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

KYRGYZ REPUBLIC

**MONITORING REPORT
OCTOBER 2005**

This report includes two main parts: the update presented by the government of the Kyrgyz Republic about national actions to implement the recommendations, which were carried out since the endorsement of recommendations in December 2004; the summary of the expert opinion by Tigran Barsegyan, Armenia and Olga Zudova, UNODC, and of the discussion, which took place at the Istanbul Action Plan meeting on 20-21 October 2005, Paris, France.

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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:

The National Anti-Corruption Strategy and the Action Plan were approved by the Acting President of the Kyrgyz Republic on 21 June 2005, Decree № 251. Importantly, they were developed jointly by all parties concerned, including representatives of government authorities, NGOs, mass media, business community and international organizations.

At the moment, the National Strategy is a single platform that brings together all anti-corruption measures in the definitive logic and sequence, enhancing the efficiency of such anti-corruption measures. All measures that are being devised are aimed at the effective and efficient prevention, identification and disruption of corruption, and offer plans for efficient combat against it.

The National Strategy has an implementing Action Plan which states the specific measures, their implementation sequence, targets, responsible agencies and their partners. For the text of the National Strategy and the Action Plan go to the CCGG Secretariat's web-site at www.sgg.kg

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 specialized independent anti-corruption agencies.

National implementation actions:

Consistent with the Plan of Action for the implementation of the National Anti-corruption Strategy, resolutions of the Security Council of 3 June 2005 and the decree of the Government of 25 May 2005, No 204, the preparatory work was completed to draft the Regulations and other normative acts that would regulate the activities of the future anti-corruption agency.

A package of documents for the establishment of the anti-corruption agency has been submitted to the President and the Government for decisions.

Draft documents have been prepared for the establishment of the Anti-Corruption Agency (3-year business plan, draft budget, etc.). At the same time co-funding of the project by international donors is being discussed. Note, however, that the project has not as yet received full support from donors.

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

National implementation actions:

The functions of all law-enforcement bodies involved in the fight against corruption will be examined pursuant to the Action plan for the implementation of the National Anti-Corruption Strategy in the Kyrgyz Republic (paragraph 41). The Anti-Corruption Agency and the Government has been made responsible for that.

It should be noted, however, that because of the delay in establishing the Anti-Corruption Agency, which has been made ultimately responsible for the analysis, it has to be postponed till a later date.

The coordination functions of the Prosecutor General's Office have been reinforced after it gained in June 2005a new Department for the supervision of enforcement of laws combating legalization of illicit gains (money laundering) and corruption.

Additionally, one of the sections of the Kyrgyz Ministry of Interior's Main Division for combating white-collar crime is now specifically targeting corruption in the economy.

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:

The National Anti-Corruption Strategy in the Kyrgyz Republic (paragraphs 6, 7, and 8 of the Action Plan) provides for the drafting of the applicable methodology, consistent with the international experience, to study the level of corruption in Kyrgyzstan and conduct research that is expected to suggest the key factors conducive to the emergence and growth of corruption, and help formulate recommendations to mitigate such factors.

Significantly, because of the current political situation relating in the formation of government, these measures will have to be implemented at a later date.

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:

The Action Plan for the implementation of the National Anti-corruption Strategy (paragraph 18) provides for relevant measures to set up permanent training courses for public associations, state officials and civil society enlightening them about their rights to interact with state authorities to prevent and fight corruption, and about the sources and implications of corruption. In particular, the Academy of Management under the Kyrgyz President offers training courses for government state secretaries. The Government and the State Service Agency have joint responsibility here.

6. Ratify the UN Convention against Corruption.

National implementation actions:

The Kyrgyz Republic ratified the UN Convention against Corruption in September this year, and at the time of his meeting with the Secretary General, the President of the Kyrgyz Republic handed over instruments of ratification.

7. Upgrade monitoring and reporting of corruption and corruption-related offences on the basis of a harmonized 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:

The law enforcement system of the Kyrgyz Republic has a unified statistics acquisition, including that of the corruption. An approved form is used to register all types of crime and help perform any required analysis.

Also, pursuant to Decree No 56 of 7 February by the President of the Kyrgyz Republic there is a monthly reporting requirement for the General Prosecutor's Office to monitor and report on instances of corruption and wrong-doing to the CCGG (paragraph 7), and to develop approved methodology on the subject.

