

Transparency International Anti-Corruption Helpdesk Answer

Kyrgyzstan: Overview of corruption and anti-corruption

Author: Guilherme France, tihelpdesk@transparency.org

Reviewer(s): Roberto Martínez B. Kukutschka, rkukutschka@transparency.org

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As political instability fades in Kyrgyzstan, the challenge of facing bureaucratic and political corruption, cronyism and nepotism stand in the way of economic development. While countering corruption has been a recurrent promise made by the country's most recent rulers, results have been poor. Poverty remains widespread and corruption hinders the provision of public services, such as education and water supply. The judiciary remains one of the country's most corrupt institutions, lacking legitimacy and independence. Substantial, albeit insufficient, legal reforms have taken place, and recent efforts, such as judicial reforms, emphasis on digitisation and joining the Open Government Partnership, are auspicious signs. However, the organisational system for countering corruption remains ineffective, undermining any long-term anti-corruption agenda.

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Query

Can you provide an overview of corruption and anti-corruption efforts in Kyrgyzstan?

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Overview of corruption in Kyrgyzstan

Background

The Kyrgyz Republic is a landlocked country in Central Asia with a population of more than 6 million people. Its economy is dependent on gold, workers' remittances and foreign aid. Poverty is still a challenge for the country, reaching nearly 30 per cent of people living in rural areas and 20 per cent of the cities' inhabitants (World Bank 2018)

The country became independent from the Soviet Union in 1991 and has since faced significant governance challenges, including corruption and political instability. Following the long rule of its first president – Askar Akayev – political instability across the region seeped across Kyrgyzstan's border, leading to the "Tulip Revolution"¹.

Kurmanbek Bakiyev was elected in the 2005 elections, but stability was fleeting. Though he came to power promising to fight corruption and improve social and economic conditions in the country, the reforms adopted during his term were

¹ Elsewhere the 'Color Revolutions' spread across former Soviet Republic, including the Rose Revolution in Georgia and the Orange Revolution in Ukraine.

Main points

- Corruption remains widespread in Kyrgyzstan and poses the biggest challenge, now that political stability seems to have taken hold.
- Education and water supply are both sectors in which bureaucratic corruption manifests itself.
- Digitisation holds the promise of reducing corruption but, so far, results have been mixed in Kyrgyzstan.
- Several legal reforms have recently been implemented, though international observers have already criticised them for their insufficiency. On the institutional front, the organisational system for countering corruption remains ineffective.

seen as attempts to "institutionalise his private ambitions to expand his family's grip on governance resources" and were used to further the political and economic interests of a narrow group of individuals (Baimyrzaeva 2011).

Nepotism, judicial interference, state capture, offshore holdings, bribes and money laundering were all part of the Bakiyev family repertoire. They progressively took over different economic sectors, especially the more lucrative ones, and acted as gatekeepers for foreign and domestic investors alike (Cooley & Heathershaw 2017).

Dissatisfaction boiled over against corruption and mismanagement, leading to a period of social and political unrest, which culminated in the resignation of President Bakiyev, who fled the country in 2010. After an interim government took the country's reigns for six months, new elections were called and former prime minister Almazbek Atambayev was elected president. A new constitution also came into effect, giving more powers to the country's parliament.

Despite promises to counter corruption, Atambayev faced serious difficulties in that regard and is now, himself, being investigated for corruption. Term-limited Atambayev anointed his then prime minister, Sooronbay Jeenbekov, to run in the 2017 presidential elections. Its results favoured Jeenbekov, who won in the first round of voting with 54 per cent of the votes, but there were multiple signs of irregularities in the elections, including "misuse of public resources, pressure on voters and vote buying", according to the Organisation for Security and Co-operation in Europe (OSCE 2017)

Since taking office, Jeenbekov has elevated the measures to counter corruption to a national priority, having stated that "we must eradicate corruption from all areas without exception, from the highest echelons of power to each local village authority"². As it stands, this marks a departure from former president Atambayev's assertion that corruption was "ineradicable"³.

