programme. Coordination of the implementation of activities under the State Programme is vested with the Ministry of Interior.

On June 24, 2016 the Ministry of Interior established within its system a specialized unit for protection of individuals involved in criminal proceedings. This unit is within the Main Criminal Investigation Department of the Ministry and has a staff of 18. The newly formed unit is tasked to ensure the safety of persons who in accordance with the witness protection law fall under the
protection of the state and, additionally, to identify, discontinue and eliminate any threats to such individuals.

On March 15, 2016 the Ministry of Interior by its Resolution no. 150-p established an inter-agency working group to draft the “State Programme for protection of witnesses, victims and other participants of criminal proceedings” for a period of 5 years (2017 - 2021). At present state protection is granted to 15 persons.

It should also be noted that the Law of the Kyrgyz Republic of January 23, 2016 (no. 11) ratified the Agreement on the Protection of Participants of Criminal Proceedings signed on November 28, 2006 in Minsk.

**Progress assessment – 17th meeting: NO PROGRESS**

Despite the information provided about the government’s intent to restrict the investigative functions of the public prosecutor’s offices, the draft Criminal Procedure Code adopted by the Parliament at the second reading states that it is the investigators of public prosecutor’s offices that will be responsible for pre-trial proceedings of corruption offences. Therefore, the role of a special anti-corruption department of the State National Security Committee is still unclear.

Although anti-corruption training at the Training Center of the General Prosecutor’s Office is a positive practice, it is not enough to report progress in the implementation of this recommendation.

The country reports no changes in the use of deliverables of special detective actions as court evidence as well as in regulation of bribery simulation.

Information about particular steps taken to protect witnesses fails to specify the amounts of funding required for such protection measures.

**18th Meeting, September 2017**

**Report of the Government:**

Owing to the implemented reforms, the law enforcement agencies got their specialization alongside with creation of the system of checks and balances:

- the Anti-Corruption Service of the State National Security Committee of the Kyrgyz Republic is entrusted with the task of combating corruption in the highest echelons of power, as well as with corruption crimes that threaten national security. Therefore, the State National Security Committee received the functions of the prosecutor’s office to investigate corruption crimes against high-ranking officials and law enforcement officials. At the same time, detection of corruption in the prosecutor’s office is within responsibility of the national security agencies of the Kyrgyz Republic;

- the State Service for Fighting Economic Crimes at the Government of the Kyrgyz Republic is entrusted with the task of combating corruption in civilian bodies, and therefore, the Service has obtained the powers to investigate corruption crimes and crimes in public office. At the same time, the functions of the State National Security Committee on investigation of economic cases were transferred to the State Service for Fighting Economic Crimes, as the body responsible for the internal economic security of the Kyrgyz Republic.

According to Article 104 of the Constitution of the Kyrgyz Republic (as amended by the Law of the Kyrgyz Republic No. 218 of 28 December 2016), prosecutors are responsible for instituting criminal proceedings against officials of the state authorities the list of which is specified in the constitutional law, with the transfer of cases for investigation to the relevant authorities, as well as criminal prosecution of persons having the status of military personnel.

On 13 July 2017, there was adopted the Constitutional Law of the Kyrgyz Republic “On Certain Powers of the Prosecutor’s Office Established by the Constitution of the Kyrgyz Republic”, which
regulates certain powers of the Prosecutor's Office of the Kyrgyz Republic, established by the Constitution of the Kyrgyz Republic, a list of the state authorities, local self-government bodies and their officials who are subject to these powers.

Also, the supervision over the bodies that carry out the operational-search activity is intensified, the investigation (the Prosecutor General, prosecutors of the Prosecutor General's Office of the Kyrgyz Republic authorized thereby, as well as prosecutors having the status of district prosecutors at least, supervise compliance with laws by the bodies that carry out operational-search activity - Article 2 of this Constitutional Law).

On 7 August 2017, the President of the Kyrgyz Republic signed the Law "On Amending Certain Legislative Acts of the Kyrgyz Republic in Connection with the Reform of the System of Law Enforcement Agencies to Ensure Effective Fight Against Corruption and Crimes in the Sphere of Economics", which provides for changes to the Criminal Procedural Code in part of assignment of investigation of all economic crimes into the investigative jurisdiction of the State Service for Fighting Economic Crimes at the Government of the Kyrgyz Republic.

In accordance with Chapters 5 and 10 of the new version of the Criminal Procedural Code of the Kyrgyz Republic, the inquiry body, acting within its competence, carries out operational-search measures for special investigative actions to collect evidence. Evidence in the case is information obtained in accordance with the statutory procedure, on the basis of which an inquiry body, investigator, prosecutor, court determine the presence or absence of circumstances relevant to the case.

Chapter 31 of the new Criminal Procedural Code provides that for the purpose of detection and investigation of crimes, special investigative actions are carried out: intrusion into a criminal environment and (or) imitation of criminal activity; control purchase, etc. During the conduct and after the intrusion into criminal environment and (or) imitation of criminal activity, the authorized body submits to the investigator the report and all materials in a sealed form with a cover letter. The investigator investigates the received report if necessary with the involvement of an officer of the authorized department of the inquiry body. A protocol is drawn based on the results of the study.

During the fourth quarter of 2016 and the current period of 2017, on the base of the Training Center of the Prosecutor General's Office of the Kyrgyz Republic, there were conducted six seminars on anti-corruption topics for prosecutors, of which two were on-site visits to the southern region. In addition, there were held two seminar sessions on "Anti-Corruption Policy of the Kyrgyz Republic" and "Protection of Entrepreneurship Against Corruption" for personnel of the State Service for Fighting Economic Crimes at the Government of the Kyrgyz Republic.

As part of the project "Supporting the Prosecutor's Office of the Kyrgyz Republic in Strengthening Institutional Capacity", on 08 November 2016, a Memorandum of Understanding was concluded between the Prosecutor General's Office of the Kyrgyz Republic and the International Development Law Organization (IDLO), on the basis of which there are developed comprehensive training programs for prosecutors on various aspects and topics in the sphere of combating corruption. There are envisaged the following forms of training as independent targeted training, thematic teaching and methodological seminars, scientific and practical conferences and exchange of positive experience in the following subjects: the international legal toolkit in the field of combating corruption; study (adaptation) of new legislation (Criminal Code, Criminal Procedural Code, Criminal Correction Code, Code of Misdemeanours, etc.); methodical aids and normative acts of the Prosecutor General's Office of the Kyrgyz Republic; prosecutor's supervision over implementation and observance of anti-corruption legislation in the state and municipal service; certain issues of prosecutorial and investigative practices in the field of combating corruption; law enforcement practice, positive work experience and reviews of scientific and practical comments on the investigation of corruption cases; anti-corruption expertise of regulatory legal acts; criminal-legal aspects of the participation of the prosecutor in countering corruption, etc.

Within the framework of the OECD ACN project "Support to Fighting Corruption within the Law
On 31 October – 1 November 2016 and on 3-5 July 2017 there was held a seminar session on the topic "Liability of Legal Entities for Corruption Offenses: Problems and Solutions for the Kyrgyz models" and "Financial Investigations of Corruption Cases", respectively.

Representatives of the Jogorku Kenesh of the Kyrgyz Republic, the Government Office, the Secretariat of the Security Council, the Supreme Court, the Accounts Chamber, employees of the prosecutor's office, financial intelligence, personnel service, the Ministry of Justice, the Ministry of Finance, the Ministry of Economy, criminal experts and practitioners, representatives of the scientific community, experts-members of the working group on drafting the Criminal Code and the Criminal Procedural Code of the Kyrgyz Republic attended the expert seminars.

During these sessions the participants discussed the international standards and best practices in the field of legal entities' liability (Latvia), the main amendments according the new edition of the Criminal Code and the Criminal Procedural Code of Kyrgyzstan related to investigation and prosecution of corruption, as well as the role of investigators and prosecutors at the primary stage of investigation, information interaction between law enforcement agencies and financial intelligence units (Ukraine).

Besides, within the framework of the joint Council of Europe / European Union project "Strengthen Prevention and Combating of Corruption in the Kyrgyz Republic" (SPCC-KY), on 7-9 June 2017 there was conducted a training in Strasbourg on "Investigations of Economic and Corruption Crimes" for prosecutors and law enforcement officers (Financial Police and Anti-Corruption Service of the State National Security Committee of the Kyrgyz Republic) on investigation of criminal economic and corruption cases. Participants of the training are also familiar with the international standards, methods and difficulties in the field of financial investigations, mutual legal assistance and asset recovery.

In pursuance of the Resolution of the Government of the Kyrgyz Republic "On Approving the State Program to Ensure Security of Witnesses, Victims and Other Participants of Criminal Proceedings" of 10 January 2014 No. 12 and the Decision of the Ministry of Internal Affairs of the Republic of Kyrgyzstan of June 24, 2014, the State Protection Office was established in the structure of the Ministry of Internal Affairs of the Kyrgyz Republic, and later, when the reform of this system is carried out, the number of employees will be increased. Since the moment of establishment of the Office, the funds for its maintenance are being allocated from the budget of the Ministry of Internal Affairs of the Kyrgyz Republic, which, as of today exceed 13.3 million soms (including wages, travel and other expenditures).

Currently a certain number of citizens are placed under the state protection.

On 29 December 2015, the Law of the Kyrgyz Republic "On Ratification of the Agreement on the Protection of Participants in Criminal Proceedings of the CIS Countries, signed on 28 November 2006" was adopted. On 16 September 2016 the countries participating in the Agreement signed a Protocol on implementation of the Agreement on the Protection of Participants in Criminal Proceedings of the CIS Countries of 28 November 2006 on issues related to reimbursement of costs associated with implementation of the protective measures. After that, the draft Law of the Kyrgyz Republic on ratification of the above protocol was prepared and adopted on 28 July 2017.

According to the Order of the Ministry of Internal Affairs of the Kyrgyz Republic No. 150-r of 15 March 2016 an interdepartmental working group was established to work out a draft of the State program to ensure the safety of victims, witnesses and other participants of criminal proceedings for a 5-year term (2017-2021). Currently, the developed draft is being discussed among the ministries and departments and will be adopted in the near future.

Progress assessment – 18th Meeting: PROGRESS

According to the received information, as part of the reform of the law enforcement system, most of the powers on fighting corruption are accumulated in the Anti-Corruption Service of the State
National Security Committee and the State Service for Fighting Economic Crimes at the Government of the Kyrgyz Republic. However, it is not known whether any measures have been taken to strengthen the independence and autonomy of the relevant authorities. Also, the prosecution authorities retained the power to initiate criminal proceedings against high-ranking officials, as well as criminal prosecution of military personnel. In addition, the new Criminal Procedural Code, which will come into force in 2019, entrusts the Prosecutor’s Office to investigate corruption cases, which should be changed.

Kyrgyzstan provides training for law enforcement officers aimed at increasing their capacity to identify and investigate corruption cases, including with the support of international partners.

A positive aspect is consolidation in the new Criminal Procedural Code of the possibility of using special investigative actions, including intrusion into a criminal environment and (or) imitation of criminal activity; control purchase, but these provisions require further detailed regulation.

A draft State program to ensure the safety of victims, witnesses and other participants in criminal proceedings was developed and is being approved.

Recommendation: Statistics

Amend methodology for gathering and processing statistics on corruption-related offences to ensure collecting of comprehensive data which should be made public and allow appropriate monitoring and evaluation of criminal justice system operations by governmental and non-governmental institutions.

17th Meeting, September 2016

Report of the Government:

The General Prosecutor of the Kyrgyz Republic by Order of February 9, 2016 (no. 2-II) approved the Guideline “On the procedure of acknowledgement, registration, processing (inclusive of e-processing) and consideration of reports and applications on crimes” at prosecutor’s offices of the Kyrgyz Republic. As of March 1, 2016 prosecution authorities are maintaining a system of e-registration of crime reports, with establishment of a single database of crimes registered at the prosecutor’s offices, including crimes related to corruption.

In addition, on the basis of the Order of Prosecutor General of the Kyrgyz Republic of March 31, 2016 (no. 7-P) the authorities as of April 1 of this year launched a computerized system of registration of criminal cases (including crimes of corruption); this system will monitor all stages of investigation in all criminal proceedings (from the date of entry of the data into the register of crimes and until the court’s final ruling in the case). The launch of such unified database of criminal cases will also improve statistical reporting and ensure transparency of the work of investigators.

The package of measures for the reform of the system of law enforcement authorities of the Kyrgyz Republic (approved by Presidential Decree no. 161 of July 18, 2016) envisages implementation of a new system of criminal law statistics. Specifically, for the purposes of reliability, objectivity and stricter control over the progress of criminal process the Ministry of Interior will cede the function of making criminal law statistical reports to prosecution authorities.

The respectively planned measures imply a systemic improvement of the quality of oversight of all stages of the criminal process - from the moment of registration of the report about a crime up to the delivery and enforcement of the sentence. Such improvements will rest on the functioning of a unified and objective system of registration of applications and reports about crimes and on the launch of the e-processing system to monitor progress in criminal cases and with case files.

The Supreme Court of the Kyrgyz Republic in the framework of the Project “sot.kg” launched an
eponymous WEB site that features data on criminal cases as of the moment of their reaching courts until final court ruling.

According to the Order of the Supreme Court of the Kyrgyz Republic (of March 23, 2014, no. 60) the trial and appeal courts use a new format for reports on crimes of office abuse, with provision of detailed information (background of the case, amount of damage, etc.) on each case related to corruption.

**Progress assessment – 17th meeting: PROGRESS**

A new system has been introduced to register criminal cases with public prosecutor’s offices and monitor all stages of every criminal investigation. Yet, a new system of criminal justice statistics is still not planned and is not in place (it is a part of the Kyrgyzstan Law Enforcement Reform Policy approved by the President’s Decree in July 2016).

There is no information about public access to official statistics about corruption offences.

Furthermore, Kyrgyzstan fails to provide information about adoption and application of the Guidelines for a Computerized Information System to register corruption offences (AIS:delo). Its development was announced in previous progress updates. In addition, www.aisdelo.kg website is not operational.

**18th Meeting, September 2017**

**Report of the Government:**

In pursuance of the Set of Measures for Reforming the System of Law Enforcement Agencies of the Kyrgyz Republic, approved by the Decree of the President of the Kyrgyz Republic of 18 July 2016, No. 161, the powers related to record keeping of criminal-legal statistics, analysis, development of measures and forecast of the state of crime were transferred to the prosecutor’s office. The Prosecutor General's Office together with the Ministry of Internal Affairs of the Kyrgyz Republic compiled a roadmap for transfer of the functions of formation of criminal-legal statistics, which determined specific step-by-step measures and timing of their implementation.

