

**Mid-term Self-Assessment Report**

**of the Kyrgyz Republic**

**1st National Action Plan for 2018-2020**

**Bishkek**

 **2019**

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# GLOSSARY

|  |  |
| --- | --- |
| KR GO | Government Office of the Kyrgyz Republic |
| EGAM | e-Governance Agency Moldova |
| AAP | Agency Action Plan  |
| SALGIER | State Agency for Local Government and Inter-Ethnic Relationsunder the Government of the Kyrgyz Republic |
| SCITC | State Committee of Information Technologies and Communications |
| SCIESU | State Committee of Industry, Energy and Subsoil Use of the Kyrgyz Republic |
| SRS | State Registration Service under the Government of the Kyrgyz Republic  |
| SFIS | State Financial Intelligence Service under the Government of theKyrgyz Republic |
| DPP | Department of Public Procurement under the Ministry of Finance of the Kyrgyz Republic |
| IAIS URSPMoH | Interdepartmental Automated Information System “The Unified Register of State Property”Ministry of Health of the Kyrgyz Republic |
| MES | Ministry of Education and Science of the Kyrgyz Republic |
| MoF | Ministry of Finance of the Kyrgyz Republic |
| MoJ | Ministry of Justice of the Kyrgyz Republic |
| NPO | Non-profit organizations |
| RLA | Regulatory legal act |
| NAP | National Action Plan on building of the Open Governmentin the Kyrgyz Republic for 2018-2020 |
| NSC | National Statistical Committee of the Kyrgyz Republic |
| OGNF | Open Government National Forum |
| LAs | Local authorities |
| G KR | Government of the Kyrgyz Republic |
| AC KR | Accounts Chamber of the Kyrgyz Republic |
| SPMF | State Property Management Fund under the Government of the Kyrgyz Republic |
| CCER | Central Commission for Elections and Referenda of the Kyrgyz Republic |

# 1. INTRODUCTION

On November 21, 2017, the Kyrgyz Republic (hereinafter - KR) became the 75th participating country in the Open Government Partnership and the first among Central Asia states. Kyrgyzstan’s accession to this international initiative is a logical continuation of country’s efforts undertaken towards building an open and democratic society.

To fulfill its commitments, the Government of the Kyrgyz Republic (hereinafter – G KR), together with civil society, has developed and adopted a National Action Plan on building of the Open Government in the Kyrgyz Republic for 2018-2020. (hereinafter - NAP) that included 18 commitments.

On June 25, 2019, the Committee on Legislation, State Structure, Judicial, Legal Issues and Regulations of the Jogorku Kenesh of the Kyrgyz Republic took note of the Action Plan to build an Open Parliament for inclusion in the NAP. This Action Plan includes 4 commitments and will be implemented between 2019 and 2020.

After NAP adoption, ministries, state committees and agencies of the Kyrgyz Republic involved in its implementation were instructed within a month to develop detailed Agency Action Plans (hereinafter - AAP) for implementation commitments included in the NAP (until November 16, 2018[[1]](#footnote-1)) and ensure its implementation in a timely manner and report on NAP implementation to the Open Government National Forum of the (hereinafter - OGNF) on quarterly basis. It should be mentioned that for state agencies employees involved in the NAP implementation, a workshop was organized (October 20-21, 2018) on AAP development and cost calculation for its implementation.

 In view of the above, the following approach has been applied in preparing this report:

1. Assessment of state agencies APA availability, its timeliness development and AAP details assessment.
2. Evaluation of the NAP measures implementation: determining implementation status and achievement of expected results of the NAP in a timely manner.

 The following criteria were used in assessing development / adoption of AAPs:

* AAP timeliness development and adoption;
* AAP compliance with objectives, measures and expected results of commitments;
* Specification level of measures listed in AAP;
* Cost calculations for AAP measures implementation.

The following criteria were applied for monitoring NAP implementation:

* Timeliness of the NAP measures implementation;
* Compliance of state bodies’ achieved results to the NAP set objectives and expected results.

The assessment was carried out on the basis of reports submitted by state agencies to the OGNF Secretariat, the Office of the Government of the Kyrgyz Republic, as well as those uploaded to electronic module for monitoring NAP measures/activities implementation - www.ogp.el.kg/ru/commitments.

The carries out assessment and monitoring will assist heads of state agencies to focus on those areas of NAP execution that they should mainstream to successfully achieve NAP expected results.

# 2. PERFORMANCE ASSESSMENT

# 2.1. ASSESSMENT OF DEVELOPMENT / ADOPTION OF AGENCY ACTION PLANS

In accordance with paragraph 2 of the decree of the G KR No. 360-r dated October 16, 2018[[2]](#footnote-2) ministries, state committees and agencies of the Kyrgyz Republic were instructed to develop detailed agency action plans (hereinafter - AAP) for implementation of commitments included in the NAP within one month (by November 16, 2018).

Following are the overall assessment results of AAP development / adoption:

* There are no AAP for 7 of the commitments;
* For 9 commitments, AAPs were timely developed;
* For 12 commitments, AAPs consistent with NAP measures and expected results have been developed;
* For 13 commitments, detailed AAPs have been developed, and for 2 commitments, AAP have not been sufficiently detailed;
* For 2 commitments, detailed expenses calculation for AAP measures implementation has been prepared, and for 13 commitments there were no calculations.

Commitment №1. Implementation and promotion of open data policy in the Kyrgyz Republic

**Responsible State Agency**: State Committee of Information Technologies and

Communications (further - SCITC).

**Timeliness of AAP adoption**: approved by the SCITC order dated December 26, 2018 No. 335-a, i.e. with more than a month delay from the set deadline.

**AAP compliance with commitments, measures and expected results of commitment**: AAP content is identical to NAP contents.

**Details of AAP measures and activities:** measures and expected results detailed in AAP.

**Availability of cost calculations for the AAP measures implementation:** cost calculations for AAP activities are not available.

**Recommendations:**

1. It is necessary to calculate costs of AAP measures implementation and define sources of funding.

# Commitment №2. Open data in the education system at the level of state general education organizations

**Responsible State Agency**: Ministry of Education and Science of the Kyrgyz Republic (further - MES).

**Timeliness of AAP adoption**: adopted by the order of the Ministry of Education and Science dated January 22, 2019 No. 47/1, i.e. with a more than 3 months delay from the set deadline.

**AAP compliance with commitments, measures and expected results of commitment**: full compliance.

**Details of AAP measures and activities:** Measures and expected results are described in detail in the MES AAP. However, in clause 3 “Ensuring organizational and institutional support for open data policies” and in clause 4 “Normative and methodological support of measures in the field of open data” there are no clear deadlines for implementation of activities.

**Availability of cost calculations for the AAP measures implementation:** cost calculations for AAP activities are not available.

**Recommendation:**

1. It is necessary to calculate costs of AAP measures implementation and define sources of funding.

Commitment №3. Open data about the activities of Health Organizations (HOs)

**Responsible State Agency**: Ministry of Health of the Kyrgyz Republic (further - MoH).

**Timeliness of AAP adoption**: approved by order of the Ministry of Health dated November 19, 2018 No. 783, i.e. on time

**AAP compliance with commitments, measures and expected results of commitment**: does not comply for the following reasons:

* Sub-paragraph 1.1.3. of expected result did not provide for approval of the Regulation on collection and disclosure of open data on health care organizations activities, and definition of a detailed list of data collected by health care organizations;
* measures and expected results for objective 3 of the MoH AAP “Ensure disclosure of data on non-financial performance of public health institutions in a machine-readable form, including data on warehouse records of medicines and medical devices”, only partially reflect NAP measures and expected results;
* objective 4 of MoH AAP “Ensuring access of citizens to information on activities of state public health organizations” does not include measure 11.1. of NAP "to ensure citizens' access to data systems of financial and non-financial indicators of HO activity via the MoH website."

**Details of AAP measures and activities:** detailed information on measures and expected results of the MoH AAP objectives 3 and 4 is required.

**Availability of cost calculations for the AAP measures implementation:** cost calculations for AAP activities are not available.

**Recommendations:**

1. It is necessary to detail and include NAP activities and expected results in MoH AAP objectives 3 and 4.
2. It is necessary to calculate costs of AAP measures implementation and define sources of funding.

Commitment №4. Modernization of the state judicial acts register

**Responsible State Agency**: Supreme Court of the Kyrgyz Republic (further - SC).

**Timeliness of AAP adoption**: SC failed to develop AAP for fulfillment of commitment No. 4

**Recommendation:**

1. It is necessary to develop AAP.
2. It is necessary to calculate costs of AAP measures implementation and define sources of funding.

Commitment №5. Ensuring public access to archival documents (dated 1918 – 1953)

**Responsible State Agency**: State Registration Service under the Government of the Kyrgyz Republic (further - SRS).

**Timeliness of AAP adoption**: approved by order of the SRS dated November 16, 2018 No. 330, i.e. timely.

**AAP compliance with commitments, measures and expected results of commitment**: fully complies.

**Details of AAP measures and activities:** measures and expected results detailed in AAP.

**Availability of cost calculations for the AAP measures implementation:** cost calculations for AAP activities are not available.

**Recommendations:**

1. It is necessary to calculate costs of AAP measures implementation and define sources of funding

Commitment №6. Improving procedure of the draft RLAs’ public discussion through creating a Single Electronic Portal (SEP)

**Responsible State Agency**: Ministry of Justice of the Kyrgyz Republic (further – MoJ).

**Timeliness of AAP adoption**: approved by order of the MoJ dated November 15, 2018 No. 218, i.e. timely.

**AAP compliance with commitments, measures and expected results of commitment**: fully complies.

**Details of AAP measures and activities:** measures and expected results detailed in AAP.

**Availability of cost calculations for the AAP measures implementation:** cost calculations for AAP activities are not available.

**Recommendations:**

1. It is necessary to calculate costs of AAP measures implementation and define sources of funding.

Commitment №7. Civil society involvement in anti-corruption activities of state bodies

**Responsible State Agency**: Government Office of the Kyrgyz Republic (further –KR GO).

**Timeliness of AAP adoption**: The action plan for implementation of measures / activities was approved by the head of the Department of Defense, Law Enforcement and Emergency of the KR GO on May 6, 2019 with a 6-month delay from the set deadline. Considering that AAP is subject to approval by decision of the head of the agency - the head of the Government Office –– Minister of the Kyrgyz Republic and not the head of department, the task of approving AAP was not fulfilled according to the order of the G KR dated October 16, 2018.

**AAP compliance with commitments, measures and expected results of commitment**: AAP does not include measures specified in paragraph 20 of the NAP “Civil society involvement in anti-corruption activities of state bodies” and paragraph 22 “Determining corruption level in various state bodies”.

**Details of AAP measures and activities:** measures and expected results detailed in AAP.

**Availability of cost calculations for the AAP measures implementation:** cost calculations for AAP activities are not available.

**Recommendation:**

1. AAP should be approved in due order.
2. It is necessary to detail and include measures and expected results specified in paragraphs 20 and 22 of the NAP into AAP.
3. It is necessary to calculate costs of AAP measures implementation and define sources of funding.

Commitment №8. Increase budget transparency

**Responsible State Agency**: Ministry of Finance of the Kyrgyz Republic (further – MoF).

**Timeliness of AAP adoption**: Approved by the order of the MoF dated November 16, 2018 No. 119-B, i.e. timely. Changes and additions were introduced to the AAP by the MoF order dated April 10, 2019 No. 49-P.

**AAP compliance with commitments, measures and expected results of commitment**: fully complies.

**Details of AAP measures and activities:** measures and expected results detailed in AAP.

**Availability of cost calculations for the AAP measures implementation:** cost calculations for AAP activities are not available.

**Recommendation:**

1. It is necessary to calculate costs of AAP measures implementation and define sources of funding.

Commitment №9. Creating multilateral platform for managing external assistance

**Responsible State Agency**: Ministry of Finance of the Kyrgyz Republic (further – MoF).

**Timeliness of AAP adoption**: Approved by the order of the MoF dated November 16, 2018 No. 119-B, i.e. timely. Changes and additions were introduced to the AAP by the MoF order dated April 10, 2019 No. 49-P.

**AAP compliance with commitments, measures and expected results of commitment**: fully complies.

**Details of AAP measures and activities:** measures and expected results detailed in AAP.

**Availability of cost calculations for the AAP measures implementation:** cost calculations for AAP activities are not available.

**Recommendations:**

1. It is necessary to calculate costs of AAP measures implementation and define sources of funding.

Commitment №10. Increasing public procurement transparency

**Responsible State Agency**: Department of Public Procurement under the Ministry of Finance of the Kyrgyz Republic (further – DPP).

**Timeliness of AAP adoption**: Approved by the order of the MoF dated November 16, 2018 No. 119-B, i.e. timely. Changes and additions were introduced to the AAP by the MoF order dated April 10, 2019 No. 49-P.

**AAP compliance with commitments, measures and expected results of commitment**: fully complies.

**Details of AAP measures and activities:** measures and expected results detailed in AAP.

**Availability of detailed cost calculations for the AAP measures implementation:** cost calculations for AAP activities are not available.

**Recommendations:**

1. It is necessary to calculate costs of AAP measures implementation and define sources of funding.

# Commitment №11. Ensuring budget transparency of the local budgets and consideration the interests of local communities in the budget process

**Responsible State Agency**: Ministry of Finance of the Kyrgyz Republic (further – MoF).

**Timeliness of AAP adoption**: Approved by the order of the MoF dated November 16, 2018 No. 119-B, i.e. timely. Changes and additions were introduced to the AAP by the MoF order dated April 10, 2019 No. 49-P.

**AAP compliance with commitments, measures and expected results of commitment**: fully complies.

**Details of AAP measures and activities:** measures and expected results detailed in AAP.

**Availability of detailed cost calculations for the AAP measures implementation:** cost calculations for AAP activities are not available.

**Recommendations:**

1. It is necessary to calculate costs of AAP measures implementation and define sources of funding.

Commitment №12. Improving access to information of state and municipal authorities

**Responsible State Agency**: Government Office of the Kyrgyz Republic (further – KR GO).

**Timeliness of AAP adoption**: KR GO has failed to develop AAP for fulfillment of commitment No. 12.

**Recommendation:**

1. AAP should be developed and approved.
2. It is necessary to calculate costs of AAP measures implementation and define sources of funding.

Commitment №13. Assessing level of public trust to local authorities

**Responsible State Agencies**: National Statistical Committee of the Kyrgyz Republic (by agreement, further - NSC), National Institute for Strategic Studies of the Kyrgyz Republic (further - NISS).

**Timeliness of AAP adoption**: approved by the NISS order dated November 1, 2018 No. 14, i.e. timely.

**AAP compliance with commitments, measures and expected results of commitment**: fully complies.

**Details of AAP measures and activities:** measures and expected results detailed in AAP.

**Availability of detailed cost calculations for the AAP measures implementation:** cost calculations for AAP activities are not available.

**Recommendation:**

1. It is necessary to calculate costs of AAP measures implementation and define sources of funding.

Commitment №14. Disclosure of information about state and municipal property

**Responsible State Agency**: Fund of State Property Management under the Government of the Kyrgyz Republic (further – FSPM).

**Timeliness of AAP adoption**: FSPM AAP approved by order dated November 30, 2018, i.e. with half a month delay from the set deadline.

