

Independent Reporting Mechanism (IRM): Kyrgyz Republic Design Report 2018– 2020

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Executive Summary: Kyrgyz Republic

The Kyrgyz Republic's first OGP action plan contains 18 commitments across nine different thematic areas, ranging from open data to political financing and fiscal transparency. Active participation of civil society contributed to the design of ambitious commitments. Going forward, the Kyrgyz Republic could strengthen outreach to wider civil society and facilitate more meaningful engagement of public administration to ensure effective implementation of commitments.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. The Kyrgyz Republic joined OGP in 2017. This report evaluates the design of the Kyrgyz Republic's first action plan.

General overview of action plan

Through developing the country's first OGP action plan, the Kyrgyz Republic showed evidence of strong performance in several areas of the OGP process. The Kyrgyz Republic established a well-functioning multi-stakeholder forum, compliant with OGP Participation and Co-Creation Standards, while also achieving "Collaborate" on the spectrum of participation during the development of the action plan. Going forward, however, the Kyrgyz Republic could strengthen outreach and awareness efforts, in order to ensure that a wider cross-section of society is able to participate and contribute meaningfully to the identification of priorities and the development of the action plan.

Nevertheless, the Kyrgyz Republic's first national action plan for 2018–2020 generally emerged as an ambitious endeavor, aspiring to change 'business as usual' in a number of policy areas of national importance and to make the government more inclusive, responsive, and accountable. A total of 21 state entities are proposed to be formally involved in the implementation of the action plan, which stands to represent positive government involvement in the process.

The 18 commitments included in the action plan cover a wide range of thematic areas, with particular focus on opening data, including in the education and health sectors. While the IRM finds that 17 out of the 18 commitments are relevant to OGP values, no commitment was found to be relevant to the OGP value of public accountability. The majority of commitments leverage

Table 1. At a glance

Participating since: 2017
 Action plan under review: 2018-2020
 Report type: Design
 Number of commitments: 18

Action plan development

Is there a multi-stakeholder forum? Yes
 Level of public influence: Collaborate
 Acted contrary to OGP process: No

Action plan design

Commitments relevant to OGP values: 17 (94%)
 Transformative commitments: 0 (0%)
 Potentially starred commitments: 0 (0%)

Action plan implementation

Starred commitments: N/A
 Completed commitments: N/A
 Commitments with Major DIOG*: N/A
 Commitments with Outstanding DIOG*: N/A

*DIOG: Did it Open Government?

technology and innovation, particularly in the context of establishing or improving online portals to enhance public access to information or enabling and easing public participation in government processes.

Table 2. Noteworthy commitments

Commitment Description	Moving Forward	Status at the End of Implementation Cycle
<p>1. Implementation and promotion of open data policy in the Kyrgyz Republic</p> <p>Build a national open data platform and develop legislation on open data with civil society and private sector stakeholders.</p>	<p>Consider a multi-stakeholder approach in monitoring and reviewing implementation as well as explore synergies between the different open data commitments included in the action plan to achieve more significant impact.</p>	<p>Note: this will be assessed at the end of the implementation cycle.</p>
<p>10. Increasing public procurement transparency</p> <p>Amend the legislation on public procurement and increase the transparency of the online procurement system through the introduction of two-stage bidding, feedback mechanism, and reliable data processing software into the system.</p>	<p>Incorporate civil society participation into the public procurement system, particularly in safeguarding the integrity of the system through monitoring and evaluation measures as well as in developing terms of references for the solutions offered through the commitment implementation.</p>	<p>Note: this will be assessed at the end of the implementation cycle.</p>
<p>8. Increase budget transparency</p> <p>Raise public awareness of budget development and implementation process by providing access to detailed budget reports and ensuring public participation in the process through online consultation and feedback mechanisms.</p>	<p>Define the budget data sets that will be disclosed to the public, specify the roles of the public throughout the budget development and implementation processes, clarify the government's mechanism to address public inputs and feedback.</p>	<p>Note: this will be assessed at the end of the implementation cycle.</p>

Recommendations

The IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan.

Table 3. Four KEY IRM Recommendations

Facilitate meaningful engagement of civil society in the action plan development process by strengthening outreach and awareness.
Design ambitious, relevant, and specific commitments in policy areas aligned with the development priorities of the Kyrgyz Republic.
Foster public accountability through the introduction of public feedback mechanisms
Prioritize commitments with significant potential impact for implementation and ensure their sustainability through the future action plans.

ABOUT THE AUTHOR

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



Kemel Toktomushev collaborated with the IRM to develop this report.

I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

The Kyrgyz Republic joined OGP in 2017. This report covers the development and design of the Kyrgyz Republic's first action plan for 2018–2020.

The Independent Reporting Mechanism of OGP has partnered with Kemel Toktomushev, an independent researcher, who carried out this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

II. Open Government Context in the Kyrgyz Republic

The Kyrgyz Republic has taken important steps in key areas of open government, including the adoption of strong laws and policies on open data and civic engagement. However, there remains a notable gap between what the country has achieved in terms of policy and legal framework and their implementation. Kyrgyz Republic's first OGP action plan, comprising 18 commitments, can be a potential catalyst to accelerate social, political, and economic reform.

Kyrgyzstan, or the Kyrgyz Republic, is a small, mountainous, landlocked country of more than 6.2 million people located in Central Asia. Gaining its independence in 1991 following the dissolution of the Soviet Union, the Kyrgyz Republic aspired to evolve into a democratic state with a market economy and political and social freedoms. While praised as the most democratic state in the region,¹ the Kyrgyz Republic continues to experience the challenges of transition, including political, economic, and social instability. Grievances accumulated across the country have already led to two revolutions, in 2005 and 2010, which led to the ousting of two presidents. The 2010 revolution resulted in ethnic violence between the Kyrgyz and the Uzbeks residing in the country's southern region. In the aftermath of the revolutions, political campaigns began to focus on promising changes and reforms for the betterment of life of the people.

The government focused on digital development and e-governance solutions, not only as a mechanism to fight corruption and improve public service delivery, but also to increase government transparency and facilitate public accountability. Yet, most of these efforts were *ad hoc*. An attempt for a more systematic approach came with the introduction of the *Jany Doorgo-Kyrk Kadam* (40 Steps to a New Era) government program in 2017,² which outlined 40 steps to reform public service and improve the quality of life of the people. It incorporated existing and planned technological projects aimed at opening up the government under the aegis of one of its steps called “*Taza Koom*” (“Pure Society”).

However, repeated failures in the implementation of the program appeared to be among the factors that resulted in the resignation of the ruling government at the time. As President Sooronbay Jeenbekov lamented at the country's Security Council meeting in December 2018, although nearly 50 million dollars (USD) were spent on digitization of state entities, the government largely remained closed for the public.³ Accordingly, the new leadership distanced itself from *Taza Koom* and introduced its own program Digital Kyrgyzstan 2019–2023, which aimed to leverage technological advances to improve economic competitiveness, living standards, and efficiency of the government.⁴

Promotion of open government, public accountability, and public engagement in decision-making processes are envisioned to be key pillars of this program, which can be considered the flagship project of the new leadership. The values and principles of the program are consistent with the priorities of the Kyrgyz Republic's broader strategic development programs. These include the National Strategy for Sustainable Development of the Kyrgyz Republic for 2018–2040 and the Unity. Trust. Creation. government program for 2018–2022.

As advised by the 2015 Open Data Readiness Assessment, the Kyrgyz Republic also has the potential to be benchmarked as a good example of open data practice in the region.⁵ In terms of access to information, a recent assessment by the Centre for Law and Democracy and the Global Right to Information Rating found the Kyrgyz Republic's Law on Access to Information Held by State Bodies and Local Self-Government Bodies to be a relatively strong law, particularly in a region with generally underdeveloped right to access information.⁶

This positive assertion is also true to the level of civic engagement and the role of civil society in the country. The Kyrgyz Republic is known as having the most vibrant civil society in the region.⁷ Despite the region's infamous trend of increasingly restrictive civil society legislation and practices, civil society organizations in the Kyrgyz Republic operate generally free from government

harassment.⁸ According to the National Statistical Committee, nearly 15,400 nonprofit organizations were registered with the Ministry of Justice as of 1 April 2017. Recently, the government also made attempts to engage civil society in the fight against corruption. For instance, the government encouraged public councils to develop and monitor measures to fight corruption at their respective state's government institutions.⁹ The involvement of civil society in such activities is in line with the government's ratification of the United Nations Convention against Corruption (UNCAC) and participation in the Istanbul Anti-Corruption Action Plan.

Independent assessments have, however, highlighted some concerns on the deterioration of the country's civic space. For example, in 2019, CIVICUS considered civic space in the Kyrgyz Republic as "Obstructed."¹⁰ Although the global civil society alliance acknowledged some positive developments, such as the ratification of the Convention on the Rights of Persons with Disabilities (CRPD),¹¹ they criticized ongoing surveillance of nongovernmental organization (NGO) workers¹² and the various lawsuits, attacks, and harassment against journalists, activists, and human rights defenders.¹³ Freedom House's Freedom in the World report rated the Kyrgyz Republic as "Partly Free" with a composite score of 38 out of 100.¹⁴ The report highlighted the arrest of multiple high-profile current and former government officials on corruption charges related to a power plant failure in Bishkek, as well as the landmark ruling from the Supreme Court on the unconstitutionality of immunity from prosecution for former presidents.¹⁵

While the Kyrgyz Republic's legislation may be based on international best practices, it is the quality of implementation that raises concerns. The country scored poorly across the different indicators of the World Bank's 2017 Worldwide Governance Indicators (WGI): 12.98 out of 100 on control of corruption, 17.31 out of 100 on rule of law, 38.46 out of 100 on regulatory quality, 23.08 out of 100 on government effectiveness, and 33.00 out of 100 on voice and accountability.¹⁶ Similarly, Transparency International's 2018 Corruption Perceptions Index ranked the Kyrgyz Republic 132 out of 180 countries assessed with score of 29 out of 100.¹⁷ The 2018 UN E-Government Survey also rated the Kyrgyz Republic relatively low on its E-Government Development Index (ranked 91 out of 193 countries) and E-Participation Index (ranked 75 out of 193).¹⁸ In the 2017 Open Budget Index, the Kyrgyz Republic scored 55 out of 100.¹⁹ Also in 2017, the Extractive Industries Transparency Initiative (EITI) placed the Kyrgyz Republic under suspension due to inadequate progress in implementing the EITI Standard.²⁰

OGP therefore emerges at a time when the Kyrgyz Republic is in urgent need of translating policies and legal frameworks into practice and enable its reform agenda. As the values and principles of OGP are in line with the commitments of the new leadership to open up government process to the people, it is not surprising that the decision to accelerate OGP processes was supported at the highest level of government. With 18 commitments covering 9 thematic areas, the scope of the action plan is ambitious. While it would be unrealistic to immediately expect dramatic change in the Kyrgyz Republic's performance on governance indicators, this action plan, if implemented as designed, could change 'business as usual' in a number of key policy areas and contribute towards making the government more inclusive, responsive, and accountable.

¹ "Jeenbekov: \$ 50 million was spent on digitalization of government agencies, no results" [in Russian], Sputnik Kyrgyzstan, 14 December 2018, <https://ru.sputnik.kg/politics/20181214/1042430211/kyrgyzstan-sovbez-zasedanie-cifrovoe-razvitie.html>.

² "THE CONCEPT OF DIGITAL TRANSFORMATION "DIGITAL KYRGYZSTAN" - 2019-2023", Ministry of Digital Development of the Kyrgyz Republic, <http://ict.gov.kg/index.php?r=site%2Fsanarip&cid=27>.

³ "Open Data Readiness Assessment: The Kyrgyz Republic," The World Bank, Ministry of Economy of the Kyrgyz Republic & United Nations Development Programme, 2015, https://www.kg.undp.org/content/kyrgyzstan/en/home/library/democratic_governance/odra.html.

⁴ "Kyrgyzstan", Global Right to Information Rating, last updated May 2020, <https://www.rti-rating.org/country-detail/?country=Kyrgyzstan>.

⁵ For instance, see Chiara Pierobon, "The Development of Civil Society in Post-Soviet Kyrgyzstan", in *Annali di Ca' Foscari: Serie Orientale* (2018), 54 (1), pp. 107-133, https://www.academia.edu/38573207/The_Development_of_Civil_Society_in_Post_Soviet_Kyrgyzstan_An_Analysis_of_the_National_and_International_Context.

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- ⁶ “2013 CSO Sustainability Index for Central and Eastern Europe and Eurasia”, United States Agency for International Development, 2014, <https://www.usaid.gov/sites/default/files/documents/1863/E%26E%202013%20CSOSI%20Final%2010-29-14.pdf>.
- ⁷ “Anti-Corruption Reforms in Kyrgyzstan: Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan”, Organisation for Economic Co-operation and Development, 2018, p. 17, <https://www.oecd.org/corruption/acn/OECD-ACN-Armenia-4th-Round-Monitoring-Report-July-2018-ENG.pdf>.
- ⁸ “Kyrgyzstan”, CIVICUS, last updated 25 February 2021, <https://monitor.civicus.org/country/kyrgyzstan/>.
- ⁹ “Some Positive Civic Space Developments, But More to Be Done to Keep Promises”, CIVICUS, 2019, <https://monitor.civicus.org/updates/2019/05/01/kyrgyzstani/>.
- ¹⁰ “Ongoing Surveillance of NGO Workers Despite Presidential Assurances on Human Rights”, CIVICUS, 2019, <https://monitor.civicus.org/updates/2019/01/21/ongoing-surveillance-ngo-workers-despite-presidential-assurances-human-rights/>.
- ¹¹ “Lawsuits, Attacks, and Harassment Used against Journalists, Activists, and Human Rights Defenders”, CIVICUS, 2019, <https://monitor.civicus.org/updates/2019/07/19/lawsuits-attacks-and-harassment-used-against-journalists-activists-and-human-rights-defenders/>.
- ¹² “Freedom in the World 2019 Country Report: Kyrgyzstan”, Freedom House, <https://freedomhouse.org/country/kyrgyzstan/freedom-world/2019>.
- ¹³ “Freedom in the World 2019 Country Report: Kyrgyzstan”, Freedom House, <https://freedomhouse.org/country/kyrgyzstan/freedom-world/2019>.
- ¹⁴ “Home”, Worldwide Governance Indicators, <http://info.worldbank.org/governance/wgi/#reports>.
- ¹⁵ “Corruption Perceptions Index”, Transparency International, <https://www.transparency.org/cpi2018>.
- ¹⁶ “Country Information: Kyrgyzstan”, United Nations, Department of Economic and Social Affairs, Division for Public Institutions and Digital Government, <https://publicadministration.un.org/egovkb/en-us/Data/Country-Information/id/91-Kyrgyzstan>.
- ¹⁷ “Rankings”, Open Budget Survey, International Budget Partnership, <https://www.internationalbudget.org/open-budget-survey/open-budget-index-rankings/>.
- ¹⁸ “The Board agreed that the Kyrgyz Republic has made inadequate progress overall in implementing the 2016 EITI Standard.”, EITI, 3 August 2017, <https://eiti.org/board-decision/2017-09>.
- ¹⁹ “Kyrgyzstan”, Global Right to Information Rating, last updated May 2020, <https://www.rti-rating.org/country-detail/?country=Kyrgyzstan>.
- ²⁰ Acting Contrary to Process - Country did not meet (1) “involve” during the development or “inform” during implementation of the NAP (2) government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance. Based on these requirements, the Kyrgyz Republic did not act contrary to OGP process during the development of the 2018–2020 action plan. See “Articles of Governance”, Open Government Partnership, updated June 2019, https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf.

