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НАЦИОНАЛЬНАЯ СЕТЬ ГРАЖДАНСКОГО ОБЩЕСТВА ПО МОНИТОРИНГУ СЕКТОРА ПРАВОСУДИЯ

Revanta

REPORT ON THE RESULTS OF MONITORING THE CRIMINAL JUSTICE SECTOR OF THE KYRGYZ REPUBLIC - SUMMARY

Area 3: The Prosecution Service

Bishkek, 2025

This analytical report is based on monitoring conducted by experts from Revanta BV, an international consulting company, in the framework of a project implemented in Kyrgyzstan by International Partnership for Human Rights (IPHR) and Lawyers for Human Rights (LHR) with support from the European Union.

The report covers Area 3 (The Prosecution Service) of a comprehensive Methodology for Monitoring the Criminal Justice Sector developed by recognised international and national experts under the project.[1] It is part of a series of analytical reports prepared based on monitoring conducted by members of the Akyikat Karegi Civil Society Network, using the new methodology with support from project experts.

This document has been prepared with financial support from the European Union. The contents are the sole responsibility of IPHR and LHR and do not necessarily reflect the views of the European Union.

[1] The methodology (in Russian and Kyrgyz) is available at: https://iphronline.org/articles/new-methodology-for-monitoring-the-criminal-justice-sector-developed/

INTRODUCTION

Prosecutorial independence is a key pillar of international standards governing the activities of prosecutor's offices. It encompasses both the external, or institutional, independence of prosecutor's offices and the internal, or functional, independence of individual prosecutors.

The implementation of prosecutorial independence varies across different models of prosecution services worldwide. However, in the post-Soviet region, criminal justice systems face common challenges, particularly in the functioning of prosecutor's offices.

The experiences of Georgia, Moldova, and Ukraine are particularly relevant, as these countries implemented prosecutorial reforms some time ago. Their chosen approaches have either proven effective in practice or, conversely, exposed flaws that required additional resources to correct.

The legislation of the Kyrgyz Republic largely aligns with international standards, as the fundamental principles of prosecutorial independence are incorporated to varying degrees. However, the prosecutor office's extensive functions—such as their supervisory powers beyond criminal justice—prevent the establishment of a unified status ensuring consistent guarantees of independence. A positive step has been the removal of investigative functions from the prosecutor's offices.

Context and Relevance: Legislation in the justice sector, including regulations governing the activities of prosecutor's offices, underwent significant changes in connection with the adoption of the 2021 Constitution of the Kyrgyz Republic. [2] While the Constitutional Law "On the Prosecutor's Offices of the Kyrgyz Republic"[3] was significantly improved, it does not incorporate key elements aligned with international standards—such as guarantees of the Prosecutor General's political neutrality and mechanisms for prosecutorial self-governance. Analysing these elements, along with other relevant aspects of international standards, is essential for further enhancing the legal framework regulating the prosecutor's offices in Kyrgyzstan.

Purpose and Objective of the Study: The purpose of the study is to assess the extent to which the legal framework governing the activities of prosecutor's offices in the Kyrgyz Republic aligns with international standards. The objective is to analyse national legislation through the lens of these standards, drawing on the experiences of other post-Soviet countries—specifically Georgia, Moldova, and Ukraine—and examining law enforcement practices based on insights provided by key informants during the monitoring process.

Data Collection Methods: The report is based on widely accepted methods of desk research on the activities of prosecutor's offices and the broader criminal justice system. The analysis covered international standards, national legislation, legal statistics, research findings from other organisations, academic publications, official information on prosecutorial activities, and information from independent sources, particularly media reports. Additionally, a focus group with seven lawyers and in-depth interviews with three prosecutors and three judges were conducted using pre-approved questionnaires.

Structure of the Report: The report is organised into four thematic sections, each corresponding to a key indicator: 1) institutional (external) independence of the prosecutor's offices, 2) functional (internal) independence of prosecutors, 3) prosecutors' career development, and 4) funding of

[2] Конституция Кыргызской Республики от 5 мая 2021 года № 64 URL: https://cbd.minjust.gov.kg/1-2/edition/1202952/ru

[3] Конституционный Закон "О прокуратуре Кыргызской Республики" от 10 сентября 2021 года № 114 URL: https://cbd.minjust.gov.kg/112293/edition/1380/ru

prosecutor's offices. Each section include: a brief overview of the topic addressed in the context of international standards; relevant international standards for each control indicator used; an analysis of the regulatory framework and practical realities in Kyrgyzstan; and recommendations for improving the situation and addressing specific challenges.

