

CONCEPT

**Application of evaluation tools
within the framework of the implementation
of parliamentary oversight functions
by the Jogorku Kenesh of the Kyrgyz Republic**







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Application of evaluation tools within the framework of the implementation of parliamentary oversight functions by the Jogorku Kenesh of the Kyrgyz Republic

This publication contains the Concept of using evaluation tools in the implementation of the functions of parliamentary control of the Jogorku Kenesh of the Kyrgyz Republic, approved by the resolution of the Jogorku Kenesh of the Kyrgyz Republic of November 20, 2019 No. 3362 -VI.

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Foreword

the compilers of this publication

The development of the oversight functions of the Jogorku Kenesh of the Kyrgyz Republic (hereinafter - the Jogorku Kenesh) is one of the priority goals within the framework of strengthening the institution of parliamentarism and the entire state administration. The weakness of this function leads to separation of decision-making from public requests since namely the Parliament has a mandate from the electorate and therefore it serves as a representative of the public interests.

The Constitution of the Kyrgyz Republic, in addition to its legislative and representative functions, has vested the Jogorku Kenesh with the power to control the executive branch (paragraph 1 of article 70 of the Constitution of the Kyrgyz Republic). These powers are disclosed in the Law of the Kyrgyz Republic "On Regulations of Jogorku Kenesh of the Kyrgyz Republic" and partially in the Law of the Kyrgyz Republic "On the Procedures of Implementation of the Oversight Functions of the Jogorku Kenesh of the Kyrgyz Republic". At the same time, the oversight functions of the Parliament for all of these years have faced serious challenges that prevented from full-fledged and large-scale implementation.

First, the old paradigm of oversight gives the priority to formal indicators of the implementation of legislative norms and various plans, while the achievement of results has often become a secondary issue, or has not been taken into account at all. As a result, the Jogorku Kenesh receives a large volume of various bureaucratic reports stating achievements. In fact, changes occur only slightly and are usually not noticed by the public. Traditional forms of oversight lead to

formalism and the desire of officials to conceal and embellish the real situation. Consequently, the parliamentarians do not have the full information, and public discontent was growing. Secondly, until now there was no a serious methodological basis on how to carry out parliamentary oversight functions. For this reason, for example, the analysis of implementation of laws was sometimes carried out, but each time a different method was used. At that stage, everything depended on the interest of individual member of Parliament and the availability of support from international organizations. There was no permanent system.

The situation began to change with the recognition of the problem in the Development Strategy of the Jogorku Kenesh for 2016-2021, adopted by the Parliament on October 6, 2016. It includes a separate priority called "Control activity", which contains four tasks, including those related to the introduction of detailed methods of implementing laws and decisions of the Jogorku Kenesh, and procedures for planning oversight functions. A little earlier, amendments to some laws were adopted, thanks to which the concepts of monitoring and evaluation were introduced.

At the same time, the understanding of the need for methodological clarification of assessment as a form of parliamentary control was growing among the members of Parliament.

In 2019, following the request of the Committee on Law Enforcement, Combat crime and Corruption (hereinafter – the Committee), a support to assess the implementation of the Law of the Kyrgyz Republic "On Prevention of Offenses" and certain provisions of the Law "On Protection from Domestic Violence" was provided. For that purpose, a working group was formed. The working group was headed by the Chairman of the Committee Ms. Natalia Nikitenko, including MPs and staff members of the Apparatus of the Jogorku Kenesh and civil society representatives. A methodology for evaluating those laws, tools that allow us to study the implementation of the law and its effect from various perspectives were developed. The tools such as focus groups, individual in-depth interviews, analysis of official information, and various thematic publications were used. The findings of the study including recommendations were presented to the Committee

In addition to the impact on the evaluated laws themselves, the testing of the developed methodology in two committees ended with the approval of the methodology at the level of the Committee on Social Affairs, education, science, culture and health, and followed by a recommendation Of the Committee on law enforcement, crime and anti-corruption to the entire chamber to adopt a proposed methodology. A group of MPs such as Mr. Aaly Karashev, Ms. Natalia Nikitenko, Ms. Aida Kasymalieva, Ms. Alfiya Samigullina, and some others initiated the development of a unified methodology for assessing the implementation of laws and the effectiveness of state programs.

Expert support to this process was provided by both experts and representatives of civil society: Mr. Timur Shaikhutdinov, Mr. Nuridin Nurakov, Mr. Tatyana Tretyakova, Ms. Natalia Shipp, Mr. Oleg Tarbinsky, Mr. Emil Asanov as well as Public Association "Civic Union", the Association of NGOs for the Protection and Promotion of Children's Rights, the National Network for Monitoring and Evaluation with the support of UNDP.

With the approval by the Jogorku Kenesh on November 20, 2019, the Concept on the application of evaluation tools in the framework of the implementation of parliamentary control functions, the institutional framework for the application of these approaches concerning socially important laws and state programs have been established.

This publication contains the Concept of using evaluation tools in the implementation of the functions of parliamentary control of the Jogorku Kenesh of the Kyrgyz Republic, approved by the resolution of the Jogorku Kenesh of the Kyrgyz Republic of November 20, 2019 No. 3362 -VI.

The October 2020 events in Kyrgyzstan revealed the existence of systematic issues in terms of taking into consideration citizens' interest by the state apparatus.

The current situation, according to experts in the field of parliamentarism, calls for the need to strengthen the function of evaluation of the implementation of laws and the effectiveness of state programs by the VII convocation of the Jogorku Kenesh. This should help to bring the parliament closer to citizens and ensure reflection of variety of views in decision-making, both by the parliament and the executive branch of government, as well as become a step towards efficiency.



THE JOGORKU KENESH OF THE KYRGYZ REPUBLIC

RESOLUTION

dated November 20, 2019 No. 3362-VI

On approval of the Concept for the application of evaluation tools within the framework of the implementation of parliamentary oversight functions of the Jogorku Kenesh of the Kyrgyz Republic

To develop a monitoring and evaluation system within the oversight functions of the Jogorku Kenesh of the Kyrgyz Republic, outlined among the priority areas of the legislative body in the Development Strategy of the Jogorku Kenesh of the Kyrgyz Republic until 2021, the Jogorku Kenesh of the Kyrgyz Republic issues **resolution:**

1. To approve the Concept of application of evaluation tools in the framework of the implementation of parliamentary oversight functions of the Jogorku Kenesh of the Kyrgyz Republic (attached).
2. Responsibility for the implementation of this resolution shall be assigned to the specialized committees of the Jogorku Kenesh of the Kyrgyz Republic.
3. To assign to the Apparatus of the Jogorku Kenesh of the Kyrgyz Republic organizational, material, technical, legal, and methodological support for the evaluation.
4. Oversight over the implementation of this resolution shall be entrusted to the Toraga and members of the Jogorku Kenesh of the Kyrgyz Republic.
5. This resolution comes into force after ten days from the day of official publication.

Toraga

Djumabekov D. A.

CONCEPT

Application of evaluation tools within the framework of the implementation of parliamentary oversight functions by the Jogorku Kenesh of the Kyrgyz Republic

The purpose of the Concept for the use of methodology and methods of evaluation by the Jogorku Kenesh of the Kyrgyz Republic (hereinafter - the Concept) is to create procedures and mechanisms that ensure an inextricable link between adopted laws, decisions, and programs with activities for their implementation, contributing to the achievement of results expected by the state and society.

The Concept is a description of the goals, objectives, approaches, and methods of implementing the oversight functions of the Jogorku Kenesh of the Kyrgyz Republic (hereinafter - the Jogorku Kenesh), using tools to evaluate the implementation of laws and decisions adopted by the Jogorku Kenesh, efficiency, and effectiveness of state programs.

The Concept is based on the Constitution of the Kyrgyz Republic, the Constitutional Law of the Kyrgyz Republic "On the Government of the Kyrgyz Republic", the laws of the Kyrgyz Republic "On the Regulation of the Jogorku Kenesh of the Kyrgyz Republic", "On the procedure for exercising oversight functions of the Jogorku Kenesh of the Kyrgyz Republic", the Development Strategy of the Jogorku Kenesh of the Kyrgyz Republic until 2021, approved by the Resolution of the Jogorku Kenesh dated October 6, 2016, No. 958-VI, other regulatory legal acts of the Kyrgyz Republic.

The application of evaluation methods in the framework of the oversight functions of the Jogorku Kenesh is indicated among the priority areas of the legislative body in the Development Strategy of the Jogorku Kenesh of the Kyrgyz Republic until 2021.

Introduction

The current situation in the country requires the legislative body to respond promptly to the quality and completeness of the implementation of laws and decisions, to monitor the results of the implementation of state programs.

The use of established forms of parliamentary oversight, which do not fully use modern methods of analysis, does not always provide a comprehensive approach to understanding the impact on society of adopted laws and implementation of state programs. The traditional practice of implementing oversight functions makes it possible to obtain only fragmentary and formal results. Meanwhile, the development of modern society requires relying on data that takes into account a variety of factors at taking decisions.