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:

Currently law enforcement officers are offered corruption-specific training based on separate programs at the training centers of each of the authorities. In addition, there are some joint training programs for law enforcement and judiciary officers conducted by the Law Academy of the Kyrgyz Republic.

However, scarce technical equipment and insufficient experience in international anti-corruption law hamper efficiency of such training, and there is a need for technical and consultative assistance from international organizations.

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:

Pursuant to the provisions of the UN Convention against Corruption, which was ratified by Kyrgyzstan in August 2005, and in accordance with the Action Plan for the implementation of the National Anti-corruption Strategy in the Kyrgyz Republic (paragraph 50) there are plans for legal drafting to produce amendments in the effective legislation of the Kyrgyz Republic in order to harmonize it with international rules. In particular, the General Prosecutor’s Office set up a Working Group in July 2005 charged with the drafting of relevant pieces of legislation to make amendments to the Criminal and Criminal Procedures codes of the Kyrgyz Republic.

10. Consider significantly revising the Law on the Fight against Corruption along the following lines:
- harmonize 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:

In accordance with the Action Plan for the implementation of the National Anti-corruption Strategy in the Kyrgyz Republic (paragraph 4) there are plans to draft a law on amendments to the Kyrgyz Law on fighting corruption, which will envisage relevant changes. The responsibility lies with the Government, Presidential Administration and CCGG Secretariat. However, because of the current political developments related to the formation of the government, the implementation of these measures will have to be delayed till a later date. Note that the delay in the establishment of the Anti-Corruption Agency has had a negative effect on the implementation plans and their future monitoring.

11. Recognizing 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 organizations 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 Decree No 56 of 7 February 2005 by the Kyrgyz President, in order to harmonize Kyrgyz legislation with that of the OECD countries, relevant government authorities are analyzing the law of OECD states and consider possible amendments to the criminal and criminal procedures legislation of the Kyrgyz Republic concerning the issue of liability of legal persons. The responsibility lies with the Government and the General Prosecutor’s Office. However, in view of the lacking expertise in issues of the legal person liability concept, there is a need for external technical and advisory assistance from international organizations that have the necessary expertise in this area. Note also that the delay in the establishment of the Anti-Corruption Agency has had a negative effect on the implementation plans and their future monitoring.

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 proceed of crime have been intermingled; iii) income derived from I) and ii), as well as from proceeds of crime.

National implementation actions:

The Justice Ministry and the General Prosecutor's Office are looking currently into possible amendments to the Criminal and Criminal Procedures codes to include definitions of the proceeds of crime, which are subject to confiscation, in line with the recommended concepts.

The draft law "On fighting financing terrorism and laundering of the proceeds of crime" of 9 December 2004 was approved in principle in the first reading by the Legislative Assembly of Zhogorky Kenesh of the Kyrgyz Republic; the line committee of the Assembly is currently working on proposals to finalize the draft law before it is submitted to the session of the Legislative Assembly.

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:

Measures needed to introduce relevant amendments to the Criminal and Criminal Procedures codes to define the proceeds and instrumentalities of crime are part of the Action Plan for the implementation of the National Anti-corruption Strategy in the Kyrgyz Republic (paragraph 49). The responsibility lies with the Anti-Corruption Agency and the Prosecutor General's Office. This issue is currently debated by the Working Group established in July of this year at the Prosecutor General's Office.

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:

Pursuant to Decree No 56 of 7 February 2005 of the President of the Kyrgyz Republic (paragraph 14) the Justice Ministry, National Security Service and the Prosecutor General's Office are currently debating proposals to introduce this rule in the legislation.

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:

This issue is currently examined by the Justice Ministry and also by the Working Group established by the Prosecutor General's Office in July this year.
Note that so far there have been certain delays in the plans for the reasons already mentioned above.

16. Bring in compliance with each other the Law on Banks and Banking Activity 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:

To ensure compliance between laws “On bank secrecy” and “On Banks and Banking” with regard to the authority which sanctions access to bank records, the Ministry of Justice of the Kyrgyz Republic has been currently drafting relevant amendments to the legislative acts to eliminate effective conflicts.

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

National implementation actions:

The draft Law of the Kyrgyz Republic “On Witness Protection and Security” has already been prepared, and currently is being discussed by various ministries and agencies.