**AAP compliance with commitments, measures and expected results of commitment**: FSPM AAP does not comply with NAP in the following paragraphs:

* Deadline for the AAP 1.1. paragraph implementation “Publish a register of state and municipal assets (property) disclosing main characteristics (type of asset, address (for land and real estate), etc.)” is set 7 months later compared to the period approved in the NAP;
* FSPM AAP does not include measures/ activities aimed at implementing the NAP measures for disclosure of registers of municipal assets listed in subparagraphs 32.1. and 32.2. NAP;
* FSPM AAP does not include the following NAP subparagraphs:
	1. Subparagraph 33.1. Develop and implement an online trading platform for electronic sale and lease auctions of municipal property.
	2. 33.2. To finalize and approve the Regulation on auction procedure for municipal property rental in electronic format.
	3. 33.3. Introduce amendments to the Law of the Kyrgyz Republic “On Municipal Property Ownership” and finalize the Regulation on the auctions procedure for municipal property privatization in electronic format.
* FSPM included into the AAP measures / activities absent in the NAP:
	1. Paragraph 1.1.1. Completion by state bodies of data input and updating on agency property registered in the Interdepartmental Automated Information System “The Unified Register of State Property” (further – IAIS URSP) as of 01.01.2019.
	2. Paragraph 1.1.2. Organization of work by state bodies on initial preliminary revaluation of fixed assets entered and accounted in IAIS URSP.
	3. Paragraph 1.1.3. Launching of the information portal.
	4. Paragraph 1.1.4. Conducting a workshop for representatives of state bodies in country’s south.

**Details of AAP measures and activities:** measures and expected results are not detailed in the FSPM AAP.

**Availability of detailed cost calculations for the AAP measures implementation:** cost calculations for AAP activities are not available.

**Recommendations:**

1. Detailed measures for implementation of the NAP paragraph 32.2 should be included in the FSPM AAP.
2. It is recommended that paragraphs 1.1.1., 1.1.2., 1.1.3., 1.1.4., which are not part of the NAP, be excluded from the FSPM AAP.
3. It is necessary to detail measures and expected results included in the FSPM AAP.
4. It is necessary to calculate implementation costs of the FSP AAP measures and determine sources of funding.

Commitment №15. Involving civil society in the risks assessment of terrorist activities in non-profit sector

**Responsible State Agency**: State Financial Intelligence Service under the Government of the Kyrgyz Republic (further - SFIS).

**Timeliness of AAP adoption**: approved by the SFIS order dated November 12, 2019 No. 125 / p, i.e. timely.

**AAP compliance with commitments, measures and expected results of commitment**: fully complies.

**Details of AAP measures and activities:** measures and expected results are detailed in AAP.

**Availability of detailed cost calculations for the AAP measures implementation:** SFIS carried out calculations on measured included in AAP.

Commitment №16. Disclosure of related data in mining industry at the license level

**Responsible State Agency**: State Committee of Industry, Energy and Subsoil Use of the

Kyrgyz Republic (further – SCIESU).

**Timeliness of AAP adoption**: approved by the SCIESU order dated December 15, 2018 No. 01-7 / 487, i.e. with a 1 month delay from the set deadline.

**AAP compliance with commitments, measures and expected results of commitment**: fully complies.

**Details of AAP measures and activities:** measures and expected results are detailed in AAP.

**Availability of detailed cost calculations for the AAP measures implementation:** cost calculations for AAP activities are not available.

**Recommendations:**

1. It is necessary to calculate implementation costs of the AAP measures and determine sources of funding

Commitment №17. Implement an auditing system with public participation

**Responsible State Agency**: Court of Auditors of the Kyrgyz Republic (further – CA KR).

**Timeliness of AAP adoption**: approved by the resolution of the CA Council dated January 17, 2019 No. 01-26-13, i.e. 2 months later from the recommended date.

**AAP compliance with commitments, measures and expected results of commitment**: According to resolution of the CA Council, the deadline for implementation of NAP paragraph 39.1 measures was moved from March 1 to May 1, 2019 in the AAP. The rest of the AAP is fully consistent with the NAP.

**Details of AAP measures and activities:** measures and expected results are detailed in AAP.

**Availability of detailed cost calculations for the AAP measures implementation:** CA made calculations on measures listed in the AAP.

**Recommendations:**

1. It is necessary to determine sources of funding

Commitment №18. Transparency of the financing elections (referendums) and election campaign of candidates, political parties, initiative groups

**Responsible State Agency**: Central Election Commission of the Kyrgyz Republic (further – CEC).

**Timeliness of AAP adoption**: CEC has failed to develop AAP to fulfill commitment No. 18 of the NAP.

**Recommendations:**

1. AAP should be developed and approved.
2. It is necessary to calculate costs of AAP measures implementation and define sources of funding.

# 2.2. ASSESSMENT OF IMPLEMENTATION OF THE NATIONAL ACTION PLAN ACTIVITIES FOR BUILDING OF THE OPEN GOVERNMENT IN THE KYRGYZ REPUBLIC FOR 2018-2020

From October 16, 2018 to October 16, 2019, according to the established deadlines, it was planned to complete 58 measures/activities of the National Action Plan on building of the Open Government in the Kyrgyz Republic for 2018-2020. (hereinafter - NAP).

It should be noted that 2 NAP measures were completed ahead of schedule. Thus, within framework of NAP implementation monitoring, an assessment of 58 measures was carried out, including 2 measures completed ahead of schedule. According to assessment results, 11 NAP measures (18.96%) were completed and 47 measures (81.04%) were not completed on time.

Monitoring revealed that JK commitment was not fully fulfilled, since commitment to build the Open Parliament were approved 3 months before the end of the reporting period.

Commitment №1. Implementation and promotion of open data policy in the Kyrgyz Republic

**Responsible State Agency**: State Committee of Information Technologies and

Communications of the Kyrgyz Republic (further - SCITC).

As part of implementing the measure referred to in sub-paragraph 1.1. of NAP paragraph 1 - “To have consultations with civil society and entrepreneurs in order to determine demand for data, priorities and criteria for open data in state bodies”, by SCITC order, M-Vector conducted a study to determine needs and demand for open data, interviewing 200 people via telephone survey, 55 people through online survey and 159 people through focus group discussions. However SCITC report[[3]](#footnote-3) does not contain a list of the most popular open data sets for civil society and business.

As part of implementing sub-paragraph 1.2. of NAP paragraph 1 - “To select and approve data from pilot state bodies for generation and disclosure in the format of open data with subsequent posting on the open data state portal” were identified and agreed according to the SCITC annual report:

|  |  |  |
| --- | --- | --- |
| **State agency** | **To be disclosed** | **Disclosed** |
| According to the SCITC annual report[[4]](#footnote-4) | According to official letters of state agencies[[5]](#footnote-5) | According to the Open Data Portal as of October 15, 2019[[6]](#footnote-6) |
| State Customs Service under the G KR | 47 | 47 | 28 |
| Ministry of Justice of the Kyrgyz Republic | 37 | 40 | 40 |
| Ministry of Education and Science of the Kyrgyz Republic | 45 | 63 | 34 |
| National Statistical Committee of the Kyrgyz Republic | 332  | 331 | 32 |
| Mandatory Health Insurance Fund under G KR | 34 | 10 | 12 |
| Ministry of Health of the Kyrgyz Republic | 29 | 29 | 22 |
| Ministry of the Economy of the Kyrgyz Republic  | 80 | 30 | 11 |
| Ministry of Finance of the Kyrgyz Republic | 197 | Data not submitted to the Secretariat | 1 |
| State Tax Service under the Government of the Kyrgyz Republic | 40 | Under review | 0 |
| State Registration Service under the Government of the KyrgyzRepublic | 25 | 25 | 11 |
| State Committee of Industry, Energy and Subsoil Use of theKyrgyz Republic | 20 | Under review | 0 |
| Investment Promotion and Protection Agency of the Kyrgyz Republic | 50 | 15 | 12 |
| **TOTAL:** | **936** | **580** | **215** |

As of October 15, 2019, open data portal had no data sets from the STS and MF (only 1 data set).

The list of data sets of the State Tax Service under the G KR to be published on the open data portal is currently under review and approval by the head of this state agency.

As of October 15, 2019, 215 data sets were uploaded to the Open Data Portal.

As part of implementing the NAP sub-paragraph 1.3. - “To develop and approve state bodies’ detailed internal regulations on disclosure of open data” data is unavailable on implementation of this measure in the SCITC report No. 14-2 / 5250 dated September 24, 2019.

As part of implementing the NAP sub-paragraph 2.1. - “Develop an Open Data Portal” an Open Data portal was developed and launched together with the SP Info-System. The Open Data portal was presented at the 7th KIT-2019 Information Technology Forum. The portal provides civil society with access to open data from state agencies, as well as developers to the Portal database through interaction protocol - application programming interface (API). The portal also has a “Feedback Form”, allowing portal users to ask questions to government bodies for each data set and receive replies by e-mail. However, the Portal does not provide open access to answers of state bodies through the "Feedback" section.

As part of implementing the NAP sub-paragraph 2.2. - “To conduct trainings and seminars on improving capacity of government agencies in the field of open data and Open Data Portal usage”:

- On July 23-24, 2019 SCITC of the Kyrgyz Republic held a two-day workshop "Open data as foundation of the digital economy" with participation of pilot state bodies of the Kyrgyz Republic, media, civil society, private sector and a speaker from the Republic of Moldova. [[7]](#footnote-7)

- On August 26, 2019, a round table was held on “Open Data in Health Care” with participation of the SCITC KR, MoH, the MHIF, Public Fund “Data School”, as well as IT developers and business representatives.[[8]](#footnote-8)

- On September 11, 2019, a round table “Open Data - Tourism Development in the Kyrgyz Republic” was organized with participation of the Ministry of Culture, Information and Tourism of the Kyrgyz Republic, Tourism Department of the Kyrgyz Republic, representatives of public organizations, business and IT.[[9]](#footnote-9) According to the expected results of NAP paragraph 2.2., seminars and trainings should have been held for government officials responsible for disclosing information in a machine-readable manner, but based on the above SCITC KR data, similar events were held only for employees of three government bodies. The submitted report by the SCITC KR does not include information on trainings held for state bodies on using Open Data Portal.

The above measures were rather aimed at informing stakeholders, and not building the capacity of government bodies in the field of open data and Open Data Portal usage.

As part of implementing the NAP subparagraph 2.4. - “To conduct hackathons for development of new solutions based on the Open Data Portal” the objective was to conduct more than one hackathon.[[10]](#footnote-10) The SCITC Open Data project reported 5 conducting training seminars that were not hackathons in content.

As part of implementing NAP sub-paragraph 3.1. - “To develop a set of RLAs on amendments and additions to legislation of the Kyrgyz Republic in order to improve citizens' access to data of state bodies”, a draft decree “On measures to implement an open data initiative in the Kyrgyz Republic” on approval of “Regulation on open data of the Kyrgyz Republic” and “Provisions on the Open Data Portal of the Kyrgyz Republic” have been developed[[11]](#footnote-11).

Paragraph 3 of the draft “Regulation on Open Data of the Kyrgyz Republic” defines terms: “Open Data”, “Open Data of State and Local Government” and “Machine Readable Format”.

Draft "Regulation on the Open Data Portal of the Kyrgyz Republic" includes the following standards:

- Objectives of creating an Open Data Portal;

- Main functions of the Open Data Portal;

- Requirements to contents of the list of data sets;

- Functions of authorized body - owner of the Portal;

- Key functions of Portal operator;

- Functions of suppliers (state agencies) of open data;

- Open data users’ rights.

Paragraph 3 of the draft “Regulation on Open Data of the Kyrgyz Republic” states that open data accumulated by state bodies and local authorities refers to open data of state bodies and LAs. Thus, open data of state bodies and LAs can be disclosed regardless of presence or absence of information systems.

SCITC sent a letter to the KR GO (dated 21.10.19) requesting to assist in ensuring operational coordination with government bodies and departments of the draft decree "On measures to implement the open data initiative in the Kyrgyz Republic" on approval of the "Regulations on open data" and "Regulation on open data portal"[[12]](#footnote-12).

As part of “Implementation and Promotion of an Open Data Policy” commitment, the University of Central Asia conducted open data trainings for representatives of civil society organizations, journalists and activists from March 27 to 30, 2019[[13]](#footnote-13). Training was aimed at teaching how to collect, analyze and visualize data for non-profit projects. During the 4 days of sessions, participants learned how to use easily accessible tools for collecting, analyzing, applying data and creating visual stories.

**Assessment of implementation of commitment №1:**

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| --- | --- | --- | --- |
| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 1.1. | Public consultations were held involving at least 200 representatives of civil society and entrepreneurs in the process of determining the most popular open data sets | December 1, 2018 | Not achieved |
| 1.2. | At least 200 data sets were selected to be disclosed on the Open Data Portal | March 1, 2019 | Achieved |
| 1.3. | Internal regulations of state bodies on disclosing process of at least 200 selected data sets in open format were approved | June 1, 2019 | Not achieved |
| 2.1. | A portal has been developed ensuring:-access of civil society to open data of state bodies;- access to analytical module for generating non-standard reporting data;-access to replies of state bodies to complaints and questions through the "Feedback" section;-developers’ access to the Portal database through the interaction protocol (API) | December 31, 2018 | Achieved |
| 2.2. | Capacity-building trainings and seminars were held for government officials responsible for machine-readable information disclosure | July 1, 2019 | Not achieved |
| 2.4. | Conditions for development of applications for civil society have been created | April 1, 2019 | Not achieved |
| 3.1. | The following amendments have been introduced to the legislation of the Kyrgyz Republic in the field of access to information:- defined terms “open data”, “open government data”;- standards on the state open data portal are included;- requirements for disclosing information in the open data format are included, regardless of availability of information systems in government bodies | July 1, 2019 | Not achieved |

**Recommendations:**

1. SCITС and 12 pilot government bodies are encouraged to develop and approve detailed internal regulations for disclosure of information in open data format by December 31, 2019.
2. It is recommended to introduce option on the Open Data Portal, providing open access to government responses to complaints and suggestions through the Feedback section until January 31, 2020.
3. It is recommended that trainings be held for government officials responsible for machine-readable information disclosure.
4. It is recommended that three hackathons be held before January 31, 2020 in order to create conditions for developing applications for civil society.

Commitment №2. Open data in the education system at the level of state general education organizations

**Responsible State Agency: Ministry of Education and Science of the Kyrgyz Republic** (further - MES).

As part of implementing NAP sub-paragraph 4.1. - “To provide citizens with access to information on budget expenditures and revenues of state educational institutions through the Education Management Information System (EMIS)” and NAP sub-paragraph 4.2. - “To provide citizens with access to information on extra-budgetary expenses and income of state educational organizations through the EMIS” www.isuo.edu.gov.kg portal has an opportunity to publish financial and non-financial indicators relevant to educational organizations. However, the following issues were identified in the EMIS:

* information in EMIS did not cover all educational organizations;
* the reporting period for published data is not displayed on the EMIS web portal;
* previously published data on the EMIS web portal is not reflected correctly (for example, allocated budget funds for the secondary school No. 64 in Bishkek correspond to amount of expenses[[14]](#footnote-14));
* information cannot be received in the format of open data.

On November 6, 2019, MES has published a call for development of an automated 1C-based information system "Automated payroll for educational workers[[15]](#footnote-15). In order to save staff time, it is advisable to integrate the 1C-based system with EMIS, which will allow automatically upload data from 1C-based system to the EMIS. Published terms of reference have no requirement to integrate this system with EMIS and no requirements for accounting all budget and extra-budgetary revenues and expenses.