The implementation of state programs, even if they are fully implemented, does not always lead to the expected positive social changes, and identifying the reasons for this is difficult in the context of traditional types of oversight.

In these cases, it is not always clear whether the socio-economic results are a consequence of state programs or whether they are caused by other external and internal factors.

It is even more difficult to determine the effectiveness and efficiency of the laws, which are designed to regulate certain social relations.

It is necessary to master modern forms of determining the performance of the Parliament and the Executive branch, such as evaluating the results of implementing state programs and implementing laws. Such an evaluation will be based on the study of socially significant

results and indicators achieved, rather than on preferential oversight over the implementation of all legal norms and state programs. The evaluation serves to ensure that policies announced by the government and authorized by Parliament are implemented and achieve the stated goals.

Evaluation becomes necessary when the system of the social structure of the country needs to take into account the interests of citizens who have become interested participants in the implementation of various state policies, strategies, and programs from passive consumers.

The evaluation will allow the Jogorku Kenesh to determine the degree of impact of specific laws and national development programs on certain groups of voters, and thereby provide direct legitimate support to its voters, on the one hand, and help the executive authorities improve the governance system, on the other hand.

The objects of evaluation are not the legislative norms themselves, but the results and their target indicators in various sectors and spheres of state activity.

With the transition to such a model of parliamentary oversight, the link between the Jogorku Kenesh and society is strengthened, as the objects of parliamentary oversight through evaluation become clear to citizens.

The concept is aimed at creating mechanisms and procedures for using the methodology and methods of parliamentary oversight carried out by the Jogorku Kenesh, through the use of evaluation tools.

1. Concepts and terms used in this Concept

The following concepts and terms are used in this Concept:

Oversight – a set of actions aimed at identifying the degree of implementation of laws and state programs in the activities of Executive bodies.

Evaluation – a set of analytical measures to determine the results of the activities of Executive bodies in achieving the goals established by laws adopted by the Jogorku Kenesh, and state programs to achieve socially useful results in the medium and long term.

Evaluation indicators – a set of socially significant achievements, expressed in numerical terms, that must be achieved as a result of the implementation of laws, decisions of the Jogorku Kenesh, state programs, and activities of Executive bodies in the medium and long term.

Indicators – criteria for achieving the goals and confirming the compliance of the course of activity with the stated intentions, expressed in numerical values, while implementing laws adopted by the Jogorku Kenesh, state programs, and activities of Executive bodies in the short term.

Working group to evaluate the implementation of the law or the effectiveness of a state program (hereinafter – the working group) – a temporary collegial structure created by the decision of the Committee under paragraph 8 of part 1 of article 29 of the Law of the Kyrgyz Republic "On the Regulations of the Jogorku Kenesh of the Kyrgyz Republic", for the whole set of evaluation activities according to the law or related legislation, or the state program.

The result – positive changes in the state and society that are achieved at the time of the evaluation, implying changes in the behavior of individuals, groups of people, organizations, state bodies, or society, caused by the impact of laws, decisions of the Jogorku Kenesh, state programs and activities of the Government of the Kyrgyz Republic (hereinafter – the Government).

Related legislation – a system of laws and regulations of separate laws that are inextricably linked by their content and objects of influence.

2. Priority areas for the development of the evaluation system

The evaluation system will be developed in four interrelated areas:

- implementation of laws and decisions adopted by the Jogorku Kenesh and its structural divisions;
- execution of state programs approved by the Jogorku Kenesh, and state programs developed by the Government in pursuance of state programs approved by the Jogorku Kenesh and decisions of the Jogorku Kenesh;
- efficiency of the use of budget funds when considering the execution of the Republican budget, the Accounts Chamber report, and instructions on the effective use of budget funds;
- quality of work of the public authorities through hearing annual reports/reports of the government of the Kyrgyz Republic and other state bodies, as well as their official.

3. Evaluation of law enforcement

The increasing volume of adopted laws requires improving parliamentary oversight over their implementation and achievement of the goals set by the legislator. This implies improving the regulatory legal framework, fixing clear mechanisms for monitoring the implementation of laws in the methodology, and involving stakeholders parties in these processes, as well as increasing the capacity of subjects of parliamentary oversight – the Deputy Corps, the Apparatus of the Jogorku Kenesh and other parties.

The development strategy of the Jogorku Kenesh until 2021 contains the priority

"3.3. Oversight activities", which provides the solution to the issues of the lack of a clear methodology for monitoring the implementation

of adopted laws and decisions and the absence of an oversight action plan of the Jogorku Kenesh. In this regard, it is planned to standardize the oversight and monitoring of the implementation of laws and decisions adopted by the Jogorku Kenesh. Develop and implement a detailed methodology of procedures, clear formats for planning parliamentary oversight.

At the same time, it has recently become obvious that oversight in the original sense of this word is not fully useful due to the substitution of the concept of efficiency for formal indicators and focusing on the processes rather than results. Therefore, further implementation of evaluation methods in the activity of the Jogorku Kenesh represents an important stage in the formation of the Institute of parliamentary oversight.

The evaluation will focus on the results of law enforcement, the impact on socially important relations, and the benefits that society and individual population groups receive from the implementation of a particular law. The focus of the evaluation should also include the effectiveness of interdepartmental and intersectoral cooperation, compliance of practices with the law, their reflection in by-laws, financing of the implementation of laws, etc. Attention should also be paid to the legal provisions, since the environment can change over time, and accordingly there may be a need to change a particular provision in the legislation.

Ideally, the Jogorku Kenesh will seek to make conceptual changes to laws primarily based on the results of an evaluation.

Evaluation of the implementation of laws is carried out by specialized committees.

Given the large volume of adopted laws, there is a limit on the number of laws that will be evaluated by each Committee within one year: at least two laws or at least one related legislation. At the same time, it is recommended that the laws being evaluated should be in effect for at least one year to show the trends that need to be investigated. When selecting laws, the relevant committees and relevant departments of the committees use criteria and enable stakeholders to reasonably propose a list of legislation for evaluation.

These indicators should not be used to penalize officials, since an individual official is often responsible for the situation. The goal of improving law enforcement, by-laws and, if necessary, the laws themselves being evaluated should become a priority. This will ensure the openness and interest of the government office in the results of the evaluation, which minimizes the likelihood of distortion and embellishment of information. At the same time, in the absence of a proper response

to the results and recommendations of the evaluation by the Executive authorities, additional measures of influence and punishment may be applied.

For this reason, the evaluation will consist of two stages: (1) An evaluation of the implementation of the law and (2) An analysis of reactions and actions in response to the evaluation's findings and recommendations. It is assumed that after each stage, the relevant Committee of the Jogorku Kenesh will make decisions. And in case of non-fulfillment of the Committee's instructions based on the results of the first stage, at the second stage of evaluation, the specialized committee has the right to submit for discussion the draft resolution of the Jogorku Kenesh at the plenary session of the Jogorku Kenesh.

Also, it is assumed that when assessing the annual report of the Prime Minister on the work of the Government, the Jogorku Kenesh will take into account the ability of Executive bodies to implement the recommendations of the law enforcement evaluation and the relevant instructions of the Jogorku Kenesh committees.

An important condition for the evaluation should be publicity of the results and involvement of representatives of civil society and expert community in evaluation processes, which should ensure the public interests and alternative points of view. Publicity will be achieved through the publication of evaluation products and relevant decisions of the Jogorku Kenesh and the specialized committee. The involvement of civil society and experts will take place through the inclusion of representatives of these sectors in the working group, which is created to conduct an evaluation of each selected law/related legislation, assign to one public Association or group of independent experts the role of the involved party, participate in evaluation events and parliamentary hearings, as

well as provide alternative sources of information (analytical reports, alternative reports, results of sociological studies, etc.)

While in all cases, a working group is established to assess each law/related legislation, it is suggested that two models of law enforcement evaluation be used:

1) equal distribution of responsibilities for conducting evaluation activities among all members of the working group;

2) assigning the function of conducting the entire range of evaluation activities to the involved party - a public Association or a group of independent experts specializing in evaluation or the relevant field of legal relations.

At the same time, when allocating funds from the Republican budget for these purposes, the selection of the attracted party is carried out based on a tender, organized in accordance with legislation, and issued as an order of the specialized committee of the Jogorku Kenesh. If the involved party is not involved on the condition of a state order (without funding from the Republican budget), then the selection is carried out by the head of the working group – a responsible member of the Committee together with the Department of the corresponding committee of the Jogorku Kenesh.

The selection of the model for organizing evaluation is carried out by the relevant committee, based on the available opportunities and the need to involve the potential of independent parties to achieve objectivity and professional performance of evaluation activities.

The results of the evaluation when using any model are discussed and accepted in the working group and submitted for consideration to the specialized committee of the Jogorku Kenesh.