The relevant planned measures, in addition to transferring the function of forming criminal-legal statistics to the prosecutor's office, imply a systematic improvement in the quality of supervision of all stages of the criminal process – from the moment of registration of information on crime to appointment and execution of the court decision (verdict). At the same time, functioning of a unified and objective system for recording applications and reports of crimes, as well as introduction of an open automated electronic system for recording transfer of materials and criminal cases are the fundamentals here.

The Office of Legal Statistics and Accounts was created within the structure of the central office of the Prosecutor General's Office of the Kyrgyz Republic on 20 September 2016, which received the functions of the General Information Technologies Department of the Ministry of Internal Affairs of the Kyrgyz Republic on formation of criminal-legal statistics.

One of the requirements of the new Criminal Procedural Code of the Kyrgyz Republic (articles 148, 149 and 150 of the Criminal Procedural Code of the Kyrgyz Republic) was to introduce the institution of registration of applications and reports on crimes and misdemeanours in the Uniform Register of Crimes and Misdemeanours (hereinafter referred to as the URCM) – an electronic database containing information on commencement of pre-trial proceedings, procedural actions, transfer of materials and criminal cases and/or cases of misdemeanours, applicants and participants of criminal proceedings.

The project to create such automated system is included as one of the elements of the state program "Taza Coom". The decision of the meeting of the Head of the Presidential Office of the Kyrgyz Republic of 16 May 2017 "On Introducing Electronic System for Recording Transfer of Materials and Criminal Cases", the Prosecutor General's Office and the State Committee for
Information Technologies and Communications of the Kyrgyz Republic together with law enforcement agencies of the republic were jointly entrusted to coordinate the process of preparing the terms of reference and description business process, as well as implementation of the project "Electronic Register of Crimes". Currently, the Prosecutor General's Office together with the State Committee for Information Technologies and Communications of the Kyrgyz Republic developed a draft the terms of reference for an automated system, which were approved on 14 August 2017 and sent to that State Committee for implementation.

**Progress assessment – 18th Meeting: PROGRESS**

The powers to conduct criminal and legal statistics were transferred from the Ministry of Internal Affairs to the prosecution authorities. The Prosecutor General's Office developed terms of reference for an automated system for registering and recording crimes.

There is still no information on public access to the official statistical information on corruption crimes.

**Part 3: Prevention of Corruption**

**Recommendation: Integrity in the public service**

Clarify the definitions of political and administrative officials, as well as the regulations which are applicable to the political officials. Prevent further politisation of civil service by limiting the number of political posts and ensuring the stability of professional civil service and the continuity of the institution of State Secretaries.

Strengthen recruitment process for high-level positions by applying different recruitment procedures and evaluating not only knowledge of applicants but also abilities and competencies.

Increase transparency and impartiality of competitions by limiting the number of the commission members and including external experts to examine special knowledge, skills and competencies of the applicants.

Increase attraction of civil service by developing a promotion system which will motivate civil servants, create merit-related criteria for civil servants promotion to higher positions.

Reconsider the necessity of internal and national reserves, and either develop its proper implementation, or reject it as not useful element in the recruitment system.

**Report of the Government:**

The Law of the Kyrgyz Republic “On Public Civil Service and Municipal Service” of May 30, 2016 (no. 75) enacts a new system of breakdown of official positions into political, special, administrative and patronage positions; the concept of “political position” is understood in terms of political decision-making and responsibility for implementation of such decisions.

Government authorities’ commissions for competitive selection of personnel include not only public employees but also representatives of the civil society (or of the expert communities, or of business associations) active in the relevant sector.

When interviewing candidates such commissions consider the results of professional knowledge testing, candidates’ professional skills and abilities as well as their personal moral and ethical qualities.

The HR units of state and local authorities are playing a greater role in personnel training, assessment and career planning, with a linkage between learning, assessment results and personal accomplishments, on the one hand, and, on the other hand, career growth, remuneration and other
motivations. The recently introduced concept of career planning implies a sustainable system ensuring promotion on the basis of the personal contribution, professionalism and performance results. Under a special rule advanced professional training is a must for career growth and is to occur before or within three months after appointment.

Another provision of the Law stipulates assessment of officials’ performance, which is to determine the degree of effectiveness in the performance of service duties in accordance with the goals and tasks of the state authority or local self-government body.

In order to improve the system of recruitment and career growth of civil servants on the basis of merits and to downsize the opportunities for arbitrary decisions the Law establishes a new procedure for the formation of the National and Internal Personnel Reserves. The national Personnel Reserve will consist of candidates for chief and senior administrative positions, and the Internal Personnel Reserve is made up of candidates for junior, senior and key positions in specific agencies or bodies. Each Internal Personnel Reserve will be formed by the head of the respective government agency or body of local self-government.

The procedure of the formation and functioning of the National and Internal Personnel Reserves will be established by the Government.

**Progress assessment – 17th meeting: PROGRESS**

The new Law On Public Service and Municipal Service provides a new definition of a political post in view of its mandate and powers, which is positive. Moreover, the Law clearly identifies the institution of State Secretaries of executive government agencies as the highest administrative officials of such agencies. A person replacing a State Secretary shall not be relieved from office due to resignation or relief from office of the head of the government agency. At the same time, the influence of political posts (prime minister and heads of government agencies) on appointment of the State Secretaries is strong. It is still unclear how the Law contributes to a reduction in political posts.

Kyrgyzstan also reports that the Law helps improve the HR selection through engagement of the civil society, experts and business associations (however, it is not the case with the Council of Public Service and Municipal Service which, among other things, is responsible for selection of States Secretaries) as well as through assessment of professional knowledge, capacities and skills of candidates. The government reports a stronger role of HR management departments, improved procedures of performance evaluation and enhancement of the national and internal staff pools.

These components of the reform and their effects need an in-depth analysis during the next monitoring. Yet, the information provided allows us to make a conclusion on the progress in the implementation of this recommendation.

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**18th Meeting, September 2017**

**Report of the Government:**

Decree of the President of the Kyrgyz Republic No. 17 of 31 January 2017 adopted the Register of the State and Municipal Posts of the Kyrgyz Republic, which delineates political and administrative posts, not on the principle of election or appointment, but on the basis of whether the officials have the authority to accept or execute political decisions. According to the Register, only the posts of the Prime Minister and other members of the Government of the Kyrgyz Republic, deputies of the Jogorku Kenesh of the Kyrgyz Republic, heads of government bodies and some other public offices are classified as political public posts, whose holders make political decisions. Political municipal posts include posts of deputies of local keneshes, mayors of cities and heads of ayil okmotu. Accordingly, the number of the state political posts is reduced almost fourfold: from 868 to 226 posts.

The register of the state and municipal posts provides a unified, understandable classification of
equivalent posts, which greatly simplifies the procedure for their use. Thus, the number of posts with the same type of authority is reduced.

The register sets a clear correlation of the similar jobs horizontally by referring to one category of posts, which makes it possible to apply mechanisms for horizontal rotation of civil servants of various ministries, administrative departments and local self-government bodies, as well as to set equal pay levels for equivalent posts. This classification of posts also creates an opportunity for vertical promotion on the basis of performance assessment, as established by the Law of the Kyrgyz Republic "On the State Civil Service and Municipal Service".

**Resolution of the Government of the Kyrgyz Republic of 29 December 2016 No. 706 approved the following documents:**
- Regulations on the procedure for holding a competition and promotion of the state civil service and the municipal service of the Kyrgyz Republic;
- Regulations on the procedure for testing candidates for filling vacant administrative civil service posts and administrative municipal posts;
- Regulations on the procedure for forming and functioning of the National Reserve of Personnel of the State Civil Service and the Municipal Service of the Kyrgyz Republic;
- Regulations on the procedure for the forming and functioning of the internal reserve of personnel of the state authorities and local self-government bodies;
- Standard qualification requirements for groups of administrative posts of the state civil service and the municipal service;
- Sample job description of a public civil servant and a municipal employee of the Kyrgyz Republic;
- Regulations on the procedure for rotation of the State Civil Servants and municipal employees of the Kyrgyz Republic;
- The procedure for keeping personal records of the State Civil Servants and municipal employees of the Kyrgyz Republic.

**Resolution of the Government of the Kyrgyz Republic of 14 December 2016 No. 674 approved the following documents:**
- Regulations on the procedure for monitoring compliance with legislation in the field of the state civil service and municipal service in the state authorities and local self-government bodies of the Kyrgyz Republic;
- Regulations on the procedure for organizing and conducting internal investigations in the state authorities and local self-government bodies of the Kyrgyz Republic;
- The procedure for maintaining a database of the State Civil Servants and municipal employees who have caused material damage to the state, and compensation for material damage;
- Regulations on the procedure for transfer of gifts received in connection with hospitality events, business trips and other official events by persons who hold state and municipal posts of the Kyrgyz Republic, and rules for their redemption.

The legislation strengthens the role of human resources management services in the state authorities and local self-government bodies, including those related to personnel training, performance assessment and career planning. There is established a relationship between training, performance assessment, practical results of employees' work and their career advancement, material and non-material motivation. There is introduced a concept of career planning, which implies the existence of a sustainable system that ensures promotion based on personal contribution, professionalism and achieved results. There is stated a norm, according to which training is an obligatory condition for career advancement and must be conducted before the position is taken or within three months after appointment to the post.

There is set a legal provision on assessment of the employees' activities, which is an identification of the degree of effectiveness of performance of official duties in accordance with the goals and objectives of the state authorities, the local self-government bodies.
Progress assessment – 18th Meeting: PROGRESS

There was approved the new Register of the State and Municipal Posts of the Kyrgyz Republic, which delineates political and administrative posts. As a result of the adoption of the new legislation, the number of the state political posts is reduced almost fourfold: from 868 to 226 posts.

There was also approved a number of subordinate regulatory and legal acts aimed at ensuring implementation of the reform of the state and municipal service. In particular, the new Regulations on the procedure for holding a competition and promotion in the state civil service and the municipal service provide that the commission must necessarily include representatives of the Civil Defense Ministry, and also the competition commission may engage experts to conduct an audit of specialized professional knowledge in specialized types of activity. Representatives of civil society can also take part in competitions as observers. However, according to information from the public, practical application of these provisions remains formal and weak.

There is set a legal provision on assessment of the employees’ activities, which is an identification of the degree of effectiveness of performance of official duties in accordance with the goals and objectives of the state authorities, the local self-government bodies.

In December 2016, the Regulation on the state secretary of the state body was adopted, which enhanced the role of the secretary of state being a manager responsible for stability of the service and professional development of employees. In addition to the personnel and financial issues, the set of powers of the Secretary of State includes implementation of a full cycle of strategic management and development of the anti-corruption measures. The civil society draws attention to the lack of provisions on its participation in the selection of the secretaries of state.

Despite the fact that these novelties are subject to detailed analysis during monitoring, at this stage the provided information allows us to conclude that the progress in implementation of the recommendation has been made.

Recommendation: Salaries in civil service

Perform comparative study of the salaries in civil service in different public institutions and as compared to those in the private sector; as well as the study of the relative shares of fixed and variable parts of the salaries. Based on the findings, review remuneration system to ensure decent salaries for civil servants as well as transparency and equality of remuneration for similar jobs across the civil service.

17th Meeting, September 2016

Report of the Government:

The Law of the Kyrgyz Republic “On Public Civil Service and Municipal Service” of May 30, 2016 (no. 75) enacts a new system of breakdown of official positions into political, special, administrative and patronage positions; the concept of “political position” is understood in terms of political decision-making and responsibility for implementation of such decisions.

Government authorities’ commissions for competitive selection of personnel include not only public employees but also representatives of the civil society (or of the expert communities, or of business associations) active in the relevant sector.

When interviewing candidates such commissions consider the results of professional knowledge testing, candidates’ professional skills and abilities as well as their personal moral and ethical
qualities.

The HR units of state and local authorities are playing a greater role in personnel training, assessment and career planning, with a linkage between learning, assessment results and personal accomplishments, on the one hand, and, on the other hand, career growth, remuneration and other motivations. The recently introduced concept of career planning implies a sustainable system ensuring promotion on the basis of the personal contribution, professionalism and performance results. Under a special rule advanced professional training is a must for career growth and is to occur before or within three months after appointment.

Another provision of the Law stipulates assessment of officials’ performance, which is to determine the degree of effectiveness in the performance of service duties in accordance with the goals and tasks of the state authority or local self-government body.

In order to improve the system of recruitment and career growth of civil servants on the basis of merits and to downsize the opportunities for arbitrary decisions the Law establishes a new procedure for the formation of the National and Internal Personnel Reserves. The national Personnel Reserve will consist of candidates for chief and senior administrative positions, and the Internal Personnel Reserve is made up of candidates for junior, senior and key positions in specific agencies or bodies. Each Internal Personnel Reserve will be formed by the head of the respective government agency or body of local self-government.

The procedure of the formation and functioning of the National and Internal Personnel Reserves will be established by the Government.

Progress assessment – 17th meeting: NO PROGRESS

The information provided fails to indicate that such study has been conducted. Moreover, the country has not reviewed the remuneration system of civil servants.

18th Meeting, September 2017

Report of the Government:

The Government of the Kyrgyz Republic conducted an analysis of the existing system of remuneration for employees at all levels of public administration, which provided information on the ratio of the share of official salary to other payments and allowances, monitored all existing posts of the government and municipal services with similar functions and responsibilities, wages in the private sector of economy in the context of the regions of the Kyrgyz Republic.

Based on the results of this study, the Program for Improving the System of Remuneration of Labor of the State and Municipal Employees of the Kyrgyz Republic for 2013-2020 and the Action Plan for Implementing the above Program were approved by the Resolution of the Government of the Kyrgyz Republic of 28 June 2013 No. 384.

The Program envisages the following measures for the period of 2017-2020:
- introduction of a unified wage system as the basis for a new wage system;
- implementation of a gradual introduction of a new wage system.

This recommendation has been implemented by the Government of the Kyrgyz Republic through adoption of the above regulatory legal acts of the Kyrgyz Republic.

In order to increase motivation of the state civil servants and municipal employees of the Kyrgyz Republic, the Government Office of the Kyrgyz Republic received a draft resolution "On Amending the Resolution of the Government of the Kyrgyz Republic "On Evaluation of Activity and Terms of Payment for the State Civil Servants and Municipal Employees of the Kyrgyz Republic" dated 1 March 2017 No. 131".

