

**ACN**

**Anti-Corruption Network  
for Eastern Europe and Central Asia**

Anti-Corruption Division  
Directorate for Financial and Enterprise Affairs  
Organisation for Economic Co-operation and Development (OECD)  
2, rue André-Pascal, 75775 Paris Cedex 16, France  
Phone: +33(0)1 45249106, Fax: +33(0)1 44306307,  
E-mail: [Anti-Corruption.Network@oecd.org](mailto:Anti-Corruption.Network@oecd.org),  
Website: [www.oecd.org/corruption/acn](http://www.oecd.org/corruption/acn)

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**Istanbul Anti-Corruption Action Plan for  
Armenia, Azerbaijan, Georgia, Kazakhstan,  
the Kyrgyz Republic, the Russian Federation, Tajikistan and Ukraine**

**Monitoring of National Actions to Implement Recommendations Endorsed During the Reviews  
of Legal and Institutional Frameworks for the Fight against Corruption**

**KYRGYZ REPUBLIC**

**UPDATE ON ACTIONS TO IMPLEMENT RECOMMENDATIONS**

Presented at the 6<sup>th</sup> Monitoring Meeting of the Istanbul Anti-Corruption Action Plan  
on 13 December 2006 at the OECD Headquarters in Paris

## **I) NATIONAL ANTI-CORRUPTION POLICY AND INSTITUTIONS**

1. Update National Anti-Corruption Strategy of the Kyrgyz Republic, on the basis of the evaluation of the implementation of the current anti-corruption programmes, with the aim to unify multiple documents into a single comprehensive strategy.

### National implementation actions:

In close consultations with all parties concerned, and following comprehensive discussions with the private sector, civil society, government authorities and international organizations, the country authorities have prepared a draft Strategy Paper on the development of the country for 2006 – 2010 which has been approved by the Government of the Kyrgyz Republic.

The Country Strategy is the key concept document reflecting the mid-term vision for the Kyrgyz Republic, establishing the key areas for the development and performance of the country in 2006 – 2010. The overarching mission of the Country Strategy is to strive for better living standards and quality of life for its citizens through sustainable growth, environment conducive to comprehensive employment, high and sustainable incomes, availability of a broad range of social services, and high living standards in a healthy natural environment.

The ongoing transformation will cover a wide range of reforms focused on three priority areas: (I) enhanced economic potential, (II) anti-corruption, and (III) dedicated social development.

Section 5.2 of the Country Strategy, the anti-corruption efforts, includes the following areas:

- policy reforms;
- deregulation of the economy;
- government administration reform;
- raising the potential of public servants and municipal officers;
- legal reform.

2. Ensure strengthening institutional support for the public policy elaboration and monitoring in the field of fighting corruption; in the short term, this can be done through the Consultative Council for Good Governance and its Secretariat; in a longer term consider further consolidation and strengthening, taking into account experience of other countries with specialised independent anti-corruption agencies.

### National implementation actions:

With the establishment of the National Agency for the prevention of corruption in the Kyrgyz Republic, certain efforts were made to resolve logistical issues needed to set the agency in the course. Among other things, decrees of the President of the Kyrgyz Republic approved the list of officers to be employed by the Agency, its staffing lists and salaries. Also the relevant intra-departmental legal and normative acts were endorsed regulating the activities of the Agency and its officers (the Agency has its Terms of Reference approved, together with the regulations for its structural units).

As part of the implementation of the National Anti-Corruption Plan for the Kyrgyz Republic approved by the head of the state, the National council of the Kyrgyz Republic has endorsed the Agency's Program for 2006.

Comprehensive anti-corruption measures and overall coordination of the Country Strategy's Action Plan relating to anti-corruption shall be entrusted to the National Agency for the prevention of corruption and its supervisory body, the National Anti-Corruption Council of the Kyrgyz Republic.

3. Carry out the inventory and analyse existing functions of the law-enforcement bodies involved in the fight against corruption with the view to further consolidate and specialise them. The coordination function currently implemented by the Prosecutor General's Office should be strengthened. Furthermore, provide adequate resources for the enforcement of anti-corruption legislation.