The necessary conditions for the effective implementation of methods for evaluating the implementation of laws also include:

- increasing the capacity and awareness on evaluation among the Members of Parliament and staff of the Jogorku Kenesh Apparatus;
- including evaluation specialists in the staff structure of the Apparatus of the Jogorku Kenesh;
- active participation in the evaluation activities of the Government and state and local government bodies;
- allocation of funds from the national budget for conducting evaluation activities and attracting extra-budgetary funds for these purposes;
- approval of the practice of involving officials whose activities are evaluated in the evaluation activities (self-evaluation);
- development and amendments to the legislation, primarily in the Law of the Kyrgyz Republic "On the Regulations of the Jogorku Kenesh of the Kyrgyz Republic" and/or the adoption of a separate law aimed at strengthening the evaluation function of law enforcement.

The procedure for evaluating the implementation of laws is described in the Methodological guide for evaluating the implementation of laws of the Kyrgyz Republic (Annex 1).

4. Evaluation of the results of the implementation of state programs

In a shortage of material, technical and financial resources of the state, strategies, and programs for their implementation are developed for the rational use of available opportunities with maximum effect on the country, society, and individual social groups.

Active socio-economic processes that have been taking place in Kyrgyzstan in recent decades have caused social stratification. At least three strata of the population have been formed: citizens with high or middle income and socially vulnerable citizens, which directly affects the content and nature of government programs. Taking into account the world practice of market relations, the task is to strengthen a stable middle class, as well as reduce the number of low-income citizens.

Old type state programs, based on averaged approaches with an "average resident" receiving an average income compared to the subsistence minimum, have become ineffective.

As a result, the content of programs that take into account modern realities is changing. Accordingly, approaches to monitoring the implementation of such programs should also change. Oversight over the formal implementation of state programs is inevitably replaced by other forms of oversight that are close to the economic and social situation. The most realistic and effective form of such monitoring is the evaluation of state programs.

Evaluation of the implementation of state programs allows us to identify the effectiveness and efficiency of programs, helps to adjust further actions to achieve results. The evaluation (intermediate and final) shows achievements in the implementation of state programs, social impact,

economic impact, political impact, etc., and also ensures the accountability of public authorities in terms of relevance, efficiency, rationality, impact, and sustainability. The use of the evaluation increases public confidence in the authorities and creates confidence in the effectiveness of the implementation of development programs in the country.

The evaluation is carried out after a certain (phased) short-or medium-term period, during which the results of implementation begin to appear, which can be determined using indicators.

In these conditions, the Jogorku Kenesh, as part of its monitoring functions, will participate in the evaluation of the results of state programs based on data and promote the inclusion of new management technologies, such as the formation of an evaluation system, in its activities.

The Jogorku Kenesh does not interfere in the implementation of state programs but monitors the results of their implementation from various sources by ordering experts to evaluate and analyze the results of state programs and making recommendations to Executive bodies.

Evaluation of the results of the implementation of state programs is carried out by order of the specialized committees of the Jogorku Kenesh.

Evaluation of the results of the implementation of state programs is carried out in the framework of two main approaches:

- through expert evaluation of the results of state programs without carrying out research activities,

- by evaluating the results of the implementation of programs by involved professional organizations or other experts with research activities.

The specifics of the evaluation approaches will be specified in the Terms of Reference. An expert group will develop an evaluation methodology that answers the questions raised in the Terms of Reference.

The subject of evaluation is the results of programs implemented by the Executive authorities of the Kyrgyz Republic in the areas of economy and investment, health, education, social security, agriculture, and others related to ensuring decent life for the population.

The subject of evaluation is the specialized committees of the Jogorku Kenesh.

Evaluation of the results of state programs is not conducted in a continuous but in a selective order.

An advantage in selecting programs for evaluation is their significance for improving the well-being of the population or possible barriers (problems and difficulties) in implementing significant programs. For this, it is possible to use the rating of socially significant programs.

The following General criteria can be used for evaluating the program:

- **Relevance** – whether the objectives of the program meet the needs of the beneficiaries (relevant population groups) and whether the policies and country strategies will support the intended benefits in the long term;
- **Rationality** – whether the resources ensure the rational management and use of the program's products and activities and whether the program has the appropriate skills, resources, and systems to achieve its goals;
- **Effectiveness** – whether the program products effectively reach target groups, be implemented on time, and be supported by partner organizations;
- **Effectiveness** – whether the program beneficiaries and partner organizations use the program products and benefit from them;
- **Sustainability** – whether the benefits of the program will be recognized, will affect changes in the behavior or work of the beneficiaries and the results be integrated by partner organizations;
- **Impact** – whether the program will be able to bring about changes and will contribute to the achievement of national/regional strategic indicators and goals of the program.

When evaluating the results of programs, other evaluation criteria can be put forward, depending on the purpose of its implementation.

Planning for the evaluation of the results of state programs approved by the Parliament is carried out annually.

When implementing the evaluation function in the work of legislative bodies, the following factors should be taken into account:

- the volume of ongoing work is gradually increased to work out the processes of work both within the committees and divisions of the Apparatus of the Jogorku Kenesh, as well as interaction with other services and divisions, and also to adapt and improve the skills of employees;
- in order to reduce resistance on the part of performers of the evaluated programs, the evaluation should be positioned as a tool for improving their performance, and not another version of verification to punish for shortcomings;

- approval of practices that encourage the involvement of those performers whose work was evaluated (self-evaluation);
- introduce the members of the Jogorku Kenesh and employees of the Administration with the goals, purposes, and evaluation procedures to enhance interest in evaluation and to increase the degree of use of its results;
- national associations of evaluation specialists can serve as a good resource for developing the evaluation function in the legislature.

The request for expert evaluation of the state program is formed by the specialized committee.

Since the evaluation provides systematic conclusions about the functioning of governing bodies, for which, as a rule, a specific Manager is not responsible, the punishment based on the results of the evaluation should not be imposed. Only recommendations are given to correct the situation in the management or implementation of the program.

Penalties may be imposed if the recommendations are not implemented and the situation has not changed.

The procedure for evaluating programs is described in the Methodological guide for evaluating the results of implementing state programs (Annex 2).

5. Evaluation of the effectiveness and efficiency of government affairs

Evaluation of government affairs accountable to the Jogorku Kenesh is carried out within the framework of hearing of annual and special reports on the situation in the country as a whole or in one or another sphere of public life.

The contribution of the accountable state body to the implementation of the following tasks is subject to evaluation:

- implementation of the Government program approved by the Jogorku Kenesh (hereinafter – the Government program), as well as the implementation of other state programs;
- implementation of laws and decisions adopted by the Jogorku Kenesh;

- the degree of achievement of approved indicators in a particular area (depending on the type of activity of the state body).

The main result of activities of public authority is a social effect – the creation of favorable conditions for the population, improving the quality of public services, the level of rights and freedoms, the rule of law and security.

An important aspect of the evaluation is the accounting of the "Index of public confidence" in a particular state body, conducted by the Government. The evaluation of a state body should also be based on the analysis of applications and complaints from citizens (against a particular state body), which are received both by the Jogorku Kenesh and by public organizations.

The Jogorku Kenesh developed and obliged the Prime Minister to prepare an annual report of the Government in accordance with the approved format and certain procedures and indicators.

Based on the specifics of the structural division of the Jogorku Kenesh, each committee can adapt the evaluation methodology in its area of competence, based on the standard (general) methodology.

6. Planning of evaluation activities

Measures to implement the evaluation should be included in the action plan of the Jogorku Kenesh and its committees based on the proposal of

factions, committees and commissions, Members of the Jogorku Kenesh.

7. Organizational, legal and methodological support of evaluation within the framework of parliamentary oversight

The General management of the organization and conduct of evaluation activities is carried out by the Toraga of the Jogorku Kenesh, the chairmen of committees and their members.

The development of recommendations on the planning by the committees of the evaluation activities is carried out by the Department for Oversight of the Decisions of the Jogorku Kenesh.

Organizational, legal and methodological support of the evaluation is provided by the Apparatus of the Jogorku Kenesh.

The results of the evaluation are posted on the website of the Jogorku Kenesh no later than ten working days from the date of signing (final reference, recommendations of the committee and monitoring of implementation). Expert groups consisting of specialists and experts (or expert organizations) from various fields can be created under the committees of the Jogorku Kenesh to use the evaluation in the activities of the Jogorku Kenesh in the exercise of oversight functions. The composition and regulations of expert groups, the procedure and criteria for selecting (attracting) experts are approved by the committees independently.

The database is formed in order to ensure continuity, consistency of work related to the evaluation, avoid duplication and repeat the evaluation. The database should consist of an evaluation plan, a summary report, recommendations (decisions) of the committee based on the evaluation results, and information on monitoring the implementation of the decision. Departments of committees are responsible for maintaining the database. At the end of the quarter, information for the database is submitted to the Decision Oversight Department of the Apparatus of the Jogorku Kenesh for maintaining a unified database.

An important element of assessing the effectiveness of the work of state bodies, the

implementation of laws and state programs is the analysis of applications and requests of citizens and organizations that are received by the Jogorku Kenesh. For this purpose, the Apparatus of the Jogorku Kenesh develops and implements a procedure for analyzing appeals and applications.

The research center of the Jogorku Kenesh Apparatus monitors and evaluates the plan and implementation of evaluation functions by committees. Monitoring is conducted monthly, and evaluation is carried out based on the results of the session year. The committee departments submit information on the evaluation activities carried out during the session to the Scientific Research Center

(hereinafter - Research Center) of the Jogorku Kenesh Apparatus at the end of the quarter. The Research Center of the Apparatus prepares an analytical report based on the presented materials at the end of session year. An analytical report with conclusions, suggestions and recommendations for evaluating within the framework of monitoring activities is submitted to the Toraga of the Jogorku Kenesh and reflected in the Annual Report of the Jogorku Kenesh Toraga.

Synthesis of statistical data and results of parliamentary oversight (including oversight over the implementation of recommendations based on the results of the oversight) is carried out by the Research Center of the Jogorku Kenesh Apparatus.

ANNEX 1

to the Resolution of the Jogorku Kenesh of The Kyrgyz Republic dated November 20, 2019 No. 3362-VI

METHODOLOGICAL GUIDANCE

on evaluation of the implementation of the laws of the Kyrgyz Republic

This Methodological guide for assessing the implementation of laws of the Kyrgyz Republic (hereinafter - the Methodology) defines the order, procedures and consequences of exercising the oversight functions of the Jogorku Kenesh through the evaluation of the implementation of laws by the Jogorku Kenesh committees.

1. General provisions

1. The methodology is developed on the basis of the Concept of using the methodology and methods of evaluation by the Jogorku Kenesh as part of the implementation of the functions of parliamentary oversight.

2. The methodology defines the rules and procedure for assessing the implementation of laws of the Kyrgyz Republic (hereinafter-laws) and related legislation.

3. The main subject of law enforcement evaluation (hereinafter - evaluation) is the specialized committee of the Jogorku Kenesh (hereinafter – the committee).

Representatives of civil society and experts are involved in the evaluation.

4. If, by a decision of the Jogorku Kenesh, the evaluation made by the specialized committee is submitted to the plenary session, the final evaluation shall be determined by the Jogorku Kenesh.

5. The object of evaluation is the implementation of laws and related legislation.

6. The evaluation tools are specially developed methodologies and methods that allow determining the effectiveness of implementing laws, changing the social status of law-holders.

7. Indicators of results are indicators of achievement of the goals of laws and decisions.

8. Evaluation is considered as a tool to improve the effectiveness and efficiency of laws and related legislation.

9. The evaluation is conducted in two stages:
1) evaluation of the implementation of the law (s) and related legislation;
2) analysis of the reaction/response of the public authorities and other parties to the recommendations made as a result of the first stage of the evaluation.

10. the results of the evaluation are open and are subject to publication in the mass media and on the website of the Jogorku Kenesh.

2. The principles and procedures of selection of the laws for the evaluation

11. 11. Considering the existence of a significant number of laws and related legislation, certain normative legal acts determined by the electoral process are subject to evaluation.

12. The evaluation can be conducted not only on the principle of "one law – one evaluation", but also based on the study of certain norms of related legislation regulating similar areas of management and social activity.

In this case, similar and complementary legal norms are ranked.

For example, when selecting related legislation to be evaluated, such areas as the state of health protection, education, labor markets, land relations, ecology, attracting investment, ensuring public safety, etc. may be selected, which are implemented by several laws.

13. The list of laws and related legislation subject to evaluation in a calendar year shall be determined by committees and approved by the Toraga of the Jogorku Kenesh.

14. To ensure the professional approach and quality of evaluation for a calendar year, each specialized committee may evaluate the results of the implementation of at least one law or one related legislation.

15. The list of laws and related legislation subject to evaluation is Compiled in November of each year and at least one month before the evaluation begins.

16. On the first working day of November, each committee invites members of the Jogorku Kenesh, the Government, national human rights

institutions and non-profit organizations to submit proposals on the selection of a list of laws and related legislation to be evaluated.

17. This appeal of the committee (s) shall be posted on the official website of the Jogorku Kenesh.

18. After two weeks from the date of publication of the appeal, the committees rank the laws.

19. The rank of the law and related legislation in the justification for the evaluation is determined by the significance of social requests of citizens, which include: the expected results of the public impact of laws, recommendations of specialized committees of the Jogorku Kenesh, compiled on the basis of systematic complaints and appeals of citizens.

The ranking takes into account public comments received by the authorities on the situation in the sphere of public relations addressed in the law and related legislation, publications in the mass media, resolutions of conferences and round tables held by state bodies, local self-government bodies, expert communities, public organizations, etc., the information contained in the annual and special reports of Akyikatchy (Ombudsman) of the Kyrgyz Republic, the National Center for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, publications of non-profit and human rights organizations, etc. The recommended form can be used for ranking purposes (Annex 1.1).

20. In the choice of law for evaluation, the committee may consult with the Government. At the same time, the Government can independently initiate an evaluation in advance, together with the committee.

21. After an internal ranking, committees, in the period up to November 15, present to the Toraga of the Jogorku Kenesh the list of laws and related legislation to be assessed indicating a member of the committee responsible for the evaluation of each law and related legislation (hereinafter – responsible committee member).

22. The Toraga of the Jogorku Kenesh shall approve a single list of laws and related legislation for evaluation by all committees within one calendar year.

23. The Unified list of laws and related legislation subject to evaluation shall be included in the calendar plan of the Jogorku Kenesh and published on the website of the Jogorku Kenesh.

24. Laws and related legislation that have passed at least one year since their adoption shall be subject to evaluation.

25. The list and schedule (Annex 1.2) for evaluating the implementation of laws shall be submitted to the Government in accordance with the approved calendar work plan of the Jogorku Kenesh.

3. Evaluation procedure

3.1. Order of evaluation procedure

26. Within two weeks of the approval of the unified list of laws and related legislation to be evaluated, the committee, on the recommendation of the responsible member of the committee, forms a working group, whose functions include:

- preparation and acceptance of the Terms of Reference for conducting the evaluation (hereinafter – the Terms of Reference);
- coordination of evaluation activities;
- clarification of expected results of law enforcement (if necessary);
- discussion and adoption of the final products of the evaluation (references based on the results of the evaluation, draft decisions of the Committee, etc.);
- conducting evaluation activities (if it is not decided to assign the entire range of evaluation activities to the experts involved).

27. The group is chaired by a responsible member of the committee, composed of representatives and other committees of Parliament, independent experts, representatives of civil society.

28. Representatives of non-profit organizations and independent experts Included in the working group must have proven experience in carrying out activities in the relevant field, confirmed by letters of recommendation from previously evaluated organizations or customers, or confirmed by experience in analytical work in the relevant field of legal relations.

29. If the object of evaluation is intersectoral, a joint working group is formed, which includes representatives of various committees of the Jogorku Kenesh and independent experts, representatives of civil society working in these areas.

30. Organizational support for the development of the Terms of Reference is provided by the Department that ensures the work of the committee.

31. To determine the types and scope of evaluation work, a Terms of Reference is drawn up.

32. The draft Terms of Reference is developed on the basis of the requirements for the Terms of Reference (Annex 1.3), taking into account the specifics of the evaluation areas and the selected laws or related legislation.

33. Evaluation activities may be assigned to members of the working group or to a non – profit organization or group of experts (hereinafter – engaged experts). The choice of options depends on the complexity of the evaluation object and the scope of issues that need to be studied within

the Terms of Reference and is accepted by the responsible member of the Committee together with the working group.

34. If it is decided to entrust the conduct of evaluation activities to the involved experts, then their involvement is carried out on the basis of a competition organized by the Jogorku Kenesh Apparatus, in accordance with the legislation, at the request of the committee responsible for conducting the evaluation. The evaluation goals, deadlines, or other parameters are defined in the agreement with the annex of the Terms of Reference signed by a representative of the Jogorku Kenesh Apparatus and involved experts selected according to established procedures.

35. The Apparatus of the Jogorku Kenesh provides organizational and informational support to the working group and the experts involved in the evaluation.

3.2. Activities for the first evaluation phase

36. The working group or experts involved, in accordance with the Terms of Reference, develop an evaluation methodology that includes a list of tools and the geography of evaluation activities.

37. Sources of information are Identified, which can be developed using an approximate list of information sources (Annex 1.4), a list of required documents is compiled, and materials that contribute to the evaluation are collected.

38. The working group analyzes the expected goals and results of the law being evaluated or related legislation presented at the stage of adoption of the relevant normative legal acts, primarily in the supporting documents and statements of the proponents of the adoption of

laws. If the results and objectives of the law are not sufficient to determine their achievement during the evaluation, the working group clarifies and details them. This activity should be carried out through a discussion in a working group with the invitation of representatives of the Government and proponents of laws, if the latter is possible.

39. The working group or experts involved will draw up a list of organizations and individuals to conduct surveys. This list, depending on the nature of issues, may include current members of the Jogorku Kenesh who have received appeals from citizens, representatives of state authorities, local self-government bodies, non-profit organizations, business structures, experts, the public and others.

40. The recommended list of subjects, questions, and tools of the first stage of evaluation can be used for conducting an evaluation (Annex 1.5), or a custom list can be developed taking into account the specifics of the object being evaluated.

41. The working group or the experts involved, within the period specified in the Terms of Reference, not exceeding two months, shall analyze and summarize the data and submit a reference in the approved form (Annex 1.7) for consideration by the working group.

3.3. Review of the results of the first stage of evaluation

42. The working group develops a draft decision of the committee based on the results of the evaluation, which reflects instructions to state and local authorities, and recommendations to other parties involved in the implementation of laws. Instructions and recommendations may relate to the following issues:

- making amendments to by-laws, legal acts and departmental regulations;
- improving financing practices;
- improving law enforcement practices;
- improving interdepartmental and intersectoral cooperation;
- making changes to the laws being evaluated, etc.;

43. After receiving the working group's reference, the matter is considered at a meeting of the committee and, if necessary, other committees.

44. If there are no additional instructions from the Jogorku Kenesh, the final decision on the evaluation is taken directly by the committee with subsequent notification to the Toraga of the Jogorku Kenesh and transfer to the Government for execution. The committees are recommended to make decisions on the results of the first stage of the evaluation by March 15.

3.4. Activities for the second phase

45. Six months after the decision was made on the results of the first stage of the evaluation, the working group conducts a second stage of the evaluation, which consists of an analysis of the implementation of instructions and recommendations by the Government and other parties.

46. For the second stage, information from the Government and other parties on the implementation and planned measures to implement the committee's decision taken in the first stage of the evaluation is reviewed. The recommended list of questions and tools for the second evaluation stage can be used (Annex 1.6).

3.5. Review of the second stage results

47. Based on the results of the activities of the second stage, the working group or involved experts develop a reference. The recommended structure of the reference based on the results of the second evaluation stage can be used (Annex 1.8). This document is discussed and adopted at the meeting of the working group and together with the draft decision of the committee, is submitted for consideration by the relevant committee by October 1.

48. If the Government fails to implement most of the recommendations of the first stage of evaluation, the committee may decide to submit the issue to the plenary session of the Jogorku Kenesh.

49. The Chairperson of the committee or a responsible member of the committee acts as the Rapporteur of the issue on the evaluation results if it is considered at the plenary session of the Jogorku Kenesh.

50. Based on the results of consideration at the plenary session, the Jogorku Kenesh shall adopt a resolution.

51. when evaluating the annual (for the relevant period) report of the Prime Minister of the Kyrgyz Republic on the work of the Government, the Jogorku Kenesh takes into account the ability of the Government to respond appropriately to the results of the evaluation of the implementation of laws.

4. Financial and logistical support for an evaluation

52. The evaluation is carried out at the expense of the Republican budget or other sources not prohibited by the legislation of the Kyrgyz Republic.

53. To use the funds of the Republican budget, the process of including the issue of evaluation in the calendar plan of work of the Jogorku Kenesh and approving the Republican budget must be synchronized.

54. Financial, organizational, material and technical support for the evaluation is given by the Apparatus of the Jogorku Kenesh within the limits of funds provided in the Republican budget.

5. Informational and legal support for the evaluation procedure

55. Information support for the evaluation is provided by the Apparatus of the Jogorku Kenesh, the Government, and state bodies.

56. When conducting an evaluation, data from the Government, state bodies and the National Statistical Committee, information obtained from the mass media, public organizations, and the international rating can be used.

The use of data from the National statistical Committee is mandatory.

57. To obtain the required information, the Committee, at the suggestion of the working group or the involved experts, sends relevant requests to the Government.

58. Data from open sources, including the Internet, can be used for obtaining additional information.

59. The Apparatus of the Jogorku Kenesh ensures the collection and systematization of appeals and complaints of citizens, data on which is used both in the formation of ranking and in the conduct of the evaluation.

6. The response of the government body on the results of the evaluation

60. Based on the results of the first stage of the evaluation, the Government, within two weeks, prepares an appropriate Plan to improve the quality of implementation of laws or related legislation (hereinafter - the Plan).

61. A copy of the Plan is submitted to the relevant committee of the Jogorku Kenesh for information, and the implementation of the Plan is organized by the Government office.

62. The Plan includes all necessary actions, including, if necessary, changes in organizational processes of work, possible adjustments in approaches and processes for implementing legislation, amendments to the implementation strategy, allocation of internal budget funds and other measures aimed at improving the implementation of laws or related legislation.

63. Coordination of the implementation of the Plan is carried out by the specialized departments of the Government office.

64. The government and public authorities use the results and recommendations of the evaluation to improve the quality of implementation of laws and related legislation, to plan future and current activities, and to organize work processes.

65. The results of implementation must be sent in writing to the working group and reported at the committee meeting within the time limits specified in the decision of the committee or the Jogorku Kenesh.

Annex 1.1

RECOMMENDED FORM

to conduct the ranking of laws to be evaluated

Feasibility of the evaluation	Points (on a five-point scale)
Frequency of consideration of the issue of action (inaction) of the law in the committee	
Number of complaints and appeals from citizens on issues related to the scope of the law	
Coinciding with the country's current development priorities	
Coinciding with the country's long-term development priorities	
Negative impact of legal norms on the observance of human rights when applied in accordance with the data of the Ombudsman of the Kyrgyz Republic	
At least a year has passed since the law was adopted	
Total points:	

Annex 1.2

SAMPLE SCHEDULE

evaluating the implementation of laws

Terms of delivery	Actions	Responsible
November	Determining the list of laws and related legislation to be evaluated	Committee
Before the first working day of December	The Jogorku Kenesh presents a list of laws to the Government on which it is planned to conduct evaluation	The Jogorku Kenesh Apparatus
December	The government submits reporting documents on the implementation of laws to the relevant committees	Government
Before the first working day of December	The committee determines the responsible member of the committee and subsequently forms a working group	The Committee
December	The Apparatus of the Jogorku Kenesh organizes and conducts a competition (tender) for attracting experts (if necessary)	Apparatus of the Jogorku Kenesh
December-February	The working group or experts involved will carry out activities for the first stage of the evaluation	Working group, experts involved
Before the first working day of March	The working group reviews and finalizes the reference based on the results of the first stage of evaluation	Working group
until March 15	At the meeting, the committee reviews the reference and makes a decision, the results are sent to the Toraga of the Jogorku Kenesh for providing information and to the Government for execution	Committee
August-September	The working group or the experts analyze the implementation by the Government and other parties of the recommendations of the first stage of the evaluation	The working group attracted experts
September – October	The working group reviews and finalizes the reference based on the results of the second stage of evaluation	Working group, involved experts
October	At the meeting, the committee reviews the reference and makes a decision, the results are sent to the Toraga of the Jogorku Kenesh and to the Government. The committee may decide to submit the issue of evaluation results to the plenary session of the Jogorku Kenesh	Committee
The October-November Committee	The Jogorku Kenesh reviews the results of the evaluation (if necessary)	Jogorku Kenesh, responsible member of the committee

Annex 1.3

REQUIREMENTS to the Terms of Reference

The Terms of Reference is a summary of the purpose, main parameters of evaluation, and subjects that the committee instructs the working group to study in order to determine the effectiveness of implementing the law/related legislation.

Sections content

A. Information on the law/related legislation being evaluated

- 1) 1) Name of the law (s), date of adoption and history of amendments, if any, data about the initiator/s;
- 2) Scope of the law (s);
- 3) Brief information on the goals and expected results set out in the justification reference, statements of initiators made at the adoption stage, conclusions of specialized expertise;
- 4) Compliance with state programs;

B. Evaluation parameters

- 5) Goals, objectives, objects and subjects of evaluation (see point 18 for recommended subjects of evaluation);
- 6) Qualification requirements for members of the working group and experts involved;
- 7) List of final products and terms of their delivery.

Annex 1.4

SAMPLE LIST

of information sources for evaluating the results of the implementation of laws and related legislation

1. Report of the Government.
2. Systematized data of appeals of the population to the Members of Parliament on topical issues.
3. Requests and analysis of information from state bodies, local self-government bodies and other organizations involved in the implementation of legislation or being beneficiaries.
4. Internet surveys of the population and / or individual population groups.
5. Publications in mass media.
6. Interviews with persons who are aware of the implementation of the legislation.
7. Recommendations set out in the United Nations Sustainable Development Goal.
8. The data of opinion polls.