Significance of the Study: The monitoring results can inform the President, Parliament, the Prosecutor General's Office, and other authorities in efforts to improve the legal framework governing the prosecution service in the Kyrgyz Republic. International standards, by their nature, allow for different implementation models. Therefore, it is relevant to consider the experiences of other post-Soviet countries—Georgia, Moldova, and Ukraine—where certain mechanisms have been successfully introduced and proven effective in practice.

KEY FINDINGS AND RECOMMENDATIONS

KEY FINDINGS

Area 3 (The Prosecution Service) includes four benchmarks and 15 control indicators assessed for compliance with international standards. Based on the study, our experts identified the following key findings:

- The prosecutor service, as well as the justice system as a whole are undergoing significant changes in the Kyrgyz Republic following the adoption of the new Constitution in 2021.
- The functions of prosecutor's offices extend beyond criminal prosecution—the primary role of public prosecutors—encompassing a wide range of responsibilities.
- Constitutional law guarantees the institutional (external) independence of prosecutor's offices. However, the appointment and dismissal of the Prosecutor General largely depend on political factors, with dismissal requiring only a simple majority vote in Parliament. The role of the prosecution service within the justice system also lacks clarity; it does not shape criminal policy or define the state's key objectives in combating crime.
- The functional (internal) independence of prosecutors is severely limited. Power is centralised at the top of the hierarchy, culminating with the Prosecutor General, creating significant potential for pressure on individual prosecutors. In cases of conflict between a supervisor and a subordinate regarding a specific decision, available protections are minimal, and the disciplinary process is restrictive and lacks transparency. The existing structure resembles a vertical, hierarchical system typical of executive power, and in the absence of prosecutorial self-governance bodies, it falls short of ensuring genuine independence in criminal prosecution.
- While prosecutors are generally recruited through a competitive process, exceptions exist. Many issues related to transfers, dismissals, and incentives for prosecutors could be addressed using more transparent, objective criteria. In practice, prosecutors' career prospects typically depend on their superiors rather than their professional performance.
- The compensation of prosecutors is adequate. However, their salaries do not match those of judges, with major emphasis placed on social and material support—ranging from medical and health resort assistance to housing funds and substantial special payments. This system makes subordinate prosecutors dependent on the decisions of their superiors, which undermines their independence.

Overall performance in Area 3 is assessed at 3 out of 15 possible points.

The Institutional Independence of Prosecutor's Offices

Status and Challenges	Recommendations
Indicator 1.1. The Criminal Procedure Code of the Kyrgyz Republic establishes judicial oversight of a person's detention during pre-trial and trial proceedings. However, it does not explicitly grant the right to appeal to the investigating judge at any time regarding illegal detention, such as in cases of unregistered	Indicator 1.1. A system for developing and implementing criminal justice policy should be introduced, starting with the creation and approval of criminal policy documents. These documents should, among other things, include criteria for dismissing criminal cases when the prosecutor has doubts or decides not