One of the principles of the Program for Improving the System of Remuneration of Labour of the State and Municipal Employees of the Kyrgyz Republic for 2013-2020, approved by the Resolution
of the Government of the Kyrgyz Republic of 28 June 2013 No. 383, is the principle of uniformity, i.e. the system of remuneration of labour should take into account the different levels of responsibility of each particular type of governance and the difference in levels of responsibility, the complexity of the post at various levels of governance: central, territorial level and local self-government.

For these purposes, the draft resolution of the Government of the Kyrgyz Republic envisages an increase of the coefficients for calculating wages mainly for specialists and middle-level specialists. According to calculations, the additional demand will comprise 1.3 billion soms per year, in case of increase from 1 September 2017 - 450 million som (for the period from 1 September 2017 to 31 December 2017).

In order to implement paragraphs 42 and 43 of the Action Plan of the Government of the Kyrgyz Republic for implementing "Trust and Unity" Program for 2017 of the Government of the Kyrgyz Republic, at present, under the Order of the National Institute for Strategic Studies under the Government of the Kyrgyz Republic (NISS), there was established a working group of representatives of ministries and departments for conducting a comparative study of the level of remuneration of labour of specialists with similar qualifications in the public service and in the private sector to prepare a recommendation on how to achieve comparable wages.

According to the research specified in this OECD recommendation, regulatory acts were adopted to increase the share of salaries in the salaries of employees in the country (Government Resolutions No. 384 of 28 June 2013 and No. 131 of 01.03.2017).

Taking into account the preliminary analysis of the effectiveness of impact of the new system of remuneration of labour and assessment, and also in order to prevent decrease of remuneration of labour, the Government of the Kyrgyz Republic adopted Resolution No. 357 of 8 June 2017 "On Changing and Amending the Resolution of the Government of the Kyrgyz Republic "On assessing the activities and terms of remuneration of labour of the state civil servants and municipal employees of the Kyrgyz Republic" dated 1 March 2017 No. 131".

According to the Resolution of the Government of the Kyrgyz Republic dated 7 August 2017 No. 466 "On Amending the Resolution of the Government of the Kyrgyz Republic "On assessing the activities and terms of remuneration of labour of the state civil servants and municipal employees of the Kyrgyz Republic" dated 1 March 2017 No. 131", starting 1 September 2017 there will be levelled multiplicity factors to official salaries applied in determining the amount of official salaries of the state civil servants and municipal employees of the Kyrgyz Republic. Thus, the salaries of employees were increased. For example, the official salary of a specialist of the Ministry is increased by 55 percent, the salary of a leading specialist is increased by 43 percent, and the salary of a chief specialist is increased by 31 percent.

New conditions of remuneration of labour envisage a change in the structure and an increase in the monetary allowance of military personnel and law enforcement officers by an average of 37% in the republic. In connection with increase in the amount of official salaries, a one-off severance pay for dismissal from military service also increased on average from 50 thousand soms to 250 thousand soms, respectively. In connection with the above increase in salaries for pensioners working in the system of law enforcement agencies, agencies for emergency situations, bodies and institutions of the penitentiary system (penitentiary), pensions are increased by 2 times on average.

In accordance with the Resolution of the Government of the Kyrgyz Republic of 10 October 2015 No. 709, the salaries were raised for the employees of the General Prosecutor's Office of the Kyrgyz Republic. In addition, according to the Resolution of the Government of the Kyrgyz Republic No. 705 of 27 December 2016, prosecutors and investigators of the prosecutor’s office who have the right to a pension in accordance with Article 13 of the Law of the Kyrgyz Republic "On Pension Support of Military Personnel" and continue to work, there is paid an additional payment of 50% of the amount of pension at the time of payment of the basic monetary allowance.

*Progress assessment – 18th Meeting: PROGRESS*
There was received information on a number of steps taken by the Government to equalize and increase the salaries of the civil servants, for whom, for example, the salary of a specialist in the Ministry had been increased by 55 percent, the salary of a leading specialist had been increased by 43 percent, and the salary of a chief specialist had been increased by 31 percent. However, there is no information on change in the structure of payment for employees.

The National Institute for Strategic Studies under the Government of the Kyrgyz Republic established a working group of representatives of ministries and departments for conducting a comparative study of the level of remuneration of labour of specialists with similar qualifications in the public service and in the private sector to prepare a recommendation on how to achieve comparable wages.

At the same time, based on the information from the public, the system of remuneration of labour of the state and municipal employees is not reformed and their wages remain at a low level.

**Recommendation: Conflict of interest prevention and asset declarations**

*Further improve the definition of the conflict of interest established in the Law on Civil Service.*

*Create effective mechanism for the management and control of implementation of the conflict of interests’ regulations by introducing a requirement to declare public and personal interests and by strengthening the role of managers and heads of the institutions in their control.*

*Reform the asset declarations system by:*

- *Introducing effective sanctions for failure to submit asset declarations or for providing false or incomplete information.*
- *Considering establishment of a mechanism for the verification of the information provided in the declarations.*
- *Streamlining the rules related to disclosure of asset declarations, introducing the same requirements on disclosure and exemptions from disclosure of information with mandatory publication of data from declarations of political officials and persons holding special offices, as well as higher administrative officials on the web-site of the State Personnel Service.*
- *Creating clear mechanisms for sharing of information contained in asset declarations with law enforcement agencies.*

**17th Meeting, September 2016**

*Report of the Government:*

The draft of the Law “On Conflict of Interests” was developed in accordance with p. 11.5 of the Presidential Decree “On Measures for Elimination of the Causes of Political and Systemic Corruption in the Government Authorities” (of November 12, 2013, no. 215) and pursuant to p. 4 of Resolution of the Government of February 13, 2014 (no. 90). This legislation seeks improvements in the evaluation and regulation of any situation with a conflict of interests and to decrease the number of such situations for public officials. The draft Law addresses the severe restrictions and prohibitions established for civil servants (officials) and is also a continuation of the administrative reforms earlier initiated in Kyrgyzstan and of the measures for prevention of the political and systemic corruption. At present (June 23, 2016) the draft Law is at the stage of the second reading.

The penalties for violation of the income declaration requirements are laid down in the current legislation:

1) clause d-3) of Article 47 of the Law “On Public Civil Service and Municipal Service” (of May 30, 2016, no. 75) (“Termination of service on the initiative of a government authority or body of local self-government”) stipulates announcement of no confidence on such ground (among others) as
failure to submit a declaration of income, assets and liabilities or submission of deliberately false or incomplete information;

2) Article 400-3 of the Code of Administrative Liability of the Kyrgyz Republic stipulates liability of civil or municipal servants for failure to provide assets and income declaration or improper submission of such declaration.

The Law of the KR “On Amendments and Additions to the Law of the Kyrgyz Republic On Declaring and Publication of Information about Incomes, Liabilities and Property of Individuals Holding Political and Other Special Positions in the Government and of their Close Relatives” (of July 20, 2015) contains a clause on mandatory declaration of expenditures for acquisition of property, including property abroad. The amendments in this Law relate to the newly established declarable expense limits (new sections in the declaration form on single time expenses exceeding 3,000 indicative amounts as established by the legislation of the Kyrgyz Republic) and to the new section in the declaration regarding aggregated information on incomes, expenses, liabilities and property. The results of declaration campaigns of 2016 and 2017 will be analysed for reference purposes in the future years.

By the end of the last declaring campaign declarations were submitted by 2,018 civil servants, or 98.06 % of the expected total, and 137 municipal employees, or 97.9 % of the total.

**Progress assessment – 17th meeting: PROGRESS**

The new Law On Civil Service and Municipal Service includes general provisions on definition, prevention and resolution of a conflict of interest. However, the Law refers to conflict of interest laws regulating these issues. The government reports that the relevant draft law has been developed and approved by the Parliament in the first reading. This serves as a ground to report progress.

No information has been provided about new steps regarding asset declaration since the previous progress update.

**18th Meeting, September 2017**

**Report of the Government:**

The term "conflict of interest" is defined in Article 43 of the Law of the Kyrgyz Republic "On the State Civil Service and Municipal Service" of 30 May 2016 No. 75.

The draft law of the Kyrgyz Republic "On Conflict of Interest" developed by the Ministry of Economy of the Kyrgyz Republic was passed by the Jogorku Kenesh in the third reading on 29 December 2016. On 11 February 2017 the draft law was returned by the President of the Kyrgyz Republic with objections. Under the Resolution of the Jogorku Kenesh of the Kyrgyz Republic of 9 March 2017 No. 1406-VI there was established a conciliation group for elaboration of an agreed version of the Law of the Kyrgyz Republic "On Conflict of Interest", which had been returned by the President of the Kyrgyz Republic with the objections. The Conciliation Group finalized the draft Law and submitted it to the Committee on Constitutional Legislation, State Structure, Judicial and Legal Issues and the Regulations of the Jogorku Kenesh of the Kyrgyz Republic.


On 2 August 2017, the new Law of the Kyrgyz Republic "On the Declaration of Income, Expenditures, Obligations and assets of persons Holding or Occupying the State and Municipal Posts" was adopted, which is proposed to integrate the provisions concerning declaration of
incomes and expenditures of the state and municipal employees, stipulated by various laws in a specialized (basic) Law.

This Law is aimed at creating a system of openness and transparency of incomes, expenditures, liabilities and assets of persons who hold state and municipal posts of the Kyrgyz Republic, their accountability and liability towards the people of Kyrgyzstan, and preventing corruption offenses.

The adopted law provides for: extending the scope of this law to all state and municipal employees (political, special, administrative, including military, law enforcement and diplomatic services) irrespective of their status and type; transfer of powers in the field of declaring incomes and expenditures of the state and municipal employees from the State Personnel Service to the state tax authority; specification of powers of the state tax authority, etc.

The rules for disclosure of information contained in the declarations, the unified requirements for information, which is subject and not subject to disclosure, are specified in the Regulations on the Procedure for Declaring and Publishing Information on Income, Assets and Liabilities of a Public Officials and Their Close Relatives, approved by the Resolution of the Government of the Kyrgyz Republic No. 855 of 25 December 2012.

Within the framework of the "Taza Coom" project, there is envisaged an automated system for verifying information contained in incomes declarations of the state and municipal employees.

The procedure for transfer of information contained in declarations of assets and income to law enforcement agencies is governed by the Regulations on the Procedure for Analyzing Reliability and Completeness of Information Specified in Declarations on Incomes, Expenditures, Liabilities and Assets of the State and Municipal Employees approved by the Government of the Kyrgyz Republic on 25 December 2012 № 855, on the basis of which there was established the Interdepartmental Commission consisting of representatives of the State Personnel Service, the Ministry of Justice, the Prosecutor General's Office, the Ministry of Internal Affairs, the State Tax Service, the State Customs Service, the State Service for Regulation and Supervision of the Financial Market, the State Financial Intelligence Service, the National Bank and the State Property Management Fund.

**Progress assessment – 18th Meeting: PROGRESS**

The new Law "On Conflict of Interest" was adopted, but returned to the Parliament with the President's objections. At the moment, the bill has been finalized and is being considered by the relevant parliamentary committee. Also, a new Law on the Declaration of Income, Expenditures, Liabilities and Assets of Persons Holding or Occupying State and Municipal Posts was adopted consolidating the declaration rules in one act. The adopted law provides for: extending the scope of this law to all state and municipal employees (political, special, administrative, including military, law enforcement and diplomatic services) irrespective of their status and type; transfer of powers in the field of declaring incomes and expenditures of the state and municipal employees from the State Personnel Service to the state tax authority; specification of powers of the state tax authority, etc.

It is envisaged that the tax authority will study and analyze the filed declarations for reliability and completeness.

Within the framework of the "Taza Coom" project, there is envisaged an automated system for verifying information contained in incomes declarations of the state and municipal employees.

**Recommendation: Publication of asset declarations**

*Publish income and asset declarations of the high-ranking officials (Internet or mass media).*

17th Meeting, September 2016

*Report of the Government:*
The rules on publication of information contained in the declarations and the uniform requirements regarding information subject or not subject to disclosure are laid down in the Regulation "On the Procedure of Declaring and Publication of Information about Incomes, Property and Liabilities of Public Servants and their Close Relatives", approved by Resolution of the Government of December 25, 2012, no. number 855.

Article 7 of the Law “On Declaring and Publication of Aggregate Information about Incomes, Liabilities and Property of Individuals Holding Political and Other Special Positions in the Government and of their Close Relatives” requires mandatory publication on the WEB site of the State Personnel Service of the officially declared aggregate information on the property and incomes of individuals who hold political government positions, special positions in the government and high administrative government positions.

Aggregate information is processed and published by the State Personnel Service of the KR after the end of the declaring campaign, from June 1 through the end of November of each year. By August 1, 2016 the Service made public the aggregate data on 541 declarants.

**Progress assessment – 17th meeting: PROGRESS**

Kyrgyzstan continues publishing consolidated data from the statements of income and assets of persons holding political posts, special public offices and highest administrative posts on the website of the State Personnel Service.

The previous progress update stated that an in-depth analysis would be needed during the following monitoring to evaluate the disclosure of assets and income of high-ranking officials.

**18th Meeting, September 2017**

**Report of the Government:**

Compilation of consolidated information and its publication is carried out by the State Personnel Service of the Kyrgyz Republic (SPS). By 14 November 2016, consolidated information for 1760 declarants was published. At present, publication of consolidated information for 2016 on incomes, expenditures, liabilities and assets of persons who hold political and other special posts according to the schedule approved by the Order of the State Personnel Service of the Kyrgyz Republic of 13 June 2017 No. 52.

The total number of income declarations submitted in 2017 by persons holding political and other special posts is 2516, including: persons holding state posts - 2358 (98.06%), persons holding municipal posts - 158 (98%).

As of 21 August 2017, there were published 545 items of consolidated information on incomes, expenditures, liabilities and assets of the country's top leadership on the departmental website of the State Personnel Service of the Kyrgyz Republic.

According to Article 6 of the new Law of the Kyrgyz Republic "On Declaration of Incomes, Expenditures, Liabilities and Assets of Persons Holding or Occupying State and Municipal Posts" of 2 August 2017 No. 164 (to be enacted from October 1, 2017), consolidated information contained in declarations on assets and income of persons holding political public posts, special public posts and higher administrative public posts was published on the website of the State Tax Service under the Government of the Kyrgyz Republic.

Preparation of consolidated information and its publication will be carried out by the State Tax Service upon completion of the declaration campaign.

Note: (The State Personnel Service of the Kyrgyz Republic must complete publication of summary information on the State Personnel Service’s website.) Since 2018, the consolidated information will be published by the State Tax Service on its departmental website).
Within the framework of the "Taza Coom" project, there is envisaged an automated system for verifying information contained in incomes declarations of the state and municipal employees.