Note: When conducting an evaluation, experts may refer to data from other sources, including analytical documents, research reports, expert opinions, provided that they were conducted by organizations or individuals whose experience in this area is recognized by the expert community, and in the case of research results, the methodology is also known.

Annex 1.5

RECOMMENDED LIST

subjects, questions and tools of the first stage of evaluation

№	Subjects and questions	Evaluation activities
Item # 1 Law enforcement practice for compliance with the law		
1.1.	How the document is implemented in practice	Analysis of information from authorized state bodies; interviewing representatives of law enforcement agencies and representatives of civil society through focus meetings
1.2.	How was the preparatory work carried out for the entry into force of the document	Analysis of information from authorized state bodies; interview of representatives of law enforcement agencies and representatives of civil society through focus meetings
1.3.	What norms are not being implemented/are not being fully implemented	Analysis of information from authorized state bodies; interviewing representatives of law enforcement agencies and representatives of civil society through focus meetings; data from the Prosecutor General's office on orders and criminal cases, etc.
Subject # 2 Financial security		
2.	To what extent the activities arising from the document are financially secured (fully / partially / not provided; delayed / on time)	Analysis of information from authorized state bodies; analysis of information from the Ministry of Finance; interviewing representatives of law enforcement agencies, the Ministry of Finance through focus meetings; budget analysis
Item # 3 Impact of the implementation of the law, based on the goals and expectations stated at the adoption stage		
3.1.	What the expectations were when the law was adopted and what indicators should determine the achievement of expectations	Clarification of expectations and indicators based on the rationale and statements of initiators and officials made at the adoption stage and / or restored by the working group with the participation of initiators

№	Subjects and questions	Evaluation activities
3.2.	How the document has affected the situation in the field of legal relations (positive/negative/not affected), based on the stated expectations of the initiators	Sociological surveys; focus interviews with officials, experts and civil society representatives; analysis of statistical data
3.3.	How the document affected the persons who were the beneficiaries of the adoption, including, in terms of gender issues, various vulnerable groups of the population, etc.	Clarification of expectations and indicators based on the rationale and statements of initiators and officials made at the adoption stage; sociological surveys (including among beneficiaries); focus interviews with officials, experts and civil society representatives; analysis of statistical data
3.4.	How well the document and its norms were justified in terms of achieving the stated expectations	Interviews of officials, experts and representatives of civil society through focus meetings
Item # 4 Respect for human and civil rights and legitimate interests of citizens in the implementation of law		
4.1.	How the document positively or negatively influenced the observance of human rights in Kyrgyzstan, including in terms of gender issues, various vulnerable groups of the population	Analysis of materials from government agencies and national human rights institutions; interviewing officials, experts and civil society representatives through focus meetings; analysis of statistical data
4.2.	To what extent the law enforcement practice and by-laws complied with the international obligations of the Kyrgyz Republic in the field of human rights	Analysis of international documents in the relevant field, which the Kyrgyz Republic has joined; information from the Government and / or authorized state bodies; information from national human rights institutions; information from non-profit organizations and independent experts working in the field of human rights protection provided at focus meetings
Item # 5 Compliance of by-laws with the evaluated law		
5.1.	What by-laws (NPA and departmental documents) were adopted in compliance with the document and were not adopted (and why)	Analysis of information from the Government and authorized state bodies; interview of officials during focus meetings
5.2.	Whether by-laws correspond to or contradict the document (and in what ways)	Analysis of by-laws; interview of experts and civil society representatives at focus meetings; data of the Prosecutor General's office on orders, criminal cases, etc.

Nº	Subjects and questions	Evaluation activities
5.3.	Whether there are regulations in by-laws that give state authorities, local self-government bodies and officials more authority than the law implies	Analysis of by-laws; interviewing experts and civil society representatives at focus meetings; analysis of information from the Prosecutor General's office on orders, criminal cases, etc.
5.4.	Whether there are any legal norms that were not disclosed in the by-laws, and as a result were not enforced	Analysis of by-laws; interviewing experts and civil society representatives at focus meetings; analysis of information from the Prosecutor General's office
Item # 6 Interdepartmental interaction		
6.1.	How interagency cooperation was organized to implement the law being evaluated	A survey of government officials, local government bodies (if applicable), representatives of non-profit organizations and independent experts made at focus meetings; official information from the Government and/or authorized state bodies; data from independent analytical documents
6.2.	What the difficulties and obstacles were at the level of official consolidation of interdepartmental cooperation	A survey of government officials, local government bodies (if applicable), representatives of non-profit organizations and independent experts made at focus meetings; official information from the Government and/or authorized state bodies; data from independent analytical documents
6.3.	What the difficulties and obstacles were in practice	Interviews of government officials, local government bodies (if applicable), representatives of non-profit organizations and independent experts conducted at focus meetings; official information from the Government and / or authorized state bodies; data from independent analytical documents
Item # 7 Compliance of the law's provisions with strategic priorities reflected in existing state programs		
	To what extent the legal norms correspond to the strategic priorities reflected in the current state programs, whether there are contradictions	Analysis of state programs; a survey of officials of state authorities, local governments (if acceptable), representatives of non-profit organizations and independent experts

Annex 1.6

RECOMMENDED LIST

questions and tools of the second stage of evaluation

Nº	Questions	Evaluation activities
1.	What measures have been taken by the subjects within three months to improve law enforcement practices	Analysis of information from the Government and authorized state bodies
2.	What measures have been taken or are planned to be taken to amend regulations	Analysis of information from the Government and authorized state bodies
3.	What measures have been taken to restore human rights and legitimate interests	Analysis of information from the Government and authorized state bodies; analysis of information from national human rights institutions and non-profit organizations; analysis of data from the General Prosecutor's Office
4.	Is there any unexpected effect (positive or negative) on the data voiced in the evaluation report	Discussion at meetings of the Committee's working group and expert group

Annex 1.7

REQUIREMENTS

to the content and structure of the note based on the results of the first stage of evaluation

The note should consist of the main text (no more than 25 pages), an abbreviated version of the text (no more than 5 pages), and annexes (unlimited length). The note should contain the following sections and parts:

Title page – contains name of the body "The Jogorku Kenesh of the Kyrgyz Republic", the name of the relevant committee, the name of the working group, the name of the note "Note on the results of evaluation of the implementation of the law or related legislation", the date, location (Bishkek).

Abstract – this section contains a brief explanation of the content and purpose of the note.

Contents – a table of contents of sections with an indication of pages.

Section 1. The rationale for the evaluation – this section includes information on the compliance of the evaluation with the Constitution of the Kyrgyz Republic, legislation, relevant resolutions of the Jogorku Kenesh and the relevant decision of the committee concerning this law/related legislation. This section also includes an explanation of the choice of law/related legislation for evaluation.

Section 2. Methodology and organization of evaluation – this section contains information on the establishment and functioning of the working group, on the evaluation methodology, indicating the geographical scope, tools used, etc. This section also contains information about the participation of different parties in the evaluation process, including possible assistance and/or opposition. If the entire set of evaluation activities was performed by the involved party (a non-profit organization or a group of independent experts), then a summary of it is also included.

Section 3. General information about the law/related legislation – this section contains background information about the law / related legislation (date of adoption, date of amendments, initiators), the purpose of the law (s), the purpose of their adoption and the expected results that the legislator intended when it was adopted, and their compliance with current state programs and strategies.

Section 4. Evaluation Results – this section contains information about the data identified during evaluation activities, based on the subjects defined in the Terms of Reference.

Section 5. Conclusions – this section contains a list of identified trends for each subject of evaluation.

Section 6. Recommendations – this section contains a list of proposals aimed at improving law enforcement and/or the law itself, any related measures, indicating the addressees to which the proposals are intended.

Section 7. Basic terms – this section contains a list of specialized terms that are used in the note.

Annexes. Mandatory annexes include the committee's decision to evaluate the law/related legislation, the composition of the working group, and the Terms of Reference. It may also contain other relevant annexes that the working group deems appropriate to include in the publication. Upon subsequent publication, the note is supplemented by the relevant decision of the committee.

Annex 1.8

REQUIREMENTS

to the content and structure of the note based on the results of the second stage of evaluation

The note should consist of the main text (no more than 15 pages), an abbreviated version of the text (no more than 3 pages), and appendices (unlimited length). The note should contain the following sections and parts:

Title page – contains name of the body "of the Jogorku Kenesh of the Kyrgyz Republic", the name of the relevant Committee, the name of the working group, the name of the note "Note on the results of evaluation of the implementation of the law or related legislation", the date, location (Bishkek).

Abstract – this section contains a brief explanation of the content and purpose of the reference.

Contents – a table of contents of sections with an indication of pages.

Section 1. Information about the evaluation of the implementation of the law/related legislation – this section contains a summary of the results,

conclusions and recommendations of the first stage of the evaluation and the organization of the first stage of the evaluation.