detention or after the detention period has expired. Additionally, the law does not address the formation or implementation of criminal policy. Most discretionary powers of prosecutors must be exercised in line with the state's criminal justice policy. In prosecutorial activities, the goals and objectives of criminal justice policy should be reflected in official acts, such as standards, methods, and procedures. Indicator 1.2. The prosecutor's offices do not belong to either the executive or judicial branches of government. The Constitution designates them as state authorities of the Kyrgyz Republic with a special status, creating ambiguity regarding their relationship with these branches of power. While both the President and Parliament exert influence over the prosecutor's offices, their interactions with other institutions and their role within the power structure do not fully align with their current and potential functions. The prosecutor's offices carry out a wide range of functions beyond criminal prosecution. This does not correspond to international standards on the role of public prosecutor services. General supervision is the responsibility of administrative justice and supervisory bodies within the judicial and executive branches, not prosecutor's offices. The assignment of such broad responsibilities to prosecutor's offices undermines their effectiveness. The President and Parliament are involved in appointing the Prosecutor General, using their own discretion. A candidate nominated by a prosecutorial self-government body would likely inspire greater professional confidence. The Deputy Prosecutors General form the Prosecutor General's team, overseeing key areas of prosecutorial activity. Their appointment requires the President's consent, which may be seen as a form of political influence on personnel decisions. Indicator 1.3. The management of the prosecutor's offices, including qualification and disciplinary functions, is fully concentrated in	to pursue certain types of cases. It would be important to establish standards for pre-trial proceedings and trials through soft law documents to unify law enforcement practices, particularly regarding the exercise of the prosecutors' broad discretionary powers in criminal prosecution. Indicator 1.2. The prosecutor's offices should be recognized as part of the judicial branch. Even without constitutional amendments, legislation should establish that, despite their special status as state authorities accountable to the President, the prosecutor's offices remain an integral part of the justice system. The functions of the prosecutor's offices in criminal prosecution should be strengthened. At the same time, it is important to reduce the prosecutor's offices' supervisory powers and redistribute them in favour of administrative courts and oversight (inspection) bodies. It is recommended that the Prosecutor General be appointed with the participation of a professional body authorized to assess candidates' qualifications, such as a prosecutorial self-government body, the Higher Attestation Commission of the Civil Service, or another body responsible for evaluating senior civil service officials. It is recommended that the Prosecutor General be granted the right to appoint deputies independently, without requiring approval from the President. Indicator 1.3. It is recommended to establish prosecutorial self-government bodies through amendments to the Constitutional Law "On the Prosecutor's Offices of the Kyrgyz Republic." These bodies should include: the Conference of Prosecutors (a periodic body for electing members of permanent prosecutorial self-government bodies); the Council of Prosecutors (a permanent body responsible for issues related to the appointment and promotion of prosecutors); and the Qualification and Disciplinary Commission of Prosecutors (a permanent body tasked with overseeing the qualification and disciplinary functions for all

the hands of the Prosecutor General, who holds the highest position within the prosecutorial hierarchy. However, a high level of independence—both external for the prosecutor's office and internal for the prosecutor—can only be ensured by delegating these powers to the prosecutors themselves. This could be achieved by transferring some of the Prosecutor General's powers to prosecutorial self-government bodies. In this case, the management of the prosecutor's office would become a shared task, and prosecutors would be likely to approach their duties with greater responsibility, valuing the broad discretionary powers granted to them in criminal prosecution.	prosecutors, except for managerial staff). It is advisable to ensure a prosecutorial majority in self-government bodies, while also involving representatives from other legal professions, such as lawyers, scholars, human rights defenders, and civil society experts specializing in criminal justice and/or the work of the prosecutor's offices. It is recommended to transfer the powers of the Prosecutor General and heads of the prosecutor's offices regarding qualification and disciplinary procedures to the prosecutor's self-government bodies. Additionally, these bodies should be actively involved in shaping the prosecutor's offices' stance on criminal policy issues.
Functional Independence of Prosecutors	
Status and Challenges	**Recommendations**
Indictor 2.1. The status of prosecutors and prosecution service staff varies due to the wide range of functions they perform, including the exercise of extensive supervisory powers. In this context, ensuring a uniform status for prosecutors, as outlined by international standards, is challenging. These standards are based on a model of broad functional independence, which relies on the prosecutors' significant discretionary powers in criminal prosecution. Outside of this sphere, such a level of independence becomes excessive and unnecessarily costly, as the activities of the prosecution service in these areas are executive in nature, not judicial. A superior prosecutor has the authority to give instructions to a subordinate prosecutor, including in the area of criminal prosecution. However, current legislation does not specify a required form for documenting such instructions, and in practice, they are often given verbally. The absence of written records for these instructions increases the risk of impunity for managers who make questionable or unprofessional decisions, which are then carried out by their subordinates. Indicator 2.2. The law does not include a mechanism for addressing threats to	Indicator 2.1. It is recommended to clearly distinguish the procedural status of prosecutors handling criminal cases from that of other prosecution service employees. Ensuring the independence of prosecutors engaged in criminal prosecution should be a priority, with their procedural decisions based solely on the law and their internal convictions, free from external interference, including pressure from superiors or other officials. Establishing this principle in legislation would reinforce legal safeguards for objectivity and impartiality in criminal prosecution. Additionally, any instructions from a superior to a subordinate prosecutor should be documented in writing to ensure accountability for decisions made in the investigation of criminal cases. The prosecutor should have the right to report any infringement on their independence, including interference from a superior, to the Prosecutor General or prosecutorial self-government bodies. This protection mechanism should be explicitly established in law. Indicator 2.2. An effective mechanism should be introduced to review appeals and complaints from prosecutors in cases of unjustified removal from criminal investigations, receipt of unlawful instructions

prosecutors' independence. At best, prosecutors can report a threat to a superior, but if it originates from that superior, there is no provision for an objective review of the matter. The same issue applies to the unjustified removal of a prosecutor from criminal proceedings.

