

# LAW OF THE KYRGYZ REPUBLIC

*No. 74, dated May 24, 2014, city of Bishkek*

## On Public Councils of the Government Agencies

### Chapter 1. General Provisions

#### **Article 1. Subject of regulation of the present Law**

The present Law establishes the objectives, principles, legal and organizational foundations of the formation and activities of public councils of the ministries, government committees and administrative agencies (hereinafter referred to as the "Public Council"), and is intended to improve the interaction and cooperation of the ministries, government committees and administrative agencies with the public, to create mechanisms for carrying out public monitoring of the activities of the ministries, government committees and administrative agencies and their executive officers, and for the ministries, government committees and administrative agencies to take into consideration the public opinion in the process of making decisions, including those related to the formulation and implementation of the national policy.

#### **Article 2. Legislation of the Kyrgyz Republic on Public Councils**

The legislation of the Kyrgyz Republic on Public Councils comprises the Constitution, the present Law and other regulatory and legal acts of the Kyrgyz Republic.

#### **Article 3. Basic provisions on Public Councils**

1. The Public Councils are advisory and supervisory bodies set up on a voluntary basis from among representatives of the civil society for purpose of interaction and cooperation with the ministries, government committees and administrative agencies, as well as for carrying out public monitoring of the activities of those ministries, government committees and administrative agencies in accordance with the procedure established by this Law. Public Councils shall carry out their activities independently of those ministries, government committees and administrative agencies, acting openly and, in the public interests.

2. The Public Councils' activities are independent and do not cancel the obligations of the ministries, government committees and administrative agencies pertaining to the interaction and cooperation with citizens and legal entities and/or their associations.

3. The Public Councils are one of the forms of interaction and cooperation between the public and the ministries, government committees and administrative agencies, as well as of carrying out public monitoring of their activities.

4. The Public Councils shall perform their activities on a permanent basis, on the principles of voluntary and gratis participation of representatives of the civil society in their activities.

5. Decisions taken by the Public Councils shall be of advisory nature.

#### **Article 4. Objectives of establishment and activities of Public Councils**

The objectives of establishment and activities of the Public Councils are as follows:

1) promotion and discussion of public initiatives associated with the activities of the ministries, government committees and administrative agencies;

2) assistance to the ministries, government committees and administrative agencies in preparing and making qualitative decisions that are of public importance, including those of strategic significance;

3) enhancement of transparency and efficiency of the use, by the ministries, government committees and administrative agencies, of the financial resources, including the budgetary funds, borrowed assets (loans, credits), special funds, technical assistance and grants given by the governments of other countries

and international organizations to the ministries, government committees and administrative agencies of the Kyrgyz Republic;

4) improvement of quality of the services provided to the population by the ministries, government committees and administrative agencies.

#### **Article 5. Rights of Public Councils**

1. The Public Councils shall have the following rights:

1) to participate in the preparation and public discussion of draft regulatory and legal acts and managerial decisions;

2) to consider public initiatives associated with the sectoral development of a ministry, government committee or administrative agency;

3) to elaborate proposals and draw up recommendations on improvement of the decisions planned or adopted by the ministries, government committees and administrative agencies;

4) to engage representatives of the domestic and international expert and scientific organizations, as well as individual specialists in their work;

5) to arrange and hold workshops, conferences, round tables, public hearings and other functions;

6) to invite the management and executive officers of the relevant and other ministries, government committees and administrative agencies, as well as those of the local self-government authorities to participate in their meetings in order to discuss the issues falling within the competence of the relevant ministry, government committee and administrative agency;

7) to inform the public and/or the higher authorities of the ministries, government committees and administrative agencies in case the ministries, government committees and administrative agencies fail to give reasons for rejection of proposals, recommendations and other appeals of the Public Council or leave them unanswered;

8) to render assistance to the ministries, government committees and administrative agencies in their interaction with the public;

9) to work out and approve the regulations of their activities;

10) to set up, as and when necessary, standing and/or interim working bodies: committees, commissions, and working groups;

11) to raise funds that are not prohibited by the legislation of the Kyrgyz Republic for financing the expenditures associated with the activities of the Public Council.

2. Members of the Public Councils shall have the right to participate, in the capacity of observers, in:

1) the sessions of the ministries, government committees and administrative agencies (working groups, collegiate organs, etc.) and their structural divisions;

2) the work of other standing and interim working bodies of the ministries, government committees and administrative agencies (committees, commissions, directorates, departments, working groups, etc.);

3) the work of the competition, tender and other commissions of the ministries, government committees and administrative agencies;

4) other arrangements and activities held by the ministries, government committees and administrative agencies and their structural divisions.