Extent of corruption

Transparency International's 2018 Corruption Perceptions Index (CPI) ranks Kyrgyzstan 132 out

of the 180 countries and territories assessed. Its score – 29 out of 100 – has remained stagnant compared to the 2017 edition of the CPI. However, since 2012, when it scored 24, Kyrgyzstan has seen its ranking somewhat increase.

According to the Global Corruption Barometer, 38 per cent of citizens from Kyrgyzstan admitted to paying bribes when using basic public services, such as in issuing official documents, accessing public education and public medical care. Although in tandem with regional results, it does demonstrate a high level of corruption in the country. In addition, 57 per cent found their government was performing poorly at countering corruption (Transparency International 2016).

Despite some optimism about the direction in which the country is heading, 95 per cent of the population still believe corruption to be a very big or big problem⁴.

Within the World Bank's Worldwide Governance Index, the Kyrgyz Republic posts a score of 13 (out of 100) in the control of corruption indicator. As with the rule of law indicator (17 out of 100), the improvement has been very slow over the past five years (World Bank 2017).

Corruption is named as the third biggest obstacle to companies seeking to do business in Kyrgyzstan, behind political instability and the informal sector. Over half of the firms surveyed by the World Bank and the International Finance Corporation alleged that they were asked for (or expected to) pay a bribe when soliciting public services, permits or licences, bringing the country's graft index' to 53.5 per cent (World Bank 2013).

When securing a government contract, over 56 per cent of companies are expected to give gifts, while 65 per cent of them are expected to do so to obtain an import licence. Corruption disproportionately affects small and medium-sized companies (World Bank 2013).

² <https://www.occrp.org/en/daily/7632-kyrgyzstan-president-corrupt-agencies-must-fight-graft>

³ https://24.kg/english/68674_President_of_Kyrgyzstan_confesses_that_corruption_is_ineradicable/

⁴ <https://www.iri.org/resource/kyrgyzstan-poll-sustained-optimism-tempered-concerns-over-corruption>

Similarly, the World Economic Forum Executive Opinion Survey found corruption to be the most problematic factor for doing business in Kyrgyzstan (World Economic Forum 2018).

It is of no surprise, thus, that businesspeople have little trust in the government in general and politicians specifically. The country scored 2.8 (out of 7) in the public trust in politicians and irregular payments and bribes indicators, within the Global Competitiveness Index (World Economic Forum 2018).

Nature of corruption challenges

Corruption is widespread in all sectors of the economy and at all levels of the state apparatus. It manifests itself in various forms, including political corruption, nepotism and misuse of power, and both petty and grand forms of corruption are prevalent.

Bureaucratic corruption

The public administration has suffered for many years from the effects of extensive patronage networks (Baimyrzaeva 2011). As a result, individuals and companies operating in the country have to cope with a highly inefficient public administration, which increases both the incentives and opportunities for bureaucratic corruption.

Beyond the high rate of Kyrgyz citizens who admitted to paying bribes for accessing basic public services (38 per cent), there is a high perception of corruption for government officials in general: 54 per cent believe that all or most government officials are corrupt – the fourth highest total for the Europe and Central Asia regions. That same perception is applicable to local officials (51 per cent), tax collectors (54 per cent) and the police (59 per cent) (Transparency International 2016).

Kyrgyzstan ranks 70 (out of 190 countries) in the Ease of Doing Business Index 2019. It performs well in indicators such as starting a business and registering property, but does poorly in the paying

taxes as well as in the getting electricity category (World Bank Group 2019). Both are of particular concern for corruption risks in tax evasion (and impunity) and in cutting red tape, respectively. The electricity sector is almost entirely state-owned and infamous for corruption (Chayes 2016).

One of the main streams of revenue, diverted by corruption networks, are infrastructure loans and development assistance. Without sufficient oversight, they provide ample resources to fund these networks and other criminal activities (Chayes 2016). Kyrgyzstan's strategic location and image as Central Asia's lone parliamentary democracy reinforce those issues, as they make the country more attractive to foreign investors and donors.

For example, recent corruption scandals involved major infrastructure projects funded by the Chinese⁵ government under the Belt and Road Initiative. High-level officials, including ministers and former prime ministers have been implicated in embezzlement schemes on road construction projects and on the modernization of the Bishkek Heat and Power Plant. Millions of dollars were misappropriated due to opaque procurement processes and insufficient control systems (Aidar 2018).