III. Leadership and Multi-stakeholder Process

The Government of the Kyrgyz Republic demonstrated strong leadership in coordinating the multi-stakeholder co-creation process, with the country's Prime Minister personally overseeing the overall development of the first action plan. Through the issuance of government decrees, the Open Government National Forum, comprising 38 civil society and government representatives, was established with the mandate to oversee and monitor action plan implementation.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in the Kyrgyz Republic.

The Kyrgyz Republic's first national action plan consists of 18 commitments. A total of 21 state entities will be formally involved in implementation, with each implementing agency appointing a person to be responsible specifically for OGP progress. The national OGP Secretariat, along with the Department of Defense, Law Enforcement, and Emergency Situations of the Office of the Government of the Kyrgyz Republic administers intragovernmental coordination around OGP process. The Secretariat consists of four people: a chairman, a policy expert, a public relations specialist, and an assistant with funding from an international partner.

The Office of the Government of the Kyrgyz Republic acts as the key supervising entity in charge of OGP. The Prime Minister of the Kyrgyz Republic personally oversees the Kyrgyz Republic's progress in OGP, with the Vice Prime Minister representing the government at official OGP events in the Prime Minister's absence. The Vice Prime Minister also used to act as the government's point of contact (POC) for OGP. Government Decrees No. 226-r of 27 June 2018 and No. 360-r of 16 October 2018 approved the creation of the Open Government National Forum and endorsed the national action plan, formalizing OGP through a legally binding document. Following Government Decree No. 360-r, each implementing state agency also developed its own internal action plan. The fulfillment of commitments is planned to be achieved using funds available from the national budget and development partners. The timeframe for implementation was between September 2018 and August 2020.

3.2 Multi-stakeholder process throughout action plan development

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. The Kyrgyz Republic did **not** act contrary to OGP process.¹

Please see Annex I for an overview of the Kyrgyz Republic's performance in implementing the Co-Creation and Participation Standards throughout the action plan development.

Table [3.2]: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.² This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborate."

Level of public influence		During development of action plan
Empower	The government handed decision-making power to members of the public.	
Collaborate	There was iterative dialogue AND the public helped set the agenda.	✓
Involve	The government gave feedback on how public inputs were considered.	
Consult	The public could give inputs.	
Inform	The government provided the public with information on the action plan.	
No Consultation	No consultation	

Multi-stakeholder forum

The Open Government National Forum was established through Government Decree No. 226-r on 27 June 2018. It comprises 38 representatives from civil society and state entities on equal basis. Representatives from civil society were selected by the Coalition for Open Government, which has open membership and comprises 187 members as of 10 May 2019.³ The National Forum is led by two co-chairs, each representing the government and civil society. The government is represented by the Vice Prime Minister and civil society is represented by Bakytbek Satybekov, the Director of the not-for-profit organization, Alliance on Civic Initiatives Promotion (ACIP).

The Government Decree legally mandates the National Forum to develop the Kyrgyz Republic's first national action plan for 2018–2020 as well as to coordinate and monitor its realization. The National Forum's aims and objectives, formal procedures for participation, and terms of responsibilities are outlined in the Regulation of the National Forum dated 30 June 2018.⁴

Stakeholders outside the National Forum can observe decision making on action plan themes or commitments. They could also inform and influence the process either through the National Forum or the Kyrgyz OGP Secretariat. The submission of commitments for consideration by the National Forum could also be done directly through the website of the national OGP Secretariat.

All meetings of the National Forum took place in the capital, Bishkek, mostly because both government and civil society members of the National Forum are based there. Region-based, gender-based, or theme-based quotas for both participants and commitment policy areas were not set on purpose in order to ensure all proposed commitments are selected based on the quality of the submission and the real necessity for the commitment rather than through arbitrary filters.⁵

The National Forum met four times in person before the final approval of the action plan. Minutes of the meetings are available on the Secretariat's website.⁶ At the time the report was drafted, these minutes were published in Russian. The IRM notes, however, that the minutes should be available in Kyrgyz as well to ensure wider access. Every implementing agency also held separate internal meetings, some of which involved the relevant civil society organizations to discuss their commitments. However, the minutes of most of these internal meetings are not available to the public.

Participation and engagement throughout action plan development

Before consultations on the national action plan began, the initial public outreach campaign was primarily spearheaded by civil society.⁷ As a result, the extent of communication and public outreach was limited, since civil society had limited capacity to reach and inform broader audience about OGP. Nonetheless, within these limitations, civil society activists managed to reach out to a number of important organizations, including service nongovernmental organizations, the private sector and business associations, and human rights organizations. This was done mostly through their own internal channels of communication. Efforts were aimed at explaining opportunities related to the

OGP process, scope of the action plan, procedures for the co-creation of commitments and finalizing action plans, as well as key stages and deadlines.

Formally, all interested stakeholders had an opportunity to submit their commitment proposals in the period between the end of January and July 2018. However, since the National Forum was only legally established on 27 June 2018, the public only had the month of July 2018 to submit commitment proposals, although the portal (www.ogp.el.kg) to submit commitment ideas was already operational since 31 January 2018. Given the short window for submissions, there was limited public debate on the content of the commitments and no amendments were proposed.

During the consultation phase, the government became more active and decided to accelerate the OGP process. There was a government directive to approve the national action plan by July 2018. The swiftness of the decision caught civil society actors off guard and resulted in shorter time to conduct broader consultations. Most consultations were organized by initiating civil society groups and implementing state entities with the involvement of relevant nonprofit organizations. Although the national action plan refers to 18 public discussions with more than 200 participants in total, at this stage, it is difficult to assess who actually participated in consultation events and what the parity in consultations was, since most protocols had not been made available to the public.

After consultations, progress updates on the development of the action plan were published on the national OGP website, including the protocols of the meetings of the National Forum, draft commitments, and other relevant information. A separate training was conducted for all the persons-in-charge from implementing state agencies. These trainings focused on how to develop an intra-agency action plan based on the national action plan and how to devise budgets to support the activities in those action plans.

The National Forum was also open to feedback on draft commitments from the broader public. All interested stakeholders were able to provide feedback through various channels, including the national OGP website, focal points at implementing state agencies, and via the Kyrgyz OGP secretariat. There were no timeframe limitations to provide feedback, but no feedback was ever received, which could have been explained by unsatisfactory quality of communication and public outreach.⁸ That said, all commitments were discussed within focused expert groups that also included representatives from nongovernmental organizations.

At the end of the process, the final action plan consists of 18 commitments, which were all endorsed by the National Forum. In total, more than 40 proposals were submitted, but nearly half of them were not considered, because they did not comply with OGP principles and criteria or were incomplete. The feedback and reasons for the rejection were posted on the portal.⁹ Of the 40 proposals received, 38 were submitted by civil society representatives. Of the 18 commitments selected, only 2 commitments were proposed by the government, compared to 16 from civil society.

In general, the quality of the commitments is relatively high, despite unsatisfactory communication and public outreach strategies in the consultation process. Key stakeholders were still involved, while the creation of the National Forum guaranteed equal participation of both government and civil society representatives in the processes of identifying and improving commitments. However, the core group of CSOs shaping the content of the plan was small.

Co-creation and participation recommendations throughout development

The Kyrgyz Republic showed evidence of achievement and strong performance in areas such as the multi-stakeholder forum's mandate, composition, and conduct. Established through a Government Decree, the Open Government National Forum is formally mandated to develop the Kyrgyz Republic's first national action plan for 2018–2020 and monitor its implementation.

Civil society is involved in the National Forum on equal basis as the government and helped set the agenda. All members of the National Forum were able to set meeting agendas and engage broader stakeholders to participate in action plan development.¹⁰ The Kyrgyz OGP Secretariat collected proposals from the National Forum to be added to the agenda and, along with the co-chairs of the National Forum, the forum was able to propose specific themes for inclusion in the national action plan and its subsequent implementation. Some areas where the Kyrgyz Republic could improve

include the multi-stakeholder forum's efforts around raising awareness and communication. In order to improve performance in these areas, the IRM researcher suggests the following actions moving forward:

1. The government could be more proactive in terms of outreach and awareness-raising activities with relevant stakeholders to inform them of the OGP process with sufficient advance notice.
2. The government could facilitate direct communication with stakeholders to respond to questions regarding the action plan process before, during, and after times of intense OGP activity.
3. The government could use all official channels of communication at its disposal to disseminate information, including public television, radio, and mass media.

¹ Bakytbek Satybekov, Alliance on Civic Initiatives Promotion, interview by IRM researcher, 5 May 2019; Chingiz Beksultanov, Forum on Official Assistance on Development, interview by IRM researcher, 5 May 2019; Secretariat of OGP-Kyrgyzstan, interview by IRM researcher, 5 May 2019.

² "IAP2's Public Participation Spectrum," IAP2, 2014,

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.

³ Bakytbek Satybekov, Alliance on Civic Initiatives Promotion, interview by IRM researcher, 5 May 2019.

⁴ "Decisions of the National Forum of Open Government", Open Government Partnership, <http://ogp.el.kg/ru/resheniya-nacionalnogo-foruma-otkrytogo-pravitelstva>.

⁵ Bakytbek Satybekov, Alliance on Civic Initiatives Promotion, interview by IRM researcher, 5 May 2019.

⁶ Bakytbek Satybekov, Alliance on Civic Initiatives Promotion, interview by IRM researcher, 5 May 2019.

⁷ Ibid.

⁸ "Normative acts", Open Government Partnership, <http://ogp.el.kg/ru/normativnye-akty>.

⁹ "Articles of Governance", Open Government Partnership, updated June 2019, : https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf.

¹⁰ "IRM Procedures Manual", Open Government Partnership, updated September 2017, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's/entity's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹ The indicators and method used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
 - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
 - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - **Public Accountability:** Will the government create or improve public facing opportunities to hold officials answerable for their actions?
 - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.

What makes a potentially starred commitment?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., 'Misallocation of welfare funds' is more helpful than 'lacking a website.').
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26 percent of judicial corruption complaints are not processed currently.")?

3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation (e.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")?

Starred commitments

One measure, the "starred commitment" (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Potential star: the commitment's design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *Implementation IRM report*.

General Overview of the Commitments

The proposed action plan is a well-written ambitious endeavor that seeks to change 'business as usual' in 9 policy areas:

1. Judicial openness
2. Public procurement
3. Citizen engagement with government
4. Civic empowerment
5. Elections and political financing
6. Access to information and open data
7. Public integrity measures
8. Natural resources and development
9. Fiscal openness.

¹ "Open Government Partnership: Articles of Governance", OGP, June 2012 (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf.

² "IRM Procedures Manual", OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

1. Implementation and promotion of open data policy in the Kyrgyz Republic

Language of the commitment as it appears in the action plan:

Creating a national open data platform and mechanisms for public access to open data. Pilot open datasets in machine-readable format will be defined in consultation with civil society and made available on the open data public portal.

Milestones:

Activity 1: Involvement of public authorities in the process of the open data compilation.

1. Conduct consultations with civil society and entrepreneurs to identify the demand, priorities and criteria for open data in government bodies.
2. Select and coordinate data of the pilot state bodies for its further compilation and disclosure in the open data format with subsequent posting on the State Open Data Portal.
3. Develop and approve detailed internal regulations of state bodies for disclosing data in open format.
4. Expand the practice of disclosing data in open format to other state bodies.

Activity 2: Creating the national Open Data Platform.

- 2.1 Develop Open Data portal
- 2.2 Conduct trainings and workshops on issues of increasing capacity of government agencies in the field of open data and use of the Open Data Portal.
- 2.3 Monitor state bodies on implementation requirements for data disclosure on the Portal.
- 2.4 Conduct hackathons to develop new solutions based on the state Open Data Portal.

Activity 3: Improving the legislation of the Kyrgyz Republic in the field of open data.

- 3.1 Develop a package of regulatory legal acts on amendments and additions to the legislation of the Kyrgyz Republic aimed at improving the access of citizens to the state bodies data.

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic's action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

End Date: 31 August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall		✓	✓	✓		✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and objectives

This commitment aims to contribute to the implementation and promotion of open data policy in the Kyrgyz Republic through the creation of a national open data platform and mechanisms to provide public access to open data. By disclosing government-held information in a machine-readable format, the commitment aspires to create favorable conditions for the digital economy development

and for the promotion of in-depth research of the Kyrgyz Republic's socioeconomic development and the performance of its state entities.

According to the 2015 Open Data Readiness Assessment, there is a high demand from civil society and the business sector for open data in the Kyrgyz Republic.¹ However, the amount of information available in a machine-readable format that is disclosed to the public is limited or insignificant. This is despite the fact that practically all state ministries and agencies are either developing their own information systems or working towards adopting open data and e-governance policies.²

In addition, the policy and legal framework that exists in the country is conducive in general to benchmarking the Kyrgyz Republic as a regional example of good practice in open data, although inconsistency in application of the laws and legislature on access to information and absence of concise redress mechanisms pose a significant challenge.³ This situation may be related to the gap in the existing legislation on access to information. Currently there are no normative definitions of open data and open government data in the country. This lack of clarity hinders the imposition of uniform requirements to state agencies on the identification and disclosure of open data within existing information systems.⁴

Accordingly, this commitment seeks to address those deficiencies on a systemic level by improving the legislation of the Kyrgyz Republic in the field of open data, involving public authorities in the process of open data compilation and creating the national open data platform for subsequent data disclosure. The commitment is relevant to OGP values of access to information, civic participation, as well as technology and innovation for transparency and accountability. If fully implemented as designed, the government will disclose more government-held information and create opportunities for broader public participation through the participation of at least 200 representatives of civil society and private sector in identifying the demand, priorities, and criteria for open data in government bodies.

This is one of Kyrgyz Republic's most system-oriented commitments within OGP; and thus a major step forward in making the government more inclusive, responsive, and accountable.⁵ Therefore, if implemented as designed, the commitment will have moderate potential impact. The commitment will raise larger awareness across the government and state agencies on the importance of open data, formally introduce the concepts of open data and open government data, the norms on open data portal, regulations on the disclosure of government-held information in open data format through legislation, and identify at least 200 data sets in close consultation with civil society representatives for disclosure on the newly developed open data portal. It does not, however, go on to provide a roadmap outlining how such disclosure will take place. Generally, the commitment is written in a clear language with verifiable milestones and measurable deliverables.