#### **Article 6. Obligations of Public Councils**

1. The Public Councils shall be obliged to carry out their activities in close cooperation with the public, receive and consider proposals of citizens and organizations of the civil society on the issues related to the scope of activities of the ministries, government committees and administrative agencies.

2. The information about the Public Council activities (work plan, schedule of meetings, place and time of holding public hearings and other functions and events) must be posted on the official website of the Public Councils no later than 3 calendar days before the date of the respective event.

3. The Public Councils shall be obliged to inform the public without fail about their activities, the passed decisions and their execution via their official website.

4. The Public Councils shall be obliged to publish, on their official website and no later than on December 31 of each calendar year, annual reports on their activities during the year to date.

#### **Article 7. Activities of Public Councils**

To achieve their objectives the Public Councils shall:

1) take part in the preparation and public discussion of draft regulatory and legal acts and managerial decisions;

2) elaborate proposals and draw up recommendations on improvement of the planned or adopted decisions, based on the analysis of the actual state of affairs in one sphere or another, as well as on the public opinion research, and then submit them to the relevant ministry, government committee and administrative agency;

3) consider public proposals and initiatives associated with the activities of the ministries, government committees and administrative agencies;

4) participate in the arrangement and holding of public discussions of the planned strategic decisions and those of public importance, including programs and draft regulatory and legal acts;

5) carry out analysis of the efficiency of mechanisms and forms of cooperation with the civil society, implemented by the relevant ministry, government committee and administrative agency, and make proposals as to their improvement;

6) assist in informing the public of the activities of the ministries, government committees and administrative agencies;

7) contribute to the enhancement of transparency of the use of the budgetary and other funds by the ministries, government committees and administrative agencies;

8) carry out monitoring and quality assessment of the services provided by the ministries, government committees and administrative agencies, as well as public monitoring of the activities of the ministries, government committees and administrative agencies;

9) collect and consolidate information about the public proposals regarding solution of the issues and problems of public importance, and then submit it to the relevant ministry, government committee and administrative agency;

10) study and summarize the public opinion of the most important issues related to the activities of the ministries, government committees and administrative agencies, and use the obtained information for the purpose of improving the work of the ministries, government committees and administrative agencies;

11) carry out other activities, which are not prohibited by the legislation of the Kyrgyz Republic, in order to achieve their objectives.

## **Chapter 2. Commission for Selection of Public Council Members**

#### **Article 8. Composition of the Commission for selection of the Public Council members**

1. The Public Councils shall be formed by the Commission for selection of the public councils' members (hereinafter referred to as "the Commission").

2. The Commission shall be composed of 15 persons: one third from among representatives of the government agencies' personnel, and two thirds from among representatives of the civil society.

The chiefs of staff of the President, Jogorku Kenesh (Parliament), Government, as well as Akiykatchi (Ombudsman) and the authorized government agency in the sphere of public personnel service of the Kyrgyz

Republic (hereinafter referred to as, respectively, the President, Jogorku Kenesh, Government, Akiykatchi (Ombudsman), the authorized government agency in the sphere of public personnel service) shall each appoint one representative as a member of the Commission on a permanent basis.

3. Should a representative of the government agency discontinue his/her membership in the Commission, the respective government agency, inside the next 14 calendar days, shall appoint a new member to be put on the Commission on behalf of the given government agency.

4. A government agency shall have the right to appoint, at any time, another person to represent it on the Commission.

5. The remaining 10 members of the Commission (representatives of the civil society) shall be elected on a competitive basis for a term of 5 years in accordance with the procedure established by the present Law.

#### **Article 9. Procedure of electing the Commission members from the civil society**

1. Announcement about competition for the election of 10 Commission members from the civil society shall be published by the Government Office in one of the mass media outlets determined by the Government, as well as by posting the competition-related information on the official websites of the Government and Public Councils with an indication of the term of filing the documents, the address (both postal and e-mail address) to which the contestants' documents must be sent, as well as the list of the documents required for participation in the competition.

2. The documents for entering the competition shall be accepted for the period of one month from the date of publication of the announcement about competition in the mass media.

3. Candidates for participation in the competition for election of the Commission members from the civil society shall be nominated by one of the following associations set up to achieve the objectives of the present Law:

1) registered associations of legal entities;

2) not less than three not-for-profit organizations registered in the form of a public association, foundation and/or institution (save for the municipal and government institutions).

4. One association for electing the Commission members from the civil society may nominate only one candidate. One legal entity can participate in this process only as part of one association with a view to nominating a candidate to be elected as a member of the Commission from the civil society.

5. Candidates for members of the Commission may be legally capable citizens of the Kyrgyz Republic no younger than 25 years of age, who have higher education and no criminal record, who are not government employees or municipal officials, and who are experienced in civil initiatives and vigorous public activities.