There is also evidence that the ruling kleptocratic network displays vertical integration, connecting bribes paid in the provision of public services or other forms of interaction between citizens and public officials to high-level officials, in return for impunity, also guaranteed by the country's corrupt judiciary (Chayes 2016).

Nepotism and cronyism

Kyrgyzstan has a long history of having its government structure misappropriated for private gains by the country's leaders and their families. Following Akayev's long rule, during which large sectors of the economy were diverted for his own or his family's benefit, Bakiyev's government did little to change the people's perception about its leaders.

⁵ The lack of conditionalities (transparency, better governance, etc.) in Chinese loans make them suited to foster corruption among Kyrgyz elites, while the non-

interference principle, adopted by the Chinese government, promotes impunity (Aidar 2018).

Several of his family members were appointed to key positions in the government, and his son, Maxim, took on the Central Agency on Development, Investment and Innovation, a “money-laundering clearing house, passing revenues from the telecommunications sector, development assistance, contracts with the US military, and other sources to shell companies and bank accounts in the West” (Chayes 2016).

Nepotism can also be found in the mid-to-low level hierarchy of the executive branch – as in the judiciary. The 2017 Law on Conflict of Interests has little legal force to prevent nepotism within the government (OECD 2018).

Political corruption

Vote buying remains an issue in Kyrgyzstan, and the lack of transparency on campaign spending prevents investigations into its size and scope (Bir Duino-Kyrgyzstan 2015). International observers noted that vote buying plagued both the 2015 parliamentary elections and the 2016 local assembly elections (Bertelsmann Foundation 2018).

Other issues are the excessive number of political parties that are, according to International Institute for Democracy and Electoral Assistance, “little more than vehicles for wealthy business figures”⁶ and the unregulated flow of money into politics. The government organ in charge of monitoring party and election financing (the Central Elections Commission) does not have the necessary resources and powers to perform this activity on a routine basis (OECD 2015).

A related problem is that “the law does not require disclosure of sources of campaign funding and does not include proportionate sanctions for violations of campaign finance rules”⁷.

Parliament does not sufficiently perform the role of checks and balances to prevent the development of corruption networks. On the contrary, Chayes (2016) argues that members of parliament may be using their political office to secure a fraction of the

corruption business. The absence of a code of ethics for members of parliament is specially glaring in this context (OECD 2015).

Sector and institutions most affected by corruption

Education

Corruption in the education sector “erodes social trust, worsens inequality and sabotages development”. It undermines the formation of educated and competent individuals, sapping the country’s workforce and leadership (Kirya 2019).

As elsewhere in the former Soviet Union, corruption in the education sector is considered endemic in Kyrgyzstan (U4 2006). Wherever damaged infrastructure demands greater investments, corruption is an especially grave issue, as demonstrated by the country’s results in the United Nation’s Education Index, which has remained stagnant⁸.

Despite some advances, the education system in Kyrgyzstan “does not yet provide a significant part of Kyrgyz citizens with access to skills and knowledge necessary for professional and personal self-realization, competitive participation in the global and regional markets” (Kyrgyz Republic 2018). Unequal access to quality education halts economic and social development across the country.

Corruption manifests itself in various ways in the Kyrgyz education sector. Parents are often required to give money to the school budget to pay for miscellaneous items and services. As for primary education, insufficient openings in schools lead to bribes being required of parents to ensure their children’s places in kindergarten. This problem is compounded by vague and ambiguous legislation (Transparency International Kyrgyzstan 2010).

TI Kyrgyzstan’s Advocacy and Legal Advice Centre (2010) also reports that the sale of diplomas and certificates, as well as bribe paying to ensure approval in examinations are common features of the country’s education sector.

⁶ <https://www.idea.int/news-media/news/pushing-political-finance-reform-kyrgyzstan>

⁷ <https://www.osce.org/odihr/elections/350016>

⁸ <http://hdr.undp.org/en/content/education-index>

The Global Corruption Barometer indicates that 13 per cent of Kyrgyz citizens claimed to have paid bribes when accessing primary or secondary education, while 23 per cent admitted to doing the same when accessing vocational education (Transparency International 2016).