Indicator 2.3. The law does not establish a clear system for assessing the effectiveness of the work of prosecutors. In practice, a modified version of Soviet and post-Soviet approaches is used, relying on the analysis of crime detection rates and the number of cases sent to court (the "APGG +1" principle). This model often encourages manipulation of criminal statistics and may facilitate the use of illegal practices to artificially "improve" prosecutors' performance indicators.

The law does not establish clear criteria for awarding bonuses to prosecutors as an incentive. As a result, the bonus process is subjective, relying on the discretion of the manager rather than objective indicators of professional achievements. This practice undermines the purpose of the incentive, reducing its effectiveness in motivating high-quality and efficient work by prosecutors.

Indicator 2.4. The list of disciplinary sanctions outlined in the law is extensive, but it does not include measures related to career advancement restrictions. Introducing sanctions such as a ban on transferring to a higher-level prosecutor's office or moving to a lower-level office would enhance the disciplinary impact on prosecutors seeking professional development. These measures would increase accountability for professional misconduct and have a positive preventive effect, particularly for young prosecutors planning to advance in the prosecutor's office system.

The Law does not clearly correlate the severity of disciplinary offences and the penalties. In practice, this leads to disproportionate sanctions: excessively lenient penalties may be imposed for serious offences, while excessively strict penalties may be imposed for minor

from management, and other threats to their professional independence. This mechanism should include:

1) An Independent Complaints Review Body –a specialized commission or disciplinary council with independent status should be created to ensure the objective review of such appeals.

2) Procedural Guarantees –clear procedural rules should be introduced, including deadlines for reviewing complaints, mandatory registration of each appeal, and the prosecutors' right to participate in the review of their cases.

3) The Right to Defence – prosecutors should be allowed to engage a lawyer or other representative to protect their interests during the complaint review process.

4) Transparency and Oversight – the possibility of appealing the body's decisions in court should be ensured, and regular reporting on reviewed cases required to enhance transparency.

5) Protection from Retaliation –legislative safeguards should be established to protect prosecutors from potential reprisals by management for filing complaints. Implementing such a mechanism will reinforce the principles of independence and professional autonomy while enhancing trust in the prosecutorial system as a whole.

Indicator 2.3. It is recommended to establish a performance assessment system for prosecutors that combines permanent key performance indicators (KPIs) with periodic peer reviews. This approach would enable a more objective evaluation of their professional activities, incorporating both quantitative and qualitative indicators.

Key Elements of the System

Key Performance Indicators (KPIs):

- Validity and legality of procedural decisions.
- Quality of procedural documents and court appearances.
- Effectiveness in criminal investigations

violations. This situation hinders the unification of disciplinary practices in different commissions and creates a sense of injustice among prosecutors subject to disciplinary action. Establishing clear criteria for the proportionality of punishment and the severity of the offence will improve the objectivity and fairness of disciplinary procedures.

Indicator 2.5. Disciplinary offenses of prosecutors are reviewed by commissions or boards within the prosecutor's office. While this is an improvement over the previous practice, where disciplinary cases were solely considered by managers, it does not guarantee complete objectivity or consistency in the application of disciplinary measures. The lack of independence of these bodies creates risks of bias and subjectivity in decision-making. To enhance fairness and transparency in disciplinary procedures, it would be advisable to explore the creation of independent disciplinary bodies or the introduction of external oversight mechanisms.