6. A member of the Commission cannot be a member of the Public Council. A member of the Public Council shall have the right to enter the competition for election as a member of the Commission from the civil society. In case of being elected to the Commission, his/her membership in the Public Council shall be terminated.

7. For participation in the competition for election of the Commission members from the civil society, the following documents must be submitted (personally – by a courier, letter or e-mail):

1) a letter of the association re the proposal of a candidate to be elected to the Commission (signed by the head of the registered association or bearing the signatures of all managers of not-for-profit organizations that set up a non-registered association, and sealed with the seals of those organizations);

2) application of the candidate for participation in the competition;

3) information about candidate's education, professional experience and practical experience in public activities with an indication of the autobiographical information (curriculum vitae).

8. The information about the proposed candidates to be elected to the Commission (the candidate's application and curriculum vitae, and the letter of the respective organization re the proposal of a candidate

for the election as a member of the Commission from the civil society) shall be posted by the Government Office, on an ongoing basis, on the official website of the Public Councils.

9. Upon expiration of one month from the date of publication of the competition announcement the Government Office shall:

1) stop to accept the documents for participation in the competition;

2) send to the proposed candidates (by letter, e-mail or telephone message) invitations to the competition (with an indication of the place, date and time of holding the competition);

3) post the announcement about the place, date and time of holding the competition on the official websites of the Government and Public Councils;

4) send to the President's Office, the Central Commission for holding elections and referendums of the Kyrgyz Republic (hereinafter referred to as "the Central Election Commission"), and the Akiykatchi (Ombudsman) invitations to take part in the arrangement of the competition and for each of them to delegate one representative to work on the counting board for holding the competition;

5) conduct a preliminary check of the information about the candidates with a view to their compliance with the requirements of the present Law specified for the candidates for members of the Commission from the civil society.

10. The competition shall be held not earlier than 10 and no later than 20 calendar days from the date when the acceptance of documents was stopped.

11. On the day of holding the competition, before the competition starts, the representative of the Government Office shall report to the participants in the competition the results of the preliminary check of the information about the candidates with a view to their compliance with the requirements of the present Law specified for the candidates for members of the Commission from the civil society. Those participants in the competition, in relation to whom there is the information to the effect that they do not meet the requirements specified for the members of the Commission from the civil society, shall have the right to voice their opinion and present the relevant documents and other proofs in support of their compliance with the requirements specified for the members of the Commission from the civil society (e.g., a copy of the passport, that of the education diploma, references from the ministries, government committees and administrative agencies, or letters from not-for-profit organizations).

12. Those candidates who fail to meet the requirements specified for the members of the Commission shall not be allowed to enter the competition by the decision made by the participants in the competition. In this case, voting for a single candidate shall be held. The decision shall be passed by the majority of votes of the participants present at the competition (save for the participants in the competition – the write-in candidates – they shall not take part in the vote).

13. In case, after passing the decision of exclusion from the competition of those candidates who fail to meet the requirements specified for the members of the Commission, the number of candidates from the civil society for membership in the Commission is 15 persons and less, then this competition shall not be held and a new competition shall be announced in accordance with the rules stipulated in this Article.

14. If, after passing the decision of exclusion from the competition of those candidates who fail to meet the requirements specified for the members of the Commission, the number of candidates from the civil society for membership in the Commission is more than 15 persons, then the representative of the Government Office shall invite those contestants who are allowed to enter the competition to take part in the voting procedure in order to elect members of the Commission from the civil society.

15. The procedure of voting for the election of members of the Commission from the civil society shall be as follows:

1) the representative of the Government Office shall read out the letter from the President's Office, the Central Election Commission, and the Akiykatchi (Ombudsman) about the representatives delegated by them to work on the counting board, and shall introduce them to the participants in the competition;

2) a ballot box shall be installed in the room where the competition is going to be held;

3) members of the counting board shall demonstrate the empty ballot box to the participants in the competition;

4) that done, the process of preferential voting shall begin: each candidate (eligible for the competition) shall write on a slip of paper (secretly or openly – at his/her discretion) the names of up to 20 candidates in favor of who he/she is going to vote for their election as members of the Commission, upon which he/she shall deposit this slip in the ballot box;

5) once all participants in the competition cast their votes, the counting board shall openly count the votes in the presence of all participants in the competition;

6) based on the results of the vote count, the counting board members, in the presence of all participants in the competition, shall draw up a list of candidates according to the number of collected votes: the name of a candidate who collects the largest number of votes shall be entered in the first line of the list with the names of the rest of the candidates added to the list in the descending order depending on the number of the votes received by them;