As part of implementing the NAP sub-paragraph 5.1. - “Integrate reporting on textbooks availability by class in EMIS with data updates 2 times a year” and sub-paragraph 5.2 of NAP - “Organize citizen access to information about textbooks and teaching materials (subject, title, year of publication, author, quantity) and on provision of textbooks and teaching materials to state educational institutions through the EMIS”, ADB project “Sector Development Program: Strengthening the Education System” is being implemented (ADB grant No. 0408-KGZ). Within the framework of this project, "Zhany Kitep" institution was established to be engaged in the issuance of books for rent for grades 5-11. This institution is developing the Zhany Kitep automated information system, in which all schools (except boarding schools, special schools and private schools) will enter data on books for rent. The data (subject, title, year of publication, author, and quantity) entered into the “Zhany Kitep” automated information system will be automatically uploaded to EMIS as open data.

However, textbook data will only be collected for new textbooks. Also, the project does not cover data collection on existing books, textbooks for grades 1-4[[16]](#footnote-16) and teaching materials. According to the schedule for textbooks renting in educational institutions of the Kyrgyz Republic, the project will cover grades 10-11 in 2022-2023, while the deadline for implementation of NAP paragraph 5 “Disclosure of data from state educational institutions about textbooks and teaching materials” is set for December 1, 2019. Data will also be collected across schools, not classes.

As part of implementing the NAP sub-paragraph 6.1. - “To organize citizens' access to information on qualification level of employees of state educational institutions, including continuing education courses (education - diploma number, full-time or part-time) through the EMIS,” information on employees’ qualifications, including information about continuing education courses for each employee is not reflected in the EMIS, and only contains school relevant general statistics.

As part of implementing sub-paragraph 7.1. - “To integrate the information system “Safety of schools and preschool educational organizations” (http://schooldb.caiag.kg/index.php) in EMIS”, by December 1, 2019, full integration of Information system “Safety of schools and preschool educational organizations” into the EMIS should have been achieved. However, to date, the integration process of indicated IS in the EMIS has not been started. In addition, there is a need in updating the current data on safety of schools and preschool educational organizations, as well as adding information on new educational institutions and preschool educational organizations.

The system “Safety of schools and preschool educational organizations of the Kyrgyz Republic” (http://schooldb.caiag.kg/) was developed by CAIAG specialists based on data provided by the Kyrgyz Earthquake Engineering Scientific Research and Design Institute (EERDI).

Development of this information system was carried out within the framework of "Reducing vulnerability of children to disasters in Kyrgyzstan" project, which has been implemented in the Kyrgyz Republic since August 2011 by the Ministry of Education and Science of the Kyrgyz Republic together with the Ministry of Emergency Situations of the Kyrgyz Republic, technical support of the United Nations Children's Fund (UNICEF) and funding from the Search Results Office of U.S. Foreign Disaster Assistance (USAID).

The IS is designed to store, search, disseminate, display, enter and analyze information on safety of schools and preschool educational institutions of the Kyrgyz Republic. IS has 3 access levels, starting from the general one, sufficient for viewing GIS maps, general information on schools, early childhood care centers, settlements, villages, districts, regions in the republic, and to the special level.[[17]](#footnote-17) The system provides an option of uploading information in xml format. The portal allows viewing the following data sets:

* structural (physical) security of the organization; disaster risk proof of the organization;
* security of engineering communications and infrastructure;
* functional safety of organization;
* photo gallery.

To view detailed data, registration is required, which complicates public access to information on educational institutions’ safety.

As part of implementing the NAP sub-paragraph 7.2. - “To organize collection of safety data on educational institutions, including earthquake resistance, resistance to other natural phenomena, and compliance with norms and standards of educational process”, the data collection process has not been started. There is a risk of non-fulfillment of this paragraph by deadline indicated in the NAP.

**Assessment of implementation of commitment №2:**

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| --- | --- | --- | --- |
| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 4.1. | Information on income and expenditures of state educational institutions is available to public in the open data format  | December 1, 2019 | - |
| 4.2. | Ensured public access to information on income and expenditure of extra-budgetary funds by state educational institutions in the open data format  | May 1, 2020 | - |
| 5.1. | Data collection (subject, title, year of publication, author, quantity)on textbooks and teaching materials is automated | December 1, 2019 | - |
| 5.2. | Ensured public access to information about textbooks and teaching materials in state educational institutions in the open data format | December 1, 2019 | - |
| 6.1. | Ensured public access to information on qualification level of employees of state educational institutions | September 1, 2019 | Not achieved |
| 7.2. | Ensured public monitoring over the buildings and structures safety  | December 1, 2019 | - |

**Recommendations:**

1. It is necessary to finalize and implement the following functional options in the EMIS:
	1. information output in open data format;
	2. display of reporting period of published data;
	3. input and output of information on textbooks and teaching materials (subject, name, year of publication, author, quantity) and provision of textbooks and teaching materials in state educational organizations across classes through EMIS.
	4. input and output of information on qualification level of employees (diploma No., major, full-time or part-time) and continuing education courses (course name, number of hours, training period).
2. In order to save staff time for entering data into EMIS on budget and extra-budgetary income / expenses, it is recommended to include in the ToR on development and implementation of 1C-based system requirements for introducing a system of accounting for all budget and extra-budgetary income / expenses of educational organizations, as well as provide for integration of this system with EMIS.
3. It is recommended that MES ensures input of information into the EMIS indicated in NAP paragraphs 4–7.
4. Public access recommended to information about all textbooks and teaching materials, broken down by classes (from 1 to 11) in the EMIS with data updates 2 times a year.
5. It is recommended to integrate IS data “Safety of schools and preschool educational organizations of the Kyrgyz Republic” into the EMIS and to ensure disclosure of information in an open data format.
6. It is recommended to develop and approve an interagency order of MES and the Ministry of Emergencies to ensure interaction of state bodies for collecting and entering safety data on preschool and general education organizations in the IS “Safety of schools and preschool educational organizations” (<http://schooldb.caiag.kg/index.php>).
7. It is recommended to collect data on safety of all state educational institutions, including earthquake resistance, resistance to other natural phenomena, compliance with norms and standards of educational process with aim of updating data in IS “Safety of schools and preschool educational institutions” (<http://schooldb.caiag.kg/index.php>) and providing public access to this data.
8. It is recommended to ease public access to the IS “Safety of schools and preschool educational organizations” (<http://schooldb.caiag.kg/index.php> ) omitting the registration requirement, as well as adding an option for downloading data in Excel format.

Commitment №3. Open data about the activities of Health Organizations (HOs)

**Responsible State Agency**: Ministry of Health of the Kyrgyz Republic (further - MoH).

As part of implementing the NAP sub-paragraph 8.1. - “To develop a Regulation on HOs open data system with description of business processes of collecting data on expenses, revenues, stocks and non-financial indicators”:

- according to sub-paragraph 1.1. of MoH AAP by June 1, 2019, the agency was supposed to approve the Regulation on collection and disclosure of open data on the activities of health organizations (hereinafter - HOs), including rules for data collection, and also to determine a detailed list of data collected by HOs. The “Standard Instructions on the Procedure for Publication of Open Data of the Kyrgyz Republic” [[18]](#footnote-18) developed by the SCITC, was uploaded to the electronic reporting module for reporting the NAP execution progress. However, as of October 15, 2019, the Instruction was not approved by the order of the Ministry of Health. There is also no information on coordination of the Instruction with the MoH working group (composition of the working group was approved by the order of the State Secretary of the MoH No. 907 of October 30, 2018[[19]](#footnote-19)).

- as part of implementing the AAP sub-paragraph 1.1.2. - “Define lists of financial and non-financial indicators for disclosing via the open data portal”, the decree by the Deputy Minister of Health of the Kyrgyz Republic dated May 31, 2019 No. 395 approved the list of Health System Indicators for publication on the MoH Open Data Portal[[20]](#footnote-20). The approved list does not contain a set of data on warehouse inventory of medicines across HOs. The approved list contains a list of data sets for non-financial indicators, but the data are disclosed only across regions, and not across HOs.

According to paragraph 9 of the NAP - “Disclosure of data on expenses and revenues of state HOs in machine-readable form,” paragraph 10 of the NAP - “Disclosure of data on non-financial indicators of state HOs in machine-readable form, including data on stock keeping of medicines and medical devices” and paragraph11 of the NAP - “Ensuring public access to information on activities of state HOs”, MoH failed to upload reporting data to the electronic reporting module for NAP execution progress[[21]](#footnote-21).

According to the director of partner organization PF “Sotsium”, OGNF member Estebesova B. A. [[22]](#footnote-22), at present there is a possibility of downloading data from *1C: accounting* in Excel format for publication on the open data portal. A web service and a module for downloading data from *1C: accounting* are being developed, which will allow uploading information on expenses of HOs to the MoH open data portal. The delay in fulfilling commitment within the specified time period occurred due to change in responsible employees (3 people resigned). There is a need for IT technical support. PF “Sotsium” noted that there is low commitment and lack of responsibility among MoH management on fulfillment and control of obligation.

According to the director of partner organization PF “Sotsium”, MoH website www.med.kg has a link to the new Open Data portal https://opendata.med.kg, developed by employees of the E-Health Center. The initial data sets were uploaded. The portal allows one to select the region, period and data visualization (graphics). In addition, it is possible to exchange data with the SCITC State Open Data Portal. Currently, the MoH portal has financial/non-financial indicators in machine-readable format across region and not across HOs. Data on inventory of medicines and medical devices have not been published.

According to the director of partner organization PF “Sotsium”, within the framework of “Achik Okmot - Zharandar utushu” hackathon, organized on December 15-16, 2018 by the PF “Civic Participation”, the OpenMed team developed a prototype medicine accounting application at level of HOs.[[23]](#footnote-23) On October 31, 2019, as part of the “SanaripThon” hackathon, the Lek-Info team moved to the next stage[[24]](#footnote-24), where together with the MoH Department of Drug Supply and Medical Technology it is planned to finalize the application for drug accounting at the level of HOs.

With support of the World Bank, the project “Results-Based Financing in healthcare” (RBF) was implemented. Within this project, HOs could receive additional funding from the Multilateral Trust Fund of Donors for an innovative approach in case certain indicators of their work grow. Those HOs that received funding from the RBF, could use funds received to increase salaries of their employees, purchase equipment, for repairs and other purposes. To ensure transparency, the RBF portal was developed (rbf.med.kg), where any user can see for each pilot HO, income and expenditures from the RBF resources, as well as indicators of the HO performance by categories of indicators[[25]](#footnote-25).

The project was completed in 2018, and currently MHIF funds a number of health organizations out of its own funds based on the results. With project being completed, portal has not been updated. Also portal does not have an option of downloading data in the open data format.

Since July 2018, MHIF together with MoH extended this experience of applying incentive payments based on results of assessing quality of provided medical services using Evaluation Card to all PHC organizations, regional, city hospitals and maternity hospitals.[[26]](#footnote-26)

**Assessment of implementation of commitment №3:**

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| --- | --- | --- | --- |
| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 8.1. | The Regulation on collection and disclosure of open data on HO activities, including data collection rules was approved. A detailed list of data to be collected by healthcare organizations has been identified. | June 1, 2019 | Not achieved |
| 9.1. | An information system for HO budget use has been developed for the primary, secondary and tertiary levels with ability to export data on HO budgets from *1C-accounting* to the information system  | September 1, 2019 | Not achieved |
| 9.2. | Data entry into IS for budget spending was ensured for at least 3 primary HOs, 3 secondary HOs and 3 tertiary HOs | December 1, 2019 | - |
| 9.3. | Ensured disclosure of machine-readable data on budgets of all HOs | August 31, 2020 | - |
| 10.1. | An information system has been developed for Hos of primary, secondary and tertiary levels for disclosure of the following information:- staff structure of HOs;- number of consultations or treatments for each nosology;- circulation of medicines and medical devices;- other | June 1, 2020 | - |
| 10.2. | Ensured data entry into IS on non-financial indicators in at least 3 primary, 3 secondary and 3 tertiary HOs | December 1, 2019 | - |
| 10.3. | Ensured disclosure of data on non-financial performance indicators in all HOs. | August 31, 2020 | - |
| 11.1. | Raising the awareness among citizens about activities of HOs, providing the opportunity to monitor HOs activities  | December 1, 2019 | - |

**Recommendations:**

1. It is recommended that MoH, together with the Lek-Info team, develop and implement a medicine accounting application at the HOs level, as well as ensure input and disclosure of medicine data.
2. It is recommended that MoH ensures the integration of 1C: accounting IS with the State Open Data Portal to ensure output of data on HOs income and expenses.
3. It is recommended that MoH ensures disclosure of HOs non-financial performance indicators via the State Open Data Portal divided by HO.
4. It is recommended that MoH, together with MHIF, disclose information on results based financing (on HOs expenses, revenues and performance indicators by categories of indicators) in computer-readable format via the State Open Data Portal by HO.
5. It is recommended to approve by the MoH order the list of data sets to be published on State Open Data Portal, as reflected in the Decree of the Deputy Minister of Health of the Kyrgyz Republic dated May 31, 2019 No. 395, as well as supplement the above list with information on warehouse records of medicines and non-financial indicators broken down by HOs.

Commitment №4. Modernization of the state judicial acts register

**Responsible State Agency**: Supreme Court of the Kyrgyz Republic (further - SC).

As part of implementing the NAP sub-paragraph 12.1. - “To develop a user and server application for automation and publication system of judicial decisions” ITI “Adilet sot” together with developers of AIS Court by “CBI” developed an application for automatic uploading of data on case registration, appointment of court hearings from AIS Court at www. act.sot.kg. An application is being developed for automating downloading of judicial acts and decisions.

As part of implementing the NAP sub-paragraph 12.2. - “To conduct a pilot implementation of software for judicial acts automation and publication”, services were tested on pilot system platforms. At the moment inaccuracies in data transfer are being analyzed and eliminated.

The directories were updated as part of implementing the NAP sub-paragraph 14.1. - “To modernize specialized website for disclosing judicial acts and decisions www.act.sot.kg for contextual search of judicial acts, by keywords, and integration with specialized software for formation of judicial acts”. The directories of www.act.sot.kg are brought in line with directories of the Automated Court Information System and Unified Register of Crimes and Misconducts. Articles have been updated in accordance with the new CC and CrPC. The updated system is being tested.

The above information was provided by the head of Armed Forces Computerization Sector N. Raimbaev. This information cannot be verified due to the lack of supporting documents on implementation of the above measures.

**Assessment of implementation of commitment №4:**

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| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 12.1. | A user and server application for judicial acts automation and publication has been developed | June 1, 2019 | Not achieved |
| 12.2. | Pilot testing of software for judicial acts automation and publication in individual courts has been conducted  | October 1, 2019 | Not achieved |
| 14.1. | A search system for judicial acts by keywords has been developed | June 1, 2019 | Not achieved |

**Recommendations:**

1. It is recommended to provide detailed data when sending information on implementation of NAP measures and activities, since brief reporting information does not make it possible to evaluate achievements of the agency objectively.