Next steps

This commitment could be prioritized for inclusion in the next action plan given that its fulfilment is essential to the implementation and promotion of an open data policy at large. At least 200 data sets are planned to be selected for disclosure on the open data portal as part of the commitment, for which a roadmap has not been identified. The government could consider taking a step further by introducing the roadmap in the next action plan.

¹ "Open Data Readiness Assessment: The Kyrgyz Republic", The World Bank, Ministry of Economy of the Kyrgyz Republic & United Nations Development Programme, 2015,

https://www.kg.undp.org/content/kyrgyzstan/en/home/library/democratic_governance/odra.html.

² Ibid.

³ Ibid.

⁴ See (accessed 2019) <https://isuo.avn.kg/>.

⁵ Rasul Mamatov, Ministry of Education and Science of the Kyrgyz Republic, interview by IRM researcher, 3 May 2019.

2. Overall

Assessed at the end of
action plan cycle.Assessed at the end of
action plan cycle.**Context and objectives**

This commitment seeks to address challenges in the education sector by improving public access to information on the secondary education system of the Kyrgyz Republic. In particular, the commitment seeks to disclose data currently held by schools such as information on funds received and their spending, staff qualifications, safety of buildings and structures, as well as all textbooks and teaching materials. The Ministry of Education and Science of the Kyrgyz Republic has already launched an Education Management Information System¹ where the data will be published.² The theory of change with this commitment is that the disclosure of the aforementioned information to the public will ensure public oversight of school performance and will reduce corruption risks—activities that will, in turn, improve the quality of schools.

Nonetheless, the commitment assumes that public access to the most requested information translates into more thorough public oversight without discussing the actual mechanisms of public participation in such oversight or more formal mechanisms of reporting wrongdoing and achieving redress. It is also unclear how the processes of monitoring and evaluation will be enforced in order to check whether schools are compliant with the requirements of providing relevant, genuine, and up-to-date information.

The commitment language describes activities that are objectively verifiable and includes deliverables, but these deliverables are not clearly measurable. For instance, the expected results are mostly formulated as “the public has access to”. It is unclear how public access to certain modules will be measured. Thus, the deliverables need to be revisited in order to be measurable upon the fulfillment of the commitment.

Without active mechanisms for working with and building on the data to be made available, the commitment stands to have a minor potential impact if fully implemented as designed. Considerable efforts and significant spending notwithstanding, secondary education in the Kyrgyz Republic continues to produce mixed results. The results of the Program for International Student Assessment (PISA) for 2006 and 2009 exposed that the quality of secondary education in the country is very low.³ These findings tend to coincide with the results of the National Sample-Based Achievement Test.⁴ This trend of underachievement has been attributed to a number of factors, from dated curriculum and a lack of school textbooks availability to poor qualification of teachers and rampant corruption in the sector.

However, such information is still unavailable for public scrutiny. For instance, schools are legally allowed to attract extrabudgetary funds through their nonprofit public foundations in order to maintain operations. Yet, these foundations are often run in a nontransparent manner, and it is difficult to trace whether raised funds are channeled efficiently or appropriately.⁵ Or, in a similar fashion, it is difficult to trace how textbooks are being procured, because information on textbooks availability and teaching materials is not available to the public.

Accordingly, while the commitment’s theory of change requires a more detailed assessment of the causality between its activities and impact, releasing the aforementioned government-held information will be an important first step for making state educational institutions more accountable and for creating opportunities for broader public engagement.⁶ The commitment itself is directly relevant to the OGP value of access to information. Further, in requiring that information is uploaded on the Education Management Information System, it is also relevant to the value of technology innovation for transparency and accountability.

Next steps

The commitment’s theory of change requires a more detailed explanation of the causality between its activities and impact, particularly how the disclosure of the identified data will be conducive to public monitoring of school performance and mitigation of corruption risks. This could be achieved by introducing and explaining the actual mechanisms of public participation in public oversight and more formal mechanisms of reporting wrongdoing and achieving redress.

The mechanisms of monitoring and evaluation of data disclosure also need to be in place, since at this stage it remains unclear how full compliance will be enforced.

Most importantly, at the time the commitment was designed, there was no full and detailed list of data sets for each category of data that the commitment seeks to disclose. For instance, the commitment broadly mentions that it will provide public access to information on budget and extra-budgetary expenditures as well as incomes of general educational establishments, without specifying whether the data will be consolidated or detailed. If detailed, what particular lines of data will be disclosed, and whether the expenditure reports will be periodically published during the budget implementation period or only after the budget period. Since a detailed analysis of needs in specific information about the secondary education system is not part of the commitment, it is assumed then that the list of data sets to be disclosed is known.

This commitment is also consistent with the aims of the commitment on implementation and promotion of open data policy in the Kyrgyz Republic. Thus, potential synergy between these two commitments needs to be explored in greater detail, since these are the commitments that should be prioritized and continued in the future action plan.

¹ Duishon Shamatov, “Education Quality in Kyrgyzstan and the Programme for International Student Assessment (PISA)”, in: Diane Brook Napier (ed.), *Qualities of Education in a Globalised World*, Rotterdam: Sense Publishers.

² Dingyong Hou, “Education Reform in the Kyrgyz Republic – Lessons from PISA”, The World Bank, 2011, <https://openknowledge.worldbank.org/bitstream/handle/10986/10100/622570BRI0Educ0Box0361475B00PUBLIC0.pdf?sequence=1>.

³ “Budget and Extrabudget Financing of School: Is Collection of Money from Parents a Need or Corruption?”, Bulan Institute for Peace Innovations, 2017; Chingiz Beksultanov, Forum on Official Assistance on Development, interview by IRM researcher, 5 May 2019.

⁴ Bakytbek Satybekov, Alliance on Civic Initiatives Promotion, interview by IRM researcher, 5 May 2019; Chingiz Beksultanov, Forum on Official Assistance on Development, interview by IRM researcher, 5 May 2019.

⁵ Melitta Jakab, Baktygul Akkazieva, and Jarno Habicht, “Can People Afford to Pay for Health Care?”, World Health Organization Regional Office for Europe, 2018, https://www.euro.who.int/_data/assets/pdf_file/0007/381589/kyrgyzstan-fp-eng.pdf?ua=1; Joseph Kutzin, Cheryl Cashin, and Melitta Jakab (eds.), “Implementing Health Financing Reform: Lessons from Countries in Transition”, European Observatory on Health Systems and Policies, 2010, https://www.euro.who.int/_data/assets/pdf_file/0014/120164/E94240.pdf?ua=1.

⁶ Ainura Ibraimova, Baktygul Akkazieva, Gulgun Murzalieva, and Dina Balabanova, “Kyrgyzstan: A Regional Leader in Health System Reform”, in: Dina Balabanova, Martin McKee, and Anne Mills (eds) *Good Health at Low Cost: What Makes a Successful Health System?*, London: The London School of Hygiene & Tropical Medicine, pp. 117–158.

3. Open data about the activities of Health Organizations

Language of the commitment as it appears in the action plan:

As part of this commitment, it is planned to:

1. Provide machine-readable access to the budget and drug data, non-financial indicators of overall 200 primary, secondary and tertiary level public health organizations.
2. Develop and approve regulations for disclosing the abovementioned information to ensure sustainable disclosure of the health organizations' data.
3. To introduce quality assessment tools for services and performance of the health organizations, with an emphasis on quality services provision and achieving results.

Milestones:

Activity 1: Development of a regulatory legal framework to ensure open data about public HO activities.

- 1.1 Develop a Regulation on the HOs Open Data Information System, describing business processes for collecting data on expenditures, incomes, stocks and non-financial indicators.

Activity 2: Disclosure of data on expenditures and revenues of the state HOs in machine-readable form.

- 2.1 Develop an information system on the HOs budget implementation that is integrated with IC accounting, and used in the health care system of the Kyrgyz Republic.
- 2.2 Introduce budget information system in pilot HOs at the primary, secondary and tertiary levels.
- 2.3 Introduce the budget implementation information system in all HOs.

Activity 3: Disclosure of data on non-financial indicators of the HOs activities in a machine-readable form, including data on inventory of medicines and medical products.

- 3.1 Expand the information system on HOs nonfinancial indicators, including data on medicines inventory and medical products (based on the RBF portal for hospitals).
- 3.2 Implement an information system of nonfinancial performance indicators in pilot HOs at the primary, secondary and tertiary levels.
- 3.3 Implement an information system of nonfinancial performance indicators in all HOs

Activity 4: Providing citizens with access to information on the public HOs activities.

- 4.1 Provide public access to information system data on HOs' financial and non-financial indicators through the MoH website

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic's action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

End Date: 31 August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
3. Overall		✓	✓			✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment seeks to mitigate corruption risks in the healthcare system by disclosing budgets, medication, and non-financial data of nearly 200 public health organizations to the public. The commitment also seeks to develop and approve regulations for disclosing the abovementioned information to ensure sustainable disclosure of health organizations' data and to introduce quality assessment tools for services and performance of health organizations.

Stakeholders anticipate that the disclosure of such information will make health organizations more transparent and will create opportunities for public oversight of the sector. Since 1996, the Kyrgyz Republic has been committed to improving access to health care, its quality, efficiency, and financial protection, which was reflected in a series of national health care strategies such as Manas (1996–2005), Manas Taalimi (2006–2011), Den Sooluk (2012–2018), and “Healthy Person – Prosperous Country” (2019–2030).¹ However, despite documented improvements, corruption remained a perennial challenge for the sector.² For instance, between 2000 and 2014, informal out-of-pocket payments grew significantly and currently account for nearly 50 percent of total spending on health.³

This commitment is certainly a positive commitment and a starting point to fight corruption in the health sector. However, given that it is unlikely to address most manifestations of corruption, from informal out-of-pocket payments to procurement transparency, the impact of the commitment can be marked as minor. As of now, it also remained somewhat unclear what particular budget, medication, and non-financial data will be disclosed. These criteria are particularly important, since the commitment presupposes that by December 2019 the disclosure of such data will be piloted in at least three health organizations on all three levels. It is understood that at this stage the piloting will take place at health organizations, which have a track record of working with international partners and thus have certain systems in place.⁴ Information that will be disclosed will also depend on what data these organization have available for the disclosure.⁵ However, the disclosure of data should be a systemic standard that is applicable to all engaged health organizations equally.

The language of the commitment provides clear, verifiable activities, and measurable deliverables for the achievement of the commitment's objective. The commitment is relevant to OGP values on access to information and technology and innovation for transparency and accountability. If fully implemented as written, the government will disclose more information of health organizations in a machine-readable format to the public. However, weak technical-material base and the absence of dedicated and qualified personnel at health organization are foreseen as the main challenges for the successful implementation of the commitment at this stage.⁶ This commitment thus stands to have minor potential impact.

Next steps

This is another commitment that could be prioritized and carried forward in the next action plan as it is consistent with the aim to implement and promote open data policy in the Kyrgyz Republic. Similar to the previous commitment, a potential synergy between this commitment and others focusing on open data could be explored further.

Since a detailed analysis of needs in specific information of health organizations is not part of the commitment, it is assumed then that the list of data sets to be disclosed is known. Thus, the commitment should specify in detail what particular budget, medication, and non-financial data will be disclosed, and how the data can also engage with the types of procurement and contracting.

The commitment assumes that the disclosure of such data will be piloted in at least nine health organizations (three at each level) by December 2019. Thus, the commitment should discuss not only what data sets are to be disclosed, but also how piloting will be organized.

The disclosure of data at pilot organizations should be systemic and then made applicable to all engaged health organizations, although it is understood that information that will be disclosed at pilot organizations will depend on data sets these organization have available. Such a selective approach defies the idea of pilot studies, the aims of which are generally to test the overarching design of the full-scale intervention, its feasibility, costs, and adverse effects and subsequently to correct the full-scale design to achieve the ultimate objective.

The commitment also plans to develop a regulatory legal framework to ensure open data about public health organizations' activities. It remains unclear though whether the public will be involved in these processes. If working groups with the involvement of civil society are to be created for these purposes, then the mechanisms and selection procedures for inclusive representation should be introduced.

The commitment also promises to introduce quality assessment tools for services and performance of health organizations, with an emphasis on quality services provision and achieving results. However, the commitment fails to elaborate further on this. This aspect should be discussed in the next action plan.

¹ Jakab, Akkazieva, and Habicht, "Can People Afford to Pay for Health Care?".

² Batma Estebesova, Sotsium, interview by IRM researcher, 3 May 2019.

³ Ibid.

⁴ Ibid.

⁵ "Jeenbekov: Until the reform is completed, I will not give you peace", reclama.vb.kg, 2 July 2019, [in Russian] https://www.vb.kg/doc/379527_jeenbekov_poka_reforma_ne_bydet_dovedena_do_konca_ia_ne_dam_vam_pokoia.html.

⁶ "NATIONAL STRATEGY DEVELOPMENT OF THE KYRGYZ REPUBLIC for 2018-2040", Bishkek, November 2018, [in Russian] <http://www.president.kg/sys/media/download/52135/>.

4. Modernization of the state judicial acts register

Language of the commitment as it appears in the action plan:

The site will be modernized for publication of judicial decisions to occur automatically excluding human factor effect. Contextual search by keywords will be added to make it possible to quickly search for the needed decision and summarize identical judicial decisions.

Milestones:

Activity 1: Improving the system of automation and publication of judicial acts.

1. Develop custom and server applications for the automation and publication of judicial acts.
2. Implement piloting of the software for the automation and publication of judicial acts.
3. Set up the program for the automation and publication of judicial acts in all courts of the Kyrgyz Republic.

Activity 2: Improving the electronic system of the judicial acts depersonification.

- 2.1 Develop a judicial acts depersonification module.

Activity 3: Improving the judicial acts search system.

- 3.1 Modernize website on publishing judicial acts (www.act.sot.kg) for contextual search by keywords, and integration with the special software for the judicial acts forming.

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic's action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

End Date: 31 August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Overall		✓	✓			✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment seeks to enhance guarantees of publicity and improve citizens' access to judicial decisions by modernizing the existing website of the State Register of Judicial Acts (www.act.sot.kg), depersonifying and automating the publication of judicial acts, and contextualizing the website's search functions. The theory of change of the commitment is that such improvements will be conducive to better public oversight of the judicial sector.

Judicial reform became one of the key political promises of the President of the Kyrgyz Republic, Sooronbai Zheenbekov.¹ As underlined by the National Development Strategy of the Kyrgyz Republic for 2018–2040, the Kyrgyz Republic of 2040 is a country where society trusts the judicial system, which ensures the rule of law.² As of today, however, the judicial institutions of the Kyrgyz Republic, plagued by rampant corruption, are among the least trusted state entities in the country.³ Poor public access to judicial materials and decisions is cited as one of the obstacles which jeopardizes the transparency and integrity of the judicial system.⁴

The commitment is relevant to OGP values on access to information and technology and innovation for transparency and accountability, and the language of the commitment provides clear, verifiable

activities and measurable deliverables for the achievement of the commitment's objective. The commitment is important for operationalizing the existing website of the State Register of Judicial Acts by introducing modules for automation and publication of judicial acts and contextualizing search by keywords. This stands to be an important step in the modernization of the website, particularly for human rights activists, lawyers, and industry-related organizations.⁵

However, as the commitment focuses specifically on improving the existing website of the State Register of Judicial Acts, its potential impact on the openness and transparency of the entire judicial system appears to be minor.