National implementation actions:

The Decree of the Kyrgyz President, dated 20 April 2006, No 179, sets up a working group to draft a concept paper for the reform of the judiciary system and law enforcement authorities in the Kyrgyz Republic.

The draft concept paper has already been drawn up and is being discussed with all ministries and departments concerned, representatives of civil society, and with faculty and academics. This paper has been drawn up on the basis of a functional analysis of the work performed by law enforcement bodies, offering ways to rule out duplication of certain functions; it refines aims and purposes as well as powers granted to law enforcement agencies.

4. Conduct further surveys and relevant research, based on transparent internationally comparable methodology, to obtain more precise information about the scale of corruption in the country and in order to ascertain the true extent to which this phenomenon affects specific institutions, such as the police, judiciary, public procurement, tax and custom services, education, health system, etc.

National implementation actions:

Together with Transparency International Kyrgyzstan, the National Agency of the Kyrgyz Republic for the Prevention of Corruption (NAPC) has completed drafting the methodology for the analysis and assessment of the level of corruption in the Kyrgyz Republic, and the draft has been coordinated with the relevant ministries and departments. The Methodology Paper was approved on 4 September 2006 with the NAPC Commissioner's resolution, to be circulated to government authorities with a recommendation to rely on it in their analysis and assessment of corruption in the bodies. At present ministries and departments are nominating their officers to attend a seminar to learn how to apply the Methodology.

5. Conduct awareness raising campaigns and organize training for the relevant public associations, state officials and the private sector about the sources and the impact of corruption, about the tools to fight against and prevent corruption, and on the rights of citizens in their interaction with public institutions.

National implementation actions:

There are regular conferences, round table discussions, and workshops discussing corruption-related issues which are in the limelight of the public concern in the republic. Television and mass media cover national authorities reporting about their implementation of the National Anti-Corruption Strategy in the Kyrgyz Republic.

In line with the National Anti-Corruption Strategy in the Kyrgyz Republic and its Implementation Action Plan, they are working on methodical books and curricula for anti-corruption education and awareness for school children and college students, to be implemented in the educational process.

The work is also in process to draw up leaflets to be disseminated to the public and detailing how to disrupt administrative corruption in the more typical cases, intended to bring out in the public intolerance to corrupt practices and aiming to raise ethical standards among public servants, improving the mode of behavior and accountability of public officers in the government agencies and local self-government.

The Administration of the President has set up a public services web-site where anyone can obtain information on the approved procedures and rates of services offered by the government authorities.

6. Ratify the UN Convention against Corruption.

National implementation actions:

The Kyrgyz Republic ratified the UN Convention against Corruption in 2005.

7. Upgrade monitoring and reporting of corruption and corruption-related offences on the basis of a harmonised methodology. Ensure the provision of regular information to the Consultative Council for Good Governance, covering all spheres of the Civil Service, the Police, the Public Prosecutor's Offices, and the Courts, which would enable comparisons among institutions.

National implementation actions:

Pursuant to the Regulations of the National Agency of the Kyrgyz Republic for the prevention of corruption, as approved by the decree of the President of the Kyrgyz Republic on 21 October 2005, No 476, the Agency is to provide their assessment of the effectiveness of anti-corruption measures conducted by government authorities.

In line with this duty, all ministries and departments are regularly pooled for the information on the work done under the Action Plan to implement the National Anti-Corruption Strategy and the set of measures and policies of the Kyrgyz Government to implement the above Action Plan.

Additionally, the paper of the methodology for the analysis and assessment of corruption in the Kyrgyz Republic was circulated to all national committees, agencies and department, courts, bodies of local self-government for corruption monitoring and evaluation. To do this, all organizations have nominated their officers responsible for the analysis and assessment of corruption in their relevant agency. The information on the analysis completed is to be submitted every six months to the National Agency of the Kyrgyz Republic for a summary analysis.

8. Continue with efforts in the area of corruption-specific trainings for police, prosecutors, judges and other law enforcement officials; consider providing joint training for these bodies on the fight against corruption.