7) in case it is impossible to determine the first 20 positions according to the number of the collected votes due to the equal number of votes received by several candidates, a draw shall be held among those candidates;

8) the draw shall be held openly, in the presence of all participants in the competition, in accordance with the following procedure:

a) the names of those candidates who collected the equal number of votes (who compete for making the top twenty to become winners in the competition) shall be written on slips of paper and put in the identical unmarked envelopes to be sealed by the counting board members and then deposited in the ballot box and shuffled;

b) that done, the envelopes shall be withdrawn, one by one, from the ballot box, their number being equal to the number of the contested positions in the top twenty, and then entered in the list according to the sequence of their withdrawal;

9) the candidates who, according to the collected votes, filled the first 10 positions in the top twenty shall be considered as elected to the Commission from the civil society;

10) the candidates who, according to the collected votes, occupy the positions 11 through 20 shall be considered as elected reserve candidates for the Commission members from the civil society.

16. The Government Office shall take the minutes of the competition progress.

17. The information about the results of the competition shall be published by the Government Office in one of the mass media outlets determined by the Government, as well as posted on the official websites of the Government and Public Councils.

18. In case of early resignation of a Commission member representing the civil society from the Commission, the Government Office, no later than 10 days from the date of such resignation, shall appoint, for the remaining term, the next reserve candidate as a member of the Commission according to the sequence established as a result of their election based on the number of the collected votes. If there are no reserve candidates, the Government Office, no later than 10 days from the date of such resignation, shall announce the competition for election of new members of the Commission from the civil society for the remaining term. The competition shall be held in accordance with the procedure established by the present Law.

19. Not earlier than 2 months prior to the expiration of the term of office of the Commission members from the civil society, the Government Office shall publish an announcement about the competition for election of new members of the Commission from the civil society to be held in accordance with the procedure established by the present Law. The newly elected members of the Commission from the civil society shall assume the office on the day of expiration of the term of office of the previous members of the Commission from the civil society.

## **Article 10. Authority of the Commission**

The Commission shall be vested with the following authority:

- 1) to arrange a competition for selection of the members of the Public Councils;
- 2) to form the reserve of candidates for the Public Councils;
- 3) to make a decision to appoint a new member from among the reserve candidates instead of the resigned member of the Public Council;
- 4) to solve the issues pertaining to early termination of authorities of the Commission members from the civil society;
- 5) to request information from the ministries, government committees and administrative agencies, as well as local self-government authorities, which is required for holding the competition and selection of members for the Public Councils and for the reserve of candidates for membership in the Public Councils;
- 6) to approve the procedure and regulations of its activities;
- 7) to make decisions, in compliance with the present Law, regarding further activities or termination of activities of the Public Councils in case of restructuring or dissolution of the ministry, government committee and administrative agency, where they were set up.

## **Article 11. Organizing the activities of the Commission**

1. The main form of work of the Commission shall be its meetings.
2. Meetings and election of the chairperson shall be held in accordance with the procedure and regulations of the Commission.
3. A meeting of the Commission shall be considered as legally competent, provided at least two thirds of the total number of the Commission members take part in its work.
4. Meetings of the Commission shall be held as and when necessary.
5. The Commission decisions shall be adopted by the majority of votes in relation to the total number of the members of the Commission. In case of equality of votes, the decision is considered to be adopted if the chairperson voted in favour of it.
6. The functions of the Secretariat of the Commission shall be entrusted to the Government Office.
7. The members of the Commission shall be notified by the Secretariat of the date and agenda of a regular meeting of the Commission not later than 2 days before the date of this meeting. The materials related to the issues put on the agenda of the meeting shall be sent to the members of the Commission not later than 2 days before their consideration at the meeting.
8. By the decision of the Commission, representatives of the ministries, government committees and administrative agencies, local self-government authorities, civil society organizations, academic institutions, as well as experts and other specialists can be invited to attend the meetings of the Commission in order to share their findings and information on the issues under consideration.

## **Article 12. Rights and obligations of members of the Commission**

1. Members of the Commission shall have the right to:
  - 1) freely voice their opinion on any issue related to the activities of the Commission;
  - 2) familiarize themselves with the minutes of meetings of the Commission, and other documents of the Commission;
  - 3) resign from the Commission of their own free will.
2. Members of the Commission shall be obliged to:
  - 1) take a personal share in the work of the Commission meetings;
  - 2) observe the procedure and regulations of the Commission.
3. When exercising their authorities members of the Commission shall:

- 1) possess equal rights;
- 2) not to be associated with the decisions made by the organizations which proposed them to be elected to the Commission;
- 3) carry out their activities in the Commission on a voluntary basis.