Next steps

Taking into account the importance of the judicial reform in the Kyrgyz Republic, this commitment could have been more ambitious. For instance, the commitment could have considered the development of an information management system for managing all court processes, including online submission of claims, complaints, and required documents to ongoing cases, online overview of court hearings and proceedings, automatic allocation of cases to judges, online modules for monitoring the length of time spent by judges on different phases, etc. These activities may be pursued as part of future commitments in this area.

The commitment could have also considered exploring the involvement of civil society in reforming the judiciary and judicial process, by leveraging the OGP platform. For instance, by creating joint platforms for the representatives of the judiciary and civil society to discuss and devise policies and solutions for the promotion of open judiciary.

¹ "Anti-Corruption Reforms in Kyrgyzstan: Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan", Organisation for Economic Co-operation and Development, 2018, <https://www.oecd.org/corruption/acn/OECD-ACN-Armenia-4th-Round-Monitoring-Report-July-2018-ENG.pdf>; Maira Martini, "Overview of Corruption and Anti-Corruption in Kyrgyzstan", U4 Anti-Corruption Resource Centre, 2013, <https://www.u4.no/publications/overview-of-corruption-and-anti-corruption-in-kyrgyzstan/>.

² Ibid.

³ Bakytbek Satybekov, Alliance on Civic Initiatives Promotion, interview by IRM researcher, 5 May 2019.

⁴ Asyl Aitbayeva, International Centre Interbilim, interview by IRM researcher, 2 May 2019.

⁵ Bakytbek Satybekov, Alliance on Civic Initiatives Promotion, interview by IRM researcher, 5 May 2019.

5. Ensuring public access to archival documents (dated 1918–1953)

Language of the commitment as it appears in the action plan:

The Declassification of the archival data from 1918 to 1953, transfer of State National Security Committee and Ministry of Internal Affairs departmental archives to the Archival Agency, digitization of archival data.

Milestones:

Activity 1: Ensuring public access to archival documents (dated 1918-1953).

1. Introduce changes and amendments to legislation, including interdepartmental regulations governing legal relations in the field of access to archival documents dated from 1918 to 1953, and thus facilitating public access to archival documents.
2. Amend the Law of the Kyrgyz Republic “On the Rights and Guarantees of Rehabilitated Citizens Affected by Repression for Political and Religious Beliefs, on Social, National and Other Grounds” dated 27.05.1994 No. 1538-XII.
3. To give the SRS Archive Agency the status of an independent authorized state body.

Activity 2. Creating a national open data platform for archival documents dated from 1918 to 1953.

- 2.1 Begin the transfer of declassified MIA and SNSC departmental materials to the SRS Archive Agency.
- 2.2 Start digitizing the part of declassified archival documents dated from 1918 to 1953, and ensure online search of archive documents.
- 2.3 Start publication of declassified documents and list of repressed and rehabilitated persons.

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic’s action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

End Date: 31 August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Overall		✓	✓			✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment seeks to declassify the archival data for the period of 1918–1953, which is currently held by the Ministry of Internal Affairs and the State Committee for National Security. The theory of change of the commitment is that the disclosure of such information will create opportunities for the rehabilitation of repressed citizens and rethinking of the Soviet past.

As of now, public access to the archival documents of the Stalin era is limited.¹ As for the information about repressed citizens of that period, only close relatives can request the Ministry to provide such information in written form.² Accordingly, the commitment seeks to ensure public access to archival documents through the national open data platform, or through the website of the Archival Agency of the State Registration Services who can administer digitization of archival data albeit requiring investments in physical storage facilities.³

The commitment language provides clear, verifiable activities and measurable deliverables for the achievement of the commitment's objective. The commitment is relevant to OGP values of access to information and technology and innovation for transparency and accountability.

Despite positive ambition, it remains uncertain whether the commitment's objective of ensuring public access to classified archives can move forward at this stage. Specifically, most classified documents are currently under the jurisdiction of the State Committee for National Security who has agreed in principle to release the data as per the existing legislature.⁴ The position of certain civil society representatives is that the archival data should be declassified immediately and not in accordance with the declassification timeline set in the current legislation. This would require a reassessment of the existing legislation.⁵

This commitment could bring significant impact by creating opportunities for the rethinking of the Soviet past and changing the practice of withholding classified information by the Ministry of Internal Affairs and the State Committee for National Security. At this stage, however, it is difficult to fully assess the extent to which the disclosure of the classified archived data will create opportunities for the rehabilitation of repressed citizens and rethinking of the Soviet past. It is also yet unknown what data is classified, whether it consists of all the details required for the identification of people, and whether this data is veracious. That said, if fully implemented as designed, the commitment's potential impact can be a minor, yet incremental step forward in changing the government practice of withholding classified information.

Next steps

This commitment could be prioritized for inclusion in the next action plan. Overall, while the disclosure of archival documents may bring powerful impact, the scope of this commitment is limited and lacks specificity in order to gain more substantial coding.

The commitment fails to refer to the Intergovernmental Committee on Declassification of Archival Documents, which consists of representatives of the Archival Agency of the State Registration Services, the Ministry of Interior Affairs, the Ministry of Defense, the Ministry of Economy, the State Committee for National Security, and other relevant state agencies.⁶ Since the Archival Agency of the State Registration Services submits propositions on declassification to this committee on an annual basis, the commitment could explore the potential of and the need for this institution to be included in implementation.

In regard to its design, the commitment could have outlined who was principally responsible for developing changes and amendments to the existing legislation more clearly and how civil society would have been involved in these processes. To address this issue, the Ministry of Justice could have been involved as a co-implementing state agency to move the commitment forward, particularly the milestones under Activity I. Furthermore, considering that age of the archival documents, the stakeholders of this commitment could consider developing a strategy to assess the authenticity and credibility of the documents before they are disclosed to the public.

¹ Rakhat Derbisheva, State Registration Services under the Government of the Kyrgyz Republic, interview by IRM researcher, 1 May 2019.

² Ibid.

³ Ibid.

⁴ As per the Regulation on the Intergovernmental Committee on Declassification of Archival Documents, approved by the Government of the Kyrgyz Republic on 28 April 2000.

⁵ Bakytbek Satybekov, Alliance on Civic Initiatives Promotion, interview by IRM researcher, 5 May 2019.

⁶ Erkingul Ubysheva, Civic Participation Fund, interview by IRM researcher, 10 May 2019.

6. Improving procedure of the draft RLAs' public discussion through creating a Single Electronic Portal (SEP)

Language of the commitment as it appears in the action plan:

To ensure actual participation of citizens in the lawmaking process, amendments will be introduced to the legislation ensuring publication of legislative activity plans, mechanisms for responding to comments from stakeholders, and taking into account the alternative versions of drafts of normative acts. A single electronic portal will also be created for all the draft normative acts.

Milestones:

Activity 1: Improvement of legislation on better involvement of civil society, entrepreneurs and stakeholders in the process of KR RLAs development.

Activity 2: Providing opportunities for online public discussion of the draft RLAs.

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic's action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

End Date: 31 August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6. Overall		✓	✓	✓		✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

At the time the commitment was designed, the right of legislative initiative in the Kyrgyz Republic belonged to the government, the parliament, and the people. This commitment aims to improve opportunities for civic participation in lawmaking processes through the creation of a single electronic portal for public discussion of regulatory legal acts (RLAs) and the amendment of governing legislation to better facilitate public discussion.

The Law on Regulatory Legal Acts introduces requirements for the public discussion of draft RLAs. However, there are deficiencies in the law that prevent these requirements from being effectively implemented in practice.¹ According to a civil society representative, "there is no public planning for legislative activities and no markers for the importance of RLAs, and data search on draft regulations is difficult."² However, the greatest challenge is that the documents (explanatory note, five types of required assessments, independent assessment) justifying a certain law or amendments to the existing legislation are not available to the public.³

As a result, it is difficult not only to understand the rationale for the introduction of certain legislative acts, but also to monitor and evaluate the effects of such a policy. In addition, this situation is complicated by the lack of mechanisms for the public to provide feedback on RLAs.⁴ There is an online portal facilitating citizen appeals to the government, but it is populated with some consolidated data, and a user cannot trace what appeals have been filed, and what the government's feedback was.⁵

Accordingly, this commitment seeks to mitigate those deficiencies through amendments to the existing legislation and through the creation of a single electronic portal. The commitment guarantees that civil society will be involved in the process of improving the legislation and that the public will have unrestricted access to all drafts of RLAs. The amended legislation will oblige state entities to respond to all propositions and public inquiries about RLAs through the online portal. This feedback will be open for public perusal.⁶

The commitment language provides verifiable activities and measurable deliverables for the achievement of the commitment's objective. The commitment is relevant to OGP values of access to information, civic participation, and technology and innovation for transparency and accountability.

If fully implemented as written, this commitment stands to have moderate potential impact on citizen participation in lawmaking processes and access to related information. Although it introduces a concrete solution to underpin public disclosure of data and monitor both the quality of legal documents and the quality of their implementation, the commitment is limited in that it does not seek to involve the public before there is a draft act in place.

Next steps

Going forward, commitments in this policy area could explore how citizens can be engaged before laws are even drafted, for example through different rounds of stakeholder engagement, impact assessments, or through the conduct of public and expert consultations.

In order for the commitment to increase potential impact, the commitment could also engage the Office of the Parliament to harmonize their website with the online portal for public discussion of RLAs. This key development will not only improve public access to policymaking processes in the country, but also to the promotion of evidence-based decision-making in general.

¹ Ibid.

² Ibid.

³ "Home", PORTAL OF ELECTRONIC APPEALS OF CITIZENS TO THE STATE BODIES OF THE KYRGYZ REPUBLIC, [in Russian] <http://www.kattar.kg/kg/>.

⁴ Bakytbek Satybekov, Alliance on Civic Initiatives Promotion, interview by IRM researcher, 5 May 2019.

⁵ For instance, see the President's speech at "Sooronbai Jeenbekov: Corruption is a disease that affects all spheres of society", K-news, 12 October 2018, [in Russian]

<https://knews.kg/2018/12/10/sooronbai-zheenbekov-korrupsiya-eto-bolezn-porazhayushhaya-vse-sfery-zhizni-obshhestva/>.

⁶ Maira Martini, "Overview of Corruption and Anti-Corruption in Kyrgyzstan", U4 Anti-Corruption Resource Centre, 2013, <https://www.u4.no/publications/overview-of-corruption-and-anti-corruption-in-kyrgyzstan/>.

7. Involving civil society in the fight against corruption in the state bodies

Language of the commitment as it appears in the action plan:

The government will provide citizens with wider access to information on corruption violations, measures taken by the government agencies, and involve civil society representatives in monitoring and evaluating the anti-corruption activities of the government bodies.

Milestones:

Activity 1: Strengthening the interaction of state bodies with civil society on countering and preventing corruption.

1. Resume the work of the Anti-Corruption Council under the Government of the Kyrgyz Republic.
2. Make changes and additions to the Regulation on the Anti-Corruption Council under the KR that strengthens the role of civil society in the anti-corruption activities.

Activity 2: Involving civil society in the monitoring of anti-corruption activities of state bodies.

- 2.1 Develop and approve a single methodology for monitoring of anti-corruption activities of state bodies and civil society.
- 2.2 Conduct trainings on methodology use for the representatives of state bodies and civil society.
- 2.3 Conduct regular monitoring of anticorruption activities of state bodies.

Activity 3: Improving the system of civic raising awareness in the field of combating corruption.

- 3.1 Expand the list of posted information on the official website of the Anti-Corruption Policy of the Government of the Kyrgyz Republic.
- 3.2 Develop and launch educational media projects to increase public awareness in the combating corruption through media and Internet, as well as make social videos on combating corruption and broadcast them.

Activity 4: Determining the level of corruption in various government agencies.

- 4.1 Develop draft Regulations for the assessment of corruption level and economic effectiveness of the fight against corruption in the state bodies.
- 4.2 Conduct a pilot assessment of the corruption level and the cost-effectiveness of the fight against corruption in the separate government bodies and local authorities (LAs).

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic's action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

End Date: 31 August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
7. Overall		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment aims to involve civil society in the fight against corruption in the public sector, as it remains a significant challenge to the development of the country.¹ In the Kyrgyz Republic, corruption is entrenched in all clusters of the economy and at all levels of state institutions, and manifests itself in a variety of forms, ranging from petty to political corruption.² According to Transparency International's 2018 Corruption Perceptions Index, the Kyrgyz Republic ranks 132 out of 180 countries assessed with a score of 29 out of 100.³ According to the World Bank's 2017 Worldwide Governance Indicators (WGI), the Kyrgyz Republic scored 12.98 out of 100 on control of corruption and 17.31 out of 100 on rule of law.⁴

As such, the commitment seeks to strengthen the government's efforts to fight corruption through the involvement of civil society representatives in anti-corruption activities. The commitment is relevant to OGP values of access to information and civic participation, because, if implemented as written, the government will resume the work of the currently defunct Anti-Corruption Council, with civil society participation, and will also disclose reports on the progress of anti-corruption measures.

In recent years, the Kyrgyz Republic actively developed and implemented anti-corruption policies, and the government had already made efforts to involve civil society in the fight against corruption prior to the introduction of this commitment.⁵ For instance, the government encouraged the work of public councils in developing and monitoring the implementation of anti-corruption policies and measures at respective state institutions and by creating the Anti-Corruption Council under the Government of the Kyrgyz Republic in 2015.⁶ However, the public councils were criticized for being ineffective in tackling corruption at state bodies,⁷ whilst the Anti-Corruption Council held only two sessions and was criticized for lobbying individual interests, rather than addressing systemic issues of corruption.⁸

Accordingly, to what extent a reactivated Anti-Corruption Council under the Government of the Kyrgyz Republic will differ from the past remains an open question. Key stakeholders anticipate that the Anti-Corruption Council will work differently, mostly because regulations on the Anti-Corruption Council will be more specific and focused on strengthening the role of civil society in anti-corruption activities.⁹ Yet, who will develop those regulations and how selection to the new Anti-Corruption Council will be administered remains unclear. At this stage, it is also unclear what powers the Anti-Corruption Council will really have, what resources will be allocated to support its activities, whether its reports will feed into investigations, and whether the council in practice will be fully independent from the government.

In addition, the current framing of the activities and results also complicates objective assessment of the commitment's real impact. For instance, Activity 3.1 notes that the commitment will expand the list of available information on the official website of the Anti-Corruption Policy of the Government of the Kyrgyz Republic without specifying what data will be added and how detailed it will be.