**Progress assessment – 18th Meeting: PROGRESS**

Kyrgyzstan continues the practice of publication on the website of the State Personnel Service of the consolidated information contained in the declarations on assets and income of persons holding political public offices, special public offices and higher administrative public positions.

Next year, these powers will be transferred to the State Tax Service. Assessment of effectiveness of this step will be given during the monitoring.

**Recommendation: Whistleblowers protection**

*Introduce effective protection of whistle-blowers from arbitrary dismissal and harassment.*

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**Report of the Government:**

17th Meeting, September 2016

The now effective rules of the KR laws protect whistleblowers to the necessary extent. However, a group of Deputies of the Jogorku Kenesh developed the Draft Law “On Protection of Individuals Who Reported Corruption Offences”, which seeks better protection of the rights and freedoms of citizens and secure protection from persecutions of persons who have reported corruption offenses. The draft establishes the legal and organizational framework for protection of such persons and is also to strengthen the confidence of the people in the state and its institutions. This Draft Law was passed by the Jogorku Kenesh of the Kyrgyz Republic in the first reading on May 19, 2016.

In furtherance of the Resolution of the Government of the KR “On Approval of the State Programme for Protection of Witnesses, Victims and Other Participants of Criminal Proceedings” (of January 10, 2014, no. 12) on June 24, 2014 the Board of the Ministry of Interior passed a decision on establishment, within the Ministry, of the State Protection Department, with a staff of 18.

At present state protection is granted to 15 individuals.

**Progress assessment – 17th meeting: PROGRESS**

A group of members of Jogorku Kenesh of the Kyrgyz Republic has developed a draft law On Whistleblower Protection approved in the first reading. Without evaluation of the essence of the draft law, the initiative itself is regarded as a step towards implementation of the recommendation at this stage.

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18th Meeting, September 2017

**Report of the Government:**

The draft Law of the Kyrgyz Republic "On Protection of Persons Reporting Corruption Offenses" was adopted by the Jogorku Kenesh of the Kyrgyz Republic in the third reading and was sent to the President of the Kyrgyz Republic for signature. On 29 December 2016, the draft Law of the Kyrgyz Republic "On Protection of Persons Reporting Corruption Offenses" was returned by the President of the Kyrgyz Republic to the Jogorku Kenesh with objections and instruction to develop an agreed version and to finalize some of the contradictions.

According to the Resolution of the Jogorku Kenesh of the Kyrgyz Republic of 8 February 2017 No. 1327-VI there was formed a conciliation group for elaborating an agreed version of the Law of the Kyrgyz Republic "On Protection of Persons Reporting Corruption Offenses", which had been
The draft law "On the Protection of Persons Reporting Corruption Offenses" was adopted by the Parliament in the third reading, but was returned by the President with objections. The finalized draft law is submitted to the relevant Parliamentary Committee. The remaining described measures are aimed at protecting participants of criminal proceedings, rather than whistleblowers.

**Progress assessment – 18th Meeting: NO PROGRESS**

The draft law "On the Protection of Persons Reporting Corruption Offenses" was adopted by the Parliament in the third reading, but was returned by the President with objections. The finalized draft law is submitted to the relevant Parliamentary Committee. The remaining described measures are aimed at protecting participants of criminal proceedings, rather than whistleblowers.

**Recommendation: Transparency and discretion in public administration**

*Finalize the reform of the anti-corruption expertise of legal acts and ensure its practical implementation.*

*Ensure proper regulatory impact assessment before adopting the new legislation (at least the major laws - specify categories in the regulations).*

*Ensure regular publication of the results of the anti-corruption screening and regulatory impact assessment.*

*Ensure maximum possible stability of legislation to the benefit of the business environment.*

*Introduce modern e-government tools aimed at decreasing the contact with the government bureaucracy and reducing the risks of corruption.*

**17th Meeting, September 2016**

**Report of the Government:**

The Law “On Legal Acts of the Kyrgyz Republic” stipulates the possibility of accreditation of independent experts (individuals and entities) for different kinds of specialized expert assessment of legislative drafts.

Anti-corruption assessment of future laws and regulations has in the recent years become of particular relevance in the general system of prevention of corruption: a number of independent research projects clearly showed that presence of corruption-related risks in a regulatory document serves as a catalyst for corrupt practices.

The procedure of anti-corruption expert assessment by the Ministry of Justice of the KR is in need of systemic review. The huge number of draft regulations and the present resource capacity of this
Agency fail to ensure anti-corruption assessment of high quality. In this regard all involved experts agree about further improvements in the anti-corruption assessment system, with development of a new assessment/scrutiny methodology, mandatory nature of anti-corruption expert assessment, assignment of the institution in charge, approval of the list of typical corruption factors for obligatory consideration and so forth.

This matter was heard at the meeting of the Kyrgyz Government, which assigned the Ministry of Justice and the General Prosecutor's Office (as to be further agreed) to make proposals on increasing the efficiency of expert anti-corruption expertise of the laws/regulations and their drafts.

In accordance with Article 19 of the Law “On Legal Acts of the Kyrgyz Republic” any draft legislation aimed at regulation of business activities is subject to regulatory impact analysis (RIA) in accordance with the procedure approved by the Decree of the Government of September 30, 2014, no. 559 (hereinafter – the Methodology).

In the first half of 2016 the Ministry conducted 90 assessments and presented positive opinions on 40 % and negative findings on 60 % of the scrutinized texts. A negative opinion means return of the draft for revision.

As of July 4, 2016 the Ministry of Economy has been posting on its WEB site the results of RIA of drafts developed by different authorities and assessed by the Ministry. This increases the awareness of stakeholders and ensures transparency of the RIA procedure.

Resolution of the KR Government of November 12, 2015, no. 4 “On Implementation of the Regulatory Reform Project “Systemic Regulation Analysis” marked the launch of this new project. In the framework of the project by now 84 members of working groups from 34 government authorities were trained to inventorize and enter the data into the “E-guillotine” database, 34 authorities set up their working groups, 72,127 documents underwent primary analysis (inventorization), 1,487 regulations/documents were identified by the working groups as relevant, and 864 other relevant documents were additionally provided by the business community and experts. Inventorization of the laws and regulations revealed 1,996 administrative procedures, of which 247 should be subjected to analysis and assessment in priority order.

On the basis of the results of Phase 1 the Council approved the list of 1,068 laws and regulations pertaining to regulation of business activities and 3,388 other relevant documents.

The third phase of the Project that is underway presently implies development of recommendations for optimization of laws and regulations and submission of such recommendations to the Government of the KR.

According to the results of phase 2, employees of government agencies, entrepreneurs and experts from the Regulatory Reform Unit jointly prepared recommendations on 192 laws and regulations, or 18 % of the total approved by the Board, and recommended 1) to annul 76 of these legal acts, 2) to amend and supplement 41 legal acts and 3) to leave 75 laws/regulations unchanged.

These recommendations were discussed with representatives of the business community and government agencies, with the signing of a protocol with each agency after coordination of the recommendations to relevant legal acts.

The general number of consultations with stakeholder authorities and business communities in the course of 2016 has already exceeded 500; in particular, 305 consultations were held with government agencies and 209 – with business entities.

One of the principal features of the KR Government’s Programme for Implementation of e-Governance for 2014 - 2017 and of the Action Plan for its Programme is the focus on providing services to the population and businesses.

The Decree of the Government of February 10, 2012 (no. 85) approved the Unified Register of public services rendered by bodies of executive power, their structural subdivisions and subordinated institutions. Now this register includes 373 public services.
2013 was marked by large scale work on the development of standards with regard to the services listed in the Unified Register.

The Inter-Agency Commission in the course of its performance approved 360 proposed public service standards. The Decree of the Government “On Approval of the Standards of Public Services Rendered by Bodies of Executive Power, their Structural Subdivisions and Subordinated Institutions to Natural and Legal Persons” of March 6, 2014 (no. 303) and the subsequent amendments thereto approved 275 public service standards.

The authorities are to develop a total of 394 administrative regulations on public services (242 paid services and 152 free of any charge), with possible changes in these numbers depending on possible changes, additions and exclusions to/from the Register of public services.

By July 1, 2016 176 administrative regulations on public services were already drafted, 218 drafts were in the process of development, and 23 authorities submitted 119 drafts of such administrative regulations to the Ministry of Economy for preliminary review.

11 administrative regulations with regard to public services of the Ministry of Economy of the Kyrgyz Republic were approved by the Decree of the Government of June 20, 2016, no. 302-p. In the future all authorities will have to bring their drafts into compliance with the Regulations of the Ministry of Economy. All this will enable a more streamlined process of providing public services in the electronic format.

Public services will be provided via a variety of access channels and public networks, depending on the capacities of end recipients. One of the main tasks is proper technological support of the “one window” format for public services. Such a portal will by way of ICT reduce the level of corruption by minimizing citizens’ needs to visit public administration bodies. Public services will become more readily and promptly accessible to their recipients. This will also strengthen the relations between different government authorities.

In accordance with the Programme the principal accomplishments and outcomes of its implementation are presently as follows:

At the first stage the Government by its Decree of May 6, 2015, no. 272, incepted the Centre of Electronic Governance of the Government of the KR.

In the course of the second stage and in order to harmonize the legal and regulatory frameworks and to speed up the process of centralized implementation of e-governance the Parliament passed the Law “On Amendments and Additions to the Law of the KR On Informatization” and the Government prepared the drafts of its future resolutions “On Amendments and Additions to the Law On Information of Personal Nature”, “On Amendments to Certain Legislative Acts of the Kyrgyz Republic in the Sphere of Regulation of the Electronic Document Flow and Electronic Signature” and “On the Administrative Procedure for Inter-Agency Electronic Interaction of the Government Authorities and Bodies of Local Self-Government of the Kyrgyz Republic”.

With regard to the making of the priority list of electronic services and ensuring their conversion into the digital mode and for the purpose of providing affordable user-friendly interactive services of proper quality the Ministry has developed and test-launched, with support of the UNDP, the State Portal of e-Services (www.gosuslugi.mineconom.kg), which is presently being filled with the necessary content. At this moment the portal may be used for information and reference purposes. Its build-up necessitates development of the procedure of information exchange between executive authorities acting as providers of public services, for ensuring proper accessibility, supportability and serviceability of the system for all users.

Another already prepared draft regulation is that of the Government’s Decree “On Operation Procedures for the “Single Portal of Public and Municipal Services, Licences and Permits” National Information System”.

This regulation is to approve the operational procedures for “The Single Portal of Public and Municipal Services, Licences and Permits” – the all-national information system, with the specified
procedure of information exchange between state bodies of executive power, bodies of local self-
government, institutions and organizations involved in providing of public and municipal services
and in issuance of licences and permits the list of which is made by the Government of the Kyrgyz
Republic. The end purpose is to ensure proper accessibility, supportability and serviceability of the
system for all users.

Public and municipal services will be provided via a variety of access channels and public networks,
depending on the capacities of end recipients. One of the main tasks is proper technological support
of the “one window” format for public services.

The above described drafts of the decree and relevant procedures will lower the level of corruption
will by means of the use of ICT reduce the level of corruption by minimizing citizens’ needs to visit
public administration and local self-government bodies. Public services will become more readily
and promptly accessible to their recipients. This will also strengthen the relations between different
government and municipal authorities.

**Progress assessment – 17th meeting: PROGRESS**

The information provided fails to indicate practical steps taken to improve the anti-corruption
assessment. Instead, it only refers to the Government’s instruction to the Ministry of Justice and
Prosecutor General’s Office to make relevant proposals. Moreover, there is no information about a
draft law developed by the Government to improve regulation of the anti-corruption assessment. In
an alternative progress update, the civil society states that there are no clear and consistent
approaches to such assessment.

In addition, the Ministry of Economy publishes findings of the regulatory impact assessment on its
website. The review of regulatory acts is underway as part of the regulatory reform. Currently,
stage 3 of the reform is taking place: development and submission of recommendations on improvement
of regulatory acts to the Government of Kyrgyzstan. At stage 2, representatives of government
agencies, entrepreneurs and experts of the regulatory reform department worked together to
develop the following recommendations to 192 regulatory acts, which was 18% of all regulations
approved by the Council: 1) invalidate 76 regulatory acts; 2) amend and supplement 41 regulatory
acts; 3) keep 75 regulatory acts unchanged.

Moreover, Kyrgyzstan has established an E-Management Center of the Government and is testing a
public portal of e-services. The country has also developed and adopted a range of regulatory acts
on e-management, administrative procedures of public services, and a single portal of public
services.

**18th Meeting, September 2017**

**Report of the Government:**

Within the framework of the joint Council of Europe / European Union project “Strengthen
Prevention and Combating of Corruption in the Kyrgyz Republic” (SPCC-KY), in August 2017 there
was developed the Concept of legal regulation of anti-corruption expert examination in the Kyrgyz
Republic, on the basis of which the methodology of effective anti-corruption expert examination at
the state level is implemented. It is planned to introduce an anti-corruption expert examination
system not only for draft regulatory legal acts, but also for anti-corruption analysis of all legislation.
To this end, in 2017, a number of seminars and consultations were held with international experts,
as well as with representatives of the key government agencies and civil society.

As part of improvement of the existing model of carrying out anti-corruption expert examination:

- the Ministry of Justice of the Kyrgyz Republic retains the functions of carrying out anti-corruption
  expert examination of draft regulatory legal acts (establishment of a specialized unit responsible for
  anti-corruption expert examination) and gets the functions of (selective) anti-corruption expert
  examination of municipal draft regulatory legal acts;
the Prosecutor General's Office of the Kyrgyz Republic gets the functions of anti-corruption expert examination of the current regulatory legal acts.

From January to June 2017, the Ministry of Justice of the Kyrgyz Republic conducted anti-corruption expert examination of about 865 draft regulatory legal acts.

There was drafted the Law of the Kyrgyz Republic "On Regulatory Legal Acts of the Kyrgyz Republic" and is being approved and publicly discussed now (posted on the website of the Government of the Kyrgyz Republic on 11 August 2017), which sets the basis for carrying out anti-corruption expert examination of the draft regulatory legal acts. It also approves the methodology for carrying out anti-corruption expert examination of draft regulatory legal acts.

During 2016, the Ministry of Economy of the Kyrgyz Republic conducted 150 expert examinations, 131 instances of regulatory impact analysis, 40% had positive conclusions, 60% had negative conclusions (returned for revision).

From 1 January 2017 to 1 July 2017 46 reports on regulatory impact analysis were submitted to the Ministry of Economy, for which 52 opinions were given, including 31 positive and 15 negative conclusions.