Section 2. Methodology – this section contains a list of tools that have been used to track the response of parties to the recommendations of the first stage of the evaluation and the committee's decisions.

Section 3. Party response – this section contains information on the response of the Government, public authorities, local governments, and other parties to the recommendations of the first stage of the evaluation and the committee's decisions.

ANNEX 2

to the resolution of the Jogorku Kenesh of The Kyrgyz Republic dated November 20, 2019 No. 3362-VI

METHODOLOGICAL GUIDANCE

Evaluation of the results of an implementation of state programs of the Kyrgyz Republic

This Methodological guide for evaluating the results of implementing state programs (hereinafter – the methodology) defines the approaches and procedure for evaluation of national development programs approved by the Jogorku Kenesh of the Kyrgyz Republic (further – Jogorku Kenesh), as well as programs approved by the Government of the Kyrgyz Republic (hereinafter – the Government) for the implementation of the programme of activities of the Government of the Kyrgyz Republic.

1. General provisions

1. The methodology is part of the Concept of using the methodology and methods of evaluation by the Jogorku Kenesh within the framework of implementing the functions of parliamentary oversight and defines approaches and procedures for evaluating the results of state programs.
2. The methodology contains rules and procedures for evaluating the results of implementing state programs of the Kyrgyz Republic.
3. The subject of evaluation of the state program is the specialized committee of the Jogorku Kenesh, which is responsible for conducting evaluation by experts involved. If necessary, sociological and other studies may be carried out to conduct the evaluation with the involvement of independent experts, as well as employees of the Jogorku Kenesh Apparatus.
4. The object of evaluation is the national programs of economic, social, scientific, technical and cultural development.
5. The evaluation tools are specially developed methodologies and methods that allow determining changes in the social status of program beneficiaries.
6. Outcome indicators are indicators of achieving the objectives of the Government programme and state programmes.
7. Evaluating the performance of state programs is seen as a tool to improve the effectiveness and efficiency of these programs, and not as an action that results in administrative consequences.
8. Evaluation results are open information published in the mass media in accordance with the information strategy for improving management efficiency.

2. Principles of selecting government programs for evaluation of their implementation

9. The implementation of the state program is subject to evaluation when hearing the Annual Report of the Prime Minister. The Parliament may request an evaluation of certain parts of the state program if the results of implementation are not supported by data.

10. Considering the complexity of the evaluation procedure, other state programs are subject to selective evaluation, taking into account their social significance.

11. Proposals on the list of state programs to be evaluated in a calendar year shall be made by the specialized committee of the Jogorku Kenesh and reviewed at the plenary session of the Jogorku Kenesh. In a calendar year, the results of no more than three programs can be evaluated.

Proposals for the selection of the state program to be evaluated are submitted in November of each year and at least three months before the evaluation begins.

12. If more than three programs are offered for evaluation in a calendar year, the selection is based on the ranking of programs. The ranking of the program in the justification for the evaluation is determined by the significance of social needs of citizens, which includes: the expected results of its public impact, recommendations of the specialized committees of the Jogorku Kenesh, compiled on the basis of systematic complaints and appeals of citizens.

The reason for choosing should also be that the program should go through a certain period from the beginning of its implementation (Annex 2.1).

13. If more than three programs are proposed for evaluation, a conciliation meeting is held between the specialized committees before the issue is reviewed at the plenary session of the Jogorku Kenesh. The meeting provides materials for ranking programs.

14. The organization of ranking is entrusted to the Apparatus of the Jogorku Kenesh not later than the first half of November of the previous year (Annex 2.2). Independent experts can be used to compile the ranking.

15. Proposals for the selection of state programs to be evaluated, made by the specialized committees for the upcoming calendar year, are reviewed at the plenary session of the Jogorku Kenesh simultaneously, taking into account the ranking.

16. Evaluation can be conducted not only on the principle of "one program – one evaluation", but also based on the urgency of the problem, and on the study of individual sections (items) of related programs. In particular, when conducting an evaluation, such areas as the state of health protection, education, ensuring labor markets, attracting investment, etc. can be selected, which are implemented by several performers.

17. When choosing a state program for the evaluation, the Jogorku Kenesh may consult with the Government. At the same time, the Government may independently initiate an evaluation of the state program in advance, together with the Jogorku Kenesh.

18. The list of state programs subject to evaluation shall be included in the work schedule of the Jogorku Kenesh. The evaluation period does not exceed two months.

19. The list and schedule of evaluation of program performance results shall be submitted to the Government in advance (at least two months before the evaluation) in accordance with the approved work schedule of the Jogorku Kenesh.

3. Procedure of state program evaluation

20. After the issue of the state program, evaluation is included in the work schedule of the Jogorku Kenesh, the specialized committee, no later than two months before the evaluation, forms a working group that develops the Terms of Reference for the evaluation (hereinafter - the working group).

21. The working group may include representatives of the relevant and other committees of the Jogorku Kenesh, independent experts, and representatives of civil society. Representatives of non-profit organizations and independent experts included in the working group should have proven experience in carrying out activities in the relevant field or experience in analytical work and conducting program evaluation. The working group is headed by a responsible member of the specialized committee.

22. If the state program is intersectoral, a joint working group is established, which includes representatives of various committees of the Jogorku Kenesh, independent experts, and representatives of civil society working in these fields.

23. Organizational support for the development of the Terms of Reference is provided by the Department that ensures the work of the specialized committee of the Jogorku Kenesh.

24. To determine the types and scope of evaluation work, a Terms of Reference for conducting an

evaluation (hereinafter - the Terms of Reference) is developed.

The draft Terms of Reference for evaluation is developed on the basis of the structure of the standard Terms of Reference (Annex 2.3), taking into account the specifics of the evaluation areas and the selected state program.

25. The Terms of Reference define:

- the purpose of evaluating the results of the state program;
- questions to be evaluated, formulated by the working group on the evaluation of program results;
- timing of the evaluation;

26. Terms of Reference for the evaluation is approved by the decision of the specialized committee or several committees in cases where the area assessed involves cross-sectoral issues.

27. In order to ensure the objectivity and professional level of the assessment, as well as to prevent conflicts of interest, the assessment of the state program is carried out by an independent organization or a group of experts with technology and experience in conducting professional assessment of programs.

28. Selection of an organization or group of experts for conducting an evaluation is carried out on the basis of a competition, which is organized

by the Jogorku Kenesh Apparatus in accordance with legislation at the request of the specialized committee of the Jogorku Kenesh responsible for conducting the evaluation.

29. Coordination of the evaluation of state programs, included in the work schedule of the Jogorku Kenesh is carried out by the corresponding working group.

30. The goals, terms of evaluation, or other parameters are defined in the contract with the Annex of the Terms of Reference, signed by a representative of the Jogorku Kenesh Apparatus and a group of experts selected according to the

established procedures. In particular, the contract specifies the obligations of the expert group to finalize the final evaluation documents in case of receiving comments from the evaluation customer.

31. The required financial resources from the republican budget are allocated for the evaluation of programs. It is not prohibited to use funds from external financial sources, but only if there is no conflict of interest between the parties.

32. The Apparatus of the Jogorku Kenesh provides organizational and informational support to the group of experts performing the evaluation.

3.1. Conducting evaluation activities

33. Involved experts or professional evaluation organizations (hereinafter – experts) get acquainted with the Terms of Reference and develop an evaluation methodology, coordinate it with the working group.

34. Experts determine the sources of information (Annex 2.5), collect all the materials provided that will help evaluate the implementation of the state program, and make a list of required documents.

35. Experts draw up a list of organizations and individuals to conduct surveys. This list, depending on the nature of issues, may include current members of the Jogorku Kenesh who have received appeals from citizens, representatives of state authorities, local self-government bodies, non-profit organizations, business structures, experts, the public, and others.

36. Experts, within the period specified in the Terms of Reference, not exceeding two months, analyze and summarize the data and submit a report in an approved form (Annex 2.4) for review by the working group.

37. Experts prepare a presentation and hold an initial discussion with the working group. After eliminating the comments and suggestions, the head of the expert group reports the results at a meeting of the specialized committee.

4. Review of the evaluation results

38. After receiving the evaluation report, the issue is reviewed at a meeting of the specialized committee of the Jogorku Kenesh and other committees.

39. If there are no additional instructions from the Jogorku Kenesh, the final decision on evaluating the results of the state program is taken directly by the specialized committee of the Jogorku Kenesh.

40. In other cases, after a preliminary review by the specialized committee, the evaluation is reviewed at the plenary session of the Jogorku Kenesh.

41. Based on the results of the review, recommendations to implement the program by the decision of the Jogorku Kenesh, which are submitted for execution to the Government.

42. One year after the adoption of the recommendations, the working group initiates a review of the results of an implementation of the recommendations and the extent to which the results have been achieved.