There is also a lack of detail about the pilot assessment of corruption levels and the cost-effectiveness of the fight against corruption in government bodies. The latter point needs particular deliberation, as it is unclear how the cost-effectiveness of the fight against corruption will be assessed. Thus, if fully implemented as written, the commitment stands to have minor potential impact on efforts to combat corruption in the country.

Next steps

Since this commitment's key aim is to involve the civil society and the public in monitoring and evaluating anti-corruption activities, it is paramount for the commitment to have clear mechanisms and selection procedures for inclusive representation. Otherwise, there is a risk that the resurrected Anti-Corruption Council will face same fate as its predecessor.

The commitment could also provide more details on the full scope of its activities, including on the pilot assessment of corruption levels in government bodies. It is also important to be clearer on how civil society will be involved in such exercises. Furthermore, it remains unclear what cost-effectiveness of the fight against corruption is or how the commitment seeks to calculate the same.

¹ “Corruption Perceptions Index”, Transparency International, <https://www.transparency.org/cpi2018>.

² “Home”, Worldwide Governance Indicators”, <http://info.worldbank.org/governance/wgi/#reports>.

³ “Anti-Corruption Reforms in Kyrgyzstan: Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan”, Organisation for Economic Co-operation and Development, 2018, p. 17, <https://www.oecd.org/corruption/acn/OECD-ACN-Armenia-4th-Round-Monitoring-Report-July-2018-ENG.pdf>.

⁴ Ibid., p. 16.

⁵ Ibid., p. 17.

⁶ Ermek Nurbekov, Department of Defense, Law Enforcement, and Emergency Situations of the Office of the Government of the Kyrgyz Republic, interview by IRM researcher, 3 May 2019.

⁷ Ibid.

⁸ Chingiz Beksultanov, Forum on Official Assistance on Development, interview by IRM researcher, 5 May 2019.

⁹ Ibid.

8. Increase budget transparency

Language of the commitment as it appears in the action plan:

As part of this commitment, it is planned to develop a module on the Open Budget portal of the Ministry of Finance for collection and publication of the government budget reporting data and online mechanism for consultation and feedback from the interested parties, ensuring the open access to government responses to the citizens' budget proposals and inquiries.

Milestones:

Activity I: Raising level of awareness and involving citizens in the process of forming and executing the state budget.

1. Provide public access to detailed reporting data on the execution of the national budget.
2. Ensure the involvement of citizens in the process of formulation and execution of the national budget.
3. Prepare and publish a draft national budget, using an online mechanism for consultation and feedback from all interested parties, and report with proposals and requests of citizens.

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic's action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

End Date: 31 August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
8. Overall		✓	✓	✓		✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment seeks to improve budget transparency through the provision of more complete budget information to the public and the introduction of mechanisms that will engage the public in budget development processes. In particular, the proposed commitment aims at raising civic awareness of, and civic participation in, the processes of formation and implementation of the state budget through the creation of online modules on the website of the Ministry of Finance that facilitate both information disclosure as well as feedback and redress.

The language of the commitment generally describes activities that are objectively verifiable but includes some deliverables that need to be unpacked further to be considered clearly measurable. For instance, it is unclear what new budget information will be available to the public, how the involvement of citizens in the processes of budget development and implementation will be enacted, or how the feedback and redress mechanisms will work.

The commitment, as written, is relevant to OGP values of access to information, civic participation, and technology and innovation for transparency and accountability. However, according to civil society, the commitment included in the action plan differs from the draft commitment initially agreed upon by both government and civil society stakeholders. A civil society representative confirmed that the commitment was trimmed down by the Kyrgyz OGP Secretariat and was then included in the final action plan, without prior discussion regarding the changes made with civil

society stakeholders.¹ The initial outputs of the commitment were tied to the International Budget Partnerships' Open Budget Index indicators and methodology, which are absent in the approved final version.

Despite this, the potential impact of the commitment, if fully implemented as written, can be still assessed as moderate, particularly in the context of increasing access to budget information. As the Open Budget Index exposed, at the time commitment was designed, while the legislature and supreme audit institution in the Kyrgyz Republic ensure adequate oversight of the budget, there are few opportunities for civil society to engage in the budget processes with limited budget information provided to the public.² According to the International Budget Partnerships' Open Budget Index rating for 2017, the Kyrgyz Republic scored 55 out of 100.³ In particular, the Kyrgyz Republic scored 55 out of 100 on transparency, 31 out of 100 on public participation, and 74 out of 100 on budget oversight.

Next steps

This commitment could have provided more explicit indication as to what information and data sets on budget implementation will be made available to the public upon the development of respective modules on the open budget portal. The commitment could have also been more explicit in explaining how the public will be involved in the processes of formulation and execution of budget. The commitment refers to an online mechanism to be developed for consultations and feedback from interested parties. However, there is no information as to how the mechanism will work and how meaningful input from interested members of the public could feed into the government's decision-making processes. It also remains unclear whether civil society will be involved in the processes of developing modules on collection and publication of data sets on budget implementation and on feedback collection. All this could be made clear during implementation of the commitment or through a follow-up commitment in the next action plan.

Additionally, noting that the commitment was trimmed down by the Kyrgyz OGP Secretariat without consultations with the commitment's civil society stakeholders, all omissions could be revisited for inclusion in a follow-up commitment in the next action plan.

¹ "Rankings", International Budget Partnership, <https://www.internationalbudget.org/open-budget-survey/open-budget-index-rankings/>.

² "Making Development Co-Operation More Effective: 2014 Progress Report", Organisation for Economic Co-operation and Development & United Nations Development Programme, 2014, p. 102, https://read.oecd-ilibrary.org/development/making-development-co-operation-more-effective_9789264209305-en.

³ For instance, see Development Gateway, <https://www.developmentgateway.org/blog/what-aid-management-program>.

9. Creating multilateral platform for managing external assistance

Language of the commitment as it appears in the action plan:

The Ministry of Finance along with the Ministry of Economy and civil society will develop detailed regulations for project planning and implementation to increase involvement of all stakeholders through creation of the multilateral dialogue platforms at different levels. Also, by improving the existing Aid Management Platform web portal, it is planned to provide public access to project documents and reports thus creating conditions for strengthening public monitoring of development projects' effectiveness.

Milestones:

Activity 1: Building an effective external aid management system (AMP).

1. Organize a system for collecting information about all external assistance to the state and municipal authorities in a single information AMP base
2. Introduce public monitoring of external assistance projects.

Activity 2: Building an effective system of the public involvement in the planning and implementation of projects, implemented by external funding.

- 2.1 Dialogue platforms on external assistance at the national, sectoral levels, as well as the level of administrative-territorial entities, are established.
- 2.2 Introduce conducting regular reviews of the external assistance projects and programs with public participation.

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic's action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

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Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
9. Overall		✓	✓	✓		✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment proposes to create a multilateral platform for managing external assistance to the Kyrgyz Republic. The commitment aims to achieve that by engaging the public in multilateral platforms at the national, sectoral, and administrative-territorial levels and through the improvement of the existing Aid Management Platform portal, the functionality of which is currently limited. The rationale of the commitment is that there is a lack of information available to the public on projects funded by international donors. The theory of change of the commitment is that the involvement of the public in planning and monitoring of external assistance through multilateral platforms will improve the effectiveness and transparency of aid to the country.

Creation of online systems for collecting and sharing data on external assistance is gaining popularity in many parts of the world,¹ including in the Kyrgyz Republic. The goal of such systems is to help governments have a more complete picture of aid flows and align them with their short-and-long-term development plans.² The Kyrgyz Republic has already made efforts in this direction by creating

its own Aid Management Platform.³ Hosted by the Office of the Prime Minister in coordination with the Ministry of Finance, this portal tracks foreign development assistance to the country and provides information regarding on-budget Public Investment Programs and development partners' off-budget financing of public development projects.⁴

However, the Aid Management Platform portal in its current form needs to be populated with data and developed further.⁵ Accordingly, the commitment will see the Ministry of Finance to disclosing information on planning and implementation of all projects financed from external sources, including information on allocated and used resources by project, recipient, type of assistance, and source of financing.

In addition to uploading information on the portal, the commitment also proposes to create dialogue platforms at different levels with the involvement of civil society and members of the parliament.⁶ Existing dialogue platforms frequently do not include such actors in such discussions and, as a result, the government often seeks external aid for projects that are not of high priority for the public.⁷ The disclosure of data on external assistance and the involvement of the broader public in these processes could help harmonize external aid with the people's real needs and priorities.⁸

The commitment is relevant to OGP values of access to information, civic participation, and technology and innovation for transparency and accountability. Nonetheless, while the language of the commitment describes activities that are objectively verifiable, it includes some deliverables which need to be unpacked further to be considered clearly measurable. For example, it remains unclear how multilateral dialogue platforms at different levels will be organized and how the selection to the working groups that will review external assistance projects will be conducted.

The commitment also does not propose to provide details on the main types and sizes of aid flows, or how it aims to improve the transparency of aid agreements. The scope for monitoring is unclear as well. There are also risks that multilateral dialogues at the sectoral and administrative-territorial levels will become a paper exercise or will not be enforced at all. Thus, if fully implemented as written, this commitment stands to have minor potential impact on the effectiveness and transparency of aid in the country.

Next steps

In follow up to this commitment, it will be helpful to specify how multilateral dialogue platforms at different levels will be organized. In particular, mechanisms and selection procedures for inclusive representation could be clearly specified and procedures pertaining to how the public will be involved in public monitoring or review of external assistance programs could also be introduced.

Given the risk that multilateral dialogues at the sectoral and administrative-territorial levels can become a formality or not enforced at all, the introduction of mitigatory measures can strengthen the potential impact of such efforts. This may include, for instance, clearly stating which stakeholders would be involved at each level of the multilateral dialogues, as well as outlining the scope of the dialogues and how it would feed into decision-making.

¹ "Aid Management", Development Partners' Coordination Council, <http://www.donors.kg/en/rs/aid-harmonization>.

² "Aid Management", Development Partners' Coordination Council, <http://www.donors.kg/en/rs/aid-harmonization>.

³ "Aid Management", Development Partners' Coordination Council, <http://www.donors.kg/en/rs/aid-harmonization>.

⁴ Chingiz Beksultanov, Forum on Official Assistance on Development, interview by IRM researcher, 5 May 2019.

⁵ Ibid.

⁶ Ibid.

⁷ "Kyrgyzstan to Deepen Its Public Procurement Reform through", Institute for Development of Freedom of Information & Open Society Foundation, 2018, <https://www.tpp-rating.org/page/eng/publications/20>.

⁸ "Country Results: Kyrgyzstan", IDFI, <https://www.tpp-rating.org/page/eng/country/kyrgyzstan>.

10. Increasing public procurement transparency

Language of the commitment as it appears in the action plan:

Changes will be introduced to the legislation in the field of public procurement to expand and clarify the list of data subject to mandatory publication in the open format, taking into account the best international practices. The public procurement web portal will also be improved to make it possible for disclosure of full text of contracts and information on contract terms performance. This will also facilitate audit and public monitoring of public procurement, including filing complaints to the Independent Complaints Body.

Milestones:

Activity 1: Improving the legal framework in public procurement.

1. Make changes to the current legislation in the field of public procurement in order to align with the requirements of the Treaty on EAEU, the Agreement on public procurement of the WTO and other international standards

Activity 2: Increasing the transparency of the electronic state procurement system.

1. Develop a module for the electronic forming, registration and execution of procurement contracts.
2. Develop a template of the request card for generating non-standard reports.
3. Develop modules on two-stage bidding, project procurement by international organizations, framework agreement, and procurement of consulting services.
4. Develop Feedback module and establish the call center.
5. Develop and implement software tools for data processing in accordance with international standards for open data.
6. Provide posted information on the web portal in Kyrgyz, Russian and English.
7. Develop a public procurement audit subsystem.
8. Implement the API (application programming interface) in the public procurement web portal.

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic's action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

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Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
10. Overall		✓	✓			✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment seeks to improve the efficiency of the public procurement sector and reduce corruption risks in the sector through a series of amendments to existing legislation and enhancement of the public procurement portal. In recent years, significant steps have been taken to reform the public procurement system, such as the adoption of the new Law on Public Procurement, based on international best practices, and the launch of an electronic public

procurement portal (www.zakupki.gov.kg).¹ These developments led the Kyrgyz Republic to score 65.9 out of 100 in the Transparent Public Procurement Rating.²

Nonetheless, despite such improvements, public procurement reform still faces a number of challenges, including operational shortcomings of the procurement portal. As the Institute for Development of Freedom of Information (IDFI) identified, the Law on Public Procurement cannot be fully implemented because the public procurement portal misses important modules such as consulting services, two-stage bidding, framework agreement, and handling complaints, in addition to insufficient server capacity and the lack of feedback options.³ The portal also has to be integrated with the electronic information systems of other state agencies. This commitment, through the milestones under Activity 2, aims to address all of these deficiencies in addition to establishing an audit subsystem to enhance the integrity of the system. Furthermore, the amendment of public procurement legislation as described under Activity 1 could facilitate and ensure the sustainability of these changes in the procurement system.

In particular, the commitment will introduce modules for the electronic formation, registration and execution of procurement contracts, two-stage bidding, project procurement by international organizations, framework agreements, procurement of consulting services, feedback, a template of the request card for generating nonstandard reports, a public procurement audit subsystem, and software solutions for data processing.⁴ The commitment will also introduce an application programming interface to the public procurement portal in order to enable greater data sharing and pave the way for efficiency and cost savings.⁵

The amended public procurement legislation will importantly identify key data sets to be disclosed in a machine-readable form, which include the full text of procurement contracts, amendments to procurement contracts, reports on contracts' execution, and introduce the requirement to store procurement data for at least 10 years.

If fully implemented as written, this commitment stands to have moderate potential impact on the efficiency and transparency of the existing public procurement system. Through the introduction of feedback and two-stage bidding modules, for instance, or the implementation of a data processing software and application programming interface compliant with international standards, this commitment may lead to a major improvement in the status quo of government tender and contracting practices. In addition, since nearly 20 percent of the country's public expenditures⁶ are channeled through the public procurement system, the fulfilment of the commitment would be a notable step forward in the government's broader attempts to reform the public sector. The commitment language provides clear, verifiable activities and measurable deliverables for the achievement of the commitment's objective, and is relevant to OGP values of access to information and technology and innovation for transparency and accountability. Despite the potential for major improvements in the procurement process itself, the commitment remains limited in scope in that it, importantly, does not outline mechanisms for citizens to be involved in the public procurement process, and thus engenders space for skepticism.

Next steps

If this commitment is carried forward into future action plans, stakeholders could consider outlining clear mechanisms for citizens and civil society to be involved in processes around amending legislation on public procurement, or in increasing transparency of the procurement system. This may include opportunities for civil society to safeguard the integrity of the system through independent monitoring and evaluation. In the absence of such oversight, it may be difficult for civil society to buy into the proposed solutions.⁷

¹ Ibid.