In a response to such challenges, the Kyrgyz government committed to disclosing information from the education sector at the level of schools in open data on: i) incoming funds and their spending; ii) staff qualifications; iii) safety of buildings and structures; and iv) all textbooks and teaching materials (OGP 2018). These commitments do not, however, seem to touch upon the more egregious issues within the Kyrgyz education sector.

Water

Corruption in the water sector has long been considered a threat for development and sustainability. It threatens billions of lives and hastens environmental degradation (Transparency International 2008).

Despite considerable freshwater reserves, Kyrgyzstan suffers from poor infrastructure from the Soviet era. A torrent of investments from bilateral and multilateral donors has proven insufficient to effectively improve the local water sector due, at least partially, to corruption, as recognised by the country authorities themselves (Isabekova et al. 2013).

The Water User Associations (WUAs), defined as a “self-managing group of farmers, collaborating to operate and maintain their irrigation and drainage network [with] the objective in doing so to ensure a fair and equitable distribution of water for increasing agricultural productivity”, are a central component of the sector, as it pertains to the water destined for agricultural irrigation projects (Isabekova et al. 2013).

Potable freshwater management was assigned to the Rural Public Associations of Potable Water Consumers. Both community-style management systems suffered from corruption and improprieties. Bidding procedures and tender processes suffered from a lack of transparency, making them vulnerable to irregularities (Isabekova et al. 2013).

Those issues are rendered even more serious due to climate change and its potential impact on the main sources of freshwater in Central Asia. Desertification could affect up to half of Kyrgyzstan, a result of melting glaciers and higher temperatures. This process’s impact on agriculture can hardly be overstated, especially considering 30 to 60 per cent of the population depend on agriculture for their income (Burunciuc 2019).

Compounding problems are found in political and inter-ethnic disputes. Since many of the region’s rivers run through different countries, conflicts between Uzbekistan, Kazakhstan, Tajikistan, Turkmenistan and the Kyrgyz Republic are likely to arise as water becomes an even scarcer resource (Reuters 2018).

Public financial management

There has been remarkable improvement in this area. Kyrgyzstan’s score in the Open Budget Index has increased from 8 in 2008, to 55 (out of 100) in 2017. This is a result of improved transparency, substantiated in the publishing of several key documents, such as the pre-budget statement, the citizens budget, the mid-year review and the audit report. The executive’s budget proposal has also become more comprehensive (International Budget Partnership 2017).

In other categories assessed by the International Budget Partnership (2017), results are mixed. The Kyrgyz Republic scored only 31 in the public participation category, but fared better in the oversight category (74 out of 100).

On the revenue side, there is widespread corruption in the customs service, which accounts for more than a quarter of the state’s budget. Low salaries, insufficient information and limited modernisation lead to increased risks, especially in two areas: i) “manual” estimation of customs value and ii) inaccurate declaring of imported goods (OECD 2018).

Another revenue-related example of corruption was an investigation by the Prosecutor-General’s Office, which revealed that more than US\$12

million were diverted from tax collectors due to illegal value added tax refunds⁹.

Judiciary

Freedom House (2019) considers that the Kyrgyz judiciary is not independent and remains dominated by the executive branch, with widespread corruption among judges.

The 2010 constitution introduced several new aspects to the functioning of the Kyrgyz judiciary. Among them was the establishment of the Council for the Selection of Judges, tasked with selecting supreme court and constitutional chamber judges, as well as local court judges. This council is composed of civil society representatives (two-thirds), appointed by the parliamentary majority and minority (half each), and of judges appointed by the Council of Judges (one-third).

The idea of an independent council with no representative from the executive branch has been commended (OSCE 2011). Meanwhile, the fact that many civil society representatives are actually former politicians and party members, and that the president has turned down almost 30 per cent of candidates, hampers the constitutional reform goals¹⁰.