Commitment №5. Ensuring public access to archival documents (dated 1918 – 1953)

**Responsible State Agency:** State Registration Service under the Government of the Kyrgyz Republic (further – SRS).

As part of implementing the NAP sub-paragraph 15.1. - “To amend the legislation, including intra-agency regulations governing legal relations in the field of access to archives of 1918-1953, facilitating public access to archives”:

- according to sub-paragraph 1.1. SRS AAP, an inter-agency working group was created to amend LAs by the order of SRS No. 361 of December 31, 2018;

- according to sub-paragraph 1.2. it was planned to conduct an analysis of legislation and other legal acts prior to March 1, 2019, including intra-agency standards governing legal relations in the field of access to archival documents of the totalitarianism era and develop proposals for their improvement to further facilitate public access to archival documents, as well as develop draft amendments to analyzed laws on disclosing classified archival documents with a description of functions of relevant executive bodies (SRS, SCNS, MIA, MoJ) and develop draft legal acts based on results of analysis.

According to the SCNS letter sent to the SRS dated March 19, 2019 (out. No. 10/733), legislation analysis revealed that the current Law of the Kyrgyz Republic “On the National Archival Fund of the Kyrgyz Republic” meets all existing requirements for publicity, accessibility, and protection of personal data. However, a member of the working group Tagaev M.Kh. considers that amendments to the legislation are necessary. The full text of his proposals for amending the Law of the Kyrgyz Republic “On the National Archival Fund of the Kyrgyz Republic” and position of the Archival Agency under the SRS on this issue can be found in e-reporting module on NAP implementation under sub-paragraph 1.2. “Access to remaining classified documents about Red Terror events and Stalin era (1918-1953)” (document “Proposal of the commitment initiator”).[[27]](#footnote-27)

In accordance with the SCNS, declassification of archival documents is regulated by by-laws, and activities are carried out twice a year as planned. In accordance with the current legislation, declassification of documents is allowed after 30 years, and documents of security agencies - 75 years (bypassing the operational need). Restrictive vultures from most of documents before 1988 and documents of security agencies before 1943 have already been removed by the Interagency Commission for declassification of archival documents. Conclusions of the working group on this objective were shared with KR GO in a letter No. 5-21-3 / 5969 dated March 20, 2019.

- As there was no need to amend the Law of the Kyrgyz Republic “On the National Archival Fund of the Kyrgyz Republic”, the working group concluded that paragraph 1.3. of SRS AAP - “Submit draft legal acts developed by the interagency working group” to the Service by June 1, 2019 and paragraph 1.4. - “Consider draft legal acts and submit them in the prescribed manner to the Ministry of Justice of the Kyrgyz Republic” by December 31, 2019, are subject to exclusion.

*According to paragraph 15 of the NAP, the objective was to ensure public access to archival documents of 1918-1953. The current legislation of the Kyrgyz Republic allows the Kyrgyz Republic to declassify archival documents of security agencies until 1943, which does not correspond to the NAP expected result, according to which it is necessary to disclose archival data until 1953(inclusive).*

*Also, the NAP included measures for digitization and publication of archival documents in the publicly accessible domain. In the Law of the Kyrgyz Republic “On the National Archival Fund of the Kyrgyz Republic” dated November 22, 1999 N 125, as well as in other legal documents, there are no requirements for digitizing and publishing declassified archival documents in open access, which limits public access (expected result in the NAP sub-paragraph 15.1 .).*

As part of implementing the NAP sub-paragraph 15.2. - “Within the framework of an interagency working group, draft the Law of the Kyrgyz Republic “On Amending the Law of the Kyrgyz Republic “On the rights and guarantees of rehabilitated citizens who suffered repression for their political or religious beliefs, on social, national or other grounds” № 1538-XII dated May 27, 1994":

- according to sub-paragraph 2.1. and 2.2. of the SRS AAP, an interagency working group planned by June 6, 2019 to develop, consider and introduce a draft Law of the Kyrgyz Republic “On Amending the Law of the Kyrgyz Republic “On the rights and guarantees of rehabilitated citizens who suffered repression for their political or religious beliefs, on social, national or other grounds” № 1538-XII dated May 27, 1994 in SRS. The SRS report submitted to the OGNF Secretariat did not have relevant data on amendments to this law, and [www.ogp.el.kg](http://www.ogp.el.kg) module[[28]](#footnote-28) did not have information on implementation of this paragraph. On September 13, 2019, an initiative group of deputies of the KR Parliament headed by deputy K. Imanaliev, together with the Soros Foundation-Kyrgyzstan and the PF Civil Initiative for Internet Policy, organized a round table on “Open Data”, which considered the draft Law of the Kyrgyz Republic “On Amending Certain Legislative Acts of the Kyrgyz Republic”, including the Law of the Kyrgyz Republic “On the National Archival Fund of the Kyrgyz Republic” (in article 18) and the Law of the Kyrgyz Republic “On the rights and guarantees of rehabilitated citizens who suffered repression for their political or religious beliefs, on social, national or other grounds” № 1538-XII dated May 27, 1994.

During the round table, it was proposed to intoroduce the following changes to Article 18 of the Law of the Kyrgyz Republic “On the National Archival Fund of the Kyrgyz Republic”:

- Archival funds and other documents, including archival and investigative files stored in agency archives, shall be transferred for open storage to the State Archival Service as they are declassified no later than four months from the date this Law comes into force.

- Archives, other state bodies should provide all possible assistance to the Commission for the Rehabilitation of Victims of Political Repression, operating at the Institute of History, Archeology and Ethnology of the National Academy of Sciences of the Kyrgyz Republic. For these purposes, researchers of the Rehabilitation Commission should have conditions for quick access and be provided assistance in searching for necessary archival data.

- The State Archival Service based on the results of interaction with the Rehabilitation Commission and lists of repressed citizens compiled by researchers of the Commission and approved by its decision, includes names, together with due information, in the electronic memory book of victims of political repressions of Kyrgyzstan, placed on specialized automated system of the State Archival Service of the Kyrgyz Republic. The book is updated with data, based on decisions of rehabilitation commission, and should be publicly available online.

According to the proposed amendment, archival institutions will be required to provide assistance to the Rehabilitation Commission for the Victims of Political Repressions and provide quick access to archival documents, regardless of permission from victims of repressions or their relatives/representatives.

*Lack of progress in implementation of the AAP paragraphs 1.3. - “The draft legal acts developed in the framework of interagency working group have been submitted to SRS,” 2.1. - “Developed draft of Law of the Kyrgyz Republic“ On Amending the Law of the Kyrgyz Republic “On the rights and guarantees of rehabilitated citizens who suffered repression for their political or religious beliefs, on social, national or other grounds” № 1538-XII dated May 27, 1994" and 2.2. - “Consider and make proposals to the SRC on the Draft Law of the Kyrgyz Republic“ On Amending the Law of the Kyrgyz Republic “On the rights and guarantees of rehabilitated citizens who suffered repression for their political or religious beliefs, on social, national or other grounds” № 1538-XII dated May 27, 1994 ”, results in risk of not achieving the expected results until December 31, 2019 under AAP paragraphs 1.4 -“ Submission of draft legal acts in the established manner to the Ministry of Justice of the Kyrgyz Republic.” and 2.3. - “Following the results of the work of the interdepartmental working group, send the draft Law to the Ministry of Justice of the Kyrgyz Republic in the prescribed manner”.*

As part of implementing the NAP sub-paragraph 15.3. - “To grant the Archival Agency under the SRS the status of an independent state authorized body” on August 5, 2019, the SRS proposed two options for implementation of this paragraph by letter No. 1-26-5 / 6525:

1. Granting the Archival Agency under the SRS an independent status of an administrative department at the SRS.

2. Transformation of the Archival Agency under the SRS into an independent state institution with the status of “National” and subordination to the President of the Kyrgyz Republic.

As of October 15, 2019, KR GO did not provide a response to the suggestion of SRS.

**Assessment of implementation of commitment №5:**

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| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 15.1. | Amendments were introduced to legislation on disclosing archival documents with a description of functions of the relevant executive bodies (SRS, SCNS, MIA, MoJ), which facilitate public access to 1918-1953 archival documents  | December 31, 2019 | - |
| 15.2. | Law have been amended to provide public access to archival documents and rehabilitation process of repressed persons commenced | August 31, 2020 | - |
| 15.3. | Archive Agency status has been changed | August 31, 2020 | - |

**Recommendations:**

1. It is recommended to intensify the work on determining funding sources to ensure digitization of archival documents until 1953 and their publication in the publicly accessible domain.
2. It is recommended that SRS hold a meeting at the level of G KR by December 31, 2019 to discuss its proposals to change the status of the Archival Agency and take relevant decisions.

# Commitment №6. Improving procedure of the draft RLAs’ public discussion through creating a Single Electronic Portal (SEP)

**Responsible State Agency**: Ministry of Justice of the Kyrgyz Republic (further - MoJ).

As part of implementing the NAP sub-paragraph 17.1. - “To create a working group, with participation of representatives of government bodies, civil society and business community to improve public discussion of draft regulatory legal acts (RLAs) and introduce the Single Electronic Portal”, the order of the Ministry of Justice dated December 31, 2018, No. 249 approved composition of interagency working groups to improve public discussion of draft legal acts and introduction of the Single Electronic Portal (SEP). However, according to the order[[29]](#footnote-29) of the Ministry of Justice, the working group has two objectives:

1) To study international mechanisms for public discussion of draft legal acts;

2) To develop terms of reference (TOR) for developing a single portal for public discussion of draft legal acts.

Thus, the scope of the working group activities has been narrowed down to ToR development and excludes work on improving RLAs governing public discussions. Moreover, according to NAP paragraph 17.1., the MoJ is tasked by December 31, 2019 to improve legislation on involving civil society, entrepreneurs and other interested parties in the process of developing the Kyrgyz Republic's regulatory legal acts.

Working group has developed SEP concept, publicly presented on April 19, 2019 at the Hyatt Hotel. Also in May 2019, public hearings were held in Bishkek and in the regions to discuss SEP idea.

According to the MoJ letter No. 10-1 / 13990 sent to KR GO dated September 20, 2019, within NAP subparagraph 17.2. implementation - “Introduce appropriate amendments to legislation regulating public discussion of draft legal acts” - a draft law “On Amending the Law of the Kyrgyz Republic“ On Normative Legal Acts of the Kyrgyz Republic”” was developed, viewing SEP as an additional mechanism for public discussion of draft legal acts. After testing, it is planned to introduce new amendments to the Law “On regulatory legal acts of the Kyrgyz Republic” to use SEP as the main mechanism for discussing draft legal acts. The draft law also provides that procedure for posting draft legal acts on SEP to be approved by G KR. In this regard, MoJ will prepare a draft decree for G KR, which should regulate placement of draft legal acts and SEP use. The draft Law of the Kyrgyz Republic “On Amendments to the Law of the Kyrgyz Republic “On Regulatory Legal Acts of the Kyrgyz Republic” was approved by Resolution of G KR No. 544 of October 7, 2019 and submitted for consideration to the Parliament of the Kyrgyz Republic.

However, amendments proposed by MoJ to regulate public discussion of draft legal acts are minimal and may not result in desired improvements to involve civil society, entrepreneurs and other interested parties in the process of developing legal acts. In order to achieve more tangible results, it is recommended to consider the possibility of introducing the following amendments to legislation on public discussions:

1. To envisage more precise regulation of various formats of public discussions: (1) online public discussions through SEP, (2) public hearings with online broadcasting through social networks and (3) public discussions reviewing citizens' suggestions.
2. Keeping minutes/transcripts during public hearings should be mandatory. This document should include a list of participants, proposals received, and reasonable responses to them and should be published on SEP along with the corresponding draft regulatory act.
3. Recommendations and comments received from citizens to agents of legislative initiative should also be published on SEP along with the corresponding draft regulatory act.
4. Recommendations and comments received during public discussions (regardless of the format of public discussions - received during round tables, from citizens as appeals to agents of legislative initiative received through SEP) should be organized in tabular form justifying the reason for proposal rejection (in case of rejection) and be attached to the draft law along with a justification.
5. However, without legislative requirement for mandatory use of SEP by lawmakers, there is a risk it will not be used, which, in turn, will discredit the idea and affect public trust to portal. In this regard, it is necessary to require mandatory use of SEP for public discussion of draft legal acts initiated by the Government, Jogorku Kenesh of the Kyrgyz Republic and LAs. It is also necessary to envisage responsibility for avoiding discussion of the draft legal acts on SEP and ignoring/untimely responding to comments or suggestions of citizens. It is then vital to identify the agency to monitor the fair implementation of public discussion standards and portal use. The same body should prepare annual reports on functioning of the portal (whether all draft legal acts were posted for public discussion; whether all comments were responded to; if they were, then were they responded on time; etc.). The Ombudsman Institute could take on this function.[[30]](#footnote-30)

According to MoJ letter No. 10-1/14922 sent to KR GO from October 8, 2019, on October 7, 2019, JK hosted a working meeting with the deputy speaker of JK, A.Kasymalieva, representatives of the Committee on the Constitutional Law, State Structure, Judicial and Legal Issues and the Rules of Procedure of the Jogorku Kenesh of the Kyrgyz Republic, the Ministry of Justice, the USAID Cooperative Development Program, the European Union's “Rule of Law Program in the Kyrgyz Republic - (Phase 2)”, “Center for Innovation and Business” and independent expert A. Koduranova, where implementation SEP and relevant legislation amendments were discussed. Kasymalieva A.K. noted that it is necessary to review laws and regulations of JK, as well as internal regulation on draft laws processes. Following the meeting, a decision was made by working group to coordinate work with representatives of the Committee on the Constitutional Law, State Structure, Judicial and Legal Issues and the Rules of Procedure of the Jogorku Kenesh of the Kyrgyz Republic.

As part implementing NAP sub-paragraph 18.1. - “Develop Terms of Reference for developing SEP” - USAID consultant developed ToR for SEP, which was approved by Order of the Ministry of Justice No. 1263 dated June 27, 2019.

As part of implementing NAP sub-paragraph 18.2 - “Develop SEP to discuss draft laws with free access for citizens and other interested parties” – SEP is being developed with the support of USAID Cooperative Management Program (East-West Management Institute) and the European Union (Rule of Law in the Kyrgyz Republic Program – ( phase 2)”. The company - "Center for Innovation and Business" was selected to develop SEP. On September 13, 2019, the Center for Innovation and Business presented the initial interface of the portal for public discussion of draft legal acts for the Ministry of Justice and its partners (USAID Cooperative Management Program and the European Union's Rule of Law Program in the Kyrgyz Republic - Phase 2) project.

**Assessment of implementation of commitment №6:**

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| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 17.1. | A working group has been set with representatives of state bodies, civil society and business community to improve procedure for public discussion of regulatory legal acts and introduce a Single Electronic Portal | January 1, 2019 | Achieved |
| 17.2. | Some changes were introduced to the regulatory acts aimed at increasing involvement of civil society, entrepreneurs and other interested parties in the process of developing the regulatory acts of the Kyrgyz Republic | December 31, 2019 | - |
| 18.1. | ToR has been developed | December 31, 2019 | Achieved |

**Recommendations:**

1. It is recommended that objectives and tasks of the MoJ working group “On improving the public discussion of regulatory legal acts and introduction of Single Electronic Portal”, approved by MoJ order No. 249 of December 31, 2018, be enlarged to involving it in improving **legislation governing the public discussion of draft legal acts.**
2. It is recommended that the JK involve the MoJ working group in discussion of the draft law on amendments to the Law “On Regulatory Legal Acts of the Kyrgyz Republic”, approved by G KR Resolution No. 544 of October 7, 2019.

Commitment №7. Civil society involvement in anti-corruption activities of state bodies

**Responsible State Agency**: Government Office of the Kyrgyz Republic (further – KR GO).

As part of implementing the NAP sub-paragraph 19.2. “Introduce amendments and addenda to the Regulation on the Anti-Corruption Council under the Government of the Kyrgyz Republic (hereinafter - ACC under the G KR), reinforcing the role of civil society in anti-corruption measures of the state” by G KR decree No. 427-r[[31]](#footnote-31) dated December 6, 2018, amendments and addenda were introduced to the Regulation on ACC under the G KR for nominating ACC candidates; also as part of implementing NAP sub-paragraph 19.1. - “Resume work of the Anti-Corruption Council under the Government of the Kyrgyz Republic” by order of the Prime Minister of the Kyrgyz Republic dated February 19, 2019 No. 81[[32]](#footnote-32) approved ACC new composition including representatives of state bodies and civil society.

However, it is worth noting that the Regulation on ACC, approved by the G KR order No. 454 dated September 15, 2015, was issued in violation of article 4 of the Law of the Kyrgyz Republic “On regulatory legal acts of the Kyrgyz Republic”, according to which the provisions and acts of other documents, stipulated by this Law are approved by the G KR. In this case, the Regulation on ACC was to be approved by the G KR decision. In addition, according to article 22 of the above Law, draft legal acts directly affecting interests of citizens and legal entities, as well as regulating entrepreneurial activity, should undergo public discussion, which has not been envisaged.

Also, when forming the ACC, violations of paragraph 13 of the Regulation “On ACS in RCC”, approved by G KR order No. 427-r dated December 6, 2018, were revealed, namely:

* two candidates for inclusion in ACC were nominated by organizations not registered in the Electronic Database of Legal Entities, Branches (Representative Offices) and Mass Media of the Ministry of Justice of the Kyrgyz Republic;
* one candidate was nominated by the organization, while the decision of Prime Minister of the Kyrgyz Republic indicated another organization that was registered with justice authorities in December 2018 and accordingly does not have the necessary “three years of experience”;
* one candidate was nominated by an organization which main activity envisages “Activities of trade unions”, which does not correspond to the field of anti-corruption, and organization failed to demonstrate “experience in the field of anti-corruption for at least three years”;
* all organizations that have nominated candidates for ACC lack anti-corruption training certificates.

It is worth mentioning that on March 20, 2019 at the 5th meeting of the OGN, the issue was also raised on the ACC Regulation adopted in violation of the Law “On regulatory legal acts of the Kyrgyz Republic” and violation of the process of forming ACC. In this regard, the anti-corruption policy sector of the Department of Defense, Law and Order and Emergencies of the Office of the Government of the Kyrgyz Republic was instructed to conduct consultations and discussion involving all interested parties. However, this order has not yet been executed.

As part of implementing the NAP sub-paragraph 20.1. “To develop and approve a unified methodology for monitoring anti-corruption measures of state bodies for state bodies and civil society”, NGO “Result” has developed the Guidelines for Alternative Monitoring of Government Anti-Corruption Plans by June 2019 during the project “Public monitoring of anti-corruption activities of government agencies” and Partnership for Innovation - P4I program, implemented by the Civil Society Development Association with support of USAID. On June 7, the NGO “Result” conducted training for civil society on Methodology, where comments and suggestions were received from participants. On September 30, the NGO “Result” held a conference where a revised Methodology was presented for civil society and government officials, including the Anti-Corruption Policy Sector of the KR GO and the Security Council of the Kyrgyz Republic. It should be noted that work in this direction is carried out mainly by civil society, and no efforts have been made on behalf of the KR GO. The methodology is planned to be submitted for consideration and approval at the OGNF 7th meeting.

As part of implementing the NAP sub-paragraph 20.2. - “To conduct workshops for representatives of state bodies and civil society on methodology application”; On June 7, 2019, NGO “Result” conducted a workshop for representatives of civil society on the application of the Guidelines for the alternative monitoring of anti-corruption plans of state bodies.

Measures specified in sub-paragraph 21.1 of the NAP - “To expand the list of published information on official website of the “Anti-corruption Policy of the Government of the Kyrgyz Republic” is not implemented. The latest publication on the website “Anti-corruption policy of the Government of the Kyrgyz Republic - http://anticor.gov.kg/” is dated August 23, 2017.

As part of implementing the NAP sub-paragraph 22.1. - “To develop a draft Regulation on assessing corruption level and economic efficiency of the fight against corruption in government” NISS has developed a draft document “Methodological basis for measuring corruption within the executive authorities of the Kyrgyz Republic”. This document was sent to relevant state bodies, and as a result of comments and suggestions, the draft document was finalized. However, this methodological framework does not contain mechanisms for assessing economic effectiveness of anti-corruption measures. On September 19, 2019 an expert group comprising of representatives of NISS, General Prosecutor's Office, KR GO met to discuss NAP implementation on building the Open Government in the Kyrgyz Republic for 2018-2020. Following the meeting, the expert group decided that the Anti-Corruption Policy Sector of the Department of Defense, Law Enforcement and Emergency of the KR GO should consider removing paragraph 22.2 from the NAP due to the inability to determine cost-effectiveness of anti-corruption measures in government and local authorities. It should be noted that the Anti-Corruption Policy Sector of Department of Defense, Law Enforcement and Emergency of the KR GO is not a member of the OGNF and, accordingly, cannot approve and exclude NAP paragraphs.

In relation to this paragraph, the principle of the Open Government was violated, according to which civil society is involved in implementation of their own or suggested initiatives. The Development Policy Institute (hereinafter - DPI), which put forward this initiative, was not informed and involved in the process of Methodological Framework development. The DPI believes that there is no substantial reason to exclude this paragraph 22.2 from the NAP, since the main objective of the proposed amendment is to measure corruption level in state bodies and LAs, which is an ongoing task. The statement of the working group on impossibility of determining economic effectiveness of anti-corruption measures does not have sufficient grounds. It is necessary to raise the question not about possibility or impossibility of measuring economic effectiveness of anti-corruption activities in state bodies and local authorities, but possibility of using certain methods to determine this indicator as a whole. For its part, the DPI expresses its readiness to participate in implementing measures of this paragraph.

**Assessment of implementation of commitment №7:**

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| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 19.1 | A new composition of the Anti-Corruption Council has been formed including representatives of state bodies and civil society;- meetings of the Anti-Corruption Council are held at least once per quarter;- Minutes/resolutions of meetings are posted on the anti-corruption portal | January 1, 2019 | Not achieved |
| 19.2 | By the G KR decision, the following changes were introduced to the Regulation:- the function of the Council “development of a methodology for monitoring anti-corruption activities of state bodies” was included;- A standard was introduced to consider alternative civil society reports at Council meetings;- “The composition of the Council is formed on a parity basis out of representatives of state bodies and civil society” standard was included | January 1, 2019  | Not achieved |
| 20.1 | A methodology has been developed and approved based on recommendations of the OECD Anti-Corruption Network for Eastern Europe and Central Asia | March 1, 2019 | Not achieved |
| 20.2 | Workshops for at least 50 government representatives and 50 civil society representatives were organized  | April 30, 2019 | Not achieved |
| 21.1 | Ensured public access to the following information published on a regular basis:- reports of state bodies on implementation of anti-corruption plans;- reports by civil society on monitoring results of implementation of anti-corruption plans by authorized bodies  | October 31, 2018 | Not achieved |
| 22.1. | Approved Regulation on assessment of corruption level and economic efficiency of the anti-corruption measures | June 1, 2019 | Not achieved |

**Recommendations:**

1. It is recommended that, by December 31, 2019, the decree No. 81 by Prime Minister dated February 19, 2019 “On composition of the Anti-Corruption Council under the Government of the Kyrgyz Republic” be canceled;
2. It is recommended that detailed procedures and criteria for selection of ACC members from civil society be developed by December 31, 2019;
3. It is recommended to organize public discussion on amendments to the ACC Regulation with civil society representatives;
4. It is recommended to approve amendments and additions to ACC Regulation by December 31, 2019 taking into account proposals and suggestions of the public and re-select candidates for ACC in accordance with new procedures and selection criteria for ACC members.
5. KR GO is recommended to revise “Anti-corruption policy of the Government of the Kyrgyz Republic” website and send an order to state bodies to publish anti-corruption plans and reports, as well as ensure publication of monitoring reports of KR GO until January 31, 2020.
6. Representatives of NISS, the Prosecutor General’s Office and KR GO are recommended to involve Development Policy Institute in implementation of NAP paragraph 22.1. and individually consider measuring corruption and cost-effectiveness anti-corruption measures. In case they jointly conclude that there is currently no method of measuring the economic efficiency anti-corruption activities that is relevant for the Kyrgyz Republic, they should fulfill the first part of the paragraph on corruption level in state bodies and LAs within the framework of their authority.

Commitment №8. Increase budget transparency

**Responsible State Agency**: Ministry of Finance of the Kyrgyz Republic (further - MoF).

As part of implementing the NAP sub-paragraph 23.2 - “Ensure public involvement in the process of formation and execution of state budget”, the official MoF website has an online mechanism that provides access to responses of the Ministry of Finance to proposals and requests of citizens[[33]](#footnote-33), but this tool lacks function for collecting and publishing responses from other government bodies. This online mechanism only reflects the date of citizens’ requests, which makes it impossible to verify compliance of the Ministry of Finance with the Law of the Kyrgyz Republic “On procedure for considering citizens' appeals”. The MoF report[[34]](#footnote-34) does not reflect information on how the online mechanism will ensure involvement of citizens in the process of budget formation, and how their involvement through the online mechanism will affect formation and execution of the budget.

**Assessment of implementation of commitment №8:**

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| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 23.2. | An online mechanism has been developed on the MoF website for consultations and feedback from stakeholders, providing open access to government responses on budget proposals and inquiries from citizens within the deadlines established by legislation of the Kyrgyz Republic | April 1, 2019 | Not achieved |

**Recommendations:**

1. It is recommended to develop and introduce an online mechanism with advanced function for consultations and feedback from interested parties until January 31, 2020.
2. It is recommended to post online not only the date of citizens’ requests, but also date state bodies provided feedback and feedback itself.
3. It is recommended to develop a module ensuring involvement of citizens in the formation and execution of the budget. Also, when submitting a report, it is necessary to have detailed descriptions and provide supporting documents on how it should function.

Commitment №9. Creating multilateral platform for managing external assistance

**Responsible State Agency**: Ministry of Finance of the Kyrgyz Republic (further - MoF).

Sub-paragraph 24.1 of the NAP - “Creation of a multilateral platform for managing external assistance”. According to MoF, extension of the AMP functionality is required according to the technical specifications of IT developer (DG), which requires 300 thousand US dollars.[[35]](#footnote-35) Also, according to provided MoF report, draft Regulation “On the Rules and Procedure for Information System Operation of the external assistance of the Kyrgyz Republic” has been developed. This draft Regulation was agreed with the working group of the Open Government of the Kyrgyz Republic according to protocol No. 2 dated July 31, 2019. Also, the above draft Regulation was sent to ministries and agencies for approval by letter No. 16-3-2 / 10546 dated August 29, 2019.

As part of implementing the NAP sub-paragraph 25.1. - “To establish dialogue platforms on external assistance at the national, sectoral and administrative levels” the Regulation on Public Investment Management was approved by Resolution of the KR GO No. 232 dated May 28, 2019, which is aimed at managing external assistance, but not at developing dialogue platform on external assistance at the national sectoral or administrative-territorial entities levels.

**Assessment of implementation of commitment №9:**

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| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 24.1. | AMP functionality expanded to provide a system for collecting information on all external assistance received by state and municipal authorities | 1 июня 2019 года | Not achieved |
| 25.1. | An appropriate decision was made to organize dialogue platforms | 1 сентября 2019 года | Not achieved |

**Recommendations:**

1. It is recommended to speed up the process of agreeing on the Regulation on the rules and procedure for the operation of the information system for managing external assistance of the Kyrgyz Republic.
2. It is recommended to amend the legislation of the Kyrgyz Republic aimed at developing dialogue platforms on external assistance at the national, sectoral and at the local administrative levels.

Commitment №10. Increasing public procurement transparency

**Responsible State Agency**: Department of Public Procurement under the Ministry of Finance of the Kyrgyz Republic (further - DPP).

As part of implementing the NAP sub-paragraph 26.1. - “To amend the current legislation in the field of public procurement in order to harmonize it with the EAEU requirements, the WTO Agreement on public procurement and other international standards”, the Law of the Kyrgyz Republic “On Public Procurement” has been amended to introduce a mechanism for interacting with public to counter corruption in public procurement system in paragraph 1 of article 49. These changes created conditions for combating corruption by connecting public to an independent commission reviewing public complaints. However, after amendments to the above Law of the Kyrgyz Republic dated January 11, 2019 No. 4 and June 26, 2019 No. 76[[36]](#footnote-36) were made, the expected results have not been fully achieved. There are no changes in introduction of requirements for publication of full text of procurement contract and all subsequent amendments to contracts and reports, there is no clear list of published public procurement information in machine-readable form, public procurement web data is still to be stored on the portal for 3 years, whereas according to the expected result, the data should be stored for 10 years.

As part of implementing sub-paragraph 27.1. - “To develop a module for the electronic drafting, registration and execution of procurement contracts” on public procurement web portal[[37]](#footnote-37) there is no module that provides access to full text of procurement contracts, and there is also no function for opening payment invoices, acts of acceptance of goods / work / services.

As part of implementing sub-paragraph 27.2 - “Develop a request form for generating custom reports”, the following have been implemented:

* On September 26, results of cooperation between the European Bank for Reconstruction and Development (EBRD) and the Ministry of Finance of the Kyrgyz Republic (MoF), the Department of Public Procurement under the MoF and the Audit Chamber of the Kyrgyz Republic (AC) were presented in Bishkek. The presentation was devoted to projects on use of open public procurement data and introduction of modern monitoring and reporting tools, as well as development and testing of an audit methodology for electronic government tenders using automatic risk indicators[[38]](#footnote-38).
* At the end of 2018 a ready-to-use module for monitoring and reporting on public procurement (Business Intelligence Module) was developed, integrated with data sources and an online electronic procurement portal with support of the EBRD. The innovative electronic-analytical module uses published OCDS data as a source, which allows department analysts to easily create the necessary reports and examine procurement information. Also, the module can be used by other state bodies, in particular, representatives of the Accounts Chamber, who are responsible for audit of public procurement.

It should be mentioned that module for monitoring and reporting on public procurement (Business Intelligence Module) [[39]](#footnote-39) is not available to the public.

As part of implementing sub-paragraph 27.3. - “Develop modules for two-stage tendering, procurement of projects of international organizations, framework agreements and procurement of consulting services” the official website of the Department of Public Procurement www.zakupki.gov.kg lacks function for conducting two-stage tenders. Moreover, according to MoF, the module of two-stage tendering, procurement of projects of international organizations, and framework agreements has already been operational. Within the framework of the World Bank's project “Capacity Building in Public Finance Management-2”, the supplier SOFTENGI UKRAINE LLC was selected (Contract dated July 1, 2019 under No. PMF/CS/CQS/2-5). Under this contract, the contractor is required to develop a consulting services module.

As part of implementing sub-paragraph 27.4. - “To develop a feedback module and create a call center,” [[40]](#footnote-40) with support of the EBRD, a help desk began to function from Monday to Friday from 09:00 - 18:00, and a feedback function has also been added.[[41]](#footnote-41)

As part of implementing sub-paragraph 27.5. - “To develop and introduce software tools for data processing in accordance with international open data standards”, disclosure of data contained in announcements of public procurement tenders in JSON format[[42]](#footnote-42) was ensured. The public procurement web portal does not disclose information contained in procurement contracts[[43]](#footnote-43) and complaints[[44]](#footnote-44) in a machine-readable form.