² Chingiz Beksultanov, Forum on Official Assistance on Development, interview by IRM researcher, 4 May 2019.

³ Ibid.

⁴ For instance, see "On the Path to Transparent and Efficient Public Procurement in the Kyrgyz Republic", The World Bank, 17 June 2015, <https://www.worldbank.org/en/results/2015/06/17/on-the-path-to-transparent-and-efficient-public-procurement-in-the-kyrgyz-republic>.

⁵ Ibid.

⁶ “Open Budget Survey 2019: Kyrgyz Republic”, Open Budget Survey, <https://www.internationalbudget.org/open-budget-survey/country-results/2019/kyrgyz-republic>.

⁷ Chingiz Beksultanov, Forum on Official Assistance on Development, interview by IRM researcher, 5 May 2019.

11. Ensuring budget transparency of the local budgets and consideration the interests of local communities in the budget process

Language of the commitment as it appears in the action plan:

Tools for civil participation and mechanism for taking into account interests of local communities in budget process will be introduced by improving the system of public hearings and providing more complete information via the Local Budget information system to citizens.

Milestones:

Activity 1: Building a transparent budget process at the local level.

1. By the Government Resolution to develop and endorse: a) compilation methodology of the civil budget for local budgets; b) methodology for conducting the state and local budgets public hearings; c) methodology for assessing the municipal index of budget transparency; and d) make other necessary changes to the legislation of the Kyrgyz Republic ensuring the participation of civil society in the LAs budget process.
2. Conduct a public information campaign among local communities and local authorities to disseminate methods of civic participation in the budget process at the local level.
3. Develop terms of reference for the revision and launch of the Local Budget Information System (LBIS) (considering existing and planned information systems used by MoF), procure the necessary equipment and implement the system at a pilot level.
4. Develop and implement negotiation regulations between the local communities represented by LAs and the state on interbudgetary relations and the allocation of public finances for regional development and local issues (by developing and adopting an appropriate RLA, training participants and conducting a pilot cycle coordination).

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic's action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

End Date: 31 August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
11. Overall		✓	✓	✓		✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment aims at institutionalizing budget transparency of local self-governing bodies. Although the Kyrgyz Republic received a composite score of 55 out of 100 on budget transparency in the Open Budget Index rating for 2017,¹ budget processes at the local level are still far from being fully transparent. The Law on Local Self-Government stipulates that public authorities should hold consultations and discussions with local governments, their associations, and the unions of local communities when preparing and making decisions on issues directly affecting the interests of local communities. However, in practice, such consultations rarely take place, since there are no working mechanisms on how to involve the public in budget processes at the local level, and the amount and quality of disclosed information are limited.² Accordingly, this commitment seeks to ensure better

budget transparency and strengthen the work of local self-government institutions through the introduction of tools and mechanisms for civic participation. In particular, the commitment aims to improve the system of public hearings and disclose more information through the Local Budget Information System.

The commitment is relevant to the OGP values on access to information, civic participation, and technology and innovation for transparency and accountability. The commitment text assumes that public participation will increase due to the presentation of local budgets in more accessible forms and through the introduction of new regulations, but it does not go on to specify the actual mechanisms for such participation. However, it does suggest that a methodology for conducting the state and local budgets public hearings will be introduced, and that there will be “other necessary changes” to the existing legislation to guarantee civic participation. Based on such a framing, it is difficult to make an assessment on whether the proposed interventions will open up decision-making processes to all interested members of the public.

The language of the commitment describes activities that are objectively verifiable, but includes some deliverables that need to be unpacked further to be considered clearly measurable. For instance, the commitment does not specify which new regulations aligned with the interests of local communities will be introduced, how the data on local budgets will be repacked to become more simplified for the public, or how the Local Budget Information System will be developed and piloted. It also remains unclear how, if at all, the public will be involved in any of the commitment’s activities.

A more general concern is whether the commitment, if implemented as written, can actually improve public discussions of local budgets and the transparency and usability of budget data to ultimately improve public service delivery. Accordingly, since the full scope of the commitment is unclear, as written, the potential impact of this commitment is minor.

Next steps

This commitment may benefit from stakeholder defining more specifically what the new method to conduct the state and local budgets public hearings will be, and how it will create a broader enabling environment for civic participation. If this commitment is carried forward into future action plans, stakeholders could aim to elaborate what “other necessary changes” to the existing legislation will be introduced to guarantee civic participation.

In implementing the commitment, the IRM recommends being explicit in explaining how the presentation of local budgets in more accessible forms will be achieved. This may also involve indicating exactly how the Local Budget Information System will be developed and piloted, as well as whether the public will be involved in developing the proposed methodologies, terms of references, and regulations.

¹ “Kyrgyzstan”, Global Right to Information Rating, <https://www.rti-rating.org/country-detail/?country=Kyrgyzstan>.

² Ibid.

12. Improving access to information of state and municipal authorities

Language of the commitment as it appears in the action plan:

As part of this commitment, it is planned to reform the legislation on access to information and develop clear criteria for classifying information as confidential or limited access, in accordance with the international standards. It is also planned to introduce a monitoring mechanism for fulfillment of the legislation requirements by the state bodies in the field of access to information, in terms of disclosing information maintained by the state bodies and local governments. Based on monitoring results, transparency rating of state and municipal authorities will be formed.

Milestones:

Activity 1: Improving access of state and municipal authorities to information.

1. Develop draft RLAs in accordance with international standards and world practice in the field of state and municipal authorities' access to information.
2. Hold a broad public discussion of draft RLA to get recommendations and proposals from the civil society.
3. Submit RLAs to the Jogorku Kenesh (Parliament of the Kyrgyz Republic) for consideration.

Activity 2: Introduction of assessment system and compilation of transparency rating of government agencies and local authorities.

- 2.1 Develop evaluating methodology of access to information held by state and local authorities, based on international best practices.
- 2.2 To conduct pilot monitoring of the official websites of state bodies and local authorities about the access and content provided and to get transparency rating of state bodies and local authorities based on the results of the pilot monitoring.

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic's action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

End Date: 31 August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
12. Overall		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment seeks to improve access to information held by state and municipal authorities. The rationale of the commitment is that the existing Law on Access to Information does not comprehensively specify what information can or should be disclosed to the public. As a result, the commitment text notes, government entities are at their liberty to cherry-pick data to disclose resulting in inadequate or incomplete information disclosure. Stakeholders expect that the refinement of the existing legislation will address this issue. The commitment also aims at further

improving transparency of government entities through the introduction of a transparency rating available to the public.

According to the recent Global Right to Information (RTI) Rating report, the Kyrgyz Republic is performing relatively well in terms of strength of legal frameworks of right to information with a score of 101 out of 150.¹ As the report noted, the Kyrgyz Republic's Law on Access to Information Held by State Bodies and Local Self-Government Bodies "is a relatively strong law in a region where the right to access information is generally undeveloped."² It is important to underline though that the RTI Rating evaluates the legislation on access to information based on 61 indicators within 7 different categories, which do not include measurement of how the law is implemented. In terms of the existing policy and legal frameworks, the 2015 Open Data Readiness Assessment marks the Kyrgyz Republic as a regional example of good practice for open data in the categories that are already available, with no "showstoppers" at that level.³

Accordingly, although the language of the commitment provides clear, verifiable activities and measurable deliverables, the potential impact of the commitment—if implemented as written—can be assessed as minor. Specifically, it remains unclear how the refinement of the already strong legislation will open up the government, as most concerns are related to the quality of implementation rather than the quality of legal documents.⁴ It is also unclear how the monitoring mechanism will be set up to track the progress of state entities in data disclosure, or how the proposed transparency rating will actually improve the transparency of state and municipal authorities. In general, however, the commitment may be considered an incremental step toward raising wider awareness across the state and municipal authorities on the importance of disclosing government-held information in open data format.

The commitment is relevant to OGP values of access to information and civic participation through public consultations on the draft regulatory legal acts to provide access to the information.

Next steps

If this commitment is carried forward into future action plans, stakeholders are encouraged to formulate and outline more specific and measurable milestones. This may include, for instance, specifying proposed changes to the existing legislation and clarifying how these changes will open up government, or how the monitoring mechanism will be set up and operated to track the progress of data disclosure by state entities.

This commitment is complementary to the commitments on the implementation and promotion of the open data policy and on the calculation of public assurance rate in local authorities. Stakeholders may explore opportunities for synergy in commitment implementation.

¹ "Open Data Readiness Assessment: The Kyrgyz Republic", The World Bank, Ministry of Economy of the Kyrgyz Republic & United Nations Development Programme, 2015, https://www.kg.undp.org/content/kyrgyzstan/en/home/library/democratic_governance/odra.html.

² "Kyrgyzstan", Global Right to Information Rating, <https://www.rti-rating.org/country-detail/?country=Kyrgyzstan>.

³ Bakytbek Satybekov, Alliance on Civic Initiatives Promotion, interview by IRM researcher, 5 May 2019; Chingiz Beksultanov, Forum on Official Assistance on Development, interview by IRM researcher, 5 May 2019.

⁴ Ibid.

13. Calculation of rate of public assurance in local authorities

Language of the commitment as it appears in the action plan:

Changes to the regulation on calculation of the population confidence index will be developed and approved, and pilot calculation of the population confidence index for local governments will be carried out in all regions of the country.

Milestones:

Activity 1: Calculation of rate of public assurance in local authorities.

1. Develop and approve a new version of the Regulations on the public assurance index in the state executive and local authorities.
2. Conduct a pilot calculation of the public assurance index.

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic's action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

End Date: 31 August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
13. Overall		✓	Unclear				✓				Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment proposes to develop and introduce a new version of the Regulation on the Population Confidence Index for the Activities of State Bodies and Local Self-Government Bodies of the Kyrgyz Republic, which will be subsequently followed by a pilot calculation. The theory of change of the commitment is that the public will have more opportunities to impact activities of local authorities once changes to the existing methodology of calculating the index of public confidence in national and local authorities are introduced.

Although the commitment may eventually lead to increased civic participation, the commitment in itself is of unclear relevance to OGP values. Commitments that are relevant to civic participation open up decision-making processes to all interested members of the public and should seek to involve the public, usually in a formal way. This commitment does not introduce such mechanisms and assumes that civic participation will enhance due to changes to the methodology of calculating the index of public confidence.

There is also a lack of clarity in terms of the lead implementing institutions and stakeholders under this commitment. The commitment text identifies the National Institute for Strategic Studies of the Kyrgyz Republic as the lead implementing agency, but it identifies the Chairman of the National Statistical Committee of the Kyrgyz Republic as the key responsible person. This particular stakeholder is also incorrectly described as the Chairman of the National Institute for Strategic Studies of the Kyrgyz Republic.

The commitment could have been broadly considered relevant to the OGP value of access to information, if the commitment specifies that the index of public confidence, once calculated

according to the new methodology, will be released to the public. However, the disclosure of findings is not identified among the expected results of the commitment.

As it is unclear how the commitment will open up decision-making processes if fully implemented as written, the commitment is unlikely to have any impact on citizen capacity to influence the activities of local authorities through the amendment of regulations on the public assurance index. Besides, the veracity of the index can be higher, if the index is calculated by independent nongovernmental actors.

Next steps

As this commitment is of unclear relevance to OGP values and unlikely to yield positive potential impact, the IRM does not recommend that it is carried forward into future action plans in its current form.

14. Disclosure of information about state and municipal property

Language of the commitment as it appears in the action plan:

The inter-agency automated information system portal “The Unified Registry of State Property of the Kyrgyz Republic” will be launched, including data on municipal assets with information on assets of the state and municipal authorities for citizens and entrepreneurs, as well as electronic marketplace for auctions for sale and lease of the state property.

Milestones:

Activity 1: Disclosure of state and municipal property.

1. Publish a register of state and municipal property with disclosing the main characteristics (type of asset, address (of land and real estate), etc.).
2. Publish a register of state and municipal enterprises disclosing information on their noncurrent assets (fixed assets).

Activity 2: Introduction of electronic trading with state property.

- 2.1 Develop and implement an electronic trading platform of electronic auctions for the sale and lease of state and municipal property.
- 2.2 Finalize and approve the Regulations on holding auctions of lease municipal property in electronic format.
- 2.3 Introduce changes to the Law of the Kyrgyz Republic “On Municipal Property Ownership” and finalize the Regulation on conducting auctions on municipal property privatization in electronic format.
- 2.4 Pilot electronic bidding for the lease and privatization of municipal property.
- 2.5 Disseminate information to public about the electronic bidding portal for municipal property.
- 2.6 To organize the training in electronic trading for LAs specialists in.

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic’s action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

End Date: 31 August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
14. Overall		✓	✓			✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment seeks to improve transparency and efficiency of state and municipal property management by providing public access to data on state and municipal property and by introducing an electronic auction mechanism for the lease and sale of such a property. These objectives will be reached through the launch of the Unified Registry of State Property of the Kyrgyz Republic, the interagency automated information system portal. As of now, the information on state and municipal property is available to the public in a consolidated form only (i.e., aggregated without detailed breakdowns). Accordingly, since detailed information is not available to the public, the procedures

for the lease and privatization of state and municipal property are nontransparent and imply significant corruption risks.¹

Thus, the proposed commitment will require the Fund for State Property Management of the Kyrgyz Republic to publish a full register of state and municipal property, including the main characteristics of the property and the noncurrent (fixed) assets of state and municipal enterprises. The commitment will also introduce changes to the legislation to make auctions in electronic format for the lease and privatization of municipal property mandatory. The commitment appears to be easily attainable, because there are no technical difficulties in its implementation, and the Unified Registry of State Property has been already developed and piloted.²

In terms of relevance to OGP values, this commitment is relevant to access to information and technology and innovation for transparency and accountability. The language of the commitment describes activities that are objectively verifiable, but includes deliverables that need to be explained in more detail to be clearly measurable. For instance, the expected results of “raising awareness of citizens and entrepreneurs about composition and amount of state and municipal property” and “raising the level of awareness of citizens and entrepreneurs about the composition and amount of property of state and municipal enterprises” are vague and could be more specific on what constitutes “raising awareness” in the context of the commitment’s design. Additionally, how change in awareness will be assessed remains unclear.

If fully implemented as written, this commitment stands to have minor potential impact on improving the transparency and efficiency of state and municipal property management. As the registry has already been developed, the remaining activities represent incremental improvements to the system that will help increase public access to information around state and municipal properties. The lack of clarity around some activities and milestones also inhibits an assessment of the full scope of the commitment and thus its potential impact on the policy problem.

In addition, the potential impact of this commitment depends not only on the transparency of electronic auctions process, but also on the overall strategy of the government—central and local—to manage public ownership, leased properties, and privatization (e.g., with a view to development of commercial space, use of parks and recreational spaces, housing policy, etc.). The integration of transparency in public property ownership and management with policies on land use, urban regeneration, rural protection, etc. would provide a framework in which property management would be relevant, rather than just seeing it through the prism of transparency and corruption.