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 procedures for extradition and mutual legal assistance are subject to the effective international bilateral and multilateral anti-crime treaties, and agreements for cooperation in law enforcement. In particular, to facilitate international cooperation in criminal procedures the Kyrgyz Republic has signed 15 international treaties on mutual legal assistance.

In addition, pursuant to the Action Plan for the implementation of the National Anti-corruption Strategy in the Kyrgyz Republic (paragraph 61), the year of 2006 shall see proposals to amend legislation of the Kyrgyz Republic in this area.

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:

The legislation of the Kyrgyz Republic has clear procedures for the termination of immunity status. In addition, the immunity does not preclude investigations by competent authorities, in particular in cases 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:

To ensure compliance of the legislation of the Kyrgyz Republic with that of the OECD countries, and to implement anti-corruption standards and techniques in the legislation of the Kyrgyz Republic, relevant government authorities are examining the legal framework of the OECD states and considering possible amendments to the criminal and criminal procedure laws of the Kyrgyz Republic. In particular, issues of funding of the witness protection programmes are addressed in the draft law “On Witness Protection and Security.”

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:

The adoption of the Law of the Kyrgyz Republic “On Civil Service” helped enhance requirements to the professional qualities of candidates willing to fill in vacancies in the civil service. They are supposed to participate in mandatory competitions, which consist not only of applications and their assessments, but also tests and practical problems to resolve to allow an unbiased assessment of the knowledge, expertise and professional skills of the applicants, their intellectual and psychological properties. Basing on such competition results applicants that scored well but were not given the job are included in the National Human Resources register and are recommended by the Civil Service Agency to bid for vacancies in other government authorities.

To enhance hiring and promotion procedures there are approved procedures for civil servants rotation, civil servants files, procedures for storing and destroying applicants records, there are reporting forms for government authorities implementing rules of the Civil Service Law, and a number of other documents are in preparation now.

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:

To monitor compliance with the Civil Service legislation of the Kyrgyz Republic with regards to rules of competitions, the Civil Service Agency has prepared and circulated to government authorities its methodological recommendations on procedures for competitive selection; they also provide methodological assistance on an ongoing basis. There have developed procedures for the rotation of civil servants, rules for safe-keeping and destruction of applicant records, and reporting forms for government authorities implementing the Civil Service Law of the republic.

The Civil Service Agency’s officers contribute to the work of civil service selection commissions, and to the annual inspections of government authorities’ compliance with the civil service legislation. Government authorities have been audited in accordance with the approved plans of inspections, and following complaints and evidence of wrong-doing. As a result, in some government bodies, in particular, at the State Registry and in the State Securities Commission, certain appointments were cancelled as they were found in violation of the Kyrgyz Republic’s civil service laws on competitive selection.

The Anti-Corruption Law of the Kyrgyz Republic is enforced and monitored by the Prosecutor General's Office.

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:

To improve public disclosure and control of income and assets declaration of public officials, the Civil Service Agency has planned a number of measures. In particular, they have approved regulations regarding the procedures, terms and deadlines for declaring relevant incomes, commitments and assets of public officials and their close relatives; collection and safe-keeping of declarations and their publication, and offer income declarations guidelines.

The declarations campaign resulted in the publication on the Civil Service Agency's web-site (www.csa.gov.kg) of the list of all public officials that have and have not submitted their declarations.

To ensure public access to the declared information the Civil Service Agency has designated the official source, the weekly called *Public Service and Career*, where they would publish aggregate data on income and assets held by political and other important government officers and their close relatives.

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:

In accordance with the Action Plan for the implementation of the National Anti-corruption Strategy in the Kyrgyz Republic (paragraphs 38 and 39), the law "On electronic system of public procurement" will be drafted and submitted to the Kyrgyz Parliament in 2006; following its adoption, the system will be implemented.

The State Procurement and Reserves Commission has its web-site (www.goszakupki.gov.kg), featuring the Public Procurements Law of the Kyrgyz Republic, government procurements regulations, information about the forthcoming and past tenders, etc. The Public Procurements Bulletin is published monthly.