Starting from 4 July 2016, all inquiries on regulatory impact analysis submitted for expert examination are posted on the official website of the Ministry of Economy of the Kyrgyz Republic in the section "Regulatory Impact Analysis", subsection "Regulatory Impact Analysis Database", with information on contact persons for comments and suggestions, references to the draft Act itself and regulatory impact analysis, as well as information on the results of the expert examination (positive or negative conclusion). This action was aimed at raising awareness of stakeholders and ensuring transparency of the regulatory impact analysis procedure.

Also the section "Regulatory Impact Analysis" of the website of the Ministry of Economy of the Kyrgyz Republic contains the accompanying necessary information for implementation of regulatory impact analysis, including the regulatory framework, the stages of regulatory impact analysis implementation, the procedure for regulatory impact analysis administration, the common mistakes in regulatory impact analysis administration, information on statistics, guidance on regulatory impact analysis management, as well as a sample form of regulatory impact analysis.

To date, in the framework of the regulatory reform "Systematic analysis of regulation":

out of 1068 regulatory legal acts approved by the Council on Regulatory Reform, there were worked out recommendations on 747 regulatory legal acts (70% of the approved regulatory legal acts) + 50 regulatory legal acts already became invalid = 797 regulatory legal acts or 74.6%;

out of 1996 administrative procedures identified in the legislation, there were developed recommendations for 479 administrative procedures (24% of the existing administrative procedures in the regulatory legal acts);

the economic effect of the proposed recommendations (peer review) will be 1334.5 million soms.

For the purposes of implementation of these recommendations in 2016 and in the first half of 2017:

1) there were invalidated three Laws of the Kyrgyz Republic and 82 resolutions of the Government of the Kyrgyz Republic creating artificial barriers to business;

2) there were amended 10 regulatory legal acts, the amendments are aimed at removing provisions that create artificial barriers to business.

In accordance with the Resolution of the Government of the Kyrgyz Republic "On Organizational Measures in Connection with the Change in the Structure of the Government of the Kyrgyz Republic" of 4 July 2016 No. 373, the function of developing a policy in the field of electronic government and electronic services was transferred to the State Committee for Information Technologies and Communication of the Kyrgyz Republic (hereinafter SCITC).

On 19 July 2017 there was adopted the Law of the Kyrgyz Republic "On Electronic Governance"
№127, whose tasks are to eliminate corruption-related factors in the state and business governance systems and to create conditions for unhindered and timely obtaining of high-quality services by citizens using modern information and telecommunication technologies, as well as necessary information.

The State Committee for Information Technologies and Communication of the Kyrgyz Republic introduced for public discussion a draft resolution of the Government of the Kyrgyz Republic "On Approval of the List of Electronic Services", which simplifies the procedures for obtaining the government and municipal services through the information and telecommunication network "Internet" and shortens the time for the provision of the government services. The number of e-government services provided by the List is 189.

There is developed an information system “The State Portal of Electronic Services” ensuring provision of the government and municipal services in electronic form and access of applicants to information on the government services intended for distribution over the Internet, this system can be found at http://www.e-gov.kg.

For the purposes of development of information and communication technologies in the state authorities and local self-government bodies, there are allocated the funds in the amount of 14.6 million soms.

1. "Taza Coom" project. In accordance with the Resolution of the Government of the Kyrgyz Republic of 9 June 2017 №220-r, for the purposes of implementation of the projects of "Taza Coom" program, the budget allocates the funds in the amount of 220.0 million soms. Full implementation of e-government greatly simplifies the procedures for obtaining the services, shortens the terms of delivery, improves accessibility for consumers, raises consumer awareness of the procedure, methods and conditions for obtaining the government services, and reduces corruption risks.

To ensure coordination of the activities of the state authorities in implementation of Taza Coom Project, Government adopted Resolution No. 297 of 19 May 2017 establishing the Council for Implementation of Taza Coom Project under the Government of the Kyrgyz Republic and approving its Regulations. Under the Order of the Prime Minister of the Kyrgyz Republic of 18 July 2017 No. 483, there was approved the composition of the said Council, where the Prime Minister acts as the chairman.

The priority projects of Taza Coom affect the interests of citizens, business and the state as a whole. The projects are divided into the following areas: human resources; digital file; digital education; digital financial services.

Implementation of the presented list will give a start to transition to electronic governance and will allow to review the governance system of the state bodies as a whole.

At present, the following automated information systems are at the implementation phase: "Human resources record keeping"; "Electronic document management system"; "Electronic registration of legal (foreign) entities"; "E-registration"; "Electronic notary"; "Payment gateway"; "Electronic queue for children's educational organizations"; "Electronic queue for schools"; "Electronic register of crimes"; "Electronic patent"; "e-gates" border control system; electronic marketplace; Hybrid mail; National spatial data infrastructure; electronic visa, fiscalization of tax procedures.

The following services in the field of citizens’ registration were transferred into electronic format: "Registry Office"; "Passport"; "State register of national passports of citizens"; "Address information bureau"; "Citizenship"; "Registration of a foreigner"; "Retroconversion of records"; "Portal of electronic services"; Development of a unified system of interdepartmental interaction of information systems; "Distance learning"; "Testing drivers"; "Register of transport"; application of new technologies in the electoral system.

There is created a basic model of the Unified State Register of Population (hereinafter - USRP),
which is a complex and integrated system for registration of civil status acts, accumulation of passport and address information, and a biometric database.

The Ministry of Internal Affairs of the Kyrgyz Republic automated the state service "Issuance of criminal clearance certificates to citizens in the territory of the Kyrgyz Republic" and launched payment terminals for automatic filing of applications. Now citizens have the opportunity to apply for help through the electronic portal of the government services of the Ministry of Internal Affairs, or through payment terminals.

**Progress assessment – 18th Meeting: PROGRESS**

With the help of international partners, Kyrgyzstan developed the Concept of Legal Regulation of Anti-Corruption Expert Examination, and within its framework it plans to introduce, along with the expert examination of drafts, an expert examination of the current legislation. A draft law "On Regulatory Legal Acts of the Kyrgyz Republic" has been developed and is being approved and publicly discussed now, which establishes the basis for carrying out an anti-corruption expert examination of draft regulatory legal acts and approves the methodology for carrying out anti-corruption expert examination of draft regulatory legal acts.

There was also received information on the active regulatory effect analysis. At the same time, according to the public, the results of anti-corruption expert examination and regulatory impact analysis are not always published. The public draws attention to the fact that the stability of legislation has also not been achieved.

An important step was the adoption of the Law "On Electronic Governance", its content will be assessed in the course of monitoring.

Kyrgyzstan has launched the innovative project "Taza Coom", within the framework of which it is planned to switch to electronic governance and expand the practice of providing electronic services.

**Recommendation: Public financial control and audit**

*Continue practical trainings on standards, principles and methods of conducting of the internal audit, including for the directorship of the authorities.*

*Improve the methodology as regards the control of quality of internal audit, including foresee an evaluation of activities of internal audit units in addressing corruption risks in their public institutions, including providing recommendations on this issue.*

*Strengthen the role of the Audit Chamber in detection and prevention of corruption risks. Continue practical trainings.*

*Broaden cooperation between the internal audit and the Audit Chamber.*

**Report of the Government:**

In the framework of the Project “Building the Capacity of Internal Audit in the Public Sector” on November 2-4, 2015 the Ministry of Finance of the Kyrgyz Republic jointly with the international consultant company - the Institute of Internal Auditors of Ukraine (IIAU) - held, at the Training Center of the Ministry of Finance of the Kyrgyz Republic, a three-day workshop for heads of the Kyrgyz ministries’ and agencies’ internal audit services, for discussion of quality control methodologies and development of the outline of the main parts of the Guidance on the Programme for internal audit quality assurance and improvement according to the KR Standard
As part of the same project and for the purpose of personnel training in the context of KR Standard 1300 (Assurance and Improvement of Quality of Internal Audit) T. Lebedynets, international consultant with the Institute of Internal Auditors of Ukraine (IIAU), and V. Getman, local IIAU consultant, conducted a series of workshops on the Guidance on the Programme for internal audit quality assurance and improvement.

This training was held for 3 groups of 82 internal auditors (5 days for each group) on the following dates: from February 29 through March 1, 2016 – for the 1st group of internal auditors (trainer - T. Lebedynets); March 14 – 18, 2016 – for the 2d group of internal auditors (trainer - V. Getman); from March 28 through April 1, 2016 – for the 3rd group of internal auditors (trainer - V. Getman).

As another part of the Project “Building the Capacity of Internal Audit in the Public Sector” and in order to raise the qualifications of specialists in the internal audit sphere regarding the basic principles of internal audit and the procedures of internal audit, public procurement audit, financial asset management audit, public spending, budget accounting, etc., the Ministry of Finance of the Kyrgyz Republic jointly with its international consultant company - the Institute of Internal Auditors of Ukraine (IIAU) held, on the premises of the Ministry, a number of training-of-trainers internal audit workshops for the heads and personnel of internal audit services of the ministries and agencies of the KR. These trainings were conducted over the period from June 6 to June 25, 2016 and were attended by 10 future trainers.

Also within the framework of the Project “Building the Capacity of Internal Audit in the Public Sector” the Ministry of Finance of the Kyrgyz Republic and its international consultant company IIAU are presently (between May 23 and August 17, 2016) conducting trainings for 3 groups of internal auditors employed at internal audit services of the ministries and agencies of the Kyrgyz Republic. These activities address the development of the Programme of professional training and certification of internal auditors of the KR. The plan is to train over 80 internal auditors. The trainings are scheduled for the following dates:

- from May 23 until June 20, 2016 – for the first group of auditors;
- from June 21 until July 19, 2016 – for the second group of auditors;
- from July 20 until August 17, 2016 – for the third group of auditors.

The draft of the Guidance on the Programme for internal audit quality assurance and improvement which was developed for improving the regulatory and methodological framework for internal audit is currently in the process of inter-agency coordination.

In accordance with the powers provided by the Law “On the Accounting Chamber of the Kyrgyz Republic” this authority renders assistance to government authorities and bodies of local self-government in identification of corruption risks and their prevention.

Recently the Accounting Chamber has developed and presently computerizes the procedure of annual risk-based internal audit planning. One of the considered risks is information about the audited entity from external sources (on appointment of the new head of the entity, on any changes, mergers or division of powers at such entity, etc.).

In order to strengthen the cooperation between internal audit services and the Accounting Chamber the representatives of the Chamber act as members of the recently established Inter-Agency Working Group on Collaboration in the Implementation of the Agreement on Cooperation in the Sphere of Public Audit between the Accounting Chamber and the Ministry of Finance of the Kyrgyz Republic. In February of this year the Ministry of Finance developed and approved an action plan for implementation of the above mentioned Agreement.

**Progress assessment – 17th meeting: PROGRESS**

Kyrgyzstan continues training internal auditors. The country has drafted guidelines to develop an
Internal Audit Quality Assurance and Improvement Program currently being approved by different government agencies.

The Accounting Chamber has developed a computerized annual audit planning system based on risk assessment and selection criteria including information about an audit object from external sources. In February 2016, the Ministry of Finance developed and approved an Action Plan to implement the Public Audit Cooperation Agreement between the Accounting Chamber and Ministry of Finance of the Kyrgyz Republic.

18th Meeting, September 2017

**Report of the Government:**

For the purposes of continuing education of internal auditors, the Ministry of Finance of the Kyrgyz Republic conducted trainings from 23 May to 17 August 2016 for three groups of internal auditors of internal audit services of ministries and departments under the Program of Preparation for Certification of Internal Auditors of the Kyrgyz Republic. These trainings covered the following areas: public financial management system, basic knowledge of internal audit, legislative framework for conducting internal audit in the Kyrgyz Republic; mandatory aspects of the International Standards for the Professional Practice of Internal Auditing (ISPP), etc. The issues of quality control of internal audit, internal and external evaluations were also discussed.

For the purposes of advanced training and continuous education of specialists in internal audit, the Ministry of Finance of the Kyrgyz Republic organized and participated in the following seminars and conferences during 2016-2017: "Internal Audit and Control in the Public Administration System"; functioning of the internal audit system (Moldova); "Basis of internal audit and internal control procedures" for the heads of structural and subordinate units of the Ministry of Finance of the Kyrgyz Republic (Armenia); "Study of international experience in developing the system of internal audit and financial management and control of the Republic of Moldova and Armenia"; online training, testing and certification of internal auditors of the public sector of the Kyrgyz Republic.

In order to create a methodology for the quality control system, on 28 December 2016, there were approved the Guidelines for developing a Program for guaranteeing and improving the quality of internal audit, which is applied in a number of ministries and departments.

With a view to developing external and internal state audit, in June 2014 there was signed the Agreement on Cooperation in the Sphere of the State Audit Between the Ministry of Finance of the Kyrgyz Republic and the Accounts Chamber of the Kyrgyz Republic", on the basis of which the Ministry of Finance Order No. 75-P of 30 May 2016 approved the Action Plan for Implementation of the Agreement for 2016 of 5 February 2016. Based on this Plan, the Procedure for Interaction in the Sphere of the State Audit Between the Ministry of Finance of the Kyrgyz Republic and the Accounts Chamber of the Kyrgyz Republic is being introduced.

On 1 November 2016, a new structure of the Accounts Chamber was put in place and specialized audit departments were established based on the specifics of the areas of the state activity; planning, statistics and reporting department are active now.

There was adopted the Guideline on Planning Audit Activities specifying the following criteria: budget of the audit object, frequency of the audit, violations identified during the last audit and level of implementation of the requirements of the Accounts Chamber by the object of audit. Also, qualitative criteria are provided, based on a professional judgment of the audit object.

Based on the results of audit activities, 63 audit materials were sent to law enforcement agencies for consideration in 2016, and 291 audit materials were provided at the request of law enforcement agencies.

On 30 August 2017 the Secretariat of the Security Council of the Kyrgyz Republic conducted a training on the methodology of identifying corruption risks for all employees of the Accounts Chamber.
Kyrgyzstan reported on organization by the Ministry of Finance and participation of its employees in various seminars and conferences on the current issues of internal audit. Based on the results of audit activities, 63 audit materials were sent to law enforcement agencies for consideration in 2016, and 291 audit materials were provided at the request of law enforcement agencies. However, no information is provided on the results of consideration of these materials.

On 30 August 2017 the Secretariat of the Security Council of the Kyrgyz Republic conducted a training on the methodology of identifying corruption risks for all employees of the Accounts Chamber.

In order to create a methodology for the quality control system, on 28 December 2016, there were approved the Guidelines for developing a Program for guaranteeing and improving the quality of internal audit, which is applied in a number of ministries and departments.