National implementation actions:

Pursuant to the Action Plan under the National Anti-Corruption Plan of the Kyrgyz Republic and for the purpose of raising professional awareness of officers of corruption issues and prevention, law enforcement agencies have approved their respective plans and programs, as well as events. Workshops are being held regularly as part of the professional upgrading of operatives and investigators fighting corruption, misconduct in office and white-collar crimes. At the same time issues of ethics, duties of service and accountability have been incorporated in teaching curricula.

Particular attention is being given to close cooperation and interaction among all law enforcement and fiscal monitoring authorities, in line with relevant policies and joint programs. There are ongoing efforts in place to monitor the performance of security agencies in order to identify causes and conditions leading to, provoking or prompting corrupt relations inside these authorities.

There are regular seminars and training workshops intended for law enforcement officers conducted with the help of experts from foreign anti-corruption agencies and international organizations and offices concerned; training is also provided for detectives and investigators visiting competent agencies in foreign countries. As part of cooperation with international organizations (OSCE, UNDP, UNODC, etc.), and subject to a competitive selection process, the National Agency now has an advisor attached to it to consult its officers on issues of prevention of corruption.

## **II) LEGISLATION AND CRIMINALISATION OF CORRUPTION**

9. Amend the provisions related to corruption offences to meet the requirements of international standards as enshrined in the Council of Europe's Criminal Law Convention on Corruption, the United Nation's Convention against Corruption and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Consequently, amend the Criminal Code to ensure that:
- corruption-related conduct, including bribery, of foreign and international public officials is criminalized, either through expanding the definition of a public official or by introducing separate criminal offences;
  - promise and offering of a bribe, both in public and private sector, is criminalized;
  - subject of a bribery, both in public and private sector, covers undue advantages, which include material as well as non-material benefits;
  - bribery through intermediaries is fully covered;
  - clarify the definitions of corruption-related offences in the sphere of abuse of official duties and powers and ensure precise legal definitions which would not invoke interpretative difficulties;
  - "Concealment", "abuse of functions", "illicit enrichment", as they are defined by the UN Convention against Corruption, are criminalized.

### National implementation actions:

The National Agency of the Kyrgyz Republic for the prevention of corruption has drawn up some proposed amendments to the Criminal Code of the Kyrgyz Republic in line with the recommendations and suggestions of international experts, to harmonize it with the UN Convention against corruption. The draft proposals are being agreed with the competent authorities to be submitted to the parliament of the Kyrgyz Republic in the nearest future.

10. Consider significantly revising the Law on the Fight against Corruption along the following lines:
- harmonise and clarify the concept of corruption from the Criminal Code and the Law on the Fight against Corruption;
  - remove contradictions between this law and other laws and codes, in particular in the field of declaration of assets, confiscation of property and illicit income;
  - introduce provisions that would enable actual enforcement of the law.

### National implementation actions:

The resolution of the Government of the Kyrgyz Republic, dated 13 June 2006, No 425, called back the draft law introducing amendments to the Anti-Corruption Law of the Kyrgyz Republic that had been submitted to the parliament; it will be redrafted and re-submitted in line with the suggestions and commentaries received.

There is a new draft of the Anti-Corruption Law, which is to be circulated soon to all ministries and agencies concerned. This draft has incorporated provisions of the UN Convention against Corruption, and eliminated contradictions between this Law and other laws and codes.

11. Recognising that the responsibility of legal persons for corruption offences is an international standard included in all international legal instruments on corruption, the Kyrgyz Republic should with the assistance of organisations that have experience in implementing the concept of liability of legal persons (such as the OECD) consider how to introduce into its legal system efficient and effective liability of legal persons for corruption-related criminal offences.

National implementation actions:

Pursuant to Article 26 of the UN Convention against Corruption, every participating state must endorse all such policies which, in compliance with its legal system, might be needed to define the liability of legal persons for crimes recognized as such by the said Convention. Provided this complies with the participating state's legal principles, the liability of legal entities could be under criminal, civil or administrative law.

Under the national laws of the Kyrgyz Republic, the subject of offence under the criminal law can only be an individual who can be and is to be made criminal liable; however the legislation provides for the civil law and administrative law liability for legal entities. Hence, organizations, offices, companies or other legal entities may not be criminal offenders.

12. Consider amending the Criminal Procedure Code, the Criminal Code and the draft Law on Fighting Financing of Terrorism and Laundering of Proceeds of Crime to ensure that the definition of proceeds of crime, which are subject to confiscation, includes i) property into which proceeds of crime have been transformed or converted; ii) property with which proceeds of crime have been intermingled; iii) income derived from i) and ii), as well as from proceeds of crime.

National implementation actions:

On 31 July 2006 the President of the Kyrgyz Republic signed the Law of the Kyrgyz Republic "On disrupting terrorism funding and money laundering", which came in force on 8 November 2006, No 58.

This law is designed to protect rights and lawful interests of individuals, public and the state, as well as to secure integrity of the financial system in the Kyrgyz Republic against any criminal assault, owing to a legal mechanism intended to disrupt the funding of terrorism and money laundering of criminal proceeds.

13. Amend the provisions of the Criminal Code and Criminal Procedure Code concerning the definition of proceeds and instrumentalities of crime to bring the provisions of both Codes in compliance with each other and the UN Convention against Corruption.

National implementation actions:

Submitted to the parliament of the Kyrgyz Republic were a draft law and a resolution by the Government of the Kyrgyz Republic proposing amendments to the Criminal Procedures Code of the

Kyrgyz Republic. Both drafts provide that the briber can be deemed a victim, the bribe returned to him in accordance with the submission of the investigator given prosecutor's or court ruling to the effect; they also provide that both the briber and his intermediary helping to expose the bribe-taker, should be exempt of the liability.

14. Consider introducing in the legislation the provision requiring an offender to prove the lawful origin of alleged proceeds of crime or other property liable to confiscation.

National implementation actions:

The National Agency of the Kyrgyz Republic for the prevention of corruption (NAPC) has drawn up a draft law of the Kyrgyz Republic with amendments to the Criminal Code of the Kyrgyz Republic providing for criminal liability for illegal enrichment.

The draft law is soon to be submitted to the parliament of the Kyrgyz Republic.

15. Review the provisions of the Criminal Procedure Code to ensure that the procedure to identify, trace and seize proceeds and instrumentalities of corruption offences are efficient and operational.

National implementation actions:

The NAPC has drawn up a draft law with amendments to the Criminal and Criminal Procedures codes of the Kyrgyz Republic proposing more efficient and effective procedures for the confiscation of incomes and means of corruption offences.

The draft law is soon to be submitted to the parliament of the Kyrgyz Republic.

16. Bring in compliance with each other the Law on Banks and Banking and the Law on Bank Secrecy with regard to the authority, which gives a sanction for accessing bank records. Consider giving the right to access bank records before criminal proceedings are officially instituted, subject to either a court or a prosecutor order.

National implementation actions:

The authorized government office, namely the Financial Intelligence Service, has the jurisdiction over collection and analysis of information relating to transaction and operations that are subject to mandatory monitoring; it files with the court (judge), prosecutors, investigative and inquest bodies all documents and other materials relating to terrorism financing and money laundering of criminal proceeds, subject to official written requests and under open criminal investigation in line with the law of the Kyrgyz Republic. Such information can also be submitted at the initiative of the authorized agency to law enforcement agencies, NAPC and courts.

Currently laws of the Kyrgyz Republic on banking secrecy, and banks and banking are being harmonized with the Kyrgyz law on disrupting terrorism funding and money laundering.

17. Introduce effective law on protection of witnesses, experts, victims, and reporting persons.

National implementation actions:

The law of the Kyrgyz Republic for the protection of witnesses, victims and other parties to criminal litigation was approved on 16 August 2006, No 170, and provides for a set of measures to

provide statutory protection to witnesses, victims and other parties to criminal litigation, including measures to ensure safety and social protection of the above parties, detailing the basis and procedures for their enforcement.