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

National implementation actions:

In accordance with the law of the Kyrgyz Republic "On Public Procurement" (Article 38 "Procurements from one source and their terms and conditions") the procuring agency, in coordination with the state agency, may approve procurements from one source only under the following circumstances:

- if it places additional orders within the 6-month terms of the effective contractual date, which shall not exceed 15 percent of the value of the previous procurements, and must be of the same qualities, parameters and standards as formerly;
- if it offers a contract for conducting research, experiments or expert evaluation;
- if such goods, work or services are only offered by the supplier (contractor) in question, or if the supplier (contractor) has exclusive rights with respect to the goods or services in question;
- if the procurement concerns some artistic project or creative performance in arts or culture;
- if there is an urgent need for procurement in the circumstances that the procuring agency could not foresee.

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:

In accordance with the Action Plan for the implementation of the National Anti-corruption Strategy in the Kyrgyz Republic (paragraph 52) there are plans to set up a network of internal audit entities in the executive government agencies during 2006 to look for instances of corruption as well as to arrange for permanent and free cooperation between financial monitoring and audit bodies. The responsibility lies with the Government and the Audit Chamber.

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:

To implement this recommendation, a draft law has been prepared on freedom of information and access guarantees, which pledges each and every one the right to receive information and ensures enforcement mechanisms as well as regulates the relations that arise in connection with such right.

The text of the draft law has been published on the web-site of the Government of the Kyrgyz Republic at www.gov.kg

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 Action Plan for the implementation of the National Anti-corruption Strategy in the Kyrgyz Republic (paragraph 24) provides for the development and adoption before the end of 2005 of a normative act ensuring that information contained in non-public complains shall not be used for unjustified prosecutions for slander, together with some additional measures aiming to offer additional protection to citizens making complaints and proposals to the public bodies on issues of corruption.

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:

In an effort to implement this recommendation, they are currently developing normative regulations to lay down procedures for permanent cooperation with the civil society in policy making. In particular, the CCGG Secretariat, contributing to the effort to draft the Anti-Corruption documents, has developed procedures for its supervisory body, the National Anti-Corruption Council where in the membership of 11, 6 are civil society representatives (mass media, business community, public associations, and artistic unions). The participation of civil society in the National Council is expected to have a direct impact on the anti-corruption policy making.

Additionally, the implementation is assisted by the Open Kazakhstan Project which aims to produce transparent and affordable standards for public deliberations of policies in the making, and new decision-making means and instruments through broader public access to information (for details go to www.open.kg)

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) envisages that before the end of 2005 relevant regulations will have been drafted to ensure maximum public accountability of political parties. In future it is planned to have annual publications of the 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:

The draft law “On fighting financing of terrorism and laundering of proceeds of crime” of 9 December 2004 was approved in principle in the first reading by the Legislative Assembly of Zhogorky Kenesh of the Kyrgyz Republic; currently suggestions to finalize the draft are being prepared by the Legislative Assembly’s line committee before it is finally submitted to the legislative session.

To ensure broader protection to rights and legitimate interests of the citizens, public and government, to reinforce combat against the financing of terrorism and “laundering” of the proceeds of crime, to ensure soundness and stability of the financial system on the Kyrgyz Republic, and also pursuant to the Action Plan for the implementation of the National Anti-corruption Strategy in the Kyrgyz Republic and before this issue has been covered by effective legislation, the President of the Kyrgyz Republic published its Decree on 8 September 2005 establishing the Financial Intelligence Service in the Kyrgyz Republic. They are currently drafting terms of reference for the Financial Intelligence Service, and resolving logistical and funding issues of the service.

IV) ADDITIONAL INFORMATION

National implementation actions:

1. Along with some preventive measures, law enforcement bodies of the republic have been actively engaged in investigation of corruption offences already committed. Many highly place public officials are currently under investigation for their alleged misuse of office. According to the Prosecutor General’s Office, in 8 months of 2005 173 public officials have been found criminally liable, 202 officers administratively liable, and 1,001 have been sanctioned under disciplinary liability.

2. An important area of the ongoing administrative reform was the reduction of licensing and administrative functions of the government agencies. In 2004 alone, the list of authorized controlling government bodies that were allowed to conduct inspections of businesses was reduced from 33 to 22. As a result of these efforts the number of unjustified inspections decreased in 2004 by 35% from the previous year.

The acting President signed a decree on 23 July 2005 “On measures to restrict interventions of the supervisory, law enforcement and other government authorities in the work of business undertakings,” whereby in order to exclude any interference from government authorities with the activities of business undertakings, and eliminate overlapping of functions at supervisory and law enforcement agencies it was found that in 2005 - 2006 the issue of priority for government bodies is to eliminate any unjustified registration, licensing, fiscal, controlling, supervisory and other regulatory functions specified in legislative and other normative acts, as well as in regulations promulgated by ministries, departments, local administrations and bodies of local self-government that were found to obstruct or impede business in the Kyrgyz Republic.

3. Kyrgyzstan has joined the Initiative to enhance transparency of mineral resources businesses promoted by the World Summit on Sustainable Development in September 2002, and its prime goal is to improve the transparency of all charges that mineral resources businesses pay to the government.

According to the Initiative, the Government, together with the mineral resources companies and civil society organizations, is to publish regular semi-annual reports on charges and income it receives from mineral resources companies.

SUMMARY OF DISCUSSION

The meeting has recognized that in less than a year since the review, and despite turbulent circumstances in the country, the Kyrgyz Republic has provided a good report, which reflects tangible progress in implementing the recommendations. The meeting has noted a good practice of the Kyrgyz national coordinator to disseminate information about the progress and submit various drafts for comments of other members of the Istanbul Action Plan.

Under the pillar 1 of the recommendations on anti-corruption polity and institutions, the elaboration and adoption of the anti-corruption strategy and action plan has been the most notable achievement. Moreover, all the recommendations endorsed by the Istanbul Action Plan for the Kyrgyz Republic have been included in this strategy and action plan. The meeting also welcomed the practice of monthly reporting by various involved agencies on the progress in implementing the strategy, e.g. reporting by the Prosecution Office.

Progress has also been noted in relation to the recommendation 2 concerning the institutional strengthening of a body responsible for coordination and monitoring of anti-corruption policy. The meeting welcomed the announcement of the Kyrgyz Delegation that the President of the Kyrgyz Republic has adopted a Decree establishing an Anti-Corruption Agency, responsible for corruption prevention measures. The Kyrgyz Delegation informed the meeting that to make the Anti-Corruption Agency operational budget support is foreseen, but donor support would be vital, especially during the first 3 years (including additional salary payments to the staff). The delegation called on the donors strengthen their support and to improve donor coordination. At the same time it was noted that over-reliance on donor support should be avoided and proper balance of donor and budget funding are needed to ensure the sustainability and independence of the Agency in the long run.

While some progress has been noted under recommendation 3, proper consolidation and specialization of law-enforcement efforts in the area of fighting corruption should be among priorities for future actions. Same applies to the recommendation 4, which requires conducting anti-corruption surveys and analysis, and the implementation of which is delayed.

Under the pillar 2 on anti-corruption legislation, generally less progress has been noted. This may be due to the significant time which is necessary for legal reforms, and can be difficult to implement in times of major political changes. Notably, recommendations 9 (which require ensuring that the elements of corruption offences in the Kyrgyz legislation meet the requirements of international anti-corruption conventions) and 10 (which require harmonising provisions of the Law on the Fight against corruption with the Criminal code and other legislation) would require reinforced implementation efforts as a matter of priority for future.

The Kyrgyz Delegation has reported about working groups, which have started working on various issues under pillar 2 of the recommendations. The meeting invited the delegation to provide further specific information about the progress achieved by these working groups, and on the level of cooperation between these various working groups, which is needed to ensure consistency of the legal reform.

The meeting welcomed the fact that the Kyrgyz Republic has ratified the UN Convention against Corruption. A technical error was noted in the update report concerning the date of ratification of this convention.

It was further noted, that while normally legal reforms slow down during the periods of major political changes, some legal acts can pass very fast. For instance, an FIU was recently established by the Decree of the President, even before a Law on money launderings was adopted. The meeting reminded that effective legal reforms require proper sequencing and consistency of reform measures.

Under pillar 3 of the recommendation related to the transparency of civil service and financial control issues certain progress has been noted, notably with the improvements of regulations for civil service. In particular, steps towards implementing recommendation 23 about the system of declaration of assets for civil service were welcomed.

However, progress in implementing recommendations 26 (on internal auditing and financial control system in public agencies) and 27 (on the Law on public access to information) has not been significant. The meeting invited the Kyrgyz Republic to reinforce efforts in this area and to report about them in the future.