**Recommendation: Public procurement**

- **Finalize and adopt a full set of required implementing legislation in the area of public procurement and without further delay start its implementation**
- **Improve institutional framework and the capacity of the Public Procurement Department**
- **Establish functional independent complaint review commission and publish results of review of such complaints**
- **Implement electronic public procurement to ensure 90% of all tenders for purchasing goods, works and services are conducted electronically by December 2017**
- **Improve statistical data collection system including performed procurement, complaints and results of their review and its analysis; publish annual public procurement performance reports.**

In accordance with the Decree of the Government of the Kyrgyz Republic “On Delegation of Certain Rule-Making Authority of the Government of the Kyrgyz Republic to a Number of State Bodies of Executive Power” (of September 15, 2014, no. 530) and in order to bring the subordinate legislation in the sphere of public procurement into compliance with the Law “On Public Procurement”, the Order of the Ministry of Finance of the Kyrgyz Republic “On Approval of Regulations in the Sphere of Public Procurement” (October 14, 2015, no. №75-p) approved the following regulations, guidelines and standard tendering documents: Regulation on the rules of electronic public procurement; Guidelines on privileges to internal suppliers (contractors); Guidelines on evaluation of bids; Regulation on application of the Framework Agreement; Regulation on the procedures of the Inter-Agency Commission for independent review of complaints about actions or inaction of procuring entities and on inclusion of unreliable suppliers (contractors) into the public procurement database; Standard Tendering Documentation for procurement of commodities under single stage, two-stage, summary and price reduction procedures modes; Standard Tendering Documentation for procurement of works under single stage, two-stage, summary and price reduction procedures modes; Standard Tendering Documentation for procurement of services under single stage, two-stage, summary and price reduction procedures modes.

Therefore, all regulations have been fully brought into compliance with the above mentioned Law.
The inter-agency working group for improvement of public procurement legislation (formed according to the Order of the Prime Minister of the Kyrgyz Republic T. Sariyev of November 20, 2015, no. 528) has developed a draft Law “On Amendments to the Law On Public Procurement”. This draft was re-submitted to the ministries and agencies of the Kyrgyz Republic for approval (on May 25, 2016, no. 20-1-2 /5809). For the purpose of further discussion the text of the draft was posted on the official WEB site of the Government of the Kyrgyz Republic and on the Public Procurement Portal. The ministries and agencies are presently sending their comments and proposals on the draft Law, and the draft will be accordingly improved and in due course submitted to the Office of the Government of the Kyrgyz Republic in accordance with the established procedure.

In accordance with Article 49.1 of the Law “On Public Procurement” the Order of the Ministry of Finance of the Kyrgyz Republic of March 15, 2016 (no. 1-DP) set up the Independent Inter-Agency Commission for review of complaints and protestations. This body consists of members of the public, representatives of ministries and agencies and certified specialists in the sphere of public procurement.

Another Order of the Ministry of Finance of the Kyrgyz Republic (of October 14, 2015, no. 175-II) approved the Regulation on the procedures of the Independent Inter-Agency Commission for review of complaints about action or inaction of procuring entities and on inclusion of unreliable suppliers (contractors) into the public procurement database.

The modules for online filing of complaints and for publication of decisions on the Public Procurement Portal were developed, tested and launched. In accordance with Articles 9 and 49 of the Law “On Public Procurement” the decisions of the Independent Inter-Agency Commission for review of complaints will be posted on the Portal pursuant to the established procedure. At present this commission forwards its decisions on reviewed complaints to the applicant and to the procuring entity via the Public Procurement Department of the Ministry of Finance.

The Portal also posts annual reports on conducted tenders and relevant contracts signed by procuring entities. All information available from the moment of publication of the tender announcement until the signing of the contract (documents on the opening of the bids, procurement procedures, and contracts) is posted on the Portal and accessible to any interested party.

As of May 14, 2015 all public procurements in the Kyrgyz Republic have been held only electronically, which means a complete transition to e-tendering. The official Public Procurement Portal is in operation and a uniform system of public procurement has been created. This ensures transparency, openness and public access to information on the opening of the bids, procurement procedures and competitive award of contracts. The conditions for suppliers (contractors) have been also made uniform, and any party registered on the Portal can participate in a tender announced on the Portal, on equal footing with all others. There are no restrictions as regards the number of participating suppliers (contractors).

In order to conduct public procurements in a quality manner the Training Centre of the Ministry of Finance of the Kyrgyz Republic organizes training for officials of procuring entities and participants of the public procurement system (suppliers, contractors).

In the six months of 2016 (January through June) such trainings were attended by a total of 2,000 individuals.
Progress assessment – 17th meeting: PROGRESS

The Ministry of Finance has developed and approved a number of bylaws on public procurement. Kyrgyzstan has set up an independent inter-agency commission to review complaints and protests and launched a service to file complaints online.

The Ministry of Finance’s Training Center trains officials of procurement organizations and participants of the public procurement system (suppliers, contractors, etc.).

The Government has developed amendments to the Law On Public Procurement, but failed to provide information about their content. Therefore, it is impossible to evaluate this step.

18th Meeting, September 2017

Report of the Government:

The Public Procurement Department under the Ministry of Finance of the Kyrgyz Republic publishes on its Portal annual reports on the held tenders, as well as concluded contracts for each tender held by the procuring entities. All information, starting from publication of the announcement before conclusion of the contract (the protocol of opening bids, the protocol of procurement procedures, the contract), is placed on the Portal, and any interested person has access to this information.

As the result of the work performed in 2016, the state agencies and institutions funded from the republican budget saved about 2.9 billion soms when purchasing through the Electronic Public Procurement Portal, in the first quarter of 2017 the saving already amounted to 0.3 billion soms.

In 2016-2017 the work on improving the public procurement system continued in two areas: in the legislative area and in the area of automation.

At the legislative level, the draft Law of the Kyrgyz Republic "On Amending the Law of the Kyrgyz Republic "On Public Procurement" was developed and then adopted in the first reading by the Zhogorku Kenesh of the Kyrgyz Republic on 7 June 2017.

The main objectives of the draft law are to eliminate conflicts, omissions and gaps, bringing it in line with other regulatory legal acts. For example, the term "dumping price" is used to prevent excessive reduction in the cost of the proposed work or service, which negatively affects the quality; the term "services" is used to fill gaps; there were finalized the rules on criteria of inclusion of suppliers (contractors) in the Database of Unreliable Suppliers (Contractors), in part of posting information on the results of contract performance on the web portal of public procurement, etc.

Based on the analysis of corruption risks in the public procurement system of the Kyrgyz Republic, there were developed certain proposals to automate business processes in the digital transformation program "Taza Coom", administered by the Presidential Office of the Kyrgyz Republic. In addition, the decision was made to automate the following functions on the public procurement portal: public procurement planning, monitoring the implementation of plans, framework agreements and centralized procurement of standardized goods and services, execution of concluded contracts, analytical capabilities of the web portal, modules for a two-stage procurement method and purchases by the method of lowering prices. There were allocated around 10 million soms from the republican budget for the purposes of automation of the public procurement system.

Also, there was developed a plan of measures to amend the Law of the Kyrgyz Republic "On Public Procurement", which regulates the following issues: monitoring prices on goods and services, division of the amount of public procurement, competition by lowering prices, a two-stage method of procurement, international competitive bidding, execution of contracts (contracts), domestic suppliers (contractors), procurement of joint-stock companies and state-owned enterprises.

The action plan envisages the institutional transformation of the public procurement regulator by
re-subordinating the Public Procurement Department from the Ministry of Finance of the Kyrgyz Republic directly to the Prime Minister of the Kyrgyz Republic.

To date, the following technical solutions have been developed and are being implemented:

1) introduction of the method to reduce the price (electronic auction is fully automated, i.e., transitions between rounds, price analysis, determination of the lowest price, and therefore, the winner is determined automatically, the human factor is excluded. The change in the originally submitted price is possible only if it is subsequently decreased;

2) development of a mechanism for using the results of monitoring on effectiveness of the performed planning and actual purchases by the state institutions;

3) development of mechanisms for formation of open data;

4) functionality ensuring openness and transparency in the public procurement to control implementation of the contracts;

5) search functions in terms of improving the contextual search by specified criteria, as well as using a part of the word when searching:
   a) quick search function:
   b) advanced search function:

Also, the search is set to insensitivity to uppercase and lowercase letters.

6) functionality of the procurement planning module, in terms of adding implementation of the search profile to procurement plans: by keyword, by customer, by code, by date, by region, by type of tender;

7) functions of the Reporting module with added updated types and output reporting forms (9 types, 18 forms) and their publication on the main page of the Portal to ensure openness and transparency in public procurement (excluding information on procurement conducted by law enforcement agencies).

Thus, as a result of these technical improvements, the public procurement system aimed at minimizing corruption, as well as the participation of suppliers (contractors) and business community in the ongoing competitions, was substantially improved. There were introduced effective tools to implement public control over efficient and rational spending of the state budget funds.

In the course of implementation of the set tasks within the framework of this project, the progress was also made in advancing another project - the Electronic Trading Platform. This product will allow to sell (privatize) and rent out municipal property through online electronic auctions. This product ensures transparency in the procedures for selling and renting municipal property and excludes a "human factor" in these processes.

In order to ensure high-quality public procurement, the Training Center of the Ministry of Finance of the Kyrgyz Republic conducts training for officials of procuring entities, participants in the public procurement system (suppliers, contractors).

1390 people were trained in total during the first half of 2017.

**Progress assessment – 18th Meeting: PROGRESS**

According to the received information, the portal of the Public Procurement Department under the Ministry of Finance of the Kyrgyz Republic publishes annual reports on the held tenders, as well as concluded contracts for each tender held by the procuring entities. The draft law "On Amending the Law of the Kyrgyz Republic "On Public Procurement" was adopted by the Parliament in the first reading. The main objectives of the draft law are to eliminate conflicts, omissions and gaps, bringing it in line with other regulatory legal acts.
The Training Center of the Ministry of Finance of the Kyrgyz Republic conducts training for officials of procuring entities, participants in the public procurement system (suppliers, contractors).

There were developed certain proposals to automate business processes in the digital transformation program "Taza Coom", administered by the Presidential Office of the Kyrgyz Republic. In addition, the decision was made to automate the following functions on the public procurement portal: public procurement planning, monitoring the implementation of plans, framework agreements and centralized procurement of standardized goods and services, execution of concluded contracts, analytical capabilities of the web portal, modules for a two-stage procurement method and purchases by the method of lowering prices. There were allocated around 10 million soms from the republican budget for the purposes of automation of the public procurement system.

A number of technical solutions were developed and introduced to improve the public procurement portal. Also, they consider a question of withdrawal the Public Procurement Department from the structure of the Ministry of Finance and subordinating it to the Prime Minister.

At the same time, the civil society draws attention to the weak potential of the Independent Commission for Processing Complaints.

**Recommendation: Access to Information**

**Reform the legislation on access to information in line with the international standards by consolidating relevant provisions in one law and aligning other legislative acts (first of all the law on state secrets) with the access to information law.**

**Ensure efficient oversight of enforcement of the right to access to information by the state bodies, including proactive publication of information of high public interest.**

**Increase public awareness of the right to access of information.**

**Explore the possibility of establishing a unified portal for proactive publication of public information for all public agencies.**

**Ensure designation of persons responsible for access to information in government agencies as required by legislation and their regular training.**

**Abolish duty of the Prosecutor General to protect honour and dignity of the President**

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**17th Meeting, September 2016**

**Report of the Government:**

In order to ensure the exercise and protection of the right to access information held by government authorities and local government bodies and to achieve maximum transparency and openness of their activity the Parliament adopted, on December 28, 2006, the Law “On Access to Information Held by Government Authorities and Bodies of Local Self-Government of the Kyrgyz Republic”. This Law obligates all such authorities to provide information in accordance with the therein specified requirements.

The state protects the right of everyone to seek, receive, research, produce, transfer and disseminate information. Any restrictions on access to and dissemination of information may be established only by law.
Under the requirements of Articles 33 and 34 of the mentioned Law all public and local authorities establish within their structures special subdivisions and appoint persons in their charge who are responsible for direct provision of information to the public. With the help of mass media the authorities are also to raise the general awareness on the procedure of using the opportunities of obtaining information as stipulated in the Law.

Another law in effect is the Law of the Kyrgyz Republic “On the Safeguards and Freedom of Access to Information” (of December 5, 1997, no. 89), which regulates the relations that arise in the process of the exercise of everyone’s right to seek, receive, research, produce, transfer and disseminate information freely and without obstruction.

Moreover, public authorities, including judicial, operate Internet portals (WEB sites) carrying information on their activities. These sites enable citizens to submit petitions on-line.

Article 128 of the Criminal Code of the Kyrgyz Republic had a provision on criminal liability for defamation but it was annulled by the KR Law of March 10, 2015, no. 53.


Progress assessment – 17th meeting: NO PROGRESS

The information provided does not indicate any specific measures taken to implement this recommendation.

18th Meeting, September 2017

Report of the Government:

In order to ensure mandatory awareness-raising of socially significant decisions made by the state authorities, the Law of the Kyrgyz Republic No. 224 of 29 December 2016 introduced relevant changes to the Laws of the Kyrgyz Republic "On Guarantees and Freedom of Access to Information" and "On Access to Information under Supervision of the State Authorities and Local Self-Government Bodies of the Kyrgyz Republic". Now such decisions must be clarified for the public in order to exclude misunderstanding or misperception of the decision, or even a protest from the public. The introduced amendments served to increase the confidence in the adopted decisions of the state authorities and local self-government bodies, expand and improve the dialogue between the authorities and citizens, and contribute to the enhancement of the legal culture of the public.

At the present time, a draft resolution of the Government of the Kyrgyz Republic "On Amending the Resolution of the Government of the Kyrgyz Republic "On Approving the List of Principal Information Constituting State Secrets and Regulations on the Procedure for Setting the Secrecy Categories of Information and Determining the Secrecy of Information Contained in Works, Documents and Articles" of 07 July 1995 №267/9", which is aimed at reducing the list of information constituting state secrets, and facilitates citizens' access to information. The draft resolution of the Government is at the stage of its signing by the Prime Minister of the Kyrgyz Republic.