18. Consider introducing amendment to the Code of Criminal Procedure to ensure that extradition and mutual legal assistance are given on reciprocity basis and contribute to ensuring effective international mutual legal assistance in investigation and prosecution of corruption cases.

National implementation actions:

The resolution of the Government of the Kyrgyz Republic dated 28 February 2006, No 132, endorsed the National Program to fight crime in the Kyrgyz Republic for 2006 - 2007. Section 9 "International cooperation in combating crime" provides for the drafting and adoption of the following laws: "On reciprocal legal assistance in criminal cases", "On extradition", "On international cooperation against crime". The relevant deadlines and implementation phases comply with the 2006 - 2007 program.

The Kyrgyz Republic signed and ratified the Minsk Convention (resolutions of the Legislative Assembly of the Kyrgyz parliament of 17 May 1995, No 76-1, and of the Council of National representatives of the parliament of 31 May 1995, No 59-1) and the Chisinau Convention (Kyrgyz Law of 19 March 2004, No 29) on legal assistance in criminal and civil law procedures, which fully detail issues of international cooperation and reciprocal legal assistance under criminal and civil law proceedings.

Additionally, there are supplementary bilateral treaties with certain states that regulate issues of cooperation, such as a treaty between the Kyrgyz Republic and the Republic of Azerbaijan for legal assistance and legal relations under civil law, family law and criminal law proceedings, which was ratified with a Kyrgyz Republic law on 19 December 1997, No N 97; a treaty between the Kyrgyz Republic and the Republic of Uzbekistan for reciprocal legal assistance under civil law, family law and criminal proceedings, ratified by the Kyrgyz Republic law of 5 July 1997, No 46; a treaty between the Kyrgyz Republic and the Republic of Kazakhstan for reciprocal legal assistance under civil law and criminal proceedings, ratified by the Kyrgyz Republic law on 15 April 1997, No 22; a treaty between the Kyrgyz Republic and the Republic of Latvia for legal assistance and legal relations under civil law, family law and criminal proceedings, ratified by the Kyrgyz Republic law on 19 December 1997, No 96; a treaty between the Kyrgyz Republic and the Islamic Republic of Iran for legal assistance under civil law and criminal proceedings, ratified by the Kyrgyz Republic law on 17 August 2004, No 150; a treaty between the Kyrgyz Republic and the People's Republic of China for legal assistance under civil law and criminal proceedings ratified by the Kyrgyz Republic law on 15 April 1997, No 21; an agreement between the Government of the Kyrgyz Republic and the Government of the Federal Republic of Germany for the cooperation in the combat against organized crime, terrorism and other particularly dangerous crime dated 2 February 1998.

19. Ensure that the immunity granted to certain categories of public officials does not prevent the investigation and prosecution of acts of corruption.

National implementation actions:

Pursuant to Article 6 of the Kyrgyz Republic anti-corruption law the subjects of corruption offences shall include all public servants irrespective of their rank or procedure for the nomination or appointment for their office, if found guilty of corruption offences.

20. Study special investigation techniques for fighting corruption, consider introducing the legal basis for these techniques and methods in the Criminal Procedure Code - with due regards to international human rights standards - and secure funding for implementation of witness protection programmes.

National implementation actions:

Pursuant to Article 29 of the Kyrgyz Republic law for the protection of witnesses, victims and other parties of criminal proceedings, statutory protection by Government of the Kyrgyz Republic is ensured by the National Program for ensuring safety of witnesses, victims and other parties to criminal proceedings. The funding and logistical support to the Witness Protection Program shall come from the national budget and other sources of finance provided for by the Kyrgyz legislation. Expenses relating to protection may not be charged from the protected person.

To enhance anti-corruption efforts, eliminate causes and conditions leading to corrupt practices, as well as to heighten discipline in government offices, a resolution of the Government of the Kyrgyz Republic dated 8 September 2006, No 643, ushered in a pilot project introducing polygraph (lie detector) at the State tax and customs inspectorates in the Kyrgyz Government.

