COUNTRY PROFILE
Kyrgyz Republic

I. BACKGROUND

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<tbody>
<tr>
<td>Government effectiveness</td>
<td>33.17</td>
<td>22.93</td>
<td>31.58</td>
<td>28.71</td>
<td>18.75</td>
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<td>Regulatory quality</td>
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<td>19.61</td>
<td>43.54</td>
<td>41.15</td>
<td>36.06</td>
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<td>Rule of Law</td>
<td>24.88</td>
<td>12.92</td>
<td>8.06</td>
<td>12.80</td>
<td>15.87</td>
</tr>
<tr>
<td>Control of corruption</td>
<td>28.63</td>
<td>10.73</td>
<td>11.90</td>
<td>11.48</td>
<td>11.54</td>
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a. Indicators on Quality of Public Service:

According to the Constitution, the Kyrgyz Republic is a democratic state. The current Constitution adopted in 2010 replaced the previous one of 1993. It legislated a shift away from a presidential system toward a parliamentary one, reducing the power of the president. In legal terms, the Parliament and the Prime Minister have more power than the President does, whereas in reality the system of governance is a presidential-parliamentary system. The President has no right to initiate legislation, but he does have veto powers and he appoints heads of state bodies.

The Parliament - Zhogorku Kenesh – is primarily responsible for policy decision-making and determination of the most important decisions and policies of the state. The Parliament is unicameral and consists of 120 members elected for a five-year term.

The President is elected every 6 years, for no more than one term. The Head of the Government is the Prime Minister, who is appointed by Parliament following nomination by a simple parliamentary majority, i.e. obtain at least 50% of the votes.

II. CIVIL SERVICE PROFILE

a. Legal basis of the civil service

The legal basis of the civil service in Kyrgyzstan comprises the following main regulations:
1. The Law “On Civil and Municipal Service”1 adopted on 30 May 2016; and come into force on 7 June 2016;
5. The law “On Basic Principles of Budget Law in the Kyrgyz Republic”, 1998;
6. The law of the Kyrgyz Republic “On Combating Corruption” adopted in 2012;
7. The law of the Kyrgyz Republic “On declaring and publishing information on incomes, liabilities and property of individuals holding political and other special civil service positions, as well as their close relatives”, 2004;
8. The law of the Kyrgyz Republic “On the Order of Consideration of Citizens’ Appeals”, 2007; and

The previous Laws “On Civil Service” and “On Municipal Service” respectively, which were adopted in 2004 - as part of the World Bank-designed governance reforms - were recently repealed and replaced by the new Law of 2016.

The new Law seeks to strengthen the capacities of HR management departments of government and local self-government agencies, particularly in the areas of staff training, performance assessment, and career planning. It closely links together staff training, performance assessment, actual achievements, career growth, and financial and non-financial motivation. Furthermore, the concept of career planning is introduced which implies the presence of a stable system of job promotion based on personal contribution, level of professionalism, and achievements.

A special provision is introduced pursuant to which training is a prerequisite for career promotion and must take place either prior to appointment or within three months following appointment to a position.

The provision on performance assessment of civil servants is introduced on a legislative level, which defines target performance levels in relation to the tasks and objectives of a government or local self-government agency.

The provision on incentives for civil servants is also introduced which distinguishes both material and non-material incentives.

To improve the system of merit-based recruitment and job promotion of civil servants and reduce the chance of arbitrariness, the new Law “On Civil Service and Municipal Service” establishes a new procedure for building both national and internal staff pools2.

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b. Definition of civil servant

According to Article 1 of the Law on Civil and Municipal Service, public service is a professional service of Kyrgyz citizens in state bodies, which includes civil service, military service, law enforcement service and diplomatic service.

There are two categories of public servants according to the Law – civil servants and municipal servants. A civil servant in the Kyrgyz Republic is a citizen of the country, who holds an administrative post in a state government body and exercises professional activities on a regular basis, stemming from authority and responsibility provided to the position for execution of prescribed activities and received monetary compensation from the republican budget. A municipal servant is a citizen of the country, who holds an administrative post in a local government body and exercises professional activities on a regular basis, stemming from authority and responsibility provided to the position for execution of prescribed activities and receives monetary compensation from the republican budget (Article 1, Law on Civil and Municipal Service).