Indicator 2.6. The six-month period established by law for considering a case of a disciplinary offence is not long enough. An additional limitation is that the countdown of this period begins from the moment the offence is committed, and not from the moment it is discovered, which significantly reduces the opportunities for a full consideration of the case. In the context of the introduction of an adversarial disciplinary procedure, it is advisable to increase this period in order to ensure the objectivity and comprehensiveness of the consideration. This is especially important given the possible abuse of procedural rights by the prosecutor against whom disciplinary proceedings are being conducted, for example, by submitting a large number of comments in order to artificially delay the process. Increasing the period will help avoid situations where a final decision cannot be made due to the formal expiration of the established time.

The law does not establish clear rules for filing a complaint against a disciplinary offense by a

and trials.

- Adherence to case review deadlines and compliance with procedural requirements.

Peer Review (Colleague Assessment):

- Anonymous evaluation of professionalism, ethical conduct, and collaboration skills.
- Assessment of contributions to teamwork and willingness to share expertise.

2) Legislative Framework for Assessment Criteria

Establishing clear performance evaluation criteria in law is essential to ensure consistency and transparency in their application. This will also help reduce managerial subjectivity in assessments.

3) Link to the Bonus System

Assessment results should have a direct impact on the bonus system, encouraging prosecutors to uphold high professional standards. Bonuses should be awarded based on objective data reflecting work efficiency.

4) Public Transparency

Publishing aggregated data on prosecutors' performance assessments on a regular basis (e.g., annually) would enhance the transparency of prosecutorial activities and help build public trust in the system.

Indicator 2.4. The following amendments are necessary to enhance the efficiency and fairness of disciplinary procedures:

1) Expanding the range of disciplinary sanctions. Increasing the variety of sanctions will allow for more proportional responses, ensuring that the punishment matches the nature and severity of the offense.

2) Establishing clear links between disciplinary offences and penalties. It is essential to define which penalties correspond to specific disciplinary offences based on their severity. This will help standardize practices and reduce subjectivity in decision-making.

prosecutor or the procedure for its consideration by the prosecutor's office's commissions or boards. The disciplinary proceedings process is not sufficiently detailed, leading to legal uncertainty. The only formal safeguard for a prosecutor facing disciplinary proceedings is the right to submit written comments, which is clearly inadequate for fully exercising the right to defend one's position. Furthermore, prosecutors are not allowed to hire a lawyer to represent their interests in the disciplinary process, limiting their ability to mount an effective defence. The procedure for appealing disciplinary decisions is poorly regulated, creating risks to the fairness and transparency of disciplinary proceedings. Strengthening and clarifying these provisions in legislation would enhance safeguards for prosecutors' rights and improve confidence in the disciplinary system.	3) Defining a scale of penalties. The law should establish a hierarchy of disciplinary penalties, ranging from the least severe (e.g., a reprimand) to the most severe (e.g., dismissal). This gradation will create a transparent and understandable system of accountability. 4) Introduction of a list of mitigating and aggravating circumstances. Similar to the Criminal Code, it is recommended to create a list of circumstances that could either reduce or increase the severity of a disciplinary sanction. Mitigating factors might include, for example, an admission of guilt, a history of conscientious duty performance, or lack of intent. Aggravating factors could include repeated violations, abuse of office, or actions that cause significant harm to the authority of the prosecutor's office. Indicator 2.5. It is important to establish a separate, independent body (commission) to address matters related to holding prosecutors accountable for disciplinary offenses. This body could be formed using one of two approaches: 1.Outside the prosecutor's office system: An independent commission should be established, composed of external experts with professional competence in law and the functioning of the prosecutor's offices. This approach would ensure objectivity and impartiality in disciplinary proceedings, reducing the risks of corporate solidarity and influence from prosecutor's office leadership. 2. Within prosecutorial self-government bodies: A disciplinary commission could be formed within prosecutorial self-government bodies, with strong guarantees of its institutional independence. These guarantees should include clear procedures for forming the commission, protecting its members from external pressure, and ensuring transparency in its activities. In both options, the following provisions should be included: a) A clear procedure for considering disciplinary cases, ensuring compliance with the principles of adversarial proceedings and equality of the