The lie detector will be used to test officers for their trustworthiness, compliance with the entrusted job, and to verify professional qualities of new recruits.

**III) TRANSPARENCY OF CIVIL SERVICE AND FINANCIAL CONTROL ISSUES**

21. Strengthen recruitment and promotion process to the civil service by enhancing the significance of objectively verifiable and merit-related criteria and limiting to the extent possible opportunities for discretionary decisions. Reconsider the necessity of internal and national reserves, which may provide advantages for insiders as opposed to outside candidates.

National implementation actions:

Vacancies in administrative offices of the government are filled in through a competitive process in line with the regulations detailing requirements to the competition of vacancies in administrative offices in the civil service of the Kyrgyz Republic approved by the Council of Civil Service on 28 October 2004, No 2.

These regulations describe terms and procedures of vacancy competition in the civil service and they have been drafted pursuant to the Kyrgyz Republic law on public service. The competition ensures the right of Kyrgyz citizens for equal access to public service in line with their abilities and professional competencies.

Promotion in civil service is regulated by interim rules of examination of civil servants in the Kyrgyz Republic approved by the decree of the President of the Kyrgyz Republic dated 24 October 2005, No 485. The purpose of examination of government officers is to prove compliance of the professional knowledge and skills of such public servant with his office based on the evaluation of his professional performance in the office and prospects for career development.

As statistics suggests, whereas in 2005 out of 1,878 newly admitted public servants 1,194 (63,6%) were enrolled without any competition, between January and May of this current year out of 1,049 newly admitted officer only 263 (25%), and, between June and August this year, of the 776 newly admitted only 75 (9,6%) by-passed competitive selection. Thus, in the course of 2006 the ratio of non-competitive enrollment in public service has dropped significantly.

In the first six months of 2006 the overall 466 public servants were rotated, of whom 453 through internal rotation.

22. Provide mechanisms of permanent control over the implementation of the Laws on Public Service, on Disclosure and Publication of Income and Property of High Officials and Members of their Families, and on the Fight against Corruption.

National implementation actions:

Pursuant to Article 8 of the Kyrgyz Republic law on the declaration and publication of information about incomes, obligations and property of persons in political and other special government capacities and their close relatives, the failure to submit the declaration by the stipulated time, or illegal actions leading to the disclosure of confidential information shall make guilty parties liable under the proceedings provided for by the Kyrgyz law.

Should the said declaration be late in filing, or contain inaccurate or incomplete data, the Public Service Agency of the Kyrgyz Republic shall publish information about the respective persons in mass media.

23. Streamline the system for the public disclosure and control of the income and assets declarations of all public officials; study and employ the experience of other countries that have been successful in this area. Explore possibilities to expand the circle of relatives of public officials who are required to submit income and assets declarations.

National implementation actions:

Pursuant to Article 33 of the Kyrgyz Republic law on public service, declarations by persons holding the supreme administrative offices of the state shall be published in mass media. The draft law with amendments to the Public Service Law the list of officers whose declarations are to be published is supplemented with those who hold political or special government offices.

24. Explore possibilities for an electronic system of public procurement purchase realization in order to enhance the transparency of state purchases. Information on state purchases, except for narrowly defined information subject to state secrets, should be available for the public.

National implementation actions:

Since there are no similarities with CIS countries the draft law of the Kyrgyz Republic is currently being refined to take into account the comments and suggestions from the ministries and departments concerned. This draft law will be submitted to the parliament in the second quarter of 2007.

The implementation of an electronic system of public procurement purchases shall start after the Kyrgyz Republic law on electronic state purchases is adopted and as the funding is made available.

25. Limit the possibilities of state purchases from the single source.

National implementation actions:

The Kyrgyz Republic law to ratify the Partnership and Cooperation Agreement with European Communities and their member states, on the one hand, and the Kyrgyz Republic, on the other, was signed on 5 July 1997. Article 48 of the above Agreement states that the Parties shall cooperate to ensure open and competitive contracting for goods and services, in particular through announcement of tenders.