The judiciary remains financially dependent on the executive branch, which decides upon its budget (Bertelsmann Foundation 2018). Low salaries for both judges and court staff increase the opportunities for corruption. Members of parliament and the president exercise the highest degree of influence on the judiciary, though there are many others who pressure judges into making decisions or expediting cases. Bribery and abuse of office are, thus, commonplace (OECD 2018).

The OECD has stated that “the current framework does not provide sufficient guarantees of independence and lacks effective tools to promote integrity. This is, in particular, due to the excessive role that political bodies play in the organisation of the judiciary and prosecution systems as well as in the careers of judges and prosecutors”¹¹.

The lack of independence not only compromises the judiciary’s role in fighting corruption but it also puts in question its decisions when supposedly doing so. For example, a Kyrgyz court sentenced opposition leader and former parliament speaker Omurbek Tekebaev to eight years in prison on corruption charges for allegedly receiving bribes from a Russian businessman. The decision was criticised as being politically motivated and that it intended to keep Tekebaev from participating in the 2017 presidential elections¹².

In fact, even the more recent anti-corruption investigations and proceedings, which have targeted former high-level officials from the Atambayev administration, have been questioned as politically motivated¹³.

Perceptions over the level of corruption within the Kyrgyz judiciary are high: 28 per cent of citizens believe all judges and magistrates to be corrupt, while 34 per cent stated that most of them are. Those are among the highest levels of corruption perception in Asia (Transparency International, 2016), explaining recent demonstrations against judges perceived to be corrupt¹⁴.

Within the Global Competitiveness Index, the lack of judicial independence is seen as a major obstacle for doing business in Kyrgyzstan, with the country being ranked 102 among the 137 countries

⁹ <https://www.prokuror.kg/news/3394-generalnoj-prokuratoroj-sovmestno-s-prokuratoroj-g-bishkek-i-upravleniem-gsbep-po-g-bishkek-ustanovleno-prichinenie-ushcherba-ekonomike-strany-v-razmere-bolee-800-mln-somov.html>

¹⁰ <https://www.opensocietyfoundations.org/voices/judicial-independence-finally-coming-kyrgyzstan>

¹¹ <http://www.oecd.org/daf/anti-bribery/kyrgyzstanshouldstrengthenintegrityandindependenceofthejudiciaryandprosecutionservice.htm>

¹² <https://www.rferl.org/a/kyrgyzstan-tekebaev-8-year-sentence-/28680250.html>

¹³ <https://www.aljazeera.com/news/2019/06/kyrgyzstan-strips-leader-immunity-paves-charges-190627100455207.html>

¹⁴ <https://www.rferl.org/a/kyrgyzstan-protesters-demand-corrupt-judges-replaced/29079750.html>

surveyed in that category (World Economic Forum 2018).

As part of its Open Government Partnership (OGP) action plan, the Kyrgyz government committed to modernising the publication of judicial decisions – which was to happen automatically – to provide greater transparency to the judiciary’s activities (OGP 2019).

Judicial reform was also to be enacted on 1 January 2019, with the introduction of new institutions such as the unified register, the office of investigating judge, and digitisation of the investigative offices and courtrooms¹⁵. Its results, however, remain to be seen.

Legal and institutional anti-corruption framework

Legal framework

A vast array of new legislation came into force in 2019. Among them, the criminal code, the code of offences, the criminal procedure code, the code of violations and laws on probation and on amnesty principles and the procedure for its application¹⁶. While the United Nations Convention against Corruption (UNCAC) review (UN 2017) procedure had previously identified issues and gaps in the Kyrgyz legislation, no such evaluation has been conducted on the new laws.

Initially, these changes have offered some hope of improvements as they correspond to previous recommendations made by international organisations and observers. The introduction of the liability of legal entities for corruption crimes should be considered a positive development, though there is still room for improvement. Despite the changes, concerns remain on the criminalisation of corruption due to the range of persons who are liable for corruption, the definition

of undue advantage, the abolition of the crime of “corruption” and effective liability for money laundering and illicit enrichment, among other issues (OECD 2018).

As for international cooperation, there is a lack of examples in implementing extradition and providing legal assistance on the basis of the UNCAC, despite legal provisions allowing for those proceedings to take place (UN 2017)

New legislation was also adopted regarding conflicts of interests. It does not, however, provide for an effective implementation mechanism, nor does the definition of conflict of interest fully comply with international standards (OECD 2018).

Reforms were initiated on asset declaration for public officials, but questions remain on its effectiveness for three reasons: i) declarations of interests and of assets are filled separately from different agencies; ii) control over asset declarations was attributed to the tax service, whose main function is not anti-corruption; iii) insufficient information will be made public (OECD 2018).

As for public procurement, improvements have been made, especially on the introduction of the broad use of electronic portals for government purchases. Wider participation of companies and greater involvement and oversight of civil society in procurements are necessary to improve public efficiency and to prevent corruption (OECD 2018).

Some whistleblower protections can be found in the Act on the Protection of the Rights of Witnesses, Victims and Other Participants in Criminal Proceedings. Kyrgyzstan is also party to the Agreement on the Protection of Participants in Criminal Proceedings of the Commonwealth of Independent States (UN 2017). Also relevant are the Law on Witness Protection and the Law on the Fight against Corruption. Further protection for whistleblowers, however, is yet to be adopted in

¹⁵

http://www.abc.kg/en/about/media/3970_kyrgyzstan_judicial_reform_aims_to_restore_public_confidence

¹⁶

<http://www.kg.undp.org/content/kyrgyzstan/en/home/presscenter/pressreleases/2018/11/training-on-new-criminal-legislation-was-held-for-law-enforcemen.html>

order for Kyrgyzstan to comply with international standards (OECD 2018).

The fight against impunity and political corruption has seen some advances. In May 2019, a bill was signed into law by President Jeenbekov, allowing for former presidents to be prosecuted. For that to happen, parliament would have to vote to strip them of that status, which happened to former president Atambayev in late June¹⁷. This process, however, adds a political layer to what should be a judicial proceeding¹⁸.

Kyrgyzstan has strong legal provisions on access to information, but citizen awareness of the right to obtain information is rather poor. The country ranks 39 out of 124 countries with access to information laws assessed by the Global Right to Information rating 2018 (RTI rating 2018). The RTI rating assesses the strength of the legal framework for guaranteeing the right to information in a given country, but it does not measure the quality of the law's implementation. In the case of Kyrgyzstan, the main problems seem to be overly broad exceptions, the lack of public interest override and the possibility of exemptions derived from other legislation.

The OECD (2018) has recommended the creation of an independent body for oversight of the access to information legislation, as well as the establishment of a unified portal for proactive publication of public information by all agencies. Greater involvement by civil society and the public in general should also be promoted to make this legislation truly effective in fostering societal oversight over government functions.

Institutional framework

The OECD has found that “the anti-corruption functions are fragmented among too many bodies, when everyone does everything without proper coordination. As a result, it is impossible to provide the necessary level of independence and to allocate resources and specialisation of these bodies in accordance with the international standards”. Its conclusion is that the organisational

system for fighting corruption remains ineffective (OECD 2018).

Analysis of previous OECD (2015) reports reveals that indeed there have been considerable changes to the Kyrgyz institutional framework. Whereas, previously, the Defence Council Secretariat, the Ministry of the Economy, the Anti-Corruption Service of State Committee of National Security were in charge of anti-corruption policies, the following institutions are now responsible for these policies:

The Office of the Prosecutor General

It is responsible for law enforcement activities related to, but not exclusively, corruption. It also collects and analyses information on corruption in the system of state administration and local government, and assesses the effectiveness of measures taken (OECD 2018).

Security Council Working Group on Monitoring the Implementation of the State's Anti-Corruption Strategy

It develops and implements policies to counter systemic corruption. It is assisted by the Secretariat of the Security Council, which develops concepts, doctrines and strategic documents on anti-corruption and evaluates their effectiveness (OECD 2018).