Next steps

This commitment could be included in the next action plan, since its fulfilment is essential to the implementation and promotion of open data policy in the country. Deliverables 1.1, 1.2, and 2.1 should be revisited from the perspective of verifiability, as it is unclear how the change in awareness and transparency will be measured. Furthermore, the IRM also recommends that stakeholders explore how civil society can be involved in the commitment’s activities. Civil society may play a role, for example, in developing and testing the trading platform for electronic auctions.

¹ Erkingul Ubysheva, Civic Participation Fund, interview by IRM researcher, 10 May 2019.

² Bakytbek Satybekov, Alliance on Civic Initiatives Promotion, interview by IRM researcher, 5 May 2019.

15. Involving civil society in the risks assessment of terrorist activities in non-profit sector

Language of the commitment as it appears in the action plan:

Involving representatives of civil society in the process of development methodological approaches to assess the risks of financing terrorist activities in the NGO sector and raising awareness of NGOs in matters of countering the financing of terrorist activities.

Milestones:

Activity 1: Methodological approaches to assess the risks of financing terrorist activities (hereinafter - FT) in NPO sector have been introduced.

1. Create a working group consisting of specialists of the competent state bodies, NPO representatives and SFIS Public Council members for the development of a methodology for FT risks assessment in NPO sector.
2. Develop methodology of FT risks assessment in NPO sector.
3. Endorse Regulations on FT risks assessment in NPO sector, procedure for discussing the assessment results, publishing results of this assessment.

Activity 2: Conduct joint risks assessment of FT in NPO sector and joint action planning.

- 2.1 Create a working group consisting of the competent state bodies, NPO representatives and members of the SFIS Public Council to conduct FT risks assessment in NPO sector.
- 2.2 Assess FT risks in NPO sector.
- 2.3 Present FT risks assessment report and publish results.

Activity 3: Increase NPO awareness on countering FT.

- 3.1 Develop an information and training program in 2 languages (Russian and Kyrgyz).
- 3.2 Posting countering FT materials on the SFIS website.
- 3.3 To hold at least 7 informational events (round tables, seminars) on countering FT in NPO sector.

Activity 4: Development preventive measures against FT risks.

- 4.1 Develop and endorse action plan to address and reduce the identified FT risks in NPO sector.

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic's action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

End Date: 31 August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
15. Overall		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment proposes to engage civil society in the processes of assessing the risks of financing terrorist activities in the nonprofit (NPO) sector. In particular, the commitment seeks to introduce methodological approaches that will help identify nongovernmental organizations (NGOs) at a high

risk of financing terrorist activities, in order to adopt targeted measures against such entities, without imposing broader constraints on the whole nonprofit sector.

To address terrorist financing vulnerabilities, the commitment seeks to involve civil society in developing methodology that will include analyses of existing documents and best practices on combating the abuse of nonprofit organizations in the sphere of terrorist financing, along with discussions and development of the draft of the regulation on such threats. A joint risk assessment of such threats will also be conducted with the involvement of relevant parties, which will be followed by an awareness-raising campaign and the development of an action plan on risk mitigation. Participation in related working groups will not be limited, and all interested and qualified parties will be invited to join the groups.¹

At the time the commitment was designed, the assessment of the risks of financing terrorist activities within the nonprofit sector is being conducted by the State Financial Intelligence Service under the Government of the Kyrgyz Republic in a closed manner.² In this regard, the proposed involvement of civil society in the risk assessment processes is promising. As the Financial Action Task Force advises (see Recommendation 8), establishing co-operative relations with the public, private, and nonprofit sector is paramount to fostering capabilities to fight terrorist abuse in the nonprofit sector.³ Moreover, since a “one size fits all” approach is inappropriate for all NGOs, measures to fight terrorist activities should not disrupt legitimate activities.⁴ In addition, there is no publicly-available data on the impact and magnitude of risks of terrorist financing through NGOs in the Kyrgyz Republic.⁵

Thus, this commitment will not only help establish the baseline for the risks of terrorist financing within the sector, but the commitment will also help protect law-abiding nongovernmental organizations from unnecessary pressures from the government through the introduction of risk-based methodological approaches.⁶ The Kyrgyz Republic will also be the first country from the Commonwealth of Independent States to introduce such an approach to assess risks of terrorist financing within the sector, as advised by the Financial Action Task Force.⁷

The language of the commitment is clear, activities are verifiable, and deliverables are measurable. The commitment itself is relevant to OGP values of access to information and civic participation, as it proposes to release information on how to counter the financing of terrorist activities, and it also creates clear opportunities for public participation in the related work of the State Financial Intelligence Service.

If fully implemented as written, this commitment stands to have moderate potential impact on combatting terrorist financing activities in the NPO sector. The commitment is centered around unique efforts to involve citizens and civil society in the development and implementation of a risk assessment methodology and to increase awareness on how to counter terrorist financing in the NPO sector. In doing so, it aspires to open up the State Financial Intelligence Service under the Government of the Kyrgyz Republic and to change the way it engages with the public. While all this will establish a strong foundation for meaningful results, the actual impact of the commitment’s activities on terrorist financing is contingent on stakeholders effectively implementing the proposed action plan.

Next steps

If this commitment is carried forward into future action plans, stakeholders could aim to strengthen the focus of activities on achieving greater impact, in line with OGP values. This could be done by outlining stronger mechanisms for citizen participation in related decision-making processes, including through the introduction of avenues for the public to request and receive feedback on the sources and direction of NGO financing, while ensuring that civic space is not compromised in doing so.

¹ “Best Practices Paper on Combating the Abuse of Non-Profit Organisations (Recommendation 8)”, Financial Action Task Force, 2015, <http://www.fatf-gafi.org/media/fatf/documents/reports/BPP-combating-abuse-non-profit-organisations.pdf>.

² “Best Practices Paper on Combating the Abuse of Non-Profit Organisations (Recommendation 8)”, Financial Action Task Force, 2015, <http://www.fatf-gafi.org/media/fatf/documents/reports/BPP-combating-abuse-non-profit-organisations.pdf> .

³ Bakytbek Satybekov, Alliance on Civic Initiatives Promotion, interview by IRM researcher, 5 May 2019.

⁴ Ibid.; Erkingul Ubysheva, Civic Participation Fund, interview by IRM researcher, 10 May 2019.

⁵ Erkingul Ubysheva, Civic Participation Fund, interview by IRM researcher, 10 May 2019.

⁶ “IGF Mining Policy Framework Assessment: Kyrgyzstan”, Intergovernmental Forum on Mining, Minerals, Metals, and Sustainable Development, 2018, <https://www.iisd.org/sites/default/files/publications/kyrgyzstan-mining-policy-framework-assessment-en.pdf>; “Local Content Development in Mining: Opportunities and Challenges in Kyrgyzstan”, German Development Cooperation, 2016, http://csr-ca.com/wp-content/uploads/2018/02/Local-Content-Development-in-Mining_Opportunities-and-Challenges-in-KR-1.pdf; “Guidebook for Conflict Management in Mining Industry of the Kyrgyz Republic”, Eurasia Foundation of Central Asia & Kalikova & Associates, 2017, https://www.securityhumanrightshub.org/sites/default/files/2020-04/investors_guidebook_english.pdf.

⁷ Altyнай Sydykova, EITI National Secretariat of the Kyrgyz Republic, interview by IRM researcher, 24 April 2019; Nazgul Kulova, Nedra Public Foundation, interview by IRM researcher, 29 April 2019.

16. Disclosure of related data in mining industry at the license level

Language of the commitment as it appears in the action plan:

Ensuring regular publication of the mining industry relevant data at the license level with necessary detailed explanations.

Milestones:

Activity I: Increased accountability of state bodies, local authorities and companies. Reduced conflict potential.

1. Create a working group on transparency in the mining industry consisting of representatives of civil sector, local authorities, businesses, government agencies and international organizations.
2. Conduct a detailed analysis of local people and LAs' needs in specific information about the mining industry, including international best practices, documents and data collected by government agencies and legislation.
3. Draw up data list of the mining industry to be published on SEP, the forms, methods and frequency of their publication.
4. Prepare list of RLAs changes, including requirements for data disclosure in the mining industry at the license level.
5. Initiate a draft law on data disclosure in the mining industry.

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic's action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

End Date: 31 August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
16. Overall		✓	✓				✓				Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment seeks to facilitate the disclosure of relevant data in the mining industry at the license level with detailed explanations. Notwithstanding numerous research on mining-related issues and a broad recognition of the need to disclose more information to promote transparency in the sector,¹ important data at the license level is still not being published regularly or in full.² As the Resource Governance Index for 2017 demonstrates, the Kyrgyz Republic, with a composite score of 51 out of 100, is still in the category of “weak states” with a mix of strong and weak results in resource governance.³

Over the past decade, the Kyrgyz Republic has witnessed numerous violent protests and conflicts in mining-affected localities. These protests were largely related to environmental, social, and employment concerns, and surfaced throughout different mining lifecycles. Accordingly, stakeholders anticipate that systematic publication and explanation of mining industry-related data will not only improve public access to information, but also contribute to lessening conflicts in mining-affected

areas, improve public oversight of the sector, and introduce evidence-based approaches to resolving mining-related disputes.⁴

According to a representative of the Extractive Industries Transparency Initiative (EITI), the commitment is in line with the values and principles of EITI, and there will be no major technical difficulties in implementing the commitment.⁵ The language of the commitment is clear, activities are verifiable, and deliverables are measurable. The commitment itself is relevant to the OGP value civic participation, as it aims to create a multi-stakeholder working group to initiate and establish an operating environment and legal framework to facilitate greater disclosure of data in the mining industry. The commitment does not, however, explicitly include an activity on the disclosure of new information and is thus not relevant to the OGP value of access to information.

The commitment proposes to create an inclusive working group that will conduct a detailed analysis of mining-related data needs at the local level. It remains unclear, however, how this group will be selected, and why there is a need for the creation of such a group, since there is already an EITI Supervisory Board comprised of representatives from government, private companies, and civil society.⁶ In an interview with the IRM researcher, a civil society representative noted that one of the arguments voiced for the creation of a new working group was related to a broader mandate of the group and a broader composition of the group, which will also include state agencies responsible for environment protection.⁷ Nonetheless, it still remains unclear to what extent the new working group will differ from the EITI Supervisory Board in terms of roles. The procedural questions of how civil society representatives are to be selected to the working group and the degree of inclusiveness, meritocracy, and transparency in the selection process also remained unclear.

If fully implemented as written, this commitment stands to have minor potential impact on the disclosure of data in the mining sector. By proposing to conduct a needs assessment and introducing related legislation, this commitment is a positive, incremental step towards greater transparency in the sector, and also stands to eventually contribute to the promotion of inclusive and evidence-based approaches to resolving mining-related disputes. However, the commitment itself only focuses on the identification of data sets to be disclosed and does not discuss the roadmap for the disclosure of those data sets. The commitment's role in changing the government's practice of withholding information has also not been specified to the full extent. In addition, the commitment briefly mentions the initiation of a bill on data disclosure in mining without providing any further details.

Next steps

If this commitment is carried forward into future action plans, stakeholders could aim to better elaborate on efforts to introduce a law on the comprehensive data disclosure in mining sector and, importantly, devise a clear roadmap for the actual disclosure of the identified data sets. The commitment would also benefit from greater clarity on the selection and composition of working groups and the role that citizens and civil society stand to play in ensuring transparency in the sector.

¹ "2017 Resource Governance Index: Kyrgyz Republic", Natural Resource Governance Institute, 2017, <https://resourcegovernanceindex.org/country-profiles/KGZ/mining>.

² Nazgul Kulova, Nedra Public Foundation, interview by IRM researcher, 29 April 2019.

³ Ibid.; Altynai Sydykova, EITI National Secretariat of the Kyrgyz Republic, interview by IRM researcher, 24 April 2019.

⁴ Ibid.

⁵ Nazgul Kulova, Nedra Public Foundation, interview by IRM researcher, 29 April 2019.

⁶ Bakytbek Satybekov, Alliance on Civic Initiatives Promotion, interview by IRM researcher, 5 May 2019; Chingiz Beksultanov, Forum on Official Assistance on Development, interview by IRM researcher, 5 May 2019.

⁷ Ibid.

17. Implement an auditing system with public participation

Language of the commitment as it appears in the action plan:

The Accounts Chamber in cooperation with civil society will introduce an audit system allowing for public participation to regulate the procedures for civil society involvement in audit activities of the Accounts Chamber as well as define roles, rights and obligations of public in the audit process.

Milestones:

Activity I: Building interaction system between civil society and the Accounts Chamber of the Kyrgyz Republic.

1. Develop and endorse regulations of audit with public participation, considering provisions of the Law of the Kyrgyz Republic “On the Accounts Chamber of the Kyrgyz Republic”.

Activity II: Piloting a publicly implemented auditing mechanism.

1. Select civil society representatives and prepare them for audits with public participation.
2. Conduct a pilot joint audit, involving the Accounts Chamber of the Kyrgyz Republic and representatives of civil society.

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic’s action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

End Date: 31 August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
17. Overall		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment seeks to strengthen the auditing capacity of the Accounting Chamber of the Kyrgyz Republic and improve public trust in the processes of budget implementation. The commitment aims to achieve these objectives through the establishment of joint audit procedure that will involve civil society representatives. In particular, the commitment proposes to develop and introduce regulations that will govern joint audits and then pilot such an audit. The results of the pilot audit will then be presented to the parliament, the government, and other state entities. It will be also published on the official website of the Accounting Chamber.

In the Kyrgyz Republic, there is no established practice of civil society’s active involvement in audit activities conducted by the Accounting Chamber, while formal mechanisms through which the public can participate in the formation of audit programs and the actual audits also do not exist or do not work.¹ The Accounting Chamber also does not reveal audit information to the public in full or in a timely manner, unless there is a specific written request for it.² The Accounting Chamber can involve external experts in the process, but at its own discretion.³

This commitment is relevant to the OGP value of civic participation, as it aims to involve the public and civil society in a joint auditing process. The proposal to release the findings of the pilot audit on the Accounting Chamber’s website also makes this commitment relevant to the value of access to

information. While there are key differences between public audits and audits with public participation, the latter will still provide opportunities for the public to monitor activities of state entities and empowers civil society to influence the audit agenda of the Accounting Chamber.

The language of the commitment is clear, activities are verifiable, and deliverables are measurable. If fully implemented as written, this commitment stands to have minor potential impact on the auditing capacity of the Accounting Chamber and on improving public trust in audit and budget processes. The commitment will represent an important first step in encouraging civil society engagement in the performance of audits and opening up related decision-making, but—until the pilot audit is completed—it remains unclear to what extent the commitment will be able to meaningfully change government practice in this regard.