The Kyrgyz Republic law on state procurement is based on the UNCITRAL Uniform Law of purchases of goods and services, and contains the same exclusive terms and conditions for making purchases from one source as defined by the Uniform Law. The choice of the procuring organization of the single source method of purchasing is subject to the agreement with the State Procurement Agency.

26. Introduce internal auditing in the system of executive authorities in order to reveal corruption as well as to stipulate free and permanent collaboration of bodies that provide financial control and audit.

National implementation actions:

The decree of the President of the Kyrgyz Republic of 29 June 2006, No 337, approved the Action Plan to reform the system for the administration of government finances in the Kyrgyz Republic. Paragraph I.D.I. of the said Action Plan provides for the development of a legislative framework for internal audit; drafting of a strategy paper describing introduction of internal audit throughout the state sector to ensure uniformity of reform in legislation, education and donor assistance; development of uniform internal audit standards. The above measures were entrusted to the Ministry of economy and finance of the Kyrgyz Republic to be carried out in 2006-2007.

27. Government held information, which is not subject to disclosure, should be delineated as concretely as possible in the law (rather than in any internal documents, instructions and the like), the discretion of public officials as to what constitutes such information should be limited to the maximum extent feasible.

National implementation actions:

On 14 November 2006 the parliament approved the bill "On guarantees of free access to information held by government bodies and bodies of local self-government". The intention of the bill is to ensure Kyrgyz citizens open access to the information, which is not part of the state (official) or commercial secret, through publications in mass media, verbally or by telephone, as well as in written responses to written inquiries. Under the draft law, all government agencies must have press-services, and in addition citizens may freely attend meetings of the government that are conducted with the presidential participation. Notably, under the adopted law, in compliance with international rules, foreigners and stateless persons shall have access to government-held information under the same conditions as Kyrgyz citizens will.

The list of undisclosed information is detailed in the laws on state secrets, on commercial secrets, freedom of access to information, etc. The law shall come in force if and when it is signed by the country's president.

28. Ensure that the information provided in non-public complaints cannot be used for unjustified prosecutions for slander. Introduce additional measures to increase the protection of the citizens making complaints and proposals to the public bodies on issues of corruption.

National implementation actions:

The protection for citizens submitting their complains and comments to state authorities in relation to corruption is ensured by Article 9 of the Kyrgyz Republic Anti-Corruption law, No 51 dt. 6 March 2003, which stipulates safeguards of state protection to those who help fight corruption. All information relating to the person assisting to fight corruption is deemed state secret and shall be disclosed only under a written

inquiry by the government office authorized to combat corruption, by the court in the manner prescribed by the Kyrgyz law.

29. Expand the application of permanent forms of cooperation (institutionalized councils and the like) between NGOs and the broader public on the one hand and public agencies on the other hand. Institutionalized councils where public officials are present but only NGOs/associations have voting powers are one potentially effective option for ensuring the free expression of public concerns. The decisions of such councils bear advisory character for public agencies. Develop a procedure for the permanent involvement of civil society (not only those represented by particularly active interested NGOs) in policy making.

National implementation actions:

To ensure involvement of NGOs, public associations, mass media and organizations of various forms of ownership in the anti-corruption efforts (by ensuring public assistance, participation in anti-corruption research, submission of comments and suggestions on the performance of government agencies), a memorandum was drawn up on the cooperation and interaction of the National Agency of the Kyrgyz Republic for the prevention of corruption with civil society institutions to prevent and combat corruption.

In order to coordinate state authorities and public agencies as well as the private sector, and striving to leverage partnerships to involve and attract the private sector potential into free and open discussions of issues of economic development and entrepreneurship, a Public Chamber was set up composed of representatives of business (their public associations) and offices of government administration. Decree of the President of the Kyrgyz Republic No 496 of 26 October 2005.