Commissioner for Preventing Corruption in State Bodies

Offices for the commissioner were established in dozens of government agencies, ministries and departments to facilitate cooperation, methodological and political support to anti-corruption efforts (OECD 2018)

State Financial Intelligence Service (SFIS) under the Government of the Kyrgyz Republic

It is the Kyrgyz Financial Intelligence Unit, established in 2005 and responsible for countering money laundering and terrorism financing. It currently lacks human resources and technology

¹⁷ <https://www.aljazeera.com/news/2019/06/kyrgyzstan-strips-leader-immunity-paves-charges-190627100455207.html>

¹⁸ <https://www.rferl.org/a/atambaev-at-risk-as-kyrgyz-law-allowing-prosecution-of-ex-presidents-comes-into-force/29965220.html>

capability to handle the volume and complexity of requests and transactions it must analyse. SFIS's activities are also compromised due to the lack of a national anti-money laundering strategy and the poor quality of information on some government databases (EAG 2018).

Audit Chamber

This is the main body in charge of external audits. It is an independent institution accountable to both the president and the parliament. While this audit institution does not conduct specific audits to uncover corruption, it has increasingly cooperated with law enforcement bodies.

It has full discretion to conduct audits, and its head cannot be removed without legislative or judicial approval, which increases its independence. On the other hand, there are insufficient resources to fulfil its mandate and the audit processes are not reviewed by an external agency (International Budget Partnership 2017).

Overview of anti-corruption efforts in Kyrgyzstan

Digitisation

Digitisation refers to “the process of changing from analogue to digital form”¹⁹. It entails transforming analogue information so that computers are able to store and process them. Great hopes are put on digitisation as a strategy to counter corruption, despite mixed results (Chêne 2016).

Indeed, great hopes and mixed results seem to summarise the Kyrgyz's experience with digitisation so far. President Jeenbekov has stated that the process “will contribute to the eradication of corrupt elements”. He recently declared 2019 to be the year of regional development and digitalisation²⁰.

The first digitisation efforts appeared in 2013, with the creation of the Council on Information and Communication Technologies. Charged with the introduction of e-government in the country, the council intended to increase the use of electronic

forms of communication between state agencies. These efforts were supported with grants originated from the Russian government – a by-product of Kyrgyzstan joining the Eurasia Economic Union (Alkanova 2019).

The Kyrgyz government's digitisation efforts have received different titles – Tunduk, Taza Koom and Digital Kyrgyzstan are among them – and widespread backing from the international donor community, in the form of both technical assistance and financial support. Results have, however, been mixed.

The Digital Development Assessment of Kyrgyzstan, conducted by national institutions in partnership with the World Bank, concluded that “the country has made progress in building basic digital foundations and adopting essential legislative and regulatory acts. However, successful implementation of the new digital transformation agenda requires continuous commitment from political leaders and high-level decision makers, as well an adoption of the comprehensive strategic program with adequate funding mechanisms and clearly specified roles and responsibilities of all involved stakeholders” (National Institute for Strategic Studies of the Kyrgyz Republic et al. 2017).

Government agencies “provide mostly informational services through their websites, while only a few transactional services are delivered online, especially in the area of tax administration. The key databases and information systems of government agencies are, for the most part, not interconnected, thus leading to fragmentation and duplication of efforts at the whole of government level” (World Bank, 2018).

The Digital Development Assessment called for greater attention to several issues, such as: i) existing digital platforms and tools; ii) cybersecurity risks; iii) ability to share information and capabilities among government institutions; and iv) the need to follow a people-centric approach to improve quality and citizen participation (National

¹⁹ <https://www.gartner.com/it-glossary/digitization/>

²⁰ <https://kabar.kg/eng/news/kyrgyz-president-signs-decree-declaring-2019-the-year-of-regional-development-and-digitalization-of-country/>

Institute for Strategic Studies of the Kyrgyz Republic et al. 2017).

Connecting this issue with the problems in the education sector, there is little hope for success of digitisation without a higher information, communication and technology literacy rate. Unless improvements are made, citizens and businesses will have trouble accessing digital services, which also compromises digitisation's potential in promoting a higher level of civic participation in (and control of) government (World Bank 2018).

International conventions and commitments

Kyrgyzstan ratified the UNCAC in 2005. It has undergone one review cycle – on chapters III and IV of the convention – and will likely undergo the second in the next few years. Several deficiencies were noted, and recent changes in the country's legislation will need to be evaluated before a better diagnosis may be presented.