The Law establishes three public service posts: [i] political civil service posts; [ii] special civil service posts; and [iii] administrative civil service posts. It also establishes two municipal service posts: [i] political municipal posts; and [ii] administrative municipal posts. Administrative posts are classified as: [i] top-level positions; [ii] leadership positions; [iii] senior positions; and [iv] junior positions.

In accordance with the classification of administrative positions, the qualification ranks are established. The professional rank of a civil servant indicates his/her professional level and it provides the civil servant with the right to hold an administrative position and receive a bonus in addition to the official wage, as well enjoy some social benefits.

Civil servants may be assigned the following ranks:

- Junior inspector of civil service;
- Inspector of civil service of the 1st, 2nd and 3rd classes;
- Advisor of civil service of the 1st, 2nd and 3rd classes;
- State Counsellor of civil service of the 1st, 2nd and 3rd classes.

Municipal officials may be assigned the following ranks:

- Junior inspector of municipal service;
- Inspector of municipal services of the 1st, 2nd and 3rd classes;
- Municipal Service Advisor of the 1st, 2nd and 3rd classes;
- Municipal Counsellor of municipal services of the 1st, 2nd and 3rd classes.
c. Civil servants' profile

Eligibility criteria

According to Article 20 of the new Law, the minimum age for entering the state civil service is 21 and for municipal servants 18, while retirement is set at the age of 65.

According to Article 14 of the Law on Civil and Municipal Service, qualification requirements for administrative posts include certain levels of professional experience, education and language knowledge.

For junior positions, no professional experience is required. For other positions, higher education is required, while for municipal servants, secondary or higher education is required. For senior positions, higher education and experience in civil service and/or municipal service of no less than 1 year or experience in a relevant field of no less than 3 years are required. For leadership positions, higher education and experience in civil service and/or municipal service of no less than 3 year or experience in a relevant field of no less than 5 years are required. For top-level positions, higher education and experience in civil service and/or municipal service of no less than 5 year or experience in a relevant field of no less than 7 years are required.

Heads of state bodies and local authority bodies in coordination with an authorized state body define qualification requirements for each administrative position on the basis of standard qualification requirements approved by the Government.

Total number of civil servants

As of 2014, there were 14,653 civil servants (57% are men and 43% are women) and 8,391 municipal servants (64% are men and 36% are women), which comprises 0.39% from the total population. In 2013, the proportion of public servants to the total work force was 4.8%.

Gender and age distribution of civil service

<table>
<thead>
<tr>
<th>Total number / women</th>
<th>Up to 28 years / women</th>
<th>29-34 / women</th>
<th>35-44 / women</th>
<th>45-54 / women</th>
<th>55-64 / women</th>
<th>65 and older / women</th>
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<tbody>
<tr>
<td>Total number of civil servants</td>
<td>14,653</td>
<td>2,186</td>
<td>2,924</td>
<td>3,441</td>
<td>3,600</td>
<td>2,321</td>
</tr>
<tr>
<td>6,338</td>
<td>1,014</td>
<td>1,243</td>
<td>1,548</td>
<td>1,602</td>
<td>875</td>
<td>56</td>
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</table>

d. Civil servants' remuneration structure

The level of salaries of public sector employees in individual sectors (including education, health, and civil service) is not adjusted annually for inflation, but is subject to ad-hoc increases.

An OECD report\(^3\) indicates that the remuneration system was reformed for 15 ministries (the pay increase merely covered the inflation). Some information on salaries and allowances is available, yet in some agencies it is confidential. The overall reform of remuneration in public sector is scheduled for 2017.

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In 2015, a special working group consisting of officers of the Ministry of Finance, the Ministry of Employment, Migration and Youth, and the State Personnel Service conducted an analysis of the remuneration schemes for public servants and municipal officers in the Kyrgyz Republic. Based on the findings of this analysis, as well as on other conclusions of the working group, a number of laws and regulations were adopted seeking to improve remuneration schemes of public servants and municipal officers in the Kyrgyz Republic including the following:

- Presidential Decree of the Kyrgyz Republic, On Approval of the Registry of Civil Service Positions of the Kyrgyz Republic and the Registry of Municipal Service Positions of the Kyrgyz Republic;

III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

According to Article 5 of the Law on Civil and Municipal Service, the civil service management system comprises of the Council on Civil and Municipal Service, the State Personnel Service, State Secretaries of state bodies, and Human Resources Departments of state bodies or the authorized person for personnel management.