In order to inform civil society about the work and coverage of the most significant achievements of the Government of the Kyrgyz Republic in terms of eradicating / minimizing systemic corruption in the state authorities of the Kyrgyz Republic, on 21 August 2017, there was launched a website "Anticorruption Policy of the Government of the Kyrgyz Republic" at www.anticor.gov.kg. On this website there are regularly published reports and other information on implementation of the anti-corruption plans of the Government of the Kyrgyz Republic, reports on monitoring of the state authorities regarding completeness of implementation of the anti-corruption mechanisms in the public administration system, necessary information on the international anti-corruption tools, as
well as information on anti-corruption commissioners in the state authorities.

In order to ensure the interests of citizens and prompt consideration of citizens' appeals at the legislative level, the period for their consideration is reduced from 30 to 14 working days, and the list of managing officials, who are subject to liability in case of violation of this law, is specified.

As part of the anti-corruption measures, all state authorities are instructed to place on their websites maximum information on the provided government services, the fees for the government services, as well contact details. To increase transparency and communication with the public, the state authorities are required to respond promptly and in a timely manner to all complaints posted in electronic media. There is a positive trend in the timely response and provision of the government responses to the appeals and complaints of citizens in the media. So, on the website of Akipress, in the Reporter application, citizens leave their complaints and suggestions for improving the services provided by the government [http://reporter.akipress.org/dept](http://reporter.akipress.org/dept). On this site one can track the statistics of the government responses to citizens' appeals (for example, [http://reporter.akipress.org/dept:7](http://reporter.akipress.org/dept:7)).

On 22 February 2017, there was approved the Communication Strategy of the Prosecutor's Office of the Kyrgyz Republic for 2017-2022, which implementation leads to more effective information support of the activities of the prosecution authorities, constructive interaction with the media and civil society institutions.

In 2017 the Ministry of Justice of the Kyrgyz Republic continued implementing the project "Bus of Solidarity" to improve access to justice for broadening legal capacity of citizens of the Kyrgyz Republic. Within the framework of this project, a group of lawyers travels to the regions and provides legal advice, as well as explanations of the legislation. During 2016-2017, visits were made to 441 settlements, during which about 5021 citizens were consulted.

**Progress assessment – 18th Meeting: PROGRESS**

In order to ensure mandatory awareness-raising of socially significant decisions made by the state authorities, the Law of the Kyrgyz Republic No. 224 of 29 December 2016 introduced relevant changes to the Laws of the Kyrgyz Republic "On Guarantees and Freedom of Access to Information" and "On Access to Information under Supervision of the State Authorities and Local Self-Government Bodies of the Kyrgyz Republic". Now such decisions must be clarified for the public in order to exclude misunderstanding or misperception of the decision, or even a protest from the public.

It is also planned to shorten the list of information that constitutes a state secret.

For the purposes of improving communication there was launched the website "Anticorruption Policy of the Government of the Kyrgyz Republic" [www.anticor.gov.kg](http://www.anticor.gov.kg).

The public reported that Law No. 130 of 20 July 2017 had introduced positive changes and amendments to the Law "On Access to Information under Supervision of the State Authorities and Local Self-Government Bodies of the Kyrgyz Republic", which oblige the state authorities and local self-government bodies to meet the following requirements:
- the state authorities and local self-government bodies are obliged to create Internet websites and to publish thereon official information of the state authorities and local self-government bodies on the provided government and municipal services.
- the state authorities and local self-government bodies should publish information from the information systems of the state authorities and local self-government bodies on their websites in an open data format.
- It is necessary to specify all requisites for the electronic documents of the state authorities and local self-government bodies.

At the same time, according to the information from the civil society, in March 2017 there were
introduced negative changes to the Laws of the Kyrgyz Republic "On Guarantees and Freedom of Access to Information" and "On Access to Information under Supervision of the State Authorities and Local Self-Government Bodies of the Kyrgyz Republic", which exclude the possibility to appeal with the Ombudsman a refusal of the state authorities and local self-government bodies to provide information.

In general, one can conclude that there is quite an insignificant progress.

**Recommendation: Political corruption**

Improve the system of reporting of the political parties on the financing of their current activities, including introduction of obligation to publish financial reports.

Ensure more careful monitoring of receiving and using of funds by the political parties for financing of participation in election campaigns.

Consider a possibility of adoption of the Codes of Ethics for the Deputies of Zhogorku Kenesh and for members of the Government of the Kyrgyz Republic

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17th Meeting, September 2016

**Report of the Government:**

Currently the Jogorku Kenesh of the Kyrgyz Republic is considering the draft Law “On Amendments to the Law On Elections of Deputies of Local Keneshes (Councils)”. This draft was initiated by Parliament Deputies and, specifically, envisages the following:

Article 16 of the draft Law sets the procedure for monitoring of acceptance and use of funds by political parties to finance their participation in election campaigns, whereby

1. control over the procedure of accumulation and spending of the election funds of candidates and political parties is exercised by the respective election commissions,

2. control over proper use of funds allocated from the republican budget to election commissions for preparation and conduct of elections, control over the sources of funds, their appropriate accounting and spending by candidates and political parties and review of candidates’ financial reports are vested with the specially established Control and Review Group under the Central Election Commission that will consist of not more than 7 persons. The Central Election Commission will also decide on the procedures for the establishment and operation of such Group.

In part 6 of the same Article it is stipulated that the Control and Review Group is, on a written assignment of the Central Election Commission, to 1) audit financial reports of candidates, political parties and lower election commissions; 2) request and receive from candidates, political parties and lower election commissions any information on all matters within its competence; 3) monitor compliance with the established procedure of election campaign funding and conduct of other activities directly related to election campaigns of candidates and political parties; 4) refer to the public authorities, organizations regardless of the form of their ownership and individuals on matters within the competence of the Control and Review Group and request the necessary information and materials related to election funding. A reply to a request from the Control and Review Group and the requested materials are to be provided within 3 days, and immediately if received 5 or less days prior to the voting day; 5) make documents on financial violations in election funding; 6) raise before the respective election commission the matter of holding candidates, political parties, individuals and legal entities accountable for committed election funding
On August 1, 2016 the Government of the KR accepted onto its treasury account a 5 million Euro grant from the European Union for support of the election system reform. The Agreement on implementation of this programme with a total budget of 11 million Euros was signed by the parties on April 19, 2016. The program is to assist the Government of Kyrgyzstan in strengthening democracy by election system reforms.

The initially set objectives were achieved in the Parliamentary elections of 2015: voter turnout exceeded the minimum (as agreed by the Parties) threshold of 51% and the majority of voters assessed the elections as free and transparent. In view of such results Kyrgyzstan received the first tranche of 5 million Euros in full.

Transfer of the other tranches in 2017 and 2018 will depend on performance of other tasks, including development and adoption of a new strategy for the reform of the democratic and electoral system.

Progress assessment – 17th meeting: PROGRESS

The Jogorku Kenesh of the Kyrgyz Republic is considering a draft Law On Amending the Law of Kyrgyz Republic ‘On Election of Members of Local Keneshs’. The draft law introduces certain rules to monitor donations and use of funds by the parties and candidates at local elections. This can be regarded as a slight progress. The government has provided no information about implementation of the remaining part of the recommendation.

18th Meeting, September 2017

Report of the Government:

The Constitutional Law of the Kyrgyz Republic "On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic" and the Law of the Kyrgyz Republic "On Elections of Local Keneshes" stipulate that control over the procedure for formation and expenditure of electoral funds of candidates and political parties is carried out by the election commissions. To monitor the targeted expenditure of funds allocated from the republican budget to the electoral commissions for the preparation and conduct of elections, as well as to control sources of income, correct record keeping and use of funds of electoral funds of candidates, political parties, to check financial statements of candidates, political parties, there is established an auditing group under the Central Election Commission with not more than 7 members.

Banking or other institutions are required to submit to the Central Election Commission information on the receipt and expenditure of funds on a special account of a candidate, political party on a weekly basis or within 24 hours at the request of the Central Election Commission. The specified information is subject to mandatory publication on the official website of the Central Election Commission.

The Auditing Group, at a written request of the Central Election Commission, reviews the financial reports of candidates, political parties, subordinate election commissions; requests or receives from candidates, political parties, election commissions information on all matters falling within its competence; monitors compliance with the established procedure for financing the conduct of pre-election campaigning, implementation of other activities directly related to the conduct of the election company of candidates, political parties; applies to state bodies, organizations regardless of form of ownership, as well as to citizens on issues assigned to the auditing team, requests the necessary information and materials related to financial support for the elections; draws up documents on financial irregularities in the financing of elections; puts before the relevant election commission questions about application of the measures of liability to candidates, political parties, as well as to citizens and legal entities for violations committed by them in the financing of the elections.
The Constitutional Law of the Kyrgyz Republic of 5 June 2017 No. 96 amended the Constitutional Law of the Kyrgyz Republic "On Elections of the President of the Kyrgyz Republic and the Deputies of the Jogorku Kenesh of the Kyrgyz Republic", which mainly provides for publication of a list of registered political parties on the official website of the state agency, i.e., on the website of the Ministry of Justice, instead of publication in the sources of official publication of regulatory legal acts provided for by the current constitutional law. In addition, there is being established an institute of Public Observers having a broad spectrum of powers during the election period.

In order to hold fair and open elections at the initiative of the President of the Kyrgyz Republic, in accordance with the decisions of the National Council for Sustainable Development of the Kyrgyz Republic (hereinafter - the National Council), since 2014, work is under way to improve the electoral system.

Currently, an interdepartmental working group formed on the basis of the Ministry of Justice of the Kyrgyz Republic, consisting of representatives of the Prosecutor General's Office, the Ministry of Finance, the State National Security Committee and the State Tax Service under the Government, is working on drafting of the new version of the Law "On Political Parties" aimed to regulate the following issues: analysis and development of a mechanism for ensuring transparency in the financing of political parties; development of mechanisms to ensure control over the financing of political parties and election campaigns; development of monitoring mechanisms and introduction of independent audit of party accounts; legislative enactment of sanctions for violations of the rules for the financing political parties and election campaigns.

The Working Group on Improving the Electoral System of the Kyrgyz Republic, established in accordance with the Decree of the President of the Kyrgyz Republic "On Measures for Improving the Electoral System of the Kyrgyz Republic" of 22 May 2013 No. 109, considered in August 2017 development of the Electoral Reform Strategy.


**Progress assessment – 18th Meeting: NO PROGRESS**

There was received information on the working group formed on the basis of the Ministry of Justice of the Kyrgyz Republic dealing with drafting of the new version of the Law "On Political Parties" aimed to regulate the following issues: analysis and development of a mechanism for ensuring transparency in the financing of political parties; development of mechanisms to ensure control over the financing of political parties and election campaigns; development of monitoring mechanisms and introduction of independent audit of party accounts; legislative enactment of sanctions for violations of the rules for the financing political parties and election campaigns.

With respect to the rest of the recommendation there was provided no information on concrete measures for its implementation. In general, the received information is insufficient for conclusions about the progress.

**Recommendation: Integrity in the Judiciary**

*Take all necessary measures aimed at prohibition of ex parte communication with the judges and implement the respective provisions in practice.*

*Consider possibility of abolishing the probation period for judges, alternatively if the probation period is maintained, ensure objective and transparent procedure for evaluation and appointment*
of judges after the termination of the probation period.

Revoke the Presidential powers related to the career of judges, including their dismissal and other powers, that may have negative impact on the judicial independence.

Revise the Code of Ethics of judges to covers incompatibilities, conflicts of interests, gifts, and other related provisions and ensure its practical implementation.

Ensure that the training of judges includes the issues of ethics, fight against corruption and integrity, for both initial and continuous trainings for judges.

Insure financial autonomy of judiciary in law and in practice. Salary, any payment to judges and their social guarantees should be defined by law.

As a matter of urgency ensure practical implementation of the automated case assignment.

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**Report of the Government:**

Within the framework of the approved Programme and Action Plan for countering corruption in the judicial system of the Kyrgyz Republic further efforts are now being made to exclude non-procedural contacts of judges with the participants of proceedings prior to the hearing of relevant cases.

In accordance with the Law “On Effect of the Constitution of the Kyrgyz Republic” (of June 27, 2010) all judges of the country are subject to reappointment upon participation in open competitions conducted by a specially established constitutional body - the Council for Selection of Judges of the Kyrgyz Republic. The Council consists of representatives of the judiciary and of the civil society and its membership is approved by the Jogorku Kenesh of the Kyrgyz Republic. In its turn, the Jogorku Kenesh of the Kyrgyz Republic passed, on June 13, the Law of the Kyrgyz Republic “On the Council for Selection of Judges of the Kyrgyz Republic”, which came into effect on June 17, 2011.

The already available draft Code of Judicial Ethics of the Kyrgyz Republic rests on the Bangalore Principles.

In the framework of the Governance Integrity Build-Up Project the Training Centre of the Supreme Court conducted seminars and workshops on the topics of “Modern Methods of Management for Efficient Administration of Justice” and “The Bangalore Principles of Judicial Conduct” for judges and court presidents who acquired the skills necessary for countering corruption in the judicial system and increasing the effectiveness of justice, including measures to ensure the transparency of the judicial process.

In furtherance of the recent Decrees of the President and the Resolutions of the Defence Council of the Kyrgyz Republic on countering systemic and political corruption in the public authorities the previously approved work plans of the Judicial Training Center were accordingly adjusted, and the Centre held a number of activities targeted against corruption and attended by court presidents, judges, court staff, enforcement officers and employees of the Judicial Department.

The President of the Kyrgyz Republic signed the Law “On Amendments to Certain Legislative Acts of the Kyrgyz Republic (“On the Supreme Court and Local Courts of the Kyrgyz Republic”, “On Bodies of Judicial Self-Government”)” on 05.08.2016. This Law transformed the Judicial Training Center with the Supreme Court of the Kyrgyz Republic into the Higher School of Justice that will carry out the training of candidates for positions of judges of local courts and provide advanced training for the judges and court staff. The Law also establishes the procedure of remuneration of the faculty of the Higher School of Justice and for quality assurance of professional training processes by laying down the respective powers of the Judicial Council of the KR.
According to Article 98 of the Constitution the state provides funding and proper conditions for the operation of courts and performance of judges. The courts are financed from the national budget and such funding is to ensure full and independent administration of justice. According to Article 40 of the Law “On the Main Principles of Budget Law in the Kyrgyz Republic” the Judicial Council considers the draft budgets of the Supreme Court of the Kyrgyz Republic, the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic, the Judicial Department of the Kyrgyz Republic (including the budgets of local courts), the Judicial Training Center with the Supreme Court of the Kyrgyz Republic for the following fiscal year and the next two years, consolidates them into a single budget request and submits it to the Government of the Kyrgyz Republic for coordination not later than eight months prior to the beginning of the following fiscal year. In case of any disagreement the Government forms its Special Government Commission for approval of the single budget for all courts. The representatives of the Judicial Council and of the Special Commission of the Government of the Kyrgyz Republic are required to complete the coordination and approval procedure not later than 6 months prior to the beginning of the following fiscal year. If disagreements persist the Government attaches the Judicial Council’s proposals to its draft of the budget that is submitted to the Jogorku Kenesh.