As part of implementing sub-paragraph 27.7. - “To develop subsystem for public procurement audit” on www.zakupki.gov.kg website, it was not functional to simplify the audit and public monitoring of public procurement. According to MoF report on the electronic portal[[45]](#footnote-45), the MoF is working on development of a public procurement audit subsystem. The implementation of this objective is supported by the EBRD. From September to December 2019, it is planned to pilot developed products and train employees of the Accounts Chamber[[46]](#footnote-46).

As part of implementing sub-paragraph 27.8. - “Embed the API (application programming interface, application programming interface) in the public procurement web portal”, the public procurement web portal has no open API and related documentation for application developers.

**Assessment of implementation of commitment №10:**

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| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 26.1. | 26.1. The following changes have been introduced to legislation in the field of public procurement:- a requirement has been introduced to make the full text of procurement contracts, amendments to contracts and reports on execution of the contract (acts of acceptance of work /services, information on payments made, reports on results of technical supervision or technical control and /or testing, etc.) publicly available;- A mechanism for interaction with public on improving public procurement system and combating corruption in the public procurement system has been introduced;- a clear list of published information on public procurement in machine-readable form (open data) has been defined;- a requirement has been introduced for storage of data on public procurement web portal for at least 10 years | September 1, 2019 | Not achieved |
| 27.1. | Ensured disclosure of contracts, information on payments, payment invoices, acts of acceptance of goods/work/services. Corruption risks by deliberately delaying payment for goods delivered or work/services performed are minimized. | April 1, 2019 | Not achieved |
| 27.2. | The system for searching and processing information according to specified criteria in the data registry of public procurement web portal has been improved. Introduced function for visualizing requested information by example of http://bi.prozorro.org. | April 1, 2019 | Not achieved |
| 27.3. | Holding tenders for all procurement methods is ensured, and procurement information is disclosed | September 1, 2019 | Not achieved |
| 27.4. | Holding consultations with civil society was provided, function for consulting in real time was introduced (online consultation) | July 1, 2019 | Achieved  |
| 27.5. | Ensured disclosure of information contained in tender announcements, contracts, complaints in machine-readable form  | August 1, 2019 | Not achieved |
| 27.7. | Introduced function to simplify audit and public monitoring of public procurement | July 1, 2019 | Not achieved |
| 27.8. | System for collecting and disclosing public procurement statistics has been improved, involving a large number of developers to improve analytical capabilities of the web portal. | April 1, 2019 | Not achieved |

**Recommendations:**

1. It is recommended that the following amendments be introduced to the Law of the Kyrgyz Republic “On Public Procurement”:
	1. Introduce requirements for publication of full text of procurement contracts, amendments to contracts and reports on execution of contracts (acts of acceptance of work /services, information on payments made, reports on results of technical supervision or technical control and / or testing, etc.) ;
	2. Establish requirements for storage of data from the public procurement web portal for a period of at least 10 years.
2. It is recommended to ensure public access to public procurement monitoring and reporting module (Business Intelligence Module).
3. It is recommended to introduce the function for disclosing information contained in procurement contracts and complaints in a machine-readable form.
4. It is recommended to provide open access to the API and related documentation.

Commitment №11. Ensuring budget transparency of the local budgets and consideration the interests of local communities in the budget process

**Responsible State Agency**: Ministry of Finance of the Kyrgyz Republic (further - MoF).

As part of implementing the NAP sub-paragraph 28.1. - “To develop and approve by decree of the Government of the Kyrgyz Republic methodology for developing civil budget of local budgets of the Kyrgyz Republic, methodology for conducting public hearings on state and local budgets, methodology for assessing municipal budget transparency index and introduce other necessary amendments to legislation of the Kyrgyz Republic ensuring participation of civil society in budgets of LAs ":

- as part of implementing the MoF AAP sub-paragraph 6.1., the MoF Working Group established to monitor and assist in implementation of this commitment, concluded that the “Methodology for formation of civil budget for local budgets of the Kyrgyz Republic”[[47]](#footnote-47) (approved by the MoF order No. 166-p dated December 26, 2017) and “Methodological Guide on conducting public hearings on local budgets of the Kyrgyz Republic” [[48]](#footnote-48) (approved by the MoF order No. 44-p dated April 17, 2018 and G KR resolution No. 44-p dated April 17, 2018) require a change in legal status. So, currently the documents are approved by orders of the Ministry of Finance of the Kyrgyz Republic, while the NAP requires approval by decrees of the Government of the Kyrgyz Republic. According to Development Policy Institute, drafts of G KR decrees on approval of Methodology for civil budget formation for local budgets of the Kyrgyz Republic and Methods for conducting public hearings on local budgets were developed and submitted to the MoF in November 2019.

- The methodology for assessing municipal budget transparency index was approved by the Decree No. 452 of the Government of the Kyrgyz Republic dated September 5, 2019.

As part of implementing the NAP sub-paragraph 28.2. - “To conduct information campaign to disseminate methods of civic participation in budget process at local level among local communities and LAs”:

- In line with the MoF AAP sub-paragraph 6.2., the project “Voice and Accountability: Citizens’ Participation and Oversight of Budget Processes in the Kyrgyz Republic Project”, funded by the Government of Switzerland and implemented by the Development Policy Institute together with the Training Center of the Ministry of Finance conducted regional workshops for local authorities on topics: “Formation of civil budget for local budgets”, “Organization and conduct of public budget hearings” from May to June 2019. Training sessions were attended by representatives of territorial departments of the Ministry of Finance and heads of financial and economic departments of ayil okmotu. The total number of participants attended was 630 people.

- MoF reports lack information on conducting an information campaign to disseminate Methodology among local communities. According to the VACPOBP Project, informing citizens about this methodology was carried out as part of public hearing campaign on drafts of local budgets. In total, in 2019, 330 LA bodies held public hearings, which is almost 70% of their total. Compared to 2017, the number of LA bodies conducting hearings has grown 20 times. In total, 2019 hearings and information campaign in all areas of the Kyrgyz Republic were attended by 28055 members of local communities, including 11883 women. Also, with the support of the VACPOBP Project, 412 people took part in the information campaign on Municipal Budget Transparency Index in 2019 in rural LAs of Naryn, Osh and Chui oblasts, including 236 women, measures to be continued in 2020.

As part of implementing the NAP sub-paragraph 28.3. - “To develop terms of reference for finalizing and launching Local Budget information system (hereinafter referred to as LBIS) (taking into account existing and planned information systems used by the Ministry of Finance), to purchase necessary equipment and introduce the system at the pilot level,” DPI has developed LBIS and transferred it to the MoF in 2013, however, for unknown reasons, the MoF did not introduce this system. Software was approved by order No. 145-P of the Ministry of Finance dated August 21, 2013 signed by the Minister of Finance of the Kyrgyz Republic O. Lavrova. According to this order, the Ministry of Finance planned to take the developed software as a basis, conduct a pilot project, approve regulation on system’s functioning and decide on further introduction. Most of measures have not been completed.

In 2019, this paragraph was discussed in the framework of implementation of MoF AAP sub-paragraph 6.3.. The MoF Working Group, established to monitor and assist in implementation of this commitment, decided to analyze compatibility of the previously developed Local Budget Information System (LBIS) with current technical conditions, and hold a working meeting with representatives of the GA “Infosystem”, to determine further action plan and develop ToR for finalizing the existing LBIS. However, this decision has not been realized. According to the Development Policy Institute, LBIS developer A. Bekenov confirmed that system was with regards to the revenue side, further development of the spending side and piloting in one of the regions of the Kyrgyz Republic were required.The base was placed on the GA "Infosystem" server. It consists of two parts - software and client parts. The software part is interfaced with the Tunduk system and there is no need for further development. However, with regard to the client part, processing is necessary, since the programming language in which it was written is no longer used. Accordingly, it is necessary to find already developed LBIS on GA "Infosystem" servers and revise ToR in order to finalize the client part of the system. All these actions are within the authority of the Ministry of Finance of the Kyrgyz Republic.

As part of implementing the NAP sub-paragraph 28.4 - “To develop and implement regulations of coordination process (negotiation process) between local communities (local self-government) and the state on inter-budgetary relations and allocation of public funds for regional development and addressing issues of local importance (by developing and adopting relevant regulatory acts, training process participants and conducting a pilot approval cycle)” the MoF did not provide report, electronic reporting module on implementation of the NAP also has no reporting data[[49]](#footnote-49). According to the Union of Local Government and the Development Policy Institute, the following has been achieved:

1. A concept of negotiation process was developed and discussed with the MoF working group on implementation of the NAP on October 16, 2019. The MoF should provide group meeting minutes. Presentation is in annex to this document.
2. A package of draft regulatory legal acts was developed and sent to the Ministry of Finance of the Kyrgyz Republic in November 2019. By the end of November, draft RLAs should go through public discussion.

**Assessment of implementation of commitment №11:**

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| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 28.1. | Presentation of local budgets is ensured in an accessible and simplified form to provide an opportunity for all citizens, including those without special education, to receive information about local budgets. The Government of the Kyrgyz Republic approved a methodology for conducting public budget hearings, allowing taking into account priority needs of citizens, as well as methodology that allows citizens to assess the local budgets transparency.A single procedure has been introduced to develop approval of regulations for measures aimed at enhancing citizen participation in the budget process at the local level | December 31, 2019 | - |
| 28.2. | Citizens, local communities and local authorities are informed about methods of involving citizens in budget process and apply them in practice | December 31, 2019 | - |
| 28.3 | Transparency of local budgets is ensured through citizens' access to data of the Local Budget Information System | August 31, 2020 | - |
| 28.4. | A regulation has been introduced to coordinate (negotiate) interests of local communities and state on issues of intergovernmental relations. The interests of local communities and needs of citizens are taken into account in planning and execution of budgets at all levels. | August 31, 2020 | - |

**Recommendations:**

1. It is recommended to expedite introduction and adoption of the draft decrees of the G KR on approval of the “Methodology for civil budget for local budgets of the Kyrgyz Republic” and “Methodological Guide for conducting public hearings on local budgets of the Kyrgyz Republic”, as well as submit these draft regulatory legal acts to the KR GO for approval until December 31, 2019.
2. It is recommended to continue conducting information campaign to disseminate methods of civic participation in budget process at the local level among local communities using new tools and to establish an indicator of citizen participation in the budget process on the ground at the 7-9% of the local community. It is recommended to continue information campaign on MBTI, to consider target audiences more carefully, motivation of NGOs and index sustainability.
3. It is recommended to conduct an internal official investigation in order to find the Local Budget information system adopted by order of the Minister of Finance of the Kyrgyz Republic No. 145-P dated August 21, 2013;
4. It is recommended that MoF, together with GA “Infosystem” and the Development Policy Institute finalize ToR and action plan for implementation of the “Local Budget” information system.

# Commitment №12. Improving access to information of state and municipal authorities.

**Responsible State Agency**: Government Office of the Kyrgyz Republic (further – KR GO).

The OGNF Secretariat did not receive any information on KR GO department responsible for implementation of this commitment.

**Assessment of implementation of commitment №12:**

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| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 29.1. | To develop draft regulatory legal acts that comply with international standards and international practice in the field of access to information of state and municipal bodies | April 1, 2019 | Not achieved |
| 29.2. | To organize an open hearing of draft regulatory legal acts with representatives of civil society organizations, experts, business community, and other interested parties. | June 1, 2019 | Not achieved |

**Recommendations:**

1. KR GO should define and set responsible unit and employee for implementation of the NPA commitment “Improving access to information of state and municipal bodies”.
2. It is recommended to develop AAP and calculate costs of its implementing its measures by December 31, 2019.

Commitment №13. Assessing level of public trust to local authorities

**Responsible State Agency**: National Statistical Committee of the Kyrgyz Republic (by agreement, further - NSC), National Institute for Strategic Studies of the Kyrgyz Republic (further - NISS).

As part implementing the NAP sub-paragraph 31.1. - “To develop and approve a new version of Regulation on Population Trust Index in Activities of State Executive Bodies and the local authorities of the Kyrgyz Republic” NISS developed and sent (May 27, 2019) a package of documents to the Department of Policy Optimization of Public Services System of the Ministry of Economy of the Kyrgyz Republic (hereinafter - MoE) for amendments to the Resolution of G KR of June 17, 2016 No. 329 (reference justification and G KR draft decree “On Amendments and Additions to the G KR draft decree” No. 329 dated June 17, 2016 “On Assessing Performance of state executives, mayors of Bishkek, Osh and their managers, plenipotentiary representatives of G KR in the regions "). On June 26, 2019, NISS sent a letter to MoE requesting to speed up the adoption of decision on the above issue. NISS has not since then received a response. On July 30, 2019, NISI sent letter No. 421 to KR GO, describing situation regarding letters sent to the MoE, however, there was no reaction from the KR GO as well. NISS has completed all the work to implement this measure, but further promotion of NAP sub-paragraph 31.1. depends on MoE and KR GO.

As part of implementing the NAP sub-paragraph 31.2. - “To conduct a pilot calculation of public trust index in activities of local authorities in all regions of the Kyrgyz Republic” a pilot survey was conducted among population in accordance with the newly developed Regulation “On the public trust index in activities of executive state bodies and local authorities of the Kyrgyz Republic” to assess public trust in them. Survey covered 3600 respondents - 400 people from each region, as well as in cities of Bishkek and Osh. Survey was conducted in accordance with the Model Questionnaire for conducting a survey to determine public trust level in activities of state executive bodies and local authorities of the Kyrgyz Republic and included:

- measuring the level of citizen personal trust in the state;

- personal perception of the level of corruption in state executive bodies and local authorities;

- assessing quality of work of state executive bodies and local authorities;

- and consolidated country public trust index.[[50]](#footnote-50)

Based on a survey by NISS, an analytical note was prepared. Results of this survey combine the assessment of the public trust index in local authorities (LAs) with the assessment of local state administrations (LSAs). This gives impression that assessment itself was carried out in relation to the indicated structures jointly, which is unacceptable, LAs and LSAs represent different parts of the management system both in terms of accountability and in terms of impact on population within their authority. Accordingly, a change in presentation format of survey results is required. It also requires substantial revision of the Regulation “On Public Trust Index in Activities of State Executive Bodies and local authorities of the Kyrgyz Republic” regarding description of powers, editorial staff, etc.

**Assessment of implementation of commitment №13:**

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| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 31.1. | The Government of the Kyrgyz Republic approved Regulation on the Public Trust Index in Activities of State Executive Bodies and local authorities of the Kyrgyz Republic | November 1, 2019 | - |
| 31.2. | The Public Trust Index in Activities of Local Government was defined in accordance with the new regulation | November 1, 2019 | - |

**Recommendation:**

1. It is recommended that the Ministry of Economy of the Kyrgyz Republic accelerate the process of finalizing and introducing the draft resolution of the G KR “On Amendments and Additions to the Decree of the G KR” No. 329 dated June 17, 2016 “On Assessment of Activities of State Executive Bodies of the Kyrgyz Republic, the Mayor's Office of Bishkek, Osh and their heads, plenipotentiary representatives of G KR in the regions "in KR GO.

# Commitment №14. Disclosure of information about state and municipal property.

**Responsible State Agency**: Fund of State Property Management under the Government of the Kyrgyz Republic (further - FSPM).