Municipal service management system comprises of the following: the Council on Civil and Municipal Service, responsible for policy-making in the field of municipal services; the State Personnel Service of the Kyrgyz Republic, responsible for policy-making of municipal services and for ensuring implementation by heads of units of local self-government bodies of cities and the executive secretaries of village settlements (a'il okmotu), as well as for the management of service personnel of local government or by authorized person(s) on staff management.

The Council on Civil and Municipal Service is a collegial body, which forms the development strategy of civil and municipal service. The Council’s tasks include the following:

- Development of proposals to increase the efficiency of civil and municipal service;
- Development of proposals for the implementation of anti-corruption mechanisms in civil and municipal service;
- Making proposals to improve the legal framework on civil service and municipal service;
- Conducting competitive selection of candidates for appointment to the post of state secretaries;

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4 Ibid.
- Ranking of state secretaries on the basis of evaluation results;
- Reviewing complaints against illegal actions of state secretaries, taking decisions on official investigations;
- Granting consent or refusal of consent for the rotation or dismissal of state secretaries;
- Initiating dismissals of state secretaries in cases stipulated by law.

The authorized state body on civil and municipal service affairs, which is the **State Personnel Service**, was established by the President of the Kyrgyz Republic in order to implement unified state policy in the area of civil service. According to the Law of 2016, the main tasks of the State Personnel Service include the following:

- Build a unified state human resources policy in the field of civil and municipal service;
- Build a highly professionalised system of civil and municipal services management;
- Increase the prestige of service in civil and municipal bodies;
- Ensure the rights and interests of civil and municipal servants.

The State Secretary position is the highest level administrative position in public bodies. The position of state secretary is permanent and its legal status is equal to the position of the first deputy head of a public body. In those public bodies with no post of Secretary of State, such functions are vested in the Heads of Administration of these bodies.

State Secretaries organize the development of a strategic, long-term plan of the state body activities and plans of departments and their employees; develop the structure of the state management body; support the work of planning for career growth of employees; organize the selection and placement of personnel in public bodies; develop anti-corruption measures and organize their implementation; organize the introduction of modern management technologies, carry out support functions, including the management of financial, material and human resources; provide capacity building of employees; develop mechanisms of material and non-material motivation of employees; develop and maintain a system for monitoring the activities of a public authority; control the executive and labour discipline mechanisms; and organize performance assessments. They are also responsible for the development and implementation of the programme budget and are accountable to the Council on Civil and Municipal Service and to the Head of a public body.

**a. Organisation of the selection and recruitment process in civil service**

Selection and recruitment processes in the civil service of Kyrgyzstan are regulated by the Law on Civil and Municipal Service and additional legal acts, such as the Temporary Decree on Competition for Vacant Administrative Civil Service Positions and the Temporary Decree on
the Procedure of Testing Candidates for Vacant Career Civil Service Positions, both approved by the Government in 2011.

The State Personnel Service is a body responsible for monitoring to ensure that the competitive selection process by government agencies and local administrations complies with current regulations in place. The first step in the recruitment process is the vacancy announcement in central mass media and on the Internet in advance of the competition.

A candidate’s suitability is assessed on the basis of qualifications he/she possesses and through a written examination. Those who pass the examination are then included into the state personnel reserve and all vacancies are supposed to be filled from this reserve.

The Civil Service Agency has a personnel reserve to provide candidates for civil service positions. It comprises of two parts: national and internal. The national reserve includes recent graduates who passed national competition for entry-level government positions, civil servants wishing to be promoted and civil servants who were dismissed due to downsizing or health conditions. The internal reserve of a government agency consists of civil servants who were recommended for promotion based on the attestation results and who submitted an application to be included in the reserve.

To fill an available vacancy, a ministry conducts a competition, first among candidates included in the internal personnel reserve. If the position is not filled through the internal reserve, the competition is then open to candidates in the national personnel reserve.

b. Performance appraisal, training, and career development

Performance appraisal of civil and municipal servants is regulated by the Provision on the procedure for evaluation of the civil and municipal servants of the Kyrgyz Republic, approved by the Government of the Kyrgyz Republic (June 28, 2013 N 383), as well as by the Regulation of the Government of the Kyrgyz Republic "On the conditions of remuneration for civil and municipal servants of the Kyrgyz Republic".

