

The Bureau of the Congress

CG-BUR(2022)45-39¹

11 March 2022

The Council of Europe and the Kyrgyz Republic

Introduction

This document gives general information about the political and administrative organisation of the Kyrgyz Republic and its cooperation with the Council of Europe.

Action required: for information

¹ This document is classified as confidential until it has been examined by the Bureau of the Congress.

I. GENERAL INFORMATION ABOUT THE POLITICAL AND ADMINISTRATIVE ORGANISATION OF THE KYRGYZ REPUBLIC²

Population and geography of the Kyrgyz Republic

Area: 199 950 km ²
Population: 6.591 million inhabitants (2020)
Density: 34,4 inhabitants / km ²
Urban population: 42.7 % of national population
Capital city: Bishkek

Sources: World Bank Development Indicators

Main features of the multi-level governance framework

Kyrgyzstan is a unitary country. According to the new Constitution adopted on 11 April 2021 by referendum³ by 85% of the voters, Kyrgyzstan ceased to be a parliamentary-presidential republic (mixed republic) and adopted a presidential form of government.

The new Constitution states that the same president of Kyrgyzstan could not serve more than two five-year terms. According to the previous Constitution of Kyrgyzstan, the head of state was elected for a six-year term but could not be elected twice. Under the new Constitution, the president holds the right to determine the structure and appoint the composition of the Cabinet of Ministers, as well as the heads of regional administrations.

The Council of Europe's Venice Commission and the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE/ODIHR) issued a [joint opinion](#)⁴ on the draft constitution, stating that it lacked effective control mechanisms and checks and balances, risking the concentration of power in one person.

Local self-government

The Kyrgyz Republic was one of the first former Soviet countries to set forth a decentralisation initiative. The 2021 Constitution recognizes local self-governance and the principle of its autonomy (Section VIII). Local self-governance is regulated by the 1991 Local Self-Governance Act that gave local councils (keneshes) the authority to oversee local executive bodies. In 1992, the 1991 Act was revised as the Local Self-Government and Local State Administration Act, which further reinforced keneshes' autonomy. In 1994, the system of local self-government was introduced in the capital city of Bishkek. In 1996, the government adopted a decree establishing local governments (aiyl okmotus), and in 1999 a decree gave the local self-governments authority to hold budget hearings.

In 2002, the government adopted the National Strategy on Decentralisation (2002–2010) and the parliament adopted a law allowing transfer of control over state property to local self-governments. In 2001, all localities adopted the principles of local self-government. The 1992 Local Self-Government and Local State Administration Act was modified in 2008 and 2011 to outline the operational and legal foundations of local self-governance, as well as the principles of interaction with the national level.

The National Strategy for Administrative and Territorial Reform, adopted in 2012, initiated a process of systemic decentralisation. To strengthen local self-government bodies and provide additional powers and resources to them, the central government plans to enlarge local self-government bodies through mergers. To date, no action has been undertaken in this regard and, following the 2012 reform, districts representative bodies were abolished. In 2017 the

² This document is based on the country profile provided by DPAER available below.

³ PM: the referendum followed the election of President Sadyr Zhaparov, held in conjunction with an earlier referendum on 10 January 2021, which was triggered by the resignation of former President Sooronbay Jeenbekov amid protests over the 2020 parliamentary elections. The results placed Zhaparov as the winner with more than 79% of the vote, while the referendum showed a preference for a presidential regime, rather than the country's current parliamentary system.

⁴ [https://www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2021\)017-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2021)017-e)

Government highlighted the importance of regional development in the program “40 Steps to a New Era” stressing that citizens of the regions will receive an equal level of access to guaranteed social services, primarily in education and healthcare. In late 2018 the [Program of development of local self-government for 2018-2023](#) was adopted. It includes inter alia the steps towards clear allocation of functions between levels of government and transparent fiscal equalisation.

Territorial organisation and subnational government responsibilities

MUNICIPAL ⁵ LEVEL	INTERMEDIATE LEVEL	REGIONAL OR STATE LEVEL	TOTAL NUMBER OF SNGs
453	69	8	531
453 ayil districts	40 rayions + 29 cities (12 cities of Oblast significance + 17 cities of rayon significance)	7 regions (oblasts) + Municipalities of Bishkek and Osh	

Main features of territorial organisation

Kyrgyzstan is a unitary State with 3 levels of local governments :453 local communities (ayil districts) gathering groups of villages, towns and districts for the first tier; the second tier consists in the rayon level, including 40 rayions together with 12 cities of oblast significance and 17 cities of rayon significance; and the third tier of government are oblasts (regions) and the cities of Bishkek and Osh which enjoy a special status. Local budgets are subjected to the approval of local councils (keneshs).

Sub-national government responsibilities

Local self-governments’ competences are established by the 2011 Local Self-Government and Local State Administration Act and are the same for all kinds of local self-government bodies. They include 25 own responsibilities (the major ones concerning the provision of drinking water, libraries, local roads, parks and green areas, street cleaning and lights, recreation and sports, and cemeteries) and responsibilities delegated by the central government, either by law or bilateral agreements (marriage regulation, birth and death registration, as well as provision and maintenance of educational and healthcare facilities). The 2011 Act does not clearly distribute functions and tasks among tiers of government, and some functions can be overlapping across levels of governance. The two deconcentrated layers of government, namely the 7 oblasttar and 40 raions do not have budgeting rights and functional responsibilities. They carry out only supervisory functions assigned to them by the national government.

Local elections were held on 11 April 2021 (same day as the Constitutional referendum)⁶.

⁵ [profile-Kyrgyzstan.pdf \(oecd.org\)](#)

⁶ For more information, see

https://www.ifes.org/sites/default/files/ifes_faqs_elections_in_kyrgyzstan_2021_local_elections_and_constituti_onal_referendum_april_2021.pdf

Ministry dealing with local/regional self-government

State Agency for Local Self-Government and Inter-Ethnic Relations under the Government of the Kyrgyz Republic

Dzhantaev Elchibek Nurjadyevich

Director

www.gamsumo.gov.kg/

Union of Local Governments of the Kyrgyz Republic

[The Union of LSGs of the Kyrgyz Republic](#) unites 31 urban and 453 rural municipalities of Kyrgyzstan⁷.

The highest body is the General Assembly. The Board - represents the General Assembly of the Union of LSGs of the Kyrgyz Republic in the period between its meetings and consists of representatives of at least 9 members of the Union, representing all regions and the cities of Bishkek and Osh.

The Board is headed by the Chairperson, who is also the Chairperson of the Union of LSG of the Kyrgyz Republic. Chairman of the Union of LSG of the Kyrgyz Republic - Chancharov Baktybek Asanalievich, Mayor of Orlovka (m.orlovka@mail.ru).

The Directorate is a permanent executive body to ensure the financial and economic activities and implementation of decisions taken by the General Meeting and the Board of the Union of LSG of the Kyrgyz Republic. The Directorate is headed by the Director who is currently Mr. Bekturgan Orozbayev.

The Audit Commission consists of 3 members.

Since 2004, the Union of Municipalities of the Kyrgyz Republic has been a member of the World Organisation "United Cities and Local Governments". Since 2005, member of the Union of Municipalities of the Turkic World.

Agreements have been signed with:

- Union of Russian Cities (2017);
- Association of World Capitals (2018);
- Latvian Local Government Association (2018).

Partners of the Union of LSG of the Kyrgyz Republic:

- State Agency for Local Self-Government and Interethnic Relations under the Government of the Kyrgyz Republic;
- State Personnel Service of the Kyrgyz Republic;
- Institute for Development Policy;
- Swiss Agency for Development and Cooperation (SDC).

⁷ Contact information: msu.kg@mail.ru or +996 312 62-61-51.

II. COUNCIL OF EUROPE AND THE KYRGYZ REPUBLIC

Political dialogue

Long-standing co-operation exist between the Kyrgyz Republic and the Council of Europe. The Council of Europe's (CoE) relations with Kyrgyzstan date back to 1993, when the country was granted observer status in the European Commission for Democracy through Law (**Venice Commission**), which Kyrgyzstan became full member in 2004.

Furthermore, in April 2014 the Parliamentary Assembly of the Council of Europe (PACE) granted the **Partner for Democracy status** to the Parliament of the Kyrgyz Republic, which it had applied for in October 2011. On this basis, the PACE monitors progress on human rights, rule of law and democracy in the Kyrgyz Republic, including by paying attention to technical co-operation. Kyrgyz delegation may sit in the Assembly, has the right to speak with the authorisation of the President of the Assembly, but without the right to vote. The Kyrgyz Republic is entitled to 3 members and 3 substitutes in PACE.

Kyrgyzstan also has the right to participate in three Steering Committees. Currently, Kyrgyzstan has participant status in the European Social Cohesion Platform (PECS), contracting party status in the Committee on the Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region (LRCC) and member status in the European Network of National Information Centres on academic mobility and recognition (ENIC Network).

In September 2021, Kyrgyzstan sent a request to accede to the CoE Convention on the Transfer of Sentenced Persons. Negotiations and consultations between the Prosecutor General's Office and the Secretariat of the Council of Europe on the possibilities of consideration of the initiative began in 2019. If Kyrgyzstan joins the convention, Kyrgyzstanis serving sentences in correctional institutions in European countries will have the opportunity to be transferred to their homeland.

Political dialogue between the Council of Europe and the Kyrgyz Republic is also supported within the framework of the neighbourhood policy through regular contacts, notably throughout the projects' implementation.

Technical co-operation

Following the introduction of the CoE neighbourhood policy, the Kyrgyz Republic expressed interest in co-operating within that framework and in particular in the conclusion and implementation of an agreement concerning Neighbourhood Co-operation Priorities (NCP).

The "[Neighbourhood Co-operation Priorities document for the Kyrgyz Republic for 2015-2017](#)" was approved by the Council of Europe Committee of Ministers on 4 February 2015. In November 2017, the document was extended until the end of 2019. The overall Neighbourhood Priorities budget was estimated at €3,400,000. The total funding secured amounted to €1,473,242 (43%).

In the second half of 2016 and in 2017, co-operation has significantly increased with the signature of two Joint Programmes with the European Union (EU) – on the electoral reform and fight against corruption. Additionally, thanks to a voluntary contribution from the United

Kingdom, the Council of Europe held activities to promote, and see the possibilities of setting up a School of Political Studies.

Unfortunately, due to the lack of funding, there were no actions undertaken in the field of local and regional democracy. However, the Kyrgyz counterparts have regularly shown strong interest in developing meaningful co-operation in the field of local governance. In the light of the new phase of the administrative-territorial reform, which was to be launched in the course of 2019, the Council of Europe was approached with a request for assistance. This new phase of the reform aims at the creation of stronger, more efficient, community-based administrative structures through the merger of counties and municipalities (decentralisation and amalgamation).

Despite delays in implementation and the limited level of funding, the Kyrgyz Republic has confirmed its interest in pursuing co-operation with the Council of Europe further in order to advance the national reform agenda. The implementation of the **Neighbourhood Cooperation Priorities** (2015-2017) was finalised in December 2019. After this period, the CoE drafted and sent a new **Neighbourhood Co-operation Priorities** document to the Kyrgyz authorities in December 2019, however without receiving any response so far.

Besides, Kyrgyzstan is currently one of the five Central Asian countries (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) participating in the Joint Programme for the "[Rule of Law Programme in Central Asia](#) 2020-2023" which was signed in November 2019 between the Council of Europe and the Delegation of the European Union to the Republic of Kazakhstan. The Programme aims to strengthen human rights, rule of law and democracy in Central Asian countries in line with European and other applicable international standards. The project on "**Promoting transparency and action against economic crime**" (CA TAEC) will focus on strengthening authorities' capacities in the region to fight and prevent economic crime and corruption, **based on regional priorities**, as well as priority areas of the countries concerned. These will be addressed through a regional component and five country-specific components.

Overview by co-operation priorities

<u>PRIORITY AREAS OF CO-OPERATION⁸</u>	
Promotion of common legal space	The Kyrgyz authorities have expressed their interest in several Council of Europe conventions open to non-member States, in criminal matters, as well as in the Group of States against Corruption (GRECO). Following the adoption of the Neighbourhood Priorities, a Kyrgyz delegation composed of two representatives of the General Prosecutor's Office of the Kyrgyz Republic (GPO), accompanied by the representative of the Organisation for Security and Cooperation in Europe (OSCE), visited the Council of Europe in March 2015 and March 2016. Following these visits, concrete steps towards accession to this Partial Agreement have been taken. In this context, the Council of Europe assisted the Kyrgyz authorities in improving their anti-corruption legislation through a bilateral project.
Justice reform	Due to the lack of funding, there were no actions undertaken in this field.
Co-operation with the Venice Commission	<p>A full member of the Venice Commission since 2004, the Kyrgyz Republic co-operated with the Commission mainly in the field of electoral reform.</p> <p>The Council of Europe provided support to the Kyrgyz authorities in this field in the framework of the Joint Programme (JP) of the European Union and the Council of Europe "Support to Strengthening Democracy through Electoral Reform in the Kyrgyz Republic", implemented between January 2017 and July 2019.</p> <p>Following the recommendations provided by national and Venice Commission experts in 2017-2018, the Council for Sustainable Development of the Kyrgyz Republic adopted the "Strategy for Improving the Electoral Legislation of the Kyrgyz Republic 2018-2020" on 13 August 2018. The Kyrgyz Republic Cybersecurity Strategy was adopted in June 2019, also with the support of the Council of Europe. This is an important development following the introduction of biometric identification during the electoral process in 2015, as the issue of sufficient protection of citizens' personal data remains crucial.</p>
Preventing and combating corruption and economic crime	The European Union/Council of Europe Joint Programme (JP) " Strengthen Prevention and Combating of Corruption in the Kyrgyz Republic " was implemented by the Council of Europe between July 2016 and July 2018. During this period, the Council of Europe assisted the development of a number of important institutional, legislative and policy proposals to strengthen the anti-corruption system in Kyrgyzstan.
Education	Due to the lack of funding, there were no actions undertaken in the field.
Training of new generations of leaders: school of political studies	The Neighbourhood Priorities document foresaw the possibility of establishing a School of Policy Studies (SPS) in Kyrgyzstan. The Council of Europe Secretariat established first contacts with potential civil society partners already in 2013. Financial support from the UK enabled the Council of Europe to carry out two pilot events in Kyrgyzstan in January and February 2017 in order to

⁸ Based on this Progress Review Report (1 August 2016 – 31 July 2018), https://rm.coe.int/09000016808d9eb2#_Toc525238059

	<p>explore the feasibility of setting up a SPS in Kyrgyzstan. A needs assessment was carried out and specific issues of current policy relevance were identified. However, this required adequate financial resources to ensure sustainability beyond the implementation period of this project.</p>
<p>Co-operation related to the partner for democracy status with the pace granted to the parliament of the Kyrgyz Republic</p>	<p>In April 2014, the Parliamentary Assembly of the Council of Europe (PACE) granted the Partner for Democracy Status to the Parliament of the Kyrgyz Republic for which it had applied in October 2011.</p> <p>During the reporting period (2015-2019), members of the Kyrgyz Parliament attended unevenly the sessions of the PACE and did not make full use of the possibilities to participate in the work of the PACE Committees offered by the Partner for Democracy status. This trend seemed to change since January 2019 as the presence of the members of the Kyrgyz Parliament became more regular.</p> <p>In February 2017, Mr Kutushev, Secretary General of the Parliament of the Kyrgyz Republic, accompanied by two other representatives of the Parliament visited Strasbourg and held extensive meetings with the PACE President and representatives of Secretariat, the European Court of Human Rights (ECtHR) and the European Commission for Democracy through Law (Venice Commission). At the invitation of the authorities of the Kyrgyz Republic, a 17-member PACE delegation, led by Doris Fiala (Switzerland, ALDE), travelled to the country from 13 to 16 October 2017, to observe the conduct of the presidential elections. In a preliminary statement released the day after the elections, the international observers noted in particular that “the 15 October presidential election in Kyrgyzstan contributed to the strengthening of democratic institutions by providing for an orderly transfer of power from one elected president to another [and that] the election was competitive, as voters had a broad choice and candidates could generally campaign freely, although cases of the misuse of public resources, pressure on voters and vote buying remain a concern”.</p>
<p>Local and regional democracy</p>	<p>The Kyrgyz counterparts have shown strong interest in developing meaningful co-operation in the field of local governance. In the light of the new phase of the administrative-territorial reform that was launched in the course of 2019, the Council of Europe was approached with a request for assistance. This new phase of the reform aims at the creation of stronger, more efficient, community-based administrative structures through the merger of counties and municipalities (decentralisation and amalgamation). As the first step, the Council of Europe was asked to help in preparation of a new Organic Law/Code of Local Government. Due to the lack of funding, there were no actions undertaken in the field. The Kyrgyz counterparts followed up with the expression of interest to apply for the PDL status and a request to organise a study visit during a Congress session.</p>

III Relations with the Council of Europe - Technical Data		
Statutory relations with the Council of Europe	None	
Representation to the Council of Europe	None (Contact Embassy in Brussels)	
Relations with the Court	None	
CoE conventions	See below	
Treaty No.	Title	Date/Reasoning
Acceded		
165	Convention on the Recognition of Qualifications concerning Higher Education in the European Region	09/03/2004
Right to sign		
166	European Convention on Nationality	Participation in the elaboration
Accession requested		
030	European Convention on Mutual Assistance in Criminal Matters – <i>request declined by CM in 2008; in 2011, the CoE suggested including the preparation for accession to this Convention in the Neighbourhood Cooperation Priorities for Kyrgyzstan</i>	Accession requested in 2008 and again in September 2011
024	European Convention on Extradition – <i>request declined after several member states raised objections, CoE suggested including the preparation for accession to this Convention in the Neighbourhood Cooperation Priorities for Kyrgyzstan</i>	Accession requested in August 2012

Other Relations with the CoE	
Partial Agreements	<p>The Kyrgyz Republic has been a member of the European Commission for Democracy through Law (Venice Commission) since 2004 (observer since 1993). Mr. Kanat KEREZBEKOV, a member of the Kyrgyz Parliament, is currently a member of the Venice Commission. Mr. Erkinbek MAMYROV, a judge in the Constitutional Chamber of the Supreme Court, is the current substitute member.</p> <p>On 6 April 2021, the Venice Commission participated in the Donors' Partners Coordination Council Working Group for Rule of Law and Human Rights for Kyrgyz Republic. The Joint Opinion of the Venice Commission and ODIHR on the Draft Constitution of the Kyrgyz Republic were discussed.</p> <p>On 19 March 2021, Joint Legal Opinion of the Venice Commission and OSCE/ODIHR the draft constitution of the Kyrgyz Republic, was adopted.</p> <p>Experts from Kyrgyzstan participated in the online international roundtable entitled «Modern digital and Human Resources technologies in the selection of candidates for judges, assessment of work and promotion of judges», which took place on 25 November 2020.</p>

	<p>In April 2020, representatives of the Venice Commission participated in a videoconference on proposed amendments to legislation on non-commercial organisations (NCOs) organised by the Delegation in Kyrgyz Republic and the Regional Office of the UN High Commissioner for Human Rights in Central Asia.</p> <p>In March 2020, the Venice Commission adopted an opinion on Kyrgyzstan: the Joint Opinion with the OSCE/ODIHR on the amendments to some legislative acts related to sanctions for violation of electoral legislation</p>
Steering committees and others	<ul style="list-style-type: none"> • European Social Cohesion Platform (PECS) – Participant • Committee on the Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region (LRCC) – Contracting Party <hr/> <ul style="list-style-type: none"> • European Network of National Information Centres on academic mobility and recognition (ENIC Network) – Member
Dates of political visits	<p>The Deputy Prosecutor General of Kyrgyzstan visited the Council of Europe on 10-11 December 2018.</p> <p>Mr Abdymanap KUTUSHEV, Secretary General of the Parliament of the Kyrgyz Republic visited Strasbourg on 2-3 February 2017.</p> <p>The Deputy Prosecutor General of Kyrgyzstan visited Strasbourg on 16 and 17 March 2016. She exchanged views with GRECO during the Plenary Session and had meetings with the President of GRECO and other senior officials. <i>Following the exchange of views Kyrgyzstan was supposed to review their institutional, legal and policy framework and practice for fighting corruption (and money laundering) along the lines of the GRECO (and MONEYVAL) monitoring methodologies. The CoE is looking forward to hearing the outcome of this process (no updates reported so far).</i></p>
Relations with the Parliamentary Assembly	<p>As of 8 April 2014, the Parliament of the Kyrgyz Republic enjoys “Partner for Democracy” status with the Parliamentary Assembly.</p> <p>During the January 2019 PACE session, the Committee on Political Affairs and Democracy held an exchange of views with representatives from the Kyrgyz Parliament.</p>
Voluntary contributions	None