Next steps

Given the importance of opening up the work of the Accounting Chamber to public participation and scrutiny, this commitment may be carried forward into future action plans. In particular, stakeholders can build on the foundation established through this commitment, introducing new opportunities for public accountability by introducing public-facing mechanisms for citizens to provide and receive feedback or lodge complaints on audit findings. More generally, going forward, stakeholders are also encouraged to better outline how civil society can participate in the implementation of the commitment, including in key activities such as developing regulations on the interaction between the Accounting Chamber and civil society.

¹ Ibid.

² Atyr Abdrakhmatova, Central Election Commission of the Kyrgyz Republic, interview by IRM researcher, 2 May 2019.

³ Ibid.

18. Transparency of the financing elections (referendums) and election campaign of candidates, political parties, initiative groups

Language of the commitment as it appears in the action plan:

Publication of complete information on candidates and political parties' campaign financing, including information on persons (organizations) contributing to election fund and expenditure items.

Milestones:

Activity I: Transparency of the financing elections (referendums) and election campaign of candidates, political parties, initiative groups.

1. Develop and introduce amendments to the legislation on disclosing detailed information about financing elections by the state, as well as financing election campaign of candidates.
2. Develop methodology and manual on public control of financing elections (referendums) and election campaigns.
3. Conduct training for NPO, and mass media representatives on public monitoring
4. Conduct an information campaign for voters on the need to control
5. Develop and approve instructions on financial reporting of candidates.
6. Teach representatives of candidates, and political parties the new rules for financing their election campaign.
7. To ensure public access to cash flow data of the candidates' electoral funds (through the CEC official website).

This is a partial version of the commitment text. For the full commitment text, see the Kyrgyz Republic's action plan at https://www.opengovpartnership.org/sites/default/files/Kyrgyz-Republic_Action-Plan_2018-2020.docx.

Start Date: 1 September 2018

End Date: 31 August 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
18. Overall		✓	✓						✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment seeks to promote financial transparency in electoral processes by disclosing more information on political campaign financing. The commitment aims to introduce amendments to the legislation on disclosing detailed information about financing elections by the state, as well as financing election campaigns of candidates. The Kyrgyz Central Election Commission (CEC) will also develop methodology and manuals on public control of referendums and election campaign financing and conduct trainings and awareness-raising events for political parties, civil society, and the broader public.

At the time the commitment was designed, the CEC did not provide detailed information on estimated costs, actual expenses, and unencumbered balances of referendums and elections at various levels, and it did not disclose the results of the audit by the Kyrgyz Accounting Chamber.¹ The work of the control and audit group of the CEC, which oversees political campaign financing, is also closed to the public.²

Accordingly, the rationale of the commitment is conducive to strengthening citizens' right to information and is consistent with the OGP value of access to information. In particular, the proposed disclosure of candidates' electoral funds through the CEC website will allow citizens to publicly access data on cash flow that was previously unavailable. If implemented as designed, the commitment stands to have moderate potential impact on the transparency of political campaign financing. Stakeholders agree that it is likely to change the established practice of withholding comprehensive information on political campaign financing.³

Nonetheless, the full scope of this commitment remains unclear, as a number of proposed activities and deliverables lack specificity. For instance, the commitment does not specify what the role of civil society will be in developing amendments to the existing legislation, how representatives of civil society will be selected for working groups, how the information campaign will be organized and assessed, or how representatives of political candidates will be selected for training on financial disclosure.

Next steps

In the implementation of this commitment, stakeholders are encouraged to clarify the role of civil society in key activities, including in the processes of developing the amendments to the existing legislation, the methodology and manuals on public control of financing elections (referendums) and election campaigns, and instructions on financial reporting of candidates. It will also be important for stakeholders to agree on and establish a fair and transparent mechanism for both the selection and participation of citizens and civil society in various aspects of the commitment in order to ensure meaningful representation.

¹ Bakytbek Satybekov, Alliance on Civic Initiatives Promotion, interview by IRM researcher, 5 May 2019.

² "OGP Participation and Co-Creation Standards", Open Government Partnership, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

³ "Anti-Corruption Reforms in Kyrgyzstan: Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan", Organisation for Economic Co-operation and Development, 2018, p. 17, <https://www.oecd.org/corruption/acn/OECD-ACN-Armenia-4th-Round-Monitoring-Report-July-2018-ENG.pdf>.

V. General Recommendations

This section aims to inform development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country or entity and, 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Recommendations

Government and civil society collaborated positively in the development of the Kyrgyz Republic's first OGP action plan. This collaborative process led to the creation of 18 commitments that focus on, for instance, improving transparency in key sectors such as health, education, and public procurement, and introducing opportunities for civic participation in areas such as anticorruption. The commitments are all verifiable and, barring Commitment 13 (i.e., on calculating the rate of public assurance in local authorities), are also all relevant to OGP values. The IRM finds, however, that the description of certain commitment activities lack specificity, which limits an appraisal of the full scope of the commitment and what it stands to achieve. In addition, while the majority of commitments promote transparency or civic participation, often seeking to leverage technology to do so, the action plan does not include any commitment that aims to increase public accountability. The following recommendations reflect on the Kyrgyz Republic's action plan development process, and the resulting content of the action plan, to suggest ways in which the country can build on its achievements and leverage OGP to engage in and advance ambitious reforms.

Facilitate meaningful engagement of civil society in the action plan development process by strengthening outreach and awareness

While the development process of the Kyrgyz Republic's first OGP action plan demonstrated positive collaboration between government and civil society stakeholders, the IRM recognizes that there remains an opportunity to further strengthen the process by increasing civil society participation at all stages of action development. In particular, the government or multi-stakeholder forum could enhance opportunities for such engagement by improving outreach efforts both prior and during public consultations. This can be achieved by being proactive in such efforts, such as by providing adequate advance notice of action plan development processes and timelines. Stakeholders could also leverage multiple avenues and channels to conduct more effective awareness-raising activities and campaigns to inform the public about OGP, its values and principles, and opportunities for the public to contribute to the process. It may also be beneficial to inform the public about progress the Kyrgyz Republic is making within the framework of the partnership. The government should aim to leverage diverse channels of communication to inform a variety of potential stakeholders about OGP.

Further in the context of civil society engagement, the IRM finds that some commitments were edited and revised by members of the Kyrgyz Republic's OGP Secretariat, without prior consultation of civil society stakeholders who initiated the design of those commitments. Such actions stand to erode public trust in the collaborative nature of the co-creation process and should be avoided by including civil society on equal footing throughout all stages of the process. As outlined in OGP's Participation and Co-Creation Standards,¹ the action plan development process should be guided by a clear mandate, including a set of principles and mechanisms, to ensure inclusive representation and guarantee meaningful participation and representation of all citizens in efforts to open government.

Although this report does not assess the implementation of commitments, the lack of clear protocol means that it remains unclear as to whether civil society will be involved in carrying out certain activities included as part of the commitments. As with the development of the action plan, the involvement of civil society is encouraged throughout all stages of the implementation process, including in developing and adjusting methodologies and terms of references, testing solutions, conducting pilot studies, or evaluating progress. Civil society engagement should not be limited to

consultation, and diverse stakeholders should be proactively engaged throughout the process and in setting agendas and priorities for implementation.

Design ambitious, relevant, and specific commitments in policy areas aligned with the development priorities of the Kyrgyz Republic

In designing and introducing commitments in future action plans, the IRM proposes that the Kyrgyz Republic places particular focus on ensuring ambition, relevance, and specificity. While 17 out of the 18 commitments included in this action plan are relevant to at least one OGP value—and while all 18 commitments are generally verifiable—a number of activities and milestones lack specificity, making it difficult to ascertain the full scope of the commitment.

In designing future commitments, the IRM recommends clearly specifying the objective of the commitment, noting how the commitment will achieve its goal. The text should also define the status quo of the policy problem that the commitment aims to address. This description could be accompanied by clear articulation of how the proposed activities under each commitment will leverage open government to address the problem. In designing ambitious commitments, Kyrgyz Republic could pursue opportunities for learning and peer exchange. This may include approaching the OGP country support team and/or the IRM for guidance on experiences from other OGP members, or for support in creating tools and connections with experts in specific thematic areas aligned with the country's development priorities.

The IRM also notes that several commitments in the current action plan either complement or directly relate to each other, such as the commitments on the implementation and promotion of open data policy, open data in the education system at the level of state general education organizations, open data about the activities of health organizations, access to information of state and municipal authorities, disclosure of information about state and municipal property, and disclosure of related data in mining industry at the license level. In future action plans, the government could optimize the potential impact of commitments within similar thematic areas by exploring opportunities for synergy between them.

Commitment 13 on the calculation of rate of public assurance in local authorities has been coded as being of unclear relevance to OGP values. However, the commitment appears to be linked with the preceding commitment on improving access to information of state and municipal authorities. The consolidation of these two commitments could, for instance, not only ensure that the commitment as a whole remains relevant to OGP values, but also enhance the potential impact by proposing more ambitious results.

Foster accountability through the introduction of public feedback mechanisms

Out of the 18 commitments included in the current action plan, there was no commitment relevant to the OGP value of public accountability. Commitments that seek to improve public accountability call upon government officials to justify actions, act upon public feedback and requests, and provide reasoned responses for the failure to perform with respect to commitments or existing legislation.

IRM recommends that the Kyrgyz Republic fosters dynamic space for public accountability through the introduction of public feedback mechanisms. This could entail a process of identifying priority areas that would benefit from increased public accountability. Possible initiatives may include mandating independent and public audits of certain government programs and procurement; establishing a responsive appeals channel for the public to demand access to information; or conducting open consultations where the public is able to register complaints and receive feedback from public officials on various aspects of service delivery.

Prioritize commitments with significant potential impact for implementation and to be carried forward into future action plans

There are six commitments with noteworthy potential impact in the Kyrgyz Republic's first OGP action plan. The IRM recommends that these commitments, covering diverse thematic areas, be

prioritized in implementation and continued in future action plans. The fulfilment of these commitments will not only best contribute to the government becoming more responsive, inclusive, and accountable, but building on these achievements by including similarly ambitious commitments in future action plans will facilitate reform momentum, leading to sustainable change.

There are also commitments that aspire to open up activities of state entities, access to which is usually closed for the general public. These entities are the Ministry of Internal Affairs, the State Committee for the National Security, the State Financial Intelligence Service under the Government, and the Accounting Chamber. Future action plans should continue working particularly with these entities to nurture the culture of openness.

Table 5.1: Four Key Recommendations

1	Facilitate meaningful engagement of civil society in the action plan development process by strengthening outreach and awareness
2	Design ambitious, relevant and specific commitments in policy areas aligned with the development priorities of the Kyrgyz Republic.
3	Foster public accountability through the introduction of public feedback mechanisms
4	Prioritize commitments with significant potential impact for implementation and to be carried forward into future action plans

5.2 Response to Previous IRM Key Recommendations

Governments are required to respond to IRM key recommendations. This section provides an overview of how stakeholders addressed IRM recommendations and how the recommendations were incorporated into the next action plan process or its content.

This is the Kyrgyz Republic's first OGP action plan.

¹ "OGP Participation & Co-Creation Standards", Open Government Partnership, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

VI. Methodology and Sources

The IRM reports are written by researchers for each OGP-participating country or entity. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in the Kyrgyz Republic's OGP repository (or online tracker),¹ website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

Each IRM researcher carries out stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.²

Interviews and stakeholder input

In conducting the research for this report, the IRM researcher interviewed 11 stakeholders both from the government and civil society's sides. The interviews focused on how the commitments were proposed and developed for the action plan. The following table lists all respondents that were interviewed by the IRM researcher between 24 April and 10 May 2019.

Table 6. Interviews with Stakeholders

Date	Name	Title
24 April 2019	Altynai Sydykova	Head, EITI National Secretariat of the Kyrgyz Republic
29 April 2019	Nazgul Kulova	Director, Nedra Public Foundation
1 May 2019	Rakhat Derbisheva	Leading Specialist on Population Documentation and Archiving, State Registration Services under the Government of the Kyrgyz Republic
2 May 2019	Atyr Abdrakhmatova	Member, Central Election Commission of the Kyrgyz Republic
2 May 2019	Asyl Aitbayeva	Director, International Centre Interbilim
3 May 2019	Batma Estebesova	Director, Sotsium
3 May 2019	Ermekek Nurbekov	Head of Anti-Corruption Policy Unit, Department of Defense, Law Enforcement and Emergency Situations of the Office of the Government of the Kyrgyz Republic

3 May 2019	Rasul Mamatov	Head of Information Support, Ministry of Education and Science of the Kyrgyz Republic
4 & 5 May 2019	Chingiz Beksultanov	Director, Forum on Official Assistance on Development
5 May 2019	Bakytbek Satybekov	Director, Alliance on Civic Initiatives Promotion & Co-Chair, Open Government National Forum
10 May 2019	Erkingul Ubysheva	Director, Civic Participation Fund

The IRM researcher also participated as an observer in the fifth meeting of the Open Government National Forum to learn more about the activities of the forum and meet its members as well as members of the Kyrgyz OGP Secretariat.

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

1. César Cruz-Rubio
2. Mary Francoli
3. Brendan Halloran
4. Jeff Lovitt
5. Fredline M'Cormack-Hale
6. Showers Mawowa
7. Juanita Olaya
8. Quentin Reed
9. Rick Snell
10. Jean-Patrick Villeneuve

A small staff based in Washington, DC shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

¹ "Join the Open Government Coalition", Open Government Partnership, <http://ogp.el.kg>.

² "IRM Procedures Manual, V.3", Open Government Partnership, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

Annex I. Overview of the Kyrgyz Republic's performance throughout action plan development

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Table 7. Multi-stakeholder Forum

Multi-stakeholder Forum	Status
1a. Forum established: There is a forum to oversee the OGP process	Green
1b. Regularity: The forum meets at least every quarter, in person or remotely	Green
1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership, and governance structure	Green
1d. Mandate public: Information on the forum's remit, membership, and governance structure is available on the OGP website/page	Green
2a. Multi-stakeholder: The forum includes both governmental and nongovernment representatives	Green
2b. Parity: The forum includes an even balance of governmental and nongovernmental representatives	Green
2c. Transparent selection: Nongovernmental members of the forum are selected through a fair and transparent process	Green
2d. High-level government representation: The forum includes high-level representatives with decision-making authority from government	Green
3d. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum	Green
3e. Remote participation: There are opportunities for remote participation in at least some meetings and events	Red
3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders	Yellow

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Table 8. Action Plan Development

Action Plan Development	
4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	Green
4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.	Green
4c. Awareness raising: The forum conducts outreach and awareness-raising activities with relevant stakeholders to inform them of the OGP process.	Yellow
4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity.	Yellow
4e. Reasoned response: The multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.	Green
5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports, and supporting documentation of commitment implementation (e.g., links to databases, evidence of meetings, publications)	Green

Editorial note: If a country “meets” the six standards in bold, the IRM will recognize the country’s process as a Starred Process.