The Law on Civil and Municipal Service stipulates that civil servants are subject to a qualification examination - attestation. According to Article 29 of the Law, this examination aims to assess the professional knowledge and skills employees possess, and determine their career development potential. A civil servant cannot be subjected to attestation more than once in every 3 years.

Every state body has its procedural regulations for qualification examinations, which consists of a polygraph test and a computer-based test on knowledge of legislation and administrative procedures. Examinations are administered by Attestation Committees of state or municipal bodies.

Depending on final results (excellent, good, satisfactory, unsatisfactory), Attestation Committees recommend a civil servant for promotion. The Committee provides an opinion

5 http://cbd.minjust.gov.kg/act/view/ru-ru/92838
whether a civil servant’s qualifications and skills correspond (or do not correspond) to his/her holding position.

Performance appraisal is the process of assessing employee performance in accordance with his/her job requirements. Performance appraisal results are used to identify coefficients in a salary grid, to conduct attestation of civil servants, to make recommendations for advanced training and for rewarding.

Training of civil servants is regulated by the Decree on the State Order for Training of Civil and Municipal Servants, the Temporary Provisional Regulations on the Procedure on Training Civil and Municipal Servants and the Temporary provisional regulations on the coordination of training of civil and municipal servants by the Kyrgyz Republic by donor funds. According to Article 28 of the Law on Civil and Municipal Service, there are two types of training of civil servants – re-training and advanced training. Re-training is conducted when an employee is transferring to the higher group positions and is a prerequisite for the promotion. Re-training is also a prerequisite for the position of state secretary. Advanced training takes place within the same group of posts, no less than once in every 3 years. Re-training and advanced training are taken into account for attestation or performance appraisal. It is also considered an advantage when applying for a new position.

As declared in the Law, career development and promotion based on merit is one of the principles of Kyrgyz civil service. As mentioned previously, civil and municipal servants from the internal reserve, who have shown the best professional and leadership skills and high performance results may be recommended for promotion.

### IV. Ethics and Anti-Corruption Structures

Transparency International’s Corruption Perception Index of 2015 placed Kyrgyzstan at the 123th place out of a total of 168 countries surveyed, with 28 points out of 100. This ranking is thus slightly better compared to those of 2014 and 2013.

Anti-Corruption legislation includes the Criminal Code of the Kyrgyz Republic, the Law on Combating Corruption, the State Strategy of Anti-corruption policy in Kyrgyzstan and other by-laws.

According to the Law on Combating Corruption, the President is responsible for defining the main directions of the fight against corruption in Kyrgyzstan, which are contained in the State Strategy.

The State Strategy includes the general priorities and areas for anti-corruption measures to be taken and some provisions on implementation. According to a recent OECD report on Anti-Corruption Reforms in Kyrgyzstan, it is positive that the State Strategy includes a critical analysis of previous anti-corruption efforts and openly talks about some important challenges.

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6 [https://www.transparency.org/country/#KGZ](https://www.transparency.org/country/#KGZ)
9 adopted by President’s Decree No. 26 on 2 February 2012.
such as the declarative nature of anti-corruption laws and weak implementation of anti-corruption institutional mechanisms.

The State Strategy names prevention of corruption and involvement of civil society as its two key priorities. The areas of anti-corruption measures outlined in the State Strategy are very general, such as involvement of civil society in prevention of corruption, development of system of awareness raising, eradication of corruption risks which hinder creation of a proper investment climate, etc.10

According to the Law on Civil and Municipal Service and the Law on Combating Corruption, public employees are not allowed to accept any gifts, money or services for performing their official duties, but public employees may accept gifts during some official events; however, these gifts need to be transferred to the corresponding state or municipal body (Article 23, clause 6 of the Law on Civil and Municipal Service). The Law on Combating Corruption requires all civil servants to prevent conflicts of interest while on duty and to report any suspected or actual attempts of bribery. Furthermore, to counter and eliminate corruption and abuse of office, a 2010 decree requires polygraph testing for a number of positions in public institutions, including the Financial Police, Customs and the Tax Service.