In the making of the budget for a certain year the amount of judicial system’s expenses may be lower than the approved funding in the preceding year only on consent of the Judicial Council. Furthermore, according to Article 29 of the mentioned Law any sequestration of budget funds allocated to the judicial system of the Kyrgyz Republic in the current fiscal year is allowed only on consent of the Judicial Council of the Kyrgyz Republic.

The Supreme Court of the Kyrgyz Republic is presently working on implementation of the Programme titled “Automated Case Assignment Module in the Chamber for Civil Cases of the Supreme Court of the Kyrgyz Republic”.

**Progress assessment – 17th meeting: NO PROGRESS**

The information provided does not indicate any specific measures taken to implement this recommendation.

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**18th Meeting, September 2017**

**Report of the Government:**

Within the framework of the approved Action Plan for Combating Corruption in the Judicial System of the Kyrgyz Republic, there is ongoing work on exclusion of non-procedural contacts between the judge and the participants in the process until the case is examined. So, as of August 1, 2017, a system of external and internal video surveillance (in courtrooms, halls, corridors, in all offices) was installed in many courts of the first and second instance. Video surveillance systems are installed in the offices of judges and in the courtrooms, and systems for the permanent recording of conversations of judges by the office phone are being introduced.

Article 64 of the Constitution of the Kyrgyz Republic (as amended by the Law of the Kyrgyz Republic of 28 December 2016 No. 218) regulates the nomination by the President of the Kyrgyz Republic of the Jogorku Kenesh of candidates for election to the posts of judges of the Supreme Court and the Constitutional Chamber of the Supreme Court on the proposal of the Council for the Selection of Judges, the submission of the Jogorku Kenesh posts of judges of the Supreme Court and the Constitutional Chamber of the Supreme Court on the proposal of a disciplinary commission at the Council of Judges or the Council of Judges in cases provided for by the Constitution and the Constitutional Law the appointment of judges of local courts on the proposal of the Council for the Selection of Judges and the dismissal of judges of local courts on the proposal of a disciplinary commission at the Council of Judges or of the Council of Judges in cases provided for by the Constitution and constitutional law.

On 19 February 2016, the Code of Honour of a Judge of the Kyrgyz Republic was adopted.
In order to reduce the level of corruption and to eliminate the conditions that give rise to corruption, a comprehensive training program for judges of the Kyrgyz Republic was developed. Comprehensive training programs on educational modules for judicial civil servants were introduced. The Higher School of Justice under the Supreme Court of the Kyrgyz Republic regularly conducts seminars, trainings, lectures.


In order to inform the public about the anti-corruption measures carried out in the judicial system and the reform, press secretaries of all regional courts of the Kyrgyz Republic interact with the Internet portal of the Supreme Court of the Kyrgyz Republic www.jogorku-sot.kg and the press service of the Supreme Court of the Kyrgyz Republic.

In order to achieve real independence of the judicial system, the targeted work is being performed to achieve financing in the amount of not less than 2% of the expenditure part of the republican budget when considering the draft of the republican budget for 2015-2017.

It is planned to introduce the system of electronic legal proceedings, which includes automation of office work in courts, collection and processing of statistical data, automatic assignment of cases to judges, audio / video recording of court sessions, publication of judicial acts.

A pilot project of electronic proceedings and office work is being implemented with the support of GIZ. Adilet Sot agency is developing a program for collecting and processing statistical data and automatic assignment of cases to judges; also a concept for audio / video recording of judicial acts was developed.

The judicial collegium for civil cases of the Supreme Court of the Kyrgyz Republic introduced an automatic assignment of cases. Until the end of 2017, it is planned to introduce automatic assignment of cases in the judicial collegia for administrative and economic cases and for criminal cases and cases of administrative violations of the Supreme Court of the Kyrgyz Republic. The Supreme Court of the Kyrgyz Republic operates a project "www.sot.kg", aimed at enhancing the image of the judiciary and strengthening citizens' trust in the courts.

In March 2017, a new television project "Court hearings" was launched by the Public Broadcasting Corporation aimed at telling citizens how to execute justice, how to behave in conflict situations and how to defend their honour in courts on a legal level.

In 2017, the Supreme Court of the Kyrgyz Republic introduced a new post - the Anti-Corruption Commissioner.

The Budget Code of the Kyrgyz Republic sets (in full) the provisions that regulate the procedures for autonomy of the budget of the judicial system of the Kyrgyz Republic. Social guarantees of judges of the Kyrgyz Republic are envisaged in the Constitutional Law of the Kyrgyz Republic "On the Status of Judges of the Kyrgyz Republic".

The Law of the Kyrgyz Republic "On Disciplinary Commission at the Council of Judges of the Kyrgyz Republic" of 28 July 2017 No. 147 regulates the status, the procedure for forming, organizing and operating the Disciplinary Commission at the Council of Judges of the Kyrgyz Republic and the procedure for bringing a judge to disciplinary liability, bringing a judge to criminal and administrative liability imposed in court, giving consent to the temporary removal of a judge from office in case of giving consent to make the judge criminally liable, submitting proposals to the President of the Kyrgyz Republic on early dismissal of a judge from the office.

The new edition of the Criminal Procedural Code stipulates that a court verdict that has not entered
into legal force, as well as other judicial acts of a court of first instance, may be appealed by the parties on appeal. The Supreme Court is a court of cassation and it reviews court verdicts on the basis and in the manner established by this Code. The court of cassation instance reviews the legality of ruling of the appellate court on the cassation appeal or application. The court verdicts of the first instance, which came into force and were not appealed in the appellate procedure, as well as the rulings of the appellate court adopted on complaints against the decisions of the investigating judge, are not subject to revision in cassation.

**Progress assessment – 18th Meeting: NO PROGRESS**

It is reported about the introduced system of external and internal video surveillance (in courtrooms, halls, corridors, in all offices) in many courts of the first and second instance. Systems of video surveillance are installed in the offices of judges and in the courtrooms, and systems for the permanent recording of conversations of judges by the office phone are being introduced. All this is done to prevent out-of-procedural communication with judges. However, as the civil society stresses, there is a significant degree of pressure on the judges by the Parliament and the President. It is also reported on the introduction of automatic assignment of cases in the Collegium for Civil Cases of the Supreme Court. Until the end of 2017, it is planned to introduce automatic assignment of cases in the judicial collegia for administrative and economic cases and in criminal cases and cases of administrative violations of the Supreme Court of the Kyrgyz Republic.

Also, there was received information about the new Law "On Disciplinary Commission at the Council of Judges of the Kyrgyz Republic". The civil society expressed justified concern about the formation of the commission, namely, the active role of the President and the Parliament in that process.

The judiciary bodies carry out training and educational activities on anti-corruption topics. However, the question remains whether the training on ethics, fighting corruption and integrity is an obligatory component of the initial training program for judges and their advanced training.

**Recommendation: Integrity in the business sector**

*Strengthen dialogue with the business sector with the aim to increase its awareness about risks of corruption and about practical measures to address corruption in private sector, including through promotion and application of compliance programmes with due attention to international standards and practice.*

**17th Meeting, September 2016**

**Report of the Government:**

In order to ensure timely and proper response to everyday business issues and to obtain feedback from the business community the Ministry of Economy of the Kyrgyz Republic has established the Coordination Council under the Minister of Economy. The Coordination Council is to organize a continuously functioning platform for entrepreneurs, to support the business-friendly environment and to increase the attractiveness of the Kyrgyz Republic to investors by way of dialogue between public authorities and the business circles.

UNDP “Aid for Trade” Project has established a call centre with the Ministry of Economy. The centre is reachable via [www.info.trade.kg](http://www.info.trade.kg) or the single phone number 1220 where one can get information in all areas of interest (a total of 56 subcategories). This initiative improves information support of citizens and raises general awareness of the new rules and regulations in the Eurasian Economic Union.

The Ministry of Economy in cooperation with the International Finance Corporation (IFC) promoted improvements of the investment climate in the Kyrgyz Republic by official launch of a new
application on its WEB site www.proverka.kg that allows to receive and process feedbacks from businesses. Such feedback format makes it possible to become promptly aware of how business actors really assess the performance of Kyrgyz controlling authorities and to further improve their work.

The Ministry of Economy also operates the Anticorruption Forum of government agencies with the business community. By now this Forum has held 3 meetings, with the participation of representatives of public authorities, business community, civil society, media and international organizations. These meetings featured discussions and adopted decisions on the following issues: unjustified audits of businesses by law enforcement agencies, the difficulty of connecting complete construction projects to electric power supply systems, and development and implementation of the “Compliance” system for public administration and corporate governance.

As regards implementation of the “Compliance” system it should be noted that by now it has already been launched in a number of large companies. A series of training seminars held jointly with representatives of the National Alliance of Business Associations and the Department of Anti-Corruption Policy of the Office of the Government brought together participants from the business communities of the cities of Bishkek and Osh.

The European Bank for Reconstruction and Development (EBRD) has offered to provide technical support for identifying the mechanism of delegation of powers of the Business Ombudsman to the President of Chamber of Commerce of the Kyrgyz Republic, with subsequent implementation. A discussion on the launch of such project is scheduled for late September of 2016.

It should be noted that in order to avoid ungrounded interference of public authorities with the activity of businesses and local governments, to strengthen their legal protection, to foster a favourable business and investment environment and to respond to corruption risks that may appear during inspections/audits by law enforcement and tax authorities, on March 15 of 2016 the President of the Kyrgyz Republic signed his Decree no. 58 “On Additional Measures for Legal Protection of Business Entities and Bodies of Local Self-Government in the Course of their Audits by Law Enforcement and Tax Authorities”, whereby any such audits will take place only after registration of law enforcement and tax authorities’ officially made audit statements at prosecutor’s offices. Feedback from the audited businesses and local authorities will enable prompt response to and discontinuation of any unlawful audit.

Resolution of the Government of the Kyrgyz Republic of July 27, 2016, no. 417 approved the Provisional Rules on registration of audits of business entities and bodies of local self-government by law enforcement and tax authorities.

**Progress assessment – 17th meeting: PROGRESS**

The Government reports the establishment of a Coordination Council under the Ministry of Economy to encourage cooperation with the business community. It is an ongoing platform seeking to support businesses and improve the investment prospects of the Kyrgyz Republic through a dialogue between government agencies and the business community. Moreover, the Ministry has launched a computerized feedback application to process feedback from entrepreneurs.

The Ministry of Economy runs the Anti-Corruption Forum of government agencies and businesses. Furthermore, the country reports about compliance programs introduced in big companies. However, the civil society believes the dialogue with the business community fails to cover a broad range of actors, with most activities focused in the capital rather than the regions. In addition, the country lacks a wide promotion of compliance practices.

The country is considering establishing a Business Ombudsman Institution.
**Report of the Government:**

For the purposes of constant interaction of the Ministry of Economy of the Kyrgyz Republic and representatives of the business community, the ministry developed a schedule of meetings of the Minister of Economy of the Kyrgyz Republic with representatives of the business community of the Kyrgyz Republic until the end of 2017.

In order to improve information support and clarification, to provide consultations to the general public on conduct of business activities, the Information Center of the Ministry of Economy of the Kyrgyz Republic, established in 2016, functions on a permanent basis.

Business entities are contacted through the website [www.info.trade.kg](http://www.info.trade.kg) or call the uniform phone number 1220 on any issue (56 subcategories).

During functioning of the Information Center from January to July 2017, it received 944 applications for providing consultations.

In addition, in order to improve the investment climate in the Kyrgyz Republic, the Ministry jointly with the International Finance Corporation (IFC) officially launched an automated feedback application on the basis of the website [www.proverka.kg](http://www.proverka.kg), which allows receiving and processing feedback from business entities. The purpose of implementing the feedback mechanism is to obtain from business entities prompt and objective assessment of the work of the state control authorities and to further improve their work.

Also, the Ministry together with the IFC held meetings with representatives of business associations on the following issues: latest amendments to the Law of the Kyrgyz Republic "On the Procedure for Conducting Inspections of Business Entities", mechanism of feedback between the state control authorities and the business community on the “proverka.kg” website.

In order to develop draft regulatory legal acts aimed at strengthening the role of business associations, an interdepartmental working group (hereinafter referred to as the "IWG") was established under the Order of the Prime Minister of the Kyrgyz Republic of 3 February 2017 No. 95, and it included representatives of the interested state authorities and business associations. Within the IWG framework, there were developed mechanisms for bringing together small business associations into larger and stronger associations, as well as incentive measures for business entities to attract them as members of these business associations.

In order to reduce the burden on business entities by lowering the volume of reporting to be submitted to the state authorities and the National Statistics Committee of the Kyrgyz Republic, the Ministry of Economics adopted the Order No. 17 of 30 March 2017 establishing a working group comprising of representatives of the Ministry, the State Tax Service, the National Statistics Committee and representatives of the business community.

In the first half of 2017, the divisions of the Ministry held 66 events with participation of business representatives, including:

establishment of the Business Ombudsman in the Kyrgyz Republic is provided for by Paragraph 8 of the Decree of the President of the Kyrgyz Republic "On Measures for Eliminating the Causes of Political and Systemic Corruption in the Government" of 12 November 2013 No. 215 and the Action Plan of the Government of the Kyrgyz Republic on Combating Corruption for 2015-2017, approved by the Resolution of the Government of the Kyrgyz Republic of 30 March 2015 № 170. During 24-28 April 2017, in accordance with the appeal of the Regional Director for Central Asia of the European Bank for Reconstruction and Development (EBRD), representatives of the state authorities and business associations of the Kyrgyz Republic took a trip to Kiev (Ukraine) to share experience with the Ukrainian Business Ombudsman. The delegation of the Kyrgyz Republic included representatives of the Prosecutor General's Office of the Kyrgyz Republic, the Government Office of the Kyrgyz Republic, the Ministry of Economy of the Kyrgyz Republic, the Chamber of Commerce and Industry of the Kyrgyz Republic and business associations.
Progress assessment – 18th Meeting: PROGRESS

The dialogue platforms – both existing and newly established – created for dialogue with business continue working. Basically, there are examples of such a dialogue aimed at reducing administrative pressure on business. However, there is no information on development of a topic of internal control and preaction in business entities. The experience of functioning of business ombudsmen in other countries is being studied. In particular, a fact-finding visit to Ukraine took place.