The National Agency of the Kyrgyz Republic for the prevention of corruption is working on a procedure for involving NGOs, public association, mass media and organizations of different forms of ownership in the implementation of the National Anti-Corruption Strategy in the republic as approved by the decree of the President of the Kyrgyz Republic on 21 June 2005, No 251

On 11 May 2006 the President of the Kyrgyz Republic signed a decree on measures to enhance, legally formalize and implement in practice all forms of interaction between government agencies, bodies of local self-government and civil society, Decree No 241, which stipulates:

- a) setting up an expert community to decide on formats and standards underpinning procedures for the interaction of the state and civil society;
- b) inculcate in the public a sustainable and conscious interest in the formulation of the country's course, provide for information coverage of public policy-making;
- c) institutionalize forms of contribution by the public, and plan for coordination of interest groups.

30. Make sure that financial reporting of parties and candidates reflect actual situation adequately. Make sure that agencies in charge of party/candidate/campaign financing control operate with maximum public accountability (including vis-à-vis the civil society) to ensure that no opportunities exist to discriminate against some parties/candidates, make sure that funds used for campaigns are acquired and spent in a transparent manner. Define the notion of "administrative resource", which is used by incumbent candidates in their campaigns, and prohibit the use of this "administrative resource". Annual financial reports of political parties shall be not only submitted but also published. Financial reports must be introduced and published also for election funds.

National implementation actions:

The Action Plan for the implementation of the National anti-Corruption Strategy in the Kyrgyz Republic (paragraphs 27, 28, 29) provides for the preparation of relevant regulatory acts aiming to ensure maximum public accountability of political parties. There are future plans to ensure for annual publication of reports disclosing sources and uses of election funds.

31. Introduce legislation that fully covers the international standard as to combating money laundering, namely, as to criminalize the laundering of proceeds of crimes, including corruption. Adopt preventive legislation that, among other measures, establishes a financial intelligence unit.

National implementation actions:

On 31 July 2006 the President of the Kyrgyz Republic signed a Kyrgyz law on the disruption of terrorism financing and money laundering, which became effective on 8 November 2006.

The law strives to protect rights and legitimate interests of citizens, society and the state as well as the integrity of the financial system in the Kyrgyz Republic from any criminal assaults through a legal mechanism which is to disrupt terrorism funding and money laundering of criminal proceeds.

The Financial Intelligence Service of the Kyrgyz Republic was set up with a decree of the Kyrgyz President on 8 September 2005, in accordance with the Action Plan to implement the National Anti-Corruption Strategy, to ensure enhanced protection of rights and legitimate interests of citizens, society and the state, and to strengthen the fight against terrorism funding and money laundering, ensuring integrity and sustainability of the financial system in the Kyrgyz Republic, until such time when the relevant law is passed.

#### **IV) ADDITIONAL INFORMATION**

Apart from the implemented preventive measures, law enforcement agencies in the republic also actively conduct investigations into the corruption offences already committed. Quite a few highly placed officials are currently under investigation with respect to their alleged malfeasance in the office. According to the Ministry of Interior, almost in all categories of corruption-related offences the 2005 records show growth against 2004.

The overall number of offences in the office registered in 2005 stood at 1,171 against 1,004 in 2004 (16.6 % more); misappropriation of budgetary monies – 33 against 25 (32% more), abuses of office – 587 against 474 (23.8% more), forgery by officials – 133 against 117 (13.6% more), bribery – 201 against 188 (6.9% more), etc.

Over 6 months of 2006 the republican courts received 381 criminal cases of alleged malfeasance in office, of which:

- Abuse of office – 155;
- Exceeding office competence – 72;
- Illegal use of office competence – 4;
- Misappropriation of budgetary means – 11;
- Ex-post bribery – 23;
- Ex-ante bribery – 3;
- Extortion – 26;
- Subornation – 11;
- Forgery in office– 26;
- Negligence– 51.

Courts heard and delivered guilty verdicts in 127 cases, and not guilty verdicts in 22; 64 cases were closed, and 160 returned back to the prosecution. 151 persons were convicted, of which 16 are women; 28 persons were acquitted. The courts awarded damages to the total of 4,688,897 soms, with pending damages standing at 2,079,404 soms.

## **SUMMARY OF DISCUSSION**

to be added