#### **Article 13. Termination of authorities of members of the Commission**

1. The authorities of the Commission members from the government agencies shall be terminated on the following grounds:

- 1) dismissal from office;
- 2) expiration of the term of office;
- 3) by a decision of the government agency which appointed this member of the Commission (at any time);
- 4) by a decision of the Commission, if there are grounds for this as provided for in Paragraph 3 of this Article.

2. The authorities of the Commission members from the civil society shall be terminated on the following grounds:

- 1) expiration of the term of office;
- 2) of their own free will (on the grounds of a letter of resignation);
- 3) by a decision of the Commission, if there are grounds for this as provided for in Paragraph 3 of this Article.

3. The Commission shall have the right to pass a decision of early termination of the authorities of a member of the Commission in the presence of the following circumstances:

- 1) absence from the meetings of the Commission without valid excuse for three and more times;
- 2) inability of a member of the Commission to take part in the work of the Commission for health reasons, as supported by a medical report;
- 3) for not irreproachable conduct (the decision in this case shall be made by the Commission, provided at least two thirds of the total number of members vote in favor of it).

### **Chapter 3. Formation of Public Councils**

#### **Article 14. Procedure of formation of Public Councils**

1. The Public Councils shall be formed by the Commission on a competitive basis from among the representatives of the public, including not-for-profit organizations, academic community, business associations, vocational and trade associations, expert community from the spheres associated with the activities of the relevant ministry, government committee and administrative agency.

2. The Public Councils shall comprise at least 7 but not more than 15 members. The announcement about the competition shall be published in one of the mass media outlets determined by the Government, as well as posted on the official websites of the Government and Public Councils with an indication of the term of filing the documents, the address (both postal and e-mail address) to which the contestants' documents must be sent, as well as the list of the documents required for participation in the competition.

3. Members of the Public Councils shall be elected for the period of two years.

4. Only one person from an organization can be elected to this or another Public Council. The same person can be elected a member of only one Public Council.

5. Not earlier than 2 months prior to the expiration of the term of office of the Public Council members, the Commission shall publish an announcement about the competition for election of new members of the Public Council. The announcement about the competition shall be published in one of the mass media outlets determined by the Government, as well as posted on the official websites of the Government and Public



Councils with an indication of the term of filing the documents, the address (both postal and e-mail address) to which the contestants' documents must be sent, as well as the list of the documents required for participation in the competition.

6. The documents for entering the competition shall be accepted for the period of one month from the date of publication of the announcement about competition in the mass media.

7. Candidates to be included in the composition of the Public Council can be proposed by citizens and organizations, including nomination of oneself.

8. Candidates for members of the Public Council may be legally capable citizens of the Kyrgyz Republic, who have no criminal record. A candidate for member of the Public Council must meet the following criteria:

1) not to be closely related to the management of the ministry, government committee and administrative agency at which the Public Council is being set up (the head or his/her deputies);

2) not to be directly dependent on the ministry, government committee and administrative agency at which the Public Council is being set up (not to be a licensee, nor a supplier of goods and services on a contractual basis, etc.);

3) not to be a government employee or a municipal official;

4) have impeccable business reputation;

5) have vision, ideas or proposals as to improvement of the work of the relevant ministry, government committee and administrative agency;

6) carry out vigorous public activities and be experienced in civil initiatives.

9. To enter the competition, a candidate must submit the following documents to the Commission:

1) an application of citizen's nomination of himself/herself or a letter of a legal entity or associations of citizens and/or legal entities, addressed to the Commission and containing the proposal to include this candidate in the composition of the relevant Public Council, including the arguments that serve as a basis for the proposal of this candidate to be included in the composition of the Public Council;

2) information about candidate's education, professional experience and practical experience in public activities with an indication of his/her autobiographical information (curriculum vitae), including his/her picture taken not earlier than 6 months before the submission of the competition-related application documents;

3) description of the candidate's vision of his/her participation in the work of the Public Council;

4) not less than two letters of reference.

10. The candidates who submitted the documents, which do not comply with the requirements established by the present Law for election to the Public Councils, shall not be allowed to enter the competition by the decision of the Commission.

11. The Public Councils shall be formed subject to the requirement that their composition should not include more than 70 percent of persons of one sex.

12. A new composition of the Public Council shall be formed by the Commission no later than 7 calendar days prior to the expiration of the term of office of the previous composition of the Public Council.

13. The newly elected members of the Public Council shall assume the office on the day of expiration of the term of office of the previous members of the Public Council.

14. Upon the formation of each new composition of the Public Council, the Commission shall convey the information about this to the public via the official website of the Public Councils with an indication of the personal data of the newly elected members of the Public Council (surnames, first names, patronymics, place of employment, and occupation).

15. Should there be a sufficient number of candidates, the Commission, concurrently with the formation of the Public Council, shall also form the reserve of candidates for the relevant Public Council.

#### **Article 15. Termination of authorities of members of the Public Council**

1. A member of the Public Council may at any time resign from the Public Council of his/her own free will upon submission the relevant written application (a letter of resignation).

2. A member of the Public Council can be expelled from the membership of the Public Council before his/her term is up by the decision of the Public Council, provided there are the following grounds for that:

- 1) absence from the meetings of the Public Council without valid excuse for three and more times;
- 2) inability to take part in the work of the Public Council for health reasons;
- 3) recognition of a member of the Public Council as legally incapable by judicial procedure;

4) if the facts envisaged by Items 1 through 4 of Paragraph 8 of Article 14 of the present Law come to the knowledge of the Public Council.

3. In case of early termination of the authorities of a member of the Public Council (on his/her own free will or due to expulsion), the Public Council, not later than 5 business days from the date of passing the decision, shall send to the Commission a copy of the minutes of the Public Council's meeting, which shall reflect the grounds for and the Public Council's decision of the early termination of the authorities of the particular member of the Public Council.

4. The Commission, no later than one month from the date of receipt of the copy of the minutes of the Public Council's meeting regarding the termination of authorities of a member of the Public Council, shall pass the decision:

1) of election (for the remaining term of activities of the given Public Council) of a new member of the Public Council from among the reserve candidates of the given Public Council (provided there is the reserve of candidates); or

2) if the given Public Council does not have a reserve of candidates, the Commission shall announce a competition for electing a new member to the Public Council in accordance with the procedure established by the present Law. Furthermore, should there be a sufficient number of the proposed candidates, the Commission, concurrently with the election of a new member to the Public Council, shall have the right to form the reserve of candidates for the given Public Council.

## **Chapter 4. Procedure of carrying out activities by Public Councils**

### **Article 16. Organizational structure of Public Councils**

1. The organizational structure of the Public Councils comprises the chairperson, his/her deputies, and the Secretariat of the Public Council. At the discretion of the Public Council, the above executive officers can be re-elected at any time.

2. The Chairperson of the Public Council shall:

- 1) organize the activities of the Public Council;
- 2) preside over the meetings of the Public Council;
- 3) sign the work plan, the outgoing and other documents of the Public Council;
- 4) carry out the activities related to the implementation of decisions of the Public Council;
- 5) represent the Public Council at the ministries, government committees and administrative agencies, public and other organizations.

3. Deputy Chairpersons shall:

1) in the absence of the Chairperson, fulfill his/her duties on the basis of the relevant decision passed by the Public Council;

2) supervise the work of the commissions and/or working groups of the Public Council.

4. The Secretariat shall:

- 1) arrange preparation for holding the meetings of the Public Council;

- 2) provide the organizational and information support for the activities of the Public Council;
- 3) organize and maintain records management in the Public Council, as well as exercise control over execution of decisions of the Public Council.

#### **Article 17. Organization of activities of Public Councils**

1. The first meeting of the Public Council shall be opened by the oldest member of the Public Council.
2. At the first meeting of the Public Council, the chairperson, his/her deputies and the Secretariat of the Public Council shall be elected by the show of hands.
3. The main form of work of the Public Councils shall be their meetings. A meeting of the Public Council shall be considered as legally competent, provided at least two thirds of the total number of its members attend this meeting.
4. The Public Council shall carry out its activities in accordance with the annual work plan elaborated and adopted by the Public Council.
5. The Public Council shall hold its meetings as and when necessary, however not less than once a month. The frequency of holding the meetings of the Public Council shall be determined by the Public Council in accordance with the approved annual work plan.
6. Any member of the Public Council shall have the right to make a proposal to convene an extraordinary meeting of the Public Council.
7. Members of the Public Council shall participate in its meetings in person. In case of inability to take part in a meeting of the Public Council, a member of the Public Council shall have the right to express his/her opinion on any issue put on the agenda in writing. This opinion shall be subject to consideration during the meeting of the Public Council and shall be taken into account during voting.
8. When necessary, by the decision of the Public Council, representatives of the ministries, government committees and administrative agencies, mass media, academic institutions, trade unions and other organizations, as well as experts and other consultants specializing in the sphere related to the activities of the relevant ministry, government committee and administrative agency, can be invited to attend the meeting of the Public Council.
9. Meetings of the Public Council shall be held openly, they can be attended by citizens, representatives of the civil society organizations and mass media.
10. The representatives of structural divisions of the ministries, government committees and administrative agencies, who are interested in the issues to be considered during the meetings of the Public Council, can take part therein.
11. The head of the structural division of the relevant ministry, government committee and administrative agency, whose functions are associated with the issues to be considered by the Public Council at its forthcoming meeting, shall supply the Public Council with the materials and information required for this meeting, on a written request of the Public Council.
12. At the meetings of the Public Council, each member of the Public Council shall have one vote. Decisions of the Public Council shall be adopted by the majority of votes in relation to the total number of the members of the Public Council, and recorded in the minutes of meeting to be signed by the chairperson, his/her deputies and the members of the Public Council who were present at the meeting of the Public Council, as well as by those members who were absent from the meeting and yet voted on the given issue in accordance with the procedure established by the present Law.
13. The dissenting opinions voiced by certain members of the Public Council in the course of consideration and decision-making shall be entered in the minutes on the initiative of the member of the Public Council who expressed the dissenting opinion.
14. If necessary, by a special decision of the Public Council, any particular issues can be put to vote by e-mail or else by using the official website of the Public Councils. The procedure of voting by e-mail or using

the official website of the Public Councils, as well as entering the decisions adopted in this way in the minutes shall be determined by the procedure and regulations of the Public Council.

15. A member of the Public Council shall not have the right to publish, or pass to the ministry, government committee, administrative agency or other persons any particular documents, decisions, recommendations or other information on behalf of the Public Council, if they have not been adopted or approved by the Public Council or agreed upon with the latter in accordance with the established procedure.

16. If necessary, with a view to improving the efficiency of its work, the Public Council shall have the right to set up committees, commissions and working groups in the territories of certain regions and/or districts of the Kyrgyz Republic where they established the territorial structural divisions of the relevant ministry, government committee and administrative agency. These structures of the Public Council, which are composed of representatives of the public residing in the given territory, shall assist the Public Council in its work by providing the required information about the activities of the territorial structural division of the relevant ministry, government committee and administrative agency, as well as promote interaction and cooperation with the above structural division of the ministry, government committee and administrative agency, and shall be vested with the following authority:

- 1) to arrange and hold workshops, conferences, round tables, public hearings and other functions;
- 2) to invite the management and officers of the relevant and other ministries, government committees or administrative agencies, as well as those of the local self-government authorities to participate in their meetings in order to discuss the issues falling within their competence;
- 3) to render assistance to the ministries, government committees and administrative agencies in their interaction with the public;
- 4) to set up, as and when necessary, standing and/or interim working bodies: committees, commissions, and working groups.

#### **Article 18. Obligations of the government agencies as to interaction with the Public Councils**

1. The head of the ministry, government committee and administrative agency shall appoint one of his/her deputies as the representative of the ministry, government committee and administrative agency in the Public Council (hereinafter referred to as "the representative") who shall represent, on a permanent basis, the ministry, government committee and administrative agency in their relations with the Public Council and ensure interaction of the ministry, government committee and administrative agency with the Public Council.

2. The agenda of the forthcoming meeting of the Public Council shall be submitted to the ministry, government committee and administrative agency no later than 2 days before the beginning of the meeting. The representative shall participate in the meetings of the Public Council in person. Also, on invitation of the Public Council, other officials can take part in the meetings of the Public Council.

3. The ministry, government committee and administrative agency shall be obliged to notify the Public Council of the date, the venue, the program or agenda of meetings of the tender committee, the competition committee, the collegia of the ministry, government committee and administrative agency, as well as other functions and events held by the ministry, government committee and administrative agency, no later than 2 days prior to the date of holding them, and make it possible for the members of the Public Council to participate in those functions at any stage of holding them.

4. The ministry, government committee and administrative agency shall have the right to submit to the Public Council certain issues to be considered and put on the agenda of the meeting of the Public Council.

5. A copy of the annual work plan of the Public Council shall be submitted without fail to the ministry, government committee and administrative agency no later than 5 business days from the date of its approval and also after each case of introducing alterations and amendments therein.

6. The ministries, government committees and administrative agencies, institutions and local self-government authorities and their offices shall provide, on the request of the Public Council, the required information (save for the information associated with the state secret or any other legally protected secret).

7. The executive officer, who the Public council's request was addressed to, shall be obliged to provide a written answer to the request no later than 2 weeks from the date of filing the request. The answer must be signed by either the executive officer, who the request was addressed to, or the person who performs his/her duties.

8. Upon the receipt of the written request from the Public Council (proposals, recommendations or other documents), the ministry, government committee and administrative agency, no later than 14 days from the date of receipt of the request, shall be obliged to provide a written answer where they must express their opinion regarding the received request. In case of disagreement with the request of the Public Council, the ministry, government committee and administrative agency shall be obliged to validate their response.

9. Support for the activities of the Public Council (provision of the conference room where the meetings of the Public Council are held, equipping this room with the required technical means for demonstration of reference and informational materials related to the issues under consideration, for Xeroxing and duplication of materials, etc.) shall be provided by the ministry, government committee and administrative agency under which the Public Council is set up.

#### **Article 19. Interaction of Public Councils**

1. When carrying out their activities, the Public Councils shall interact with one another, as based upon the principles of equality and partnership.

2. With a view to improving the efficiency of their own activities as well as joint activities to achieve certain objectives, the Public Councils of different ministries, government committees and administrative agencies shall have the right to pool their efforts and set up their joint bodies (committees, commissions, working groups, etc.).

3. The joint bodies of the Public Councils shall carry out their activities based upon the principles of self-management in accordance with the procedure established by the relevant decisions of the Public Councils.

#### **Article 20. Coordination Council of Public Councils**

1. With a view to enhancing the potential of the Public Councils to achieve the set objectives, the Public Councils shall have the right to establish the Coordination council (hereinafter referred to as "the Coordination Council").

2. The Coordination Council shall be established as a representative body of the Public Councils in their relations with the ministries, government committees and administrative agencies, international and other organizations, as well as for coordination of the joint activities of the Public Councils.

3. The procedure of establishment and activities of the Coordination Council, as well as its functions shall be determined by the provision approved by the delegates of the Public Councils by a simple majority vote at the conference of the Public Councils.

#### **Article 21. Annual conferences for assessment of interaction between ministries, government committees, administrative agencies and Public Councils**

1. In the end of each year (on December 31 the latest), the Jogorku Kenesh, the President and the Government together with the Public Councils shall hold a conference where the representatives of the ministries, government committees, administrative agencies and Public Councils give evaluation of the interaction between the authorities and the Public Councils.

2. In November of each year, the Jogorku Kenesh, the President and the Government together with the Public Councils and civil society organizations shall set up an organizing committee, which shall draw up the program of the conference and address other organizational issues related to holding the conference.

The organizing committee shall be set up on the initiative of the Government Office and Coordination Council.

## **Chapter 5. Termination of Activities, Restructuring of Public Councils**

### **Article 22. Termination of activities, restructuring of Public Councils**

1. In case of dissolution of a ministry, government committee and administrative agency, the Public Council of this ministry, government committee and administrative agency shall terminate its activities.

2. In case of restructuring of the ministries, government committees and administrative agencies (merger, division, takeover or separation), the commission shall take a decision on the further activities of the relevant Public Councils (merger, division, takeover separation or termination of activities). At the discretion of the Commission, members of the restructured Public Councils of the ministries, government committees and administrative agencies are included (in body or partially) in the Public Councils being restructured as well as their reserves.

3. Members of the Public Councils of the restructured ministries, government committees and administrative agencies, which are included by the Commission in the compositions of the restructured Public Councils, shall retain their authorities for the period of their initial term of office.

## **Chapter 6. Final Provisions**

### **Article 23. Using other forms for interaction with the civil society**

The Jogorku Kenesh, the President and the Government, as appropriate, shall have the right to use other forms of interaction with the civil society with a view to creating conditions for cooperation and public monitoring of the activities of the ministries, government committees, administrative agencies and other organizations with the government involvement, including those set up by other countries or international organizations in the territory of the Kyrgyz Republic on the basis of intergovernmental agreements (with the consent of the parties to the international treaty) and the international treaties that have become operative in accordance with the procedure prescribed by law, a party to which is the Kyrgyz Republic.

### **Article 24. Procedure of enactment of the present Law**

1. The present Law shall take effect on the date of its official publication.

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2. The supervisory board on the initiative of transparency of the fuel-and-energy complex under the Ministry of Energy of the Kyrgyz Republic, as a pilot experimental project, and as an exception from the general rules, shall continue to carry out their activities on the basis of the Decree of the President of the Kyrgyz Republic "On the Initiative of Transparency of the Fuel-and-Energy Complex of the Kyrgyz Republic" No. 49, dated July 20, 2010, as well as the relevant regulatory and legal acts of the Government of the Kyrgyz Republic.

3. The Office of the Kyrgyz Republic Government, no later than 3 months from the day when this Law enters into force, shall form the Commission for selection of the members of the Public Councils in compliance with the present Law.

4. The Government of the Kyrgyz Republic, within the term of 3 months, shall elaborate and adopt the relevant regulatory and legal acts for the implementation of the present Law.

**President of the Kyrgyz Republic**

**A. Atambayev**

**Adopted by the Jogorku Kenesh  
of the Kyrgyz Republic**

**on April 16, 2014**