	parties involved; b) The right of prosecutors to participate in commission meetings, present evidence, and engage a lawyer to protect their interests; c) The possibility of appealing the commission's decisions in court, providing an additional guarantee of justice. Indicator 2.6. It is recommended to extend the period for bringing a prosecutor to disciplinary responsibility in the law from six months to one year. The following procedural rights should also be enshrined in the law: 1. Clear grounds for filing complaints about disciplinary offenses and the procedure for their consideration when opening disciplinary proceedings; 2. The requirement for an adversarial procedure when considering cases where a significant penalty may be imposed; 3. The prosecutor's right to defence, including the participation of a lawyer (defender); 4. The possibility of appealing all decisions to a commission, and decisions involving significant penalties to a court. In addition, it should always be possible to appeal any illegal actions by a disciplinary commission in court.
Prosecutors' Career Development	
Status and Challenges	Recommendations
Indicator 3.1. Although competitions for positions in prosecutor's offices exist, they are conducted directly by management at various levels. The procedure for holding these competitions and their criteria are set by the Prosecutor General, which can be seen as a non-objective and non-transparent method of recruitment, as the prosecutor's corps is not involved. Decisions regarding the transfer of prosecutors from a lower to a higher level within prosecutor's offices is made solely by management – a procedure that lacks objectivity and transparency. Moreover, admission to prosecutor's office service is not solely based on competition. There are also non-competitive hiring	Indicator 3.1. It is recommended that the authority to organize competitions for prosecutor positions be transferred to prosecutorial self-governance bodies. These bodies should be responsible for conducting competitions, setting selection criteria, and overseeing recruitment to the prosecutor's office. All transfers of prosecutors from lower-level to higher-level prosecutor's offices should be coordinated with the bodies of prosecutorial self-government. The Law should exclude any non-competitive appointments to prosecutorial service. An exception may be made in rare cases where a former judge is appointed to the position. This does not preclude the adoption of simplified

procedures, such as those for former law enforcement officers or judges.

Indicator 3.2. The Prosecutor General may be reappointed without any restrictions on the number of terms. This creates a risk of political dependence, as the Prosecutor General may seek to ‘‘serve’’ those responsible for the appointment in order to secure an extended tenure.

Prosecutors are appointed for a limited five-year term. However, the short duration and the need for reappointment incentivize maintaining good relations with superiors, making concessions, and seeking other ways to secure a position within the prosecutor's office. This, in turn, may undermine the prosecutor's functional independence.

Indicator 3.3. The Prosecutor General can be dismissed by a majority vote of Parliament without any assessment of professional performance or external criteria for unsatisfactory work. This approach blends different models of prosecutorial independence—both political and professional—ultimately weakening protections against politically motivated dismissal.

In this regard, two approaches are possible: either dismissal is permitted without specific grounds but requires a qualified majority vote, or Parliament may decide on dismissal only based on a determination by a competent body that the Prosecutor General has failed to fulfil their duties properly.

If a prosecutor is dismissed due to the reorganisation of the prosecutor's office or staff reductions, no alternative position or compensation is offered. This mechanism could be used as a tool of pressure—by first transferring a prosecutor to a division slated for elimination or placing them among those to be dismissed.

In any case, a prosecutor should not lose their position through such manipulations, as protection against arbitrary dismissal is a key safeguard of prosecutorial independence.

The Prosecutor General has sole authority to

competition procedures for legal professionals in fields related to the prosecutor's office.

A "good character" requirement should be added to the qualifications for prosecutor’s positions. Objective criteria for assessing "good character" would help exclude candidates whose reputation could undermine the credibility of the prosecution service.

Indicator 3.2. It is recommended to prohibit the Prosecutor General from serving more than one consecutive term.

Prosecutors should be appointed either indefinitely or for a long term (15 years or more) without requiring reappointment. However, term limits or reappointment requirements may apply to certain senior positions.

Indicator 3.3. It is recommended that the Prosecutor General be dismissed either based on professional criteria—following an unsatisfactory assessment by the prosecutorial self-governing body or the authority overseeing the senior civil service—or by a constitutional majority of Parliament (two-thirds of its total membership). This would ensure that dismissal follows either a professional or political model, safeguarding the Prosecutor General’s independence from political pressure.

It would be advisable to establish guarantees ensuring that a prosecutor, who is dismissed due to the reorganization or liquidation of prosecution bodies, or staff reductions, is offered an equivalent or lower position with appropriate incentives.

Additionally, the law should:

1. Require parliamentary approval for any reduction in the number of prosecutors.
2. Define a list of prosecutor's offices to prevent their liquidation from being used to bypass guarantees protecting prosecutorial independence.