As part of implementing the NAP sub-paragraph 32.1. - “To publish the register of state and municipal assets (property) disclosing main characteristics (type of asset, address (for land and real estate), etc.)”, the Unified Register of State Property of the Kyrgyz Republic (hereinafter referred to as URSP) [[51]](#footnote-51) of FSPM does not provide access to the register of state property. The website of the State Agency for Local Government and Inter-Ethnic Relations under the Government of the Kyrgyz Republic (hereinafter - SALGIER) has published information on composition of municipal property by district and category, but information is not fully disclosed[[52]](#footnote-52). SALGIER has signed an agreement with FSPM that the latter will donate the URSP software to SALGIER for publication of information about LAs assets.

As part of implementing the NAP sub-paragraph 32.2. - “Publish a register of state and municipal enterprises disclosing information on non-current assets (fixed assets) belonging to them”, a list of state-owned enterprises was published on FSPM website, but information on their non-current assets (fixed assets) was not disclosed[[53]](#footnote-53).

As part of implementing the NAP sub-paragraph 33.1. - “To develop and implement an electronic trading platform for conducting electronic auctions for sale and leasing of state and municipal property”, a system for auctions for state property lease contracts has been launched at AIS “IS:ETP” FSPM, and a module has been developed for tendering (auctions) in electronic format in real time for state property privatization. FSPM held two auctions to privatize a vehicle, but no bids were received. To carry out privatization of real estate on the trading platform, the approval of the “State Property Privatization Program in the Kyrgyz Republic for 2018-2020” by the Jogorku Kenesh of the Kyrgyz Republic (hereinafter - the JK of the Kyrgyz Republic) is required. This program was approved by the Resolution of the G KR No. 469 of October 10, 2018 and is under consideration in JK of the Kyrgyz Republic.

There is no data on ensuring transparency of operations of this module. For example, there is no function for disclosing auction results (information on submitted applications of all bidders, etc.).

In response to an electronic appeal from the OGNF Secretariat dated November 4, 2019 about possibility of holding electronic auctions for privatization and lease of municipal property on basis of automated system of IS: Electronic Trading Platform (hereinafter - AIS IS: ETP), the FSPM sent the following :

 *“The Office does not object to launching an additional system for lease and sale of municipal property on AIS“ IS: ETP ”.*

*Although, work on developing additional IS: ETP modules on municipal property, purchase (search) of additional server equipment, as well as development of regulatory and methodological base should be carried out by the State Agency for Local Government and Inter-Ethnic Relations under the Government of the Kyrgyz Republic.*

*In case decision is made to develop an electronic trading platform for sale and lease of municipal property on AIS “IS: ETP”, in order to clearly separate electronic tenders by state and municipal property and to avoid confusion, ToR should include a decision on separate tender organization for municipal property, since the FSPM acts as the operator of AIS “IS: ETP” on state property, and local authorities will act as municipal property management.*

*FSPM also informs that in accordance with the decree of the Government of the Kyrgyz Republic “On approval of regulations governing privatization and leasing of state property at pilot auctions in electronic format” No. 507 dated August 18, 2017, AIS “IS: ETP” is currently operating in pilot mode in the cities of Bishkek, Osh and Chui region. Full commercial operationalization of this system is planned to be carried out before 2021. "*

With regard to ETP for municipal property, G KR decree No. 413-r dated October 30, 2019 instructed the MoF to provide for the appropriate amendments in preparation of the draft law “On Amending the Law of the Kyrgyz Republic “On State Budget of the Kyrgyz Republic for 2019 and Forecast for 2020-2021” providing for allocation of 4 114 567 soms to SALGIER for developing ETP information system for auctions for the right to conclude lease agreements on municipal property.

As part of implementing the NAP sub-paragraph 33.2. “To finalize and approve the Regulations on auctions procedure for leasing municipal property in electronic format” the Regulation No. 142 on auctions procedure for leasing municipal property in electronic format has been approved by the Government of the Kyrgyz Republic (hereinafter – G KR) dated March 24, 2019. In paragraph 3 of the above decree, **it is recommended** that local authorities when concluding a lease of municipal property in electronic format be guided by the above Regulation. Since the Government of the Kyrgyz Republic does not have the right to intervene in affairs of local authorities, the requirement to conduct transactions within ETP can become mandatory only if corresponding amendments to the Law of the Kyrgyz Republic “On Municipal Property on Property” are introduced.

As part of implementing the NAP sub-paragraph 33.3. “To introduce amendments to the Law of the Kyrgyz Republic“ On municipal property ownership” and finalize the Regulation “On auction procedure for privatization of municipal property in electronic format ”, the draft resolution of the Government of the Kyrgyz Republic “On amendments to the Law of the Kyrgyz Republic “On municipal property ownership” was approved by the Decree No. 498 of the G KR on September 25, 2019 and sent for consideration to JK of the Kyrgyz Republic. Currently, the draft law has been considered by corresponding committee of the JK of the Kyrgyz Republic in the first reading. According to SALGIER, the draft regulation on the auction procedure for privatization of municipal property in electronic format can be finalized and approved only after the necessary amendments introduced to the Law of the Kyrgyz Republic “On Municipal Property on Property”.

NAP sub-paragraph 33.4. - “To pilot electronic tenders for leasing and privatizing municipal property” can be implemented only after development and launch of ETP information system for auctions for rights to conclude lease agreements for municipal property.

**Assessment of implementation of commitment №14:**

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| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 32.1 | Raising awareness of citizens and entrepreneurs about the composition and amount of state and municipal property | December 1, 2018 | Not achieved |
| 32.2. | Raising awareness of citizens and entrepreneurs about the composition and amount of property of state and municipal enterprises | December 1, 2018 | Not achieved |
| 33.1. | Ensured transparency of tendering (auctions) in electronic format in real time for privatization, as well as leasing of state and municipal property | April 1, 2019 | Not achieved |
| 33.2. | Regulation on auction procedure for lease of municipal property in electronic format was approved. | December 31, 2018 | Not achieved |
| 33.3. | Resolution of the Government of the Kyrgyz Republic on amendments to the Law of the Kyrgyz Republic “On Municipal Property Ownership” was adopted. New Regulation “On auction procedure for privatization of municipal property in electronic format” has been drafted. | April 1, 2019 | Not achieved |
| 33.4. | The results of piloting electronic bidding are analyzed and proposals for finalizing electronic bidding mechanism are developed | June 1, 2019 | Not achieved |

**Recommendations:**

1. FSPM is recommended to provide open access to the register of state assets (property) disclosing main characteristics (type of asset, address (for land and real estate), etc.
2. SALGIER is recommended to introduce an information system for municipal assets accounting (including assets of municipal enterprises).
3. SALGIER is recommended to provide open access to the register of municipal assets (property) disclosing main characteristics (type of asset, address (for land and real estate), etc.
4. It is recommended to amend the relevant legislation aimed at introducing mandatory requirement for local authorities to use ETP when leasing and privatizing municipal property.

Commitment №15. Involving civil society in the risks assessment of terrorist activities in non-profit sector

**Responsible State Agency:** State Financial Intelligence Service under the Government of the Kyrgyz Republic (further - SFIS).

As part of implementing sub-paragraph 34.1. of NAP paragraph - “To create a working group from among the employees of competent state bodies, representatives of non-profit sector (hereinafter referred to as NPOs) and members of the SFIS Public Council on development of methodology for assessing risks of financing terrorist activities (hereinafter referred to as FT) in NPO sector”, on December 20, 2018, SFIS order No. 129/P was issued on setting a working group to introduce methodological approaches to assessing risks of financing terrorist activities in the NPO sector.

As part of implementing the NAP sub-paragraph 34.2. - “To develop a methodology for assessing FT risks in the NPO sector ...”, the working group prepared a draft Methodology for assessing risks of financing terrorism in the NPO sector.

As part of implementing the NAP sub-paragraph 34.3. - “To approve the Regulation on procedure for assessing the risk of FT in the NPO sector, procedure for reviewing assessment results, procedure for publishing information on assessment results”, Decree No. 606 dated December 25, 2018 approved the Regulation “On Procedure for assessing risks of financing terrorist activities and money laundering”. This provision describes in detail procedures for conducting risk assessment of financing terrorist activities in the NPO sector, procedure for reviewing assessment results, procedure for publishing information on assessment results.

As part of implementing the NAP sub-paragraph 35.1. - “To set a working group from among the employees of competent state bodies, representatives of the NPO sector and members of SFIS Public Council to conduct risk assessment of FT in the NPO sector” on October 15, 2019, SFIS Order No. 139/b was issued on setting an interagency working group to conduct risk assessment of FT in the NPO sector.

As part of implementing the NAP sub-paragraph 35.2. - “To conduct risk assessment of FT in the NPO sector” experience of foreign states, such as the UK and New Zealand, was studied to conduct a risk assessment in the NPO sector. On June 25-27, 2019, the International Center for Non-Profit Law organized a seminar “The legislation impact on money laundering and financing of terrorist activities” in Bishkek, involving international experts in the non-profit law sector. During seminar, SFIS representatives met with international expert Ben Evans, developer of a unique Risk Assessment Methodology and a manual on methodology for assessing risks of financing terrorism activities in NPO sector. Following the meeting, permission was obtained to use this Methodology in the Kyrgyz Republic. As a result of the seminar, the Methodology for assessing risks of financing terrorist activities in the NPO sector in the Kyrgyz Republic was finalized. On September 16, 2019, the final version of the draft Methodology was sent for approval to members of the Commission on countering FT and money laundering (hereinafter - the commission). After review, the draft Methodology will be submitted for approval by the Commission.

Implementation of the NAP sub-paragraph 35.3. - “To conduct a presentation of FT risk assessment report in the NPO sector and publish results” will become possible after conducting a risk assessment in accordance with sub-paragraph 35.2. of the NAP.

Implementation of the NAP sub-paragraphs 36.1. - “To develop an information and training program in 2 languages (Russian and Kyrgyz)”, 36.2. - “To publish materials on issues of combating FT on SFIS website”, 36.3. - “To conduct at least 7 awareness raising events (round tables, seminars) on combating FT in the NPO sector”, 37.1. - “To develop and approve an action plan to account for and reduce the identified FT risks in the NPO sector” will become possible after conducting a risk assessment in accordance with sub-paragraph 35.2.

**Assessment of implementation of commitment №15:**

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| --- | --- | --- | --- |
| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 34.1. | Working group has been set | December 31, 2018 | Achieved |
| 34.2. | A methodology for assessing the risks of FT in NPO sector of the Kyrgyz Republic has been developed | December 31, 2018 | Achieved |
| 34.3. | The Regulation was approved on procedure for conducting FT risk assessment in the NPO sector, procedure for reviewing assessment results, procedure for publishing assessment results involving representatives of NPOs | December 31, 2018 | Achieved |
| 35.1. | Working group has been set | March 31, 2019 | Achieved |
| 35.2. | An assessment of FT risks was conducted in the NPO sector | March 31, 2019 | Not achieved |
| 35.3. | Report on risk assessment was presented, results have been published on SFIS website and in the media | March 31, 2019 | Not achieved |
| 36.1 | The detailed plan of the information and educational program and sources of funding have been approved | August 31, 2019 | Not achieved |
| 36.2 | Public access to anti-FT materials is ensured | August 31, 2019 | Not achieved |
| 36.3 | NPOs have access to information on FT risks | August 31, 2019 | Not achieved |
| 37.1 | An action plan for accounting and mitigating identified FT risks in the NPO sector was approved based on joint assessment results with participation of civil society | September 1, 2019 | Not achieved |

**Recommendations:**

1. SFIS is recommended to conduct an assessment of FT risks in the NPO sector by 31 December 2019.
2. SFIS is recommended to present report and discuss results with public, as well as publish report on SFIS website and in the media by January 31, 2020.

Commitment №16. Disclosure of related data in mining industry at the license level

**Responsible State Agency:** State Committee of Industry, Energy and Subsoil Use of the

Kyrgyz Republic (further - SCIESU).

As part of implementing the NAP sub-paragraph 38.1. - “To create a working group to ensure transparency in mining industry from among representatives of civil sector, local governments, business, government agencies and international organizations” order No. 01-7/116 of SCIESU dated 04.16.2019 approved the composition of the working group on increasing transparency in the mining industry. The measure was completed 3.5 months later than the set deadline in the NAP.

As part of implementing the NAP sub-paragraph 38.2. - “Working group to analyze the needs of the local population and local authorities in information in the field of mining”, on October 21, 2019 at the 2nd meeting of the SCIESU working group[[54]](#footnote-54), a member of the working group N. Kulova presented the survey-based[[55]](#footnote-55) results of analysis on information needs of local communities. The study identified the following types of information in demand for local communities and local mining employees: reserves, mining and processing, export volume, company and license/ license information, infrastructure facilities at the field, employment, subcontractors, social package and voluntary agreements, environmental and health impacts, monitoring and supervision, pastures, agricultural and general land, land use, income, Funds for regional development, work permits, workers' rights, rights of residents, income distribution, life cycle of subsurface objects. This study was carried out within the project of the University of Central Asia, Oxford University and the Independent Research Institute of Mongolia with financial support from the British Council for Economic and Social Research and the Global Issues Research Foundation.[[56]](#footnote-56)

По итогам 2-го заседания рабочей группы ГКПЭН предложено:

According to results of the 2nd meeting of the SCIESU working group, it was proposed:

1. To send the list of data on transparency in the mining sector to the relevant agencies and compile a summary of feedback received.
2. Together with consultants of the NGO “Forum for Official Development Assistance”, within three weeks, conduct an analysis of legal acts of the Kyrgyz Republic for data disclosure from mining companies at the license level, as well as conduct a review of publicly available information on the SCIESU official website and, if necessary, on the website of other government bodies .
3. To organize 3rd meeting of the working group for a detailed discussion of data and decision-making on what amendments should be introduced to legislation.[[57]](#footnote-57)

As part of implementing the NAP sub-paragraph 38.3. - “Based on analysis results determine mining industry data to be published”, on October 21, 2019 at the 2nd meeting of the SCIESU working group, the committee was asked to send data on ensuring transparency in the mining industry to relevant agencies, as well as to International Business Council for comments and suggestions[[58]](#footnote-58).

As part of implementing the NAP sub-paragraph 38.4. - “To prepare and initiate a draft legal act providing for approval of the list of data to be published, as well as format, methods and frequency of their publication”, with support of partner organization NGO “Forum on Official Development Assistance”, 2 consultants were engaged that will work on developing draft legal act on disclosure of interconnected data in the mining industry at the license level until the end of 2019[[59]](#footnote-59).

**Assessment of implementation of commitment №16:**

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| --- | --- | --- | --- |
| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 38.1. | A decree of the Government of the Kyrgyz Republic “On setting a working group to increase transparency in the mining industry” was adopted | December 31, 2018 | Achieved |
| 38.2. | The results of analysis are published on SCIESU website  | December 31, 2018 | Achieved |
| 38.3. | Public consultations held, defined data to be published | February 28, 2020 | - |
| 38.4. | An appropriate draft legal act has been prepared and sent to the Office of the Government of the Kyrgyz Republic for consideration | May 31, 2020 | - |

**Recommendations:**

1. SCIESU is recommended to implement suggestions of the working group made during the 2nd meeting of the working group.
2. SCIESU is recommended to develop a draft legal regulation providing for approval of data to be published, as well as format, methods and frequency of publication together with hired consultants with support of the NGO “Forum on Official Development Assistance”, by the end of 2019.

Commitment №17. Implement an auditing system with public participation

**Responsible State Agency:** Accounts Chamber of the Kyrgyz Republic (further - AC).

As part of implementing the NAP sub-paragraph 39.1. - “To develop and approve the Regulation on audit, with public participation, taking into account norms of the Law of the Kyrgyz Republic “On Accounts Chamber of the Kyrgyz Republic” the partner organization NGO “Forum on Official Development Assistance” has hired three consultants to develop a Regulation on interaction of AC with civil society in the framework of audits with the public participation and methodological manual on auditing. With the support of the EWMI development partner, workshop is planned for AC inspectors and civil society before piloting an audit of three sites.

**Assessment of implementation of commitment №17:**

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| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 1.1. | The regulations on interaction of the Accounts Chamber of the Kyrgyz Republic with civil society in the framework of audits with public participation were approved. A public participation audit manual has been developed and approved. A dialogue platform has been created for interaction of the Accounts Chamber of the Kyrgyz Republic with civil society. Public participation in development of an audit program of state bodies is ensured. | March 1, 2019 | Not achieved |

**Recommendation:**

1. It is recommended to finalize Regulation on interaction of AC with civil society and the Audit manual with public participation by the end of 2019.

# Commitment №18. Transparency of the financing elections (referendums) and election campaign of candidates, political parties, initiative groups.

**Responsible State Agency**: Central Commission for Elections and Referenda of the Kyrgyz Republic

The OGNF Secretariat has not received information on implementation of NAP measures.

**Assessment of implementation of commitment №18:**

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| --- | --- | --- | --- |
| **NAP para** | **Expected results** | **Deadline for implementation** | **Implementation status** |
| 41.1. | Together with development partners and civil society organizations, amendments to legislation on elections (referenda) were developed and adopted with regard to the disclosure of detailed information on financing of elections by the state, as well as on financing election campaigns of candidates. | December 31, 2018 | Not achieved |
| 41.2. | A methodology and a manual on public monitoring of the financing of elections by the state, as well as financing election campaigns of candidates, have been developed | May 1, 2019 | Not achieved |
| 41.3. | Training has been conducted for civil society organizations on public oversight | September 1, 2019 | Not achieved |
| 41.5. | Financial reporting parameters for candidates have been set | May 1, 2019 | Not achieved |
| 41.6. | The representatives of candidates (political parties) were trained in legislative innovations in terms of disclosing data on financing their election campaigns | September 1, 2019 | Not achieved |

**Recommendation:**

1. It is recommended to develop AAP and calculate costs of implementing AAP measures.

# 3. OVERALL CONCLUSIONS AND RECOMMENDATIONS

# CONCLUSIONS

* 9 out of 18 AAPs – have been approved in a timely manner, 5 – have been approved in violation of set deadlines and 4 – have not been approved.
* For 2 AAPs out of 15 there is no detailed breakdown of measures / activities to achieve expected results.
* Despite holding workshop for government employees, financial calculations for AAP measures implementation are available only for 2 out of 18 commitments.
* The implementation of 18.96% of NAP measures/activities indicates weak executive discipline among those responsible for implementation of NAP commitments.
* The electronic module on www.ogp.el.kg website to track NAP implementation and publication of state bodies’ reports is not appropriately used. Reports on implementation of activities that have expired are not always updated. Downloaded reports do not correspond to the set objectives and expected results.
* Some government bodies do not fully understand idea of objectives and expected results. When implementing the NAP item, having completed part of objectives, they evaluate this item as completed. As a result, they do not conduct further work on implementation of this measure.
* The Central Commission for Elections and Referenda of the Kyrgyz Republic, the Supreme Court of the Kyrgyz Republic and the Office of the Government of the Kyrgyz Republic have not yet developed AAP and have not begun to implement their commitments. The Supreme Court of the Kyrgyz Republic has already taken certain steps to implement measures laid down in the NAP, but within other projects. The reporting information was very brief, and therefore the report failed to disclose in full to civil society activities carried out by SC.
* The Office of the Government does not take appropriate decisions to eliminate violations related to issuance of the Regulation on ACC under G KR. The appeal of civil sector of the OGNF about the need to comply with the law is ignored.
* Recommendations set in the semi-annual report remained largely unfulfilled.

# RECOMMENDATIONS

* It is recommended that all government bodies involved in NAP implementation conduct an inventory of information systems developed with support of partner organizations and budget NAP related funds. Results of the inventory should be sent to the OGNF Secretariat.
* It is recommended that all government bodies involved in NAP implementation within three working days upload reporting data on achievement of intermediate and final results to the electronic reporting module on NAP implementation (http://ogp.el.kg/ru/commitments).
* All government bodies involved in NAP implementation are advised to promptly inform the OGNF Secretariat of all planned activities in the framework of NAP implementation 2 weeks prior to its implementation. This measure is necessary to provide timely assistance in the implementation of NAP activities by OGNF Secretariat and collection of reporting information on NAP implementation.
* Government agencies are recommended to strengthen coordination within departments between agencies and structures responsible for implementing the NAP.
* All government agencies are encouraged to actively engage partners from civil society in implementation of NAP measures/activities. In order to determine the level of interaction between the agency and representatives of civil society, it is recommended to publish minutes of meetings / public discussions / consultations, press releases, orders on setting working groups with public participation and other information with supporting documents in electronic reporting module on implementation of the NAP (http://ogp.el.kg/ru/commitments).
* In order to monitor implementation of the NAP, it is recommended that all government bodies involved in implementation of commitments upload reporting data with all supporting documents:
	+ signed protocols, completed registration sheets, programs, links to press releases, reporting data on all working groups, meetings, public discussions, consultations, trainings and seminars;
	+ draft legal acts, letters on submitting draft legal acts for approval, developed regulation/methodology/concept/ instruction, links to website about ongoing public discussion of draft legal acts, orders for approval of legal acts;
	+ ToR for development of information system or software (hereinafter IS and software), links to portal, module or embedded functions, acts of acceptance for IS and software, orders and regulations governing functioning of IS or software;
	+ Any additional documents that can confirm achieved results.

# 4. ANNEXES

# Table 1: Assessment results of AAP development /adoption

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **№** | **Title of NAP commitment** | **Timeliness of AAP adoption** | **Соответствие ВПД задачам, мероприятиями и ожидаемым результатам обязательства** | **Детализация заложенных мероприятий в ВПД** | **Наличие расчетов расходов на реализацию мероприятий ВПД** |
| 1 | Introduction and promotion of open data policy in the Kyrgyz Republic | Adopted 1 month later from the set deadline | compliant | detailed AAP | absent |
| 2 | Open data in the educational system at the level of educational organizations | Adopted 3 months later from the set deadline | compliant | detailed AAP | absent |
| 3 | Open data on activities of health organizations | Adopted in timely manner | non-compliant | AAP not detailed | absent |
| 4 | Modernization of the state judicial acts register | AAP absent | AAP absent | AAP absent | AAP absent |
| 5 | Ensuring public access to archival documents of 1918-1953 | Adopted in timely manner | compliant | detailed AAP | absent |
| 6 | Improving process of public discussion of draft legal acts by creating a Single Electronic Portal | Adopted in timely manner | compliant | detailed AAP | absent |
| 7 | Involving civil society in anti-corruption activities of state bodies | Approved by inappropriate order  | non-compliant | detailed AAP | absent |
| 8 | Improving budget transparency  | Adopted in timely manner | compliant | detailed AAP | absent |
| 9 | Developing multilateral platform for managing external assistance | Adopted in timely manner | compliant | detailed AAP | absent |
| 10 | Increasing public procurement transparency | Adopted in timely manner | compliant | detailed AAP | absent |
| 11 | Ensuring budget transparency of local budgets and taking into account interests of local communities in budget process | Adopted in timely manner | compliant | detailed AAP | absent |
| 12 | Improving access to information of state and municipal authorities | AAP absent | AAP absent | AAP absent | AAP absent |
| 13 | Calculation of public trust level in local authorities | Adopted in timely manner | compliant | detailed AAP | absent |
| 14 | Disclosure of information on assets (property) of state and municipal bodies | Adopted 2 weeks later from the set deadline  | non-compliant | AAP not detailed  | absent |
| 15 | Involving civil society in assessing risks of financing terrorist activities (FT) in the sector of non-profit organizations | Adopted in timely manner | compliant | detailed AAP | available |
| 16 | Disclosure of interconnected data in the mining industry at the license level | adopted 1 month later from the set deadline | compliant | detailed AAP | absent |
| 17 | Implementation of a public participation audit system | Adopted 2 months later from the set deadline | compliant | detailed AAP | available |
| 18 | Transparency of financing elections (referenda) and election campaigns of candidates, political parties, initiative groups | AAP absent | AAP absent | AAP absent | AAP absent |

# Table 2: Implementation status of NAP commitments

|  |  |  |  |
| --- | --- | --- | --- |
| **№** | **Title of NAP commitment** | **Achived** | **Not achived** |
| 1 | Introduction and promotion of open data policy in the Kyrgyz Republic | 2 | 5 |
| 2 | Open data in the educational system at the level of educational organizations | 0 | 1 |
| 3 | Open data on activities of health organizations | 0 | 2 |
| 4 | Modernization of the state judicial acts register | 0 | 3 |
| 5 | Ensuring public access to archival documents of 1918-1953 | - | - |
| 6 | Improving process of public discussion of draft legal acts by creating a Single Electronic Portal | 2 | 0 |
| 7 | Involving civil society in anti-corruption activities of state bodies | 0 | 6 |
| 8 | Improving budget transparency  | 0 | 1 |
| 9 | Developing multilateral platform for managing external assistance |  | 2 |
| 10 | Increasing transparency of public procurement | 1 | 7 |
| 11 | Ensuring budget transparency of local budgets and taking into account interests of local communities in budget process | - | - |
| 12 | Improving access to information of state and municipal authorities | 0 | 2 |
| 13 | Calculation of public trust level in local authorities | - | - |
| 14 | Disclosure of information on assets (property) of state and municipal bodies | 0 | 6 |
| 15 | Involving civil society in assessing risks of financing terrorist activities (FT) in the sector of non-profit organizations | 4 | 6 |
| 16 | Disclosure of interconnected data in the mining industry at the license level | 2 | 0 |
| 17 | Implementation of a public participation audit system | 0 | 1 |
| 18 | Transparency of financing elections (referenda) and election campaigns of candidates, political parties, initiative groups | 0 | 5 |
| **Total** | **11** | **47** |

# Table 3: Contact information of state officials responsible for preparing NAP implementation reports

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Commitment** | **Name** | **Position** | **State Agency** | **Contacts** |
| Introduction and promotion of open data policy in the Kyrgyz Republic | Keneshova Begimay Kulchoroevna | Expert of department for ICT projects and electronic services implementation  | SCITC | 0(312) 605046b.keneshova@ict.gov.kg |
| Open data in the educational system at the level of educational organizations | Mamatov Rasul Nuramzaevich | Head of Information Sector | MES | 0(312)664711mamatov.rasul@gmail.com |
| Open data on activities of health organizations | Stanbekov Bakhtiyar | Director of the E-Health Center  | MoH | 0(312) 66-21-85.b\_stanbekov@cez.med.kg |
| Modernization of the state judicial acts register | Raimbaev Nurkan Musaevich | Head of Informatization Sector | ВС | 0(312) 663227infodep@sot.kg |
| Ensuring public access to archival documents of 1918-1953 | Derbisheva Rakhat | Leading Expert of the Department of Population Documentation of and Archiving | SRS | (0312) 665011derbisheva.rahat@mail.ru |
| Improving process of public discussion of draft legal acts by creating a Single Electronic Portal | Zamirbekov Emil | Leading IT Expert | MoJ | 0(312) 656493emil@minjust.gov.kg |
| Involving civil society in anti-corruption activities of state bodies | Sarbagysh uulu Tilek | Head of Anti-Corruption Policy Sector | KR GO | 0(312) 961419 |
| Improving budget transparency  | Kuranalieva Guzel | Leading Expert of the Department of Macroeconomic Analysis and Monitoring of State Programs | MoF | 0(312)625313 +доб. 1323g.kurmanalieva@minfin.kg |
| Developing multilateral platform for managing external assistance | Kuranalieva Guzel | Leading Expert of the Department of Macroeconomic Analysis and Monitoring of State Programs | MoF | 0(312)625313 +доб. 1323g.kurmanalieva@minfin.kg |
| Increasing transparency of public procurement | Kuranalieva Guzel | Leading Expert of the Department of Macroeconomic Analysis and Monitoring of State Programs | MoF (PPD) | 0(312)625313 +доб. 1323g.kurmanalieva@minfin.kg |
| Ensuring budget transparency of local budgets and taking into account interests of local communities in budget process | Kuranalieva Guzel | Leading Expert of the Department of Macroeconomic Analysis and Monitoring of State Programs | MoF | 0(312)625313 +доб. 1323g.kurmanalieva@minfin.kg |
| Improving access to information of state and municipal authorities | - | - | - | - |
| Calculation of public trust level in local authorities | Samokhleb Galina YakupovnaSaparbayev Amantur | Head of the Department of Household Statistics, Office of Sustainable Development and Environment StatisticsResearch Assistant | NSCNISS | 0(312)324655gsamohleb@stat.kg0(312)979595saparbaev@nisi.kg |
| Disclosure of information on assets (property) of state and municipal bodies | Turgunbaev Suyuntbek | Expert of the Department of Strategic Planning, Human Resources and International Cooperation | FSPM | 0(0312) 614232, fgi\_infosvod@mail.ru |
| Involving civil society in assessing risks of financing terrorist activities (FT) in the sector of non-profit organizations | Abdyldaev Beinur Nurlanovich | Legal Inspector | SFIS | 0(312)325526,b.abdyldaev@sfr.kg |
| Disclosure of interconnected data in the mining industry at the license level | Bakirov Rustam | Subsoil Use Management Policy Expert | SCIESU | 0(312)904040bakirov\_rustam36@mail.ru |
| Implementation of a public participation audit system | Lozitskaya Natalia Alekseevna, | Chief State Inspector | AC | natanik06@mail.ru |
| Transparency of financing elections (referenda) and election campaigns of candidates, political parties, initiative groups | Sharshenaly uulu Adilet | Legal Support Expert | CEC | 0312(620184)adilet@shailoo.gov.kg |

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2. <http://cbd.minjust.gov.kg/act/view/ru-ru/216612> [↑](#footnote-ref-2)
3. http://ogp.el.kg/node/643 [↑](#footnote-ref-3)
4. http://ogp.el.kg/sites/default/files/reports/npd\_sent\_2019.pdf [↑](#footnote-ref-4)
5. http://ogp.el.kg/node/1025 [↑](#footnote-ref-5)
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18. <http://ogp.el.kg/node/1187> [↑](#footnote-ref-18)
19. <http://ogp.el.kg/node/1185> [↑](#footnote-ref-19)
20. <http://ogp.el.kg/node/1184> [↑](#footnote-ref-20)
21. <http://ogp.el.kg/ru/otkrytye-dannye-o-deyatelnosti-organizaciy-zdravoohraneniya-0> [↑](#footnote-ref-21)
22. <http://ogp.el.kg/ru/oo-socium> [↑](#footnote-ref-22)
23. <http://www.ict.gov.kg/index.php?r=site%2Fproject&pid=267&cid=24> [↑](#footnote-ref-23)
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