Furthermore, the Programme and Action Plan of the Government of Kyrgyz Republic on Combating Corruption in 2012-2014 (the Programme and Action Plan of the Government) was adopted on 30 August 2012 by the Government’s Resolution № 596. The Programme and Action Plan is a comprehensive document, which contains priorities, main goals and tasks, assessment of results of previous anticorruption efforts, a monitoring and assessment mechanism, including qualitative indicators and expected results, as well as a general estimation of budgetary needs.

There are five law enforcement agencies that deal with corruption: [i] The General Prosecutor's Office; [ii] the State Customs Committee; [iii] the Financial Police; [iv] the National Security Service; and [v] the Ministry of the Interior. The Ministry of the Interior (the police) is the principle law enforcement agency responsible for fighting administrative corruption, with a mandate to fight corruption within local and national public administration organisations and economic crimes in the private sector. In addition, public advisory boards are responsible for reporting on and monitoring the operations of ministries to enhance transparency, reduce corruption and eliminate favouritism in the public sector.

The Anti-Corruption Service, set up in December 2011, within the State Committee of National Security, is responsible for fighting corruption in the parliament, executive branch and the Supreme Court.

However, the general lack of cooperation and coordination between various law enforcement agencies in relation to the division of duties stands as a major obstacle to the effective prosecution of corrupt practices.  

Each state and municipal body has a Code of Ethics, which are approved by the President of Kyrgyz Republic. Besides, Ethics Commissions are established within each state and municipal body to ensure compliance with the legislation on public service and ethics of civil servants and comprise of staff members of the corresponding body.

Ethics compliance of the top management of state bodies is ensured by the State Ethics Commission under the President of the Kyrgyz Republic. In this regard, the OECD recommendations were to consider the possibility of adopting Codes of Ethics for the Deputies of Zhogorku Kenesh and for members of the Government of the Kyrgyz Republic and revise the Code of Ethics of judges to covers incompatibilities, conflicts of interests, gifts, and other related provisions and ensure its practical implementation.

V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED

a. Past reforms

Since 1991, when Kyrgyzstan became an independent country, several public administration reforms have been implemented, largely driven by the pressure and support from donor organizations.

During the formation of the civil service system different measures were taken to implement a unified policy in the field of public administration:

1. Organizational framework for civil service management system, the mechanisms of regulation of civil service human resources policy, as well as the mechanisms of coordinated activities of civil service bodies for its implementation were established;
2. The legal framework of civil service, which included the principles for the development and implementation of human resources policies was formulated;
3. State Personnel Service of the Kyrgyz Republic was established in order to regulate issues of the organization, functioning and development of civil and municipal service;
4. The Institute of Stats-Secretaries was created in order to guarantee the stability of the state apparatus and the social and legal protection of civil servants;
5. Competitive selection for filling vacant positions in the civil service was introduced in order to ensure that the principles of openness and equal access to civil service were observed;
6. Classification (typology) of civil service positions was systematized. The Decree of the President of the Kyrgyz Republic of June 26, 2013 N 145 "On approval of the

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12 [http://sti.gov.kg/STSDocuments/PoEtikeGosSluj.pdf](http://sti.gov.kg/STSDocuments/PoEtikeGosSluj.pdf)
 Register of the civil service positions of the Kyrgyz Republic and the Register of municipal positions of the Kyrgyz Republic” approved the Register of civil service positions of the Kyrgyz Republic, introduced ranks, developed the requirements to the ethics of behaviour, to the evaluation of civil servants on the basis of attestation (performance appraisal);

7. Performance appraisal of civil and municipal servants was introduced, focusing on increasing the effectiveness of civil service and municipal servants.

b. Current reforms

The newly adopted Law on Civil and Municipal Service establishes the basis for further improvements of the civil service in Kyrgyzstan.

1. Improvement of the management of the civil service and municipal service with a focus on strategic priorities.

To achieve this goal, the Strategy of the Development of the State Personnel Service of the Kyrgyz Republic, as the authority responsible for the current policy in the sphere of civil and municipal service, was developed and approved by the Presidential Decree on 30 November 2013. Thus, the State Personnel Service focuses on long-term goals strategic planning. The Strategy identifies four main dimensions of improvement of the activity of the State Personnel Service:

- Improvement of the interaction practice with the "external environment" (a system of management of civil and municipal services, higher authorities, donors, expert and civil society, citizens);
- Reengineering of business processes, introduction of new management techniques, and changes in working practices in the apparatus of the State Personnel Service;
- Legal support of change; and
- Introduction of a system for monitoring and assessment of change.

2. Optimization and unification of positions of civil and municipal service.

During the reform process, the unification of a number of civil service and municipal positions with similar functions and authority was carried out. Furthermore, positions with a comparable volume of authority were aligned vertically and horizontally and the status of civil service and municipal administrative positions were adjusted accordingly. This creates an opportunity for better career motivation, rotation of civil state and municipal employees. New registries of civil and municipal positions were approved by a Presidential Decree on 26 June 2013 N 145. This unification will allow to expand the system of rotation for promising employees both vertically and horizontally, and with the adoption of the new Law "On civil service and municipal service" - and between the government bodies and local authorities.

3. Development of new typical qualification requirements for the entire hierarchy of administrative positions, generic job descriptions of employees of public administration and local self-government.
Typical requirements and job descriptions for administrative positions were developed and approved by the Government Act of the Kyrgyz Republic “On measures for the improvement of the remuneration system of civil and municipal servants of the Kyrgyz Republic for 2013-2020" of June 28, 2013 № 383. On the basis of typical samples in each government and local self-government body - taking into account the local and industry related specificities - qualification requirements for each position in the ministries, administrative departments and bodies of local self-government – mayors offices and aiyl okmotu were developed and approved by internal orders.

4. The introduction of the performance appraisal system of civil and municipal servants on key performance indicators.

Performance appraisal based on actual personal achievements of civil servants will affect the level of their remuneration. Based on this idea the performance appraisal system which involves key performance indicators (KPI) was developed (approved by the Government of the Kyrgyz Republic "On measures to improve the remuneration system of civil and municipal servants of the Kyrgyz Republic for 2013 - 2020" from June 28, 2013 number 383). According to this decision of the Government, state and municipal bodies started introducing tools for assessment of the activities of civil servants, during the first quarter of 2014. In this context, the coefficient of compensation has started to be determined on the basis of the annual performance appraisals.

5. Strengthening the institution of state secretaries - conductors of state policy in the sphere of civil service.

It is expected to refocus the activities of state secretaries responsible for the stable operation of ministries and departments. The position of State Secretary is permanent and unchangeable due to the resignation or dismissal of the head of state body. State secretaries should become top managers of the government bodies apparatus, responsible for the organization of the business processes in government bodies.

c. Planned reforms

The professionalization of civil service.

The professionalization of civil and municipal services will be achieved through coordinated and joint action involving the following innovations:

- Clear delineation of political and professional activity in the management bodies, including such changes as the legislative reduction in the number of political positions, by allocation of positions by the principle of rights to take political decisions;
- The introduction of mandatory standards for a regular and periodical training of civil servants - at least once every three years. Training should be seen as an advantage in career advancement if all other conditions of qualification are similar;
Improvement of the management of reserve personnel with the raising of the status of National Reserve, which should include only the best promising cadres.

References

Law on Civil and Municipal Service, adopted on 30 May 2016
Law of the Kyrgyz Republic ‘On declaring and publishing information on incomes, liabilities and property of individuals holding political and other special civil service positions, as well as their close relatives’, August 7, 2004, N 108.

The Regional Hub of Civil Service in Astana (ACSH) was established in March 2013, when representatives of 25 countries, as well as of 5 international organisations, unanimously adopted the ACSH’s Founding Declaration. The ACSH is a multilateral institutional platform for the continuous exchange of knowledge and experience in the field of civil service development, aiming to stimulate civil service transformation in the region, through capacity development activities, and by disseminating innovative approaches to civil service reform, through evidence-based solutions, informed by a comprehensive research and policy agenda. It has financial and institutional support from the Government of Kazakhstan, and backing of the United Nations Development Programme as the key implementing partner. The geographical range of the participating countries – currently encompassing 32 countries - stretches from the Americas and Europe through Central Asia and Caucasus to ASEAN countries, which demonstrates that effective civil service is a constant and universal need for all nations.

For more information, please visit: www.regionalhub.org

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