The country has also signed the Istanbul Anti-corruption Action Plan, a sub-regional peer review programme launched in 2003 by the OECD's Anti-Corruption Network.

Having joined the OGP in 2017 – one of the first Central Asian countries to do so – Kyrgyzstan recently presented its first action plan. It is comprised of 18 commitments in several areas, including judicial openness, access to information, and open data and public procurement²¹.

Kyrgyzstan also joined the Extractive Industries Transparency Initiative (EITI) in 2007. Mining contributes to more than 10 per cent of the country's GDP and nearly half of its exports. Significant deposits of coal and gold are located in its territory. Despite joining, however, the country was found to have achieved "inadequate progress" in implementing the EITI Standard and was, thus, suspended²².

Major points of concern were the lack of information on state participation in companies engaged in the extractive sector, on transportation revenues, SOE's transactions and fiscal expenditures and on subnational transfers, among other issues (EITI 2017).

Other actors

Civil society

The right of association and the freedom of assembly are enshrined in the Kyrgyz constitution. However, in the run-up to the 2017 elections restrictions were imposed on public demonstrations, and a number of human rights defenders and political activists faced intimidation and harassment (Amnesty International 2018).

President Jeenbekov recently called for greater participation of civil society organisations, identifying them as the main partners in measures to counter corruption²³.

Attacks from ultranationalists against US and European NGOs follow a similar worldwide pattern of threats against civil society. Domestic NGOs perceived to be funded by foreign governments and donors have also been targeted (Freedom House 2019).

Media

Kyrgyzstan has become an outlier in Central Asia as it relates to freedom of the press. Its 2010 constitution ensures freedom of speech and of the press, but significant issues remain.

During recent elections, the OSCE found that "self-censorship and limited editorial coverage of the campaign signalled deficiencies in media freedom". The high volume of paid political advertising contrasted with insufficient unbiased news coverage and defamation claims by powerful politicians constrained the freedom of the press (OSCE 2017).

²¹ <https://www.opengovpartnership.org/members/kyrgyz-republic/>

²² <https://eiti.org/kyrgyz-republic>

²³ <http://kabar.kg/eng/news/jeenbekov-i-want-to-see-civil-society-as-main-partner-in-fighting-corruption/>

Kyrgyzstan now ranks 83 (out of 180 countries) in the 2019 World Press Freedom Index, having climbed 15 spots since 2018. The pluralism of the Kyrgyz media is considered to be “exceptional” and significant improvements were recognised by Reporters without Borders (RSF 2019), including the withdrawal of lawsuits against critical media outlets by former president Almazbek Atambayev and his successor, Sooronbay Jeenbekov. Other journalists, however, were charged with “illegal receipt of commercial secrets”, “disclosing secret commercial information” in other circumstances²⁴.

Issues remain, however, with regards to the defamation legislation, which allows for large sums of damages to be awarded and affords the president special protection (RSF 2019). Article 19, for example, has called on the revocation of the Law on Guarantees for Activity of the President of the Kyrgyz Republic, seeing as it forces the prosecutor general to protect “the honour and dignity of the president in the case of dissemination of information considered to be discrediting”²⁵.

There is also concern surrounding a 2014 law criminalising the publication of “false information relating to a crime or offence”, in that it may be used to prosecute investigative journalists (Freedom House 2019). For example, the Prosecutor-General’s Office initiated civil court proceedings for defamation against a number of journalists in March 2017 in connection to media articles that were critical of the then president Atambayev. Journalists were eventually convicted and had to pay US\$44,000 in moral damages (Amnesty International 2018).

²⁴ <https://www.hrw.org/world-report/2019/country-chapters/kyrgyzstan>

²⁵ <https://www.article19.org/resources/kyrgyzstan-law-protecting-presidents-honour-and-dignity-should-be-abolished/>

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*Transparency International
International Secretariat
Alt-Moabit 96
10559 Berlin
Germany*

*Phone: +49 - 30 - 34 38 200
Fax: +49 - 30 - 34 70 39 12*

*tihelpdesk@transparency.org
www.transparency.org*

*blog.transparency.org
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