5. Financial and logistical support in conducting an evaluation

43. Financial and other means required for conducting the evaluation are provided in the Republican budget in advance. For this, the process of including the issue of evaluation in the work schedule of the Jogorku Kenesh and approving the Republican budget should be synchronized. Other sources of financing that are not prohibited by the legislation of the Kyrgyz Republic may also be used.

44. The Apparatus of the Jogorku Kenesh shall provide financial, organizational, material, and technical support for the conduct of the evaluation within the limits of the funds provided in the Republican budget.

6. Informational and legal support for the evaluation process

46. Information support for the evaluation is provided by the Jogorku Kenesh Apparatus, the Government, and state bodies.

47. When conducting an evaluation, Governments, state bodies, and the National Statistical Committee, information obtained from the mass media, public organizations, and international rankings may be used. The use of data from the National statistical Committee is mandatory.

48. To obtain the required information, the specialized committee sends a corresponding request based on the proposal of the evaluation group.

49. For more information, the evaluation team can use the data of open sources, including the Internet.

50. The Apparatus of the Jogorku Kenesh shall ensure the collection and systematization of appeals and complaints of citizen, the information on which is used in both rating and evaluation.

7. Response of the state body to the evaluation results

51. The Government office submits recommendations to the state bodies implementing the state program for which the evaluation was conducted.

52. The responsible public authority should prepare an improvement plan based on the results of the evaluation and the proposed recommendations. The improvement plan should be submitted to the departments of the government office.

53. According to the plan, the responsible state agency carries out the necessary actions (e.g. changes in organizational work processes, review of policies or programs, amendments

to implementation strategies, changes in the allocation of internal budget funds) to improve the functioning of the institution or program execution. The results of the implementation are reported in writing to the Government Office.

54. Responsible government agencies use the results of evaluations in subsequent planning and budgeting processes.

55. The results of implementation should be reported at a meeting of the specialized committee or included in the Annual Report of the Prime Minister to the Jogorku Kenesh.

Annex 2.1

FORM for ranking state programs to be evaluated

Feasibility of the evaluation	Points (on a five-point scale)
Frequency of review of the issue in the specialized Committee of the Jogorku Kenesh	
Number of complaints and appeals from citizens on specific issues	
Coinciding with the country's current development priorities	
Coinciding with the country's long-term development priorities	
At least one year has passed since the program was launched or the previous evaluation was completed	
At least one year has passed since the adoption of the law	
Total points:	

Annex 2.2

SAMPLE SCHEDULE to conduct an expert evaluation

Terms of delivery	Actions	Responsible
October- November	The Jogorku Kenesh presents to the Government a list of programs to conduct an expert evaluation	The committee
until January 21	The government presents the reporting documents on the programs of the Toraga of the Jogorku Kenesh	Apparatus of the Jogorku Kenesh

Terms of delivery	Actions	Responsible
within two working days after January 21	Documents are forwarded to the specialized committee of the Jogorku Kenesh for an examination of the document	Government
until February 21	The specialized committee of the Jogorku Kenesh approves the Terms of Reference for the expert group	The committee
until March 1	The Apparatus of the Jogorku Kenesh shall organize and hold a competition for experts	the Jogorku Kenesh Apparatus
Until March 15	The Department of the Jogorku Kenesh Apparatus gathers an expert group, introduces it to the task	Working group, experts involved
until March 20	The working group begins its work	Working group
September	The expert group provides a report to the committee and receives comments for further improvement	The committee
September	Refinement of the report	Working group, experts involved
until October 1	The responsible committee reviews the report at the meeting	Working group, involved experts
October	The responsible committee provides the report and recommendations at the meeting session of the Jogorku Kenesh	The committee
October	The Jogorku Kenesh reviews issues and forms a decision with instructions to the Government	The Jogorku Kenesh, a responsible member of the committee

Annex 2.3

STRUCTURE

of standard Terms of Reference issued to experts for evaluating the state program

1. General requirements

The Terms of Reference should contain a description of the purpose, specification of the evaluation scheme, and should consist of the following elements:

- context and purpose of the evaluation;
- structure (components) of the final evaluation document (types of documents and annexes);
- description of the object to be evaluated;
- the purpose of the evaluation and key evaluation questions;
- the expected results of the evaluation;
- evaluation schedule;
- qualification requirements for experts.

Changes to the Terms of Reference made during the evaluation process should be reviewed and, if acceptable, approved by the evaluation client..

2. Defining the goals and objects of evaluation

The context of the expert evaluation and its purpose is described in the initial section of the final evaluation document. It describes the concept of the program, its place in the overall strategy of the organization, the main stages and directions of the program, and some important results.

The purpose of this section is to provide the clearest possible understanding of the object (subject) of the evaluation, as well as to explain the reasons why the decision was made to conduct the evaluation.

The initial sections of the final document also describe the object, goals, and objectives of the evaluation.

If the Government's program is subject to evaluation, the subject of analysis is the declared total results of the Government's program for the current year or the results as it is implemented..

3. Indicative evaluation questions

- Evaluation questions are formulated depending on the stage of project implementation and the current situation. Indicative format for a list of evaluation questions:
- What is the basis for deciding that certain products or services of the program are necessary for its beneficiaries/customers/consumers of these services?
- What is required of the program implementors to provide these products or services, and how are their tasks assigned to them?
- How does the program implementers/employees who provide these services or develop/prepare these products receive training?
- How does the public learn about the program and gain access to services or knowledge?
- How does the population acquire knowledge about the program, how to maintain their health, and how the population (users of the program's services) can use the health care system?

- Does the population change its behavior according to what it has learned?
- How do performers/employees at different levels of program implementation decide which services are provided to a particular population group?
- To what extent is the overall algorithm of the program implemented, ensuring access to health care by all participating organizations?
- What are the strengths of the program from the perspectives of its clients? What are the program's strengths in terms of its performers?
- What are the most typical complaints from program implementors and their clients?
- What recommendations do its performers and clients offer to improve the program?
- To what extent did the implementation of the program take into account gender aspects, the rights and interests of various vulnerable groups of the population?

4. Schedule of the evaluation procedure

The total time of the expert evaluation is 1.5 months, and the discussion of the evaluation results does not exceed 1 month. Experts provide the evaluation schedule and evaluation methodology.

5. Approximate qualification requirements for experts:

a. Education

Basic education: higher education in the relevant field on public or municipal administration. The requirements may also indicate specific types of education: in the field of development, social sciences, public health, management, and other areas.

Additional education: education in the field of evaluation. Having an academic-scientific degree is preferred but not required

b. Work experience

At least seven years of professional experience in evaluating the effectiveness of program implementation or performing analytical work of similar complexity in the field of policy analysis, development of analytical documents, and public programs.

c. Required skills and abilities

- Excellent analytical skills and ability to summarize disparate information in a clear and concise form;
- Excellent research skills and knowledge of data collection methodology;
- Ability to create organizational work plans based on higher-level goals;
- Ability to manage the collection and synthesis of information from different sources;
- Ability to work independently;
- Excellent interpersonal communication skills.

Annex 2.4

REQUIREMENTS to the program evaluation report

The report should consist of the main text (no more than 25 pages), an abbreviated version of the text (about 5 pages), and annexes (no more than 150 pages), where all the provisions of the analysis can be found, if necessary.

The report should contain the following sections and parts:

- a. Title page;
- b. The content of the report;
- c. Section 1. General information about the report; evaluation methodology.
- d. Section 2. General information about the program and the results achieved.
- e. Section 3. Relevance, effectiveness, the cost-effectiveness of the program
- f. Conclusion, recommendations
- g. Annexes.

The title page should contain the following information:

- name of the report;
- report number;
- the date of preparation of the report ;
- name of the object of analysis;
- date of analysis;
- number and date of the evaluation agreement;
- information about experts (full name, academic title, or other qualifications).

Section 1 "General information about the report" should contain the following information:

- 1) A brief description of the comparative analysis assignment;
- 2) General approach to analysis and number of sections;
- 3) Assumptions and restrictive conditions used by experts in the analysis;
- 4) A list of documents used in the analysis: normative legal acts, a list of data used in the evaluation indicating the source of their receipt;
- 5) Main terms and definitions used in the report.

SAMPLE LIST

of information sources for evaluating the results of state programs

1. Government Report on the implementation of state programs.
2. Systematized data of appeals of the population to the Members of the Parliament, including on the implementation of state programs.
3. Requests and analysis of information from state bodies, local self-government bodies, and other organizations involved in the implementation of state programs.
4. Internet surveys of the population and / or individual population groups.
5. Publications in mass media.
6. Interviews with people who have information about the implementation of government programs.
7. Recommendations set out in the United Nations Sustainable Development Goal.
8. The data of opinion polls.

Note: When conducting an evaluation, experts may refer to data from other sources, including analytical documents, research reports, expert opinions, provided that they were conducted by organizations or individuals whose experience in this area is recognized by the expert community, and in the case of research results, the methodology is also known.