Indicator 3.4. It is advisable to incorporate the "right of recourse" into civil law for cases where prosecutors cause material damage through unlawful actions, as established in disciplinary

determine the number of prosecutors and the list of prosecutor's offices. This could result in a reduction in staff or changes to the structure as needed—for example, to eliminate an entire division of ''problematic'' prosecutors. Indicator 3.4. If prosecutors commit unlawful acts, victims may receive compensation from the state budget. However, even when prosecutors are held accountable, they may not take this seriously or view their violations as significant, since they do not bear personal financial responsibility. Kyrgyz law does not include a ''regressive right'' mechanism to recover compensation from prosecutors responsible for such actions.	or criminal proceedings. In such cases, compensation should first be paid to the injured party from the state budget, after which the state would seek full or partial reimbursement from the prosecutor.
Financing of Prosecutor's Offices	
Status and Challenges	**Recommendations**
Indicator 4.1. Prosecutors and judges receive different levels of pay, although a prosecutor's salary at a corresponding level should be comparable to that of a judge. However, given the prosecution service's broad range of functions beyond criminal prosecution, this difference may be justified. The qualifications required for prosecutors handling non-judicial matters may not always align with those required for judges. Unlike judges, prosecutors may face salary reductions after appointment, which undermines their independence. This increases the risk of corruption or may push the prosecution service to seek external funding, potentially compromising its integrity and independence from other authorities. Indicator 4.2. Within the prosecutor's service, extensive funds are available for social and material support of prosecutors, including medical and health resort facilities, as well as housing and rent compensation. While these benefits help support prosecutors, they also create corruption risks and can make prosecutors dependent on leadership, which controls the distribution of benefits. Similar to within the judiciary, most of these benefits could be replaced with higher salaries, allowing prosecutors the freedom to choose	Indicator 4.1. An important step is to align the salaries of prosecutors performing criminal prosecution functions with those of judges at the same level. This transition should occur gradually, alongside a reduction in the non-criminal functions of the prosecution service and an optimization of the number of prosecutors. It is also recommended to establish a legislative rule ensuring that prosecutors' salaries cannot be reduced during their tenure, similar to the protections afforded to judges. This would further safeguard prosecutors' independence and reduce the risk of undue influence through financial pressure. Indicator 4.2. It is recommended to reform the system of social and material support for prosecutors, aligning it with the judicial system. This would involve transitioning from the use of medical, housing, and other funds to a system of health insurance and compensation payments related to professional activities. The list and amount of benefits for prosecutors, including lump-sum cash payments, should be reduced and offset by significant salary increases. A proper salary level should eliminate the need for extensive benefits. Additionally, it is important to establish

how to cover their own recreational, medical, and housing needs. This approach would help strengthen their independence and reduce potential corruption risks. The size of bonuses and personal allowances can vary significantly. When such benefits make up a large portion of a prosecutor's salary, they can become a potential tool for exerting pressure. A prosecutor's reliance on such payments—especially if their approval or removal depends on subjective managerial decisions—can negatively impact professional independence. To minimize these risks, it is advisable to establish transparent and objective criteria for awarding bonuses and allowances, while reducing their share in the salary structure and prioritizing a stable, decent base salary.	objective criteria for bonuses and personal allowances, which should make up only a small proportion of a prosecutor's total salary.

CONCLUSIONS

Our monitoring of the prosecution system in the Kyrgyz Republic has revealed both positive changes and key challenges that require attention. The prosecution service is undergoing development and reform, driven by legislative changes, including the 2021 Constitution. Throughout this process, it is essential to examine and, where possible, adopt international standards. These include not only UN and OSCE standards but also those of the Council of Europe and its working bodies, along with best practices from the post-Soviet region, particularly the European integration experiences of Georgia, Moldova, and Ukraine.

While national legislation generally aligns with international standards, limitations remain in the practical implementation of prosecutorial independence.

A key issue is defining the prosecution service's primary function as criminal prosecution, which will necessitate stronger guarantees of independence—both for the institution itself (external independence) and for individual prosecutors (functional or internal independence). Currently, the prosecution service's broad supervisory powers serve as a substitute for the responsibilities of administrative justice and oversight bodies within the executive branch.

The institutional (external) independence of the prosecution service is generally safeguarded by law, as independence is a fundamental principle of its formation. However, excessive power is concentrated in the hands of the Prosecutor General, extending from authