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Decree of the President of the Kyrgyz Republic

On improving the interaction of
agencies of state administration
with the civil society

(In edition of the President's Decree
as of March 5, 2011 # 56)

For further development, normative foundation and introduction into the practice of interaction forms of state bodies, local self-administration bodies and institutes of civil society (public associations, associations, unions and others) in the Kyrgyz Republic, as well as for ensuring transparency of procedures for decision-making and their implementation taking into account interests of the public, the following is ordered:

1. To consider as one of the priority directions of state bodies and local self-administration bodies introduction of long-term stable mechanisms of interaction of public authorities and civil society in the processes of decision-making and their implementation, as well as creation of conditions for implementation of civil initiatives.

2. To establish that for coordinated interaction with the public under the state bodies are created public supervisory councils (further - Councils) with inclusion into their composition representatives of civil society, academic communities, business-associations, professional and industrial unions, expert community from spheres, relating to the activity of state bodies.

3. To approve attached Regulation on public supervisory council under the state body (further- Regulation).

4. To determine as pilot the following state bodies under which shall be created Councils:

- Ministry of Agriculture of the Kyrgyz Republic;
- Ministry of Natural Resources of the Kyrgyz Republic;
- Ministry of Transportation and Communications of the Kyrgyz Republic;
- Ministry of Education and Science of the Kyrgyz Republic;
- Ministry of Health of the Kyrgyz Republic;
- Ministry on the Issues of Youth of the Kyrgyz Republic;
- State agency on environment and forestry protection under the Government of the Kyrgyz Republic;
- State agency on architecture and construction under the government of the Kyrgyz Republic;
- State Tax Services under the Government of the Kyrgyz Republic;
- State Customs Service under the Government of the Kyrgyz Republic.

5. To determine that compositions of Councils under the state bodies are formed by the Commission on Selection of Candidates into the composition of public supervisory councils, formed by the President's Apparatus of the Kyrgyz Republic out of recommended representatives of civil society, academic communities, business associations, professional and industrial unions, expert community.

(In edition of the President's Decree of the Kyrgyz Republic as of March 5, 2011 # 56).

6. To Head of the President's Apparatus in a month to organize the work on creation of Councils under state bodies, listed in item 4 of the present Decree.

7. To state bodies, listed in para. 4 of the present Decree to introduce to the Government of the Kyrgyz Republic proposals on introduction into its own

Regulations of respective amendments, coming from the present Decree and abovementioned Regulation.

8. To the Government of the Kyrgyz Republic:

- until July 1, 2011:

- To conduct inventory and analysis of normative legal acts, determining the interaction of the state with the civil society;
- To include into the rules on the work of all state bodies mechanisms of compulsory attraction of representatives of civil society into drafting strategic documents and normative and legal acts, expertise of state decisions, as well as into the monitoring and assessment of their implementation;
- To develop and introduce instruments and formats of regular reporting of all state bodies before citizens of the country, as well as on timely basis awareness-raising of the population on conducted and planned by them work;
- To develop methodology of compulsory measurement "population's trust index" to the results on activity of state and local self-administration bodies for independent and objective assessment of their work;

(Para. seven became void in compliance with the President's Decree of the Kyrgyz Republic as of March 5, 2011 # 56)

(Para. eight became void in compliance with the President's Decree of the Kyrgyz Republic as of March 5, 2011 # 56)

(In edition of the President's Decree of the Kyrgyz Republic as of March 5, 2011 # 56)

8-1. To determine that Councils under state bodies annually shall present their reports on results of work for previous year to the Government of the Kyrgyz Republic, which shall be included into National report on the issues of interaction of the government with civil society.

The presentation of National report on the issues of interaction of the government with civil society shall be conducted at the conference, conducted by the President's Apparatus of the Kyrgyz Republic.

(In edition of the President's Decree of the Kyrgyz Republic as of March 5, 2011 # 56)

9. To determine that in other state bodies, as well as in state bodies dealing with the issues of foreign policy, defense, national security and carrying out law-enforcement functions, provisions of the present Decree are applied taking into account specifics organization of their activity.

10. To National Agency of the Kyrgyz Republic on the issues of local self-administration to form public supervisory councils under executive bodies of local self-administration in compliance with the present Decree.

(In edition of the President's Decree of the Kyrgyz Republic as of March 5, 2011 # 56)

11. The control over implementation of the present Decree to delegate to respective departments of the President's Apparatus of the Kyrgyz Republic.

12. The present Decree enters into force on the day of official publication.

President of the Kyrgyz Republic R. Otunbaeva

Approved
By the Decree of the President
Of the Kyrgyz Republic
As of March 5, 2011 N 56

REGULATION
on Public Supervisory Council
under state body

1. General provisions
2. Main tasks and functions of the Council
3. Council's rights
4. Procedure for Council formation
5. Organization of Council's activity
6. Interaction of state body with the Council
7. Concluding provisions

1. General provisions

1. Public Supervisory Council further - Council) is a consultative and supervisory body, formed for ensuring participation of citizens in carrying out public control over the activity of executive body under which it was created, improving effective interaction of indicated bodies with the public, consideration of public opinion in forming and implementing state policy.

2. The Council is formed based on voluntary participation in its activity of citizens and representatives of civil society of the Kyrgyz Republic.

3. The Council is a permanently acting public body, carrying out its activity *pro bono*.

4. The Council's activity is carried out based on free discussion of all issues and collective decision-making.

5. The Council's decisions are of recommendation character.

6. The Council carries out its activity based on the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic and other normative and legal acts of the Kyrgyz Republic, as well as the present Regulation.

2. Main tasks and functions of the Council

7. The main tasks of the Council are the following:
 - 1) conducting public control over the activity of executive body;
 - 2) facilitating the consideration of public opinion by executive body in formation and implementation of state policy;
 - 3) proposing and discussing public initiatives, related to the activity of state body, directed at industrial development;
 - 4) facilitating the state body in preparation of qualitative decisions of public importance, including of strategic character;
 - 5) carrying out public monitoring and efficiency control over implementation of managerial decisions made by state body;

- 6) efficiency assessment of services, rendered by corresponding state body;
 - 7) carrying out public control over transparency and efficiency on use of financial funds, including budget and borrowed (commercial loan), as well as of special account funds, technical assistance and grants, allocated by donors.
8. For solving tasks the Council shall perform the following functions:
- 1) participate in development and public expertise of draft managerial decisions to ensure public interests, increasing transparency and quality of to be adopted decisions;
 - 2) prepare proposals on improving planned or adopted decisions based on public opinion study and introduce them for the consideration of state body;
 - 3) consider civil initiatives, related to the activity of state body;
 - 4) participate in organization and conduct of extensive discussion with the public of planned decisions of public importance, including strategic decisions;
 - 5) conduct analysis on efficiency of being implemented by state bodies technologies and cooperation forms with civil society and introduce its proposals on their improvement;
 - 6) facilitate awareness-raising of the public on the activity of state body;
 - 7) ensure public control over increasing the transparency on the use of budget and other funds;
 - 8) conduct monitor and assessment on rendering services by state body;
 - 9) study and summarizes public opinion on the most important issues, related to the activity of state body;
 - 10) submit to the state body proposals on preparation of drafts of normative and legal acts on the issues of formation and implementation of state policy in corresponding sphere, improving the work of the state body, which are subject to compulsory consideration;
 - 11) inform the public about its activity, adopted decisions and their implementation on official web-site of the state body or by other possible way in a compulsory manner;
 - 12) collect, summarize and submit to the state body information on proposals of civil society organizations on resolution of issues of public importance;
 - 13) organize public events for discussion of actual issues on development of the sector;
 - 14) prepare and publish an annual report on its activity;
 - 15) perform other functions, necessary for accomplishment of tasks, stipulated by the present Regulation.

3. Council's Rights

9. The Council for implementing delegated functions has a right to:
- 1) create permanent and temporary working bodies;
 - 2) attract to its work employees of executive bodies, local self-administration bodies, representatives of domestic and international expert and academic organizations, enterprises, institutions and organizations, as well as individual specialists;
 - 3) organize and conduct seminars, conferences, public hearings and other events;
 - 4) request and receive necessary for carrying out its activity information from state bodies and local self-administration bodies;

- 5) receive from state body drafts of normative and legal acts on the issues, requiring conduct of consultations with the public;
- 6) organize and conduct consultations with experts, specialists or interested public organizations on the issues, related to the competence of corresponding state body;
- 7) invite the head and officers of corresponding state body for discussion of agenda issues of the Council's session;
- 8) make proposals on introducing amendments into the Regulation on Council;
- 9) inform the public and higher state authorities in case of unreasonable rejection of the Council's recommendations by corresponding state body;
- 10) render assistance to corresponding state body in interaction with civil society;
- 11) attract donor and other sponsor funds for ensuring the activity of Council.

10. In coordination with the head of state body the Council's members have a right to participate in planned collegiums' sessions and other activities, conducted by state body.

4. Procedure for formation of the Council

11. The composition of the Council includes representatives of civil society organizations (public associations, foundations, nongovernmental institutions, associations of legal entities and others), academic community, business associations, professional and industrial unions, expert community from spheres, relating to the activity of state body.

12. Formation of composition of the Council is carried out by the Commission on selection of candidates into the composition of public supervisory councils, created by the President's Apparatus out of recommended representatives of the civil society, academic communities, business-associations, trade and industrial unions, expert community (further - Commission).

13. Formation of composition of the Council under executive body of local self-administration is carried out by National Agency of the Kyrgyz Republic on the issues of local self-administration out of recommended representatives of the civil society, academic communities, business-associations, trade and industrial unions, expert community.

14. Qualitative composition of the Council is determined taking into account specifics of the activity of the state body and includes not less than eleven members of the Council.

Qualitative composition of the Council if necessary can be changed by the Commission. The same person cannot be elected as member of the Council in several state bodies.

15. The Council's composition is elected to the term of two years.

16. The same person cannot be elected as member of the Council more than two terms successively.

17. No later than one month prior to expiration of term of tenure of the Council's members, the Commission through mass media announces information on formation of a new composition of the Council, with indication to terms, address (post and e-mail), as well as procedure for submission of applications and proposals.

18. Proposals on the composition of the Council are directed to the Commission.

19. Formation of a new composition of the Council is carried out by the Commission no later than seven business days prior to expiration of term of tenure of previous composition of the Council.

Newly elected members of the Council acquire powers of the Council's members from the day of expiration of term of tenure of previous composition of the Council.

20. Candidate for Council membership shall fulfill the following criteria:

- 1) shall not have close kinship relations with the administration (head and its deputies) of that state body, under which the Council was created;
- 2) shall not be in direct dependence from that state body, under which the Council was created (licensee, supplier of goods and services based on the contract etc.);
- 3) shall possess perfect goodwill;

Experience of civil initiatives, active public activity of the candidate is an advantage.

21. The Council can have only one member from one organization.

22. The Council member can withdraw from the composition of the Council at one's own will by submitting corresponding application in the written form to the Chairman of the Council.

23. The Council member can be excluded from the composition of the Council before its term ends based on the decision of the Council due to the following grounds:

- 1) an absence during sessions of the Council (or non-participation in voting via e-mail, in those cases when the Council decided upon the possibility of voting via e-mail) without good excuse three and more times;
- 2) impossibility for the Council member to participate in the work of the Council due to health condition, the court's decision, recognizing the Council member as legally incapable person or with limited active legal capacity;
- 3) if the facts will be well-known, stipulated by item 20 of the present Regulation, certifying the presence of reasons, not allowing the person to be a Council member.

24. Upon pre-term termination of powers of the Council member, replacement shall be carried out by the Commission.

25. After formation of new composition of the Council, the Commission shall inform the public about it through mass media with indication to personal data of new members (family name, first name, middle name; place of work, type of activity).

26. The Council is formed in the composition of Council Chairman, its Deputy, Executive Secretary and members of the Council.

27. During organization session of the Council by open voting is elected the Chairman, its Deputies and Executive Secretary of the Council, the first session is opened by the eldest Council member.

28. The governance in the Council is carried out by the Chairman, in his absence - one of his Deputies.

29. The Council Chairman shall:

- 1) organize the activity of the Council;
- 2) preside during Council's sessions;
- 3) approve work plan of the Council and composition of working groups;
- 4) sign sessions' minutes and other document of the Council;
- 5) carry out the activity on implementation of Council's decisions;
- 6) represent the Council in state and public organizations, including foreign ones.

30. The Deputies of Chairman shall:

- 1) in absence of the Chairman perform his duties, based on the corresponding decision of the Council Chairman;
- 2) supervise the work of commissions and working groups according to approved work plan;

- 3) perform other functions in compliance with instructions of the Council or the Chairman.
31. The Council Secretary shall:
 - 1) ensure interaction between Council members and corresponding departments of the state body or local self-administration body;
 - 2) control over the preparation of regular session of the Council, as well as terms on implementation of Council's decisions;
 - 3) ensure organizational, informational and communication support of Council's activity;
 - 4) be in charge of organization and maintenance of clerical correspondence of the Council;
 - 5) perform other functions in compliance with instructions of the Council, Chairman or his Deputies.

5. Organization of Council's activity

32. The main form of work of the Council is its sessions. The Council's sessions are considered valid, if not less than half of its members are present.

Frequency of conduct of the Council's sessions is set by the Council in compliance with approved work plan of the Council.

The Council member has a right to introduce proposal for consideration of the Council on calling unscheduled session of the Council.

33. The Council carries out its activity in compliance with work plan for a year, adopted by the Council and approved by Council Chairman and coordinated with state body.

34. The Council members participate in its sessions personally without a right of option. In case of impossibility to arrive to the Council session, the Council member has a right to direct its opinion on the issues, included into the agenda in written form. Indicated opinion is subject to consideration during the Council's session and taken into account during voting.

35. If necessary to the Council sessions by decision of the Council chairman are invited representatives of legislative and executive bodies, other state bodies, academic, professional and other organizations, and mass media.

36. The Council's sessions are conducted openly, citizens, representatives of nongovernmental organizations and mass media can be present in sessions. Experts, academic and other consultants, specializing in the sphere, relating to the activity of state body or on the issues, proposed during sessions can be invited to Council sessions.

37. Representatives of structural departments of state body, interested in considered during the session issues shall participate in Council sessions.

38. Head of structural department of state body, to which competence belong the issues, considered by the Council at forthcoming session, no later than seven business days prior to the session submits to the Council necessary for the session materials.

39. Each member of the Council has one vote during sessions of the Council. The Council's decisions are adopted by the majority votes of members, present at the session and designated by the minutes, which is signed by the chairman and members of the Council. In case of equality of votes, chairman's vote is decisive. Special opinions, expressed by Council's members in the course of consideration and decision making, in compulsory manner are included in the minutes.

40. The Council carries out its activity in close interaction with the public, adopts and considers proposals on the issues, relating to the sphere of activity of state body.

41. The Council's decisions are of recommendation character, however if state body disagrees with the Council's decision, shall give a grounded reply during a 10 business days.

42. Results of Council's activity are regularly published and subject to disclosure through mass media.

43. The Secretariat is a working body which will perform technical activity of the Council, and its composition is formed by the Council.

44. Organizational support and material and technical provision (preparation of a hall, equipment with necessary technical means for demonstration of informational materials on discussed issues, making copies of materials for the session etc.) of the Council's activity is carried out by respective structural department, determined by the decision of the head of state body.

6. Interaction of state body with the Council

45. Head of state body determines an secretary of state, and in state bodies which do not have such position - one of its Deputies (further - representative of state body) which will present on regularly basis the state body in relations with the Council, and ensure its interaction with the Council.

46. The representative of state body shall participate in compulsory manner at the Council's session with advisory vote.

47. The head of state body has a right to introduce for the consideration of the Council issues for inclusion into the agenda of the Council's session.

48. An agenda of the Council's session in compulsory manner is directed to the head of state body no later than five days prior to the session.

49. The state bodies and local self-administration bodies grant at the request of the Council necessary for performance of its functions data, except for data, which compose state, or other protected by the law secret.

50. An official, to whom the request of the Council was sent, shall reply in written no later than ten calendar days from the day of receipt of the request, and in exceptional cases, determined by the Council - no later than seven calendar days. The reply shall be signed by the official, to whom the request was sent, or by a person, executing his functions.

7. Concluding provisions

51. The Council shall terminate its activity from the day of termination of activity of the state body, under which it was created.

52. No later than two months after creation of a new state body, the Council shall be created under this body in compliance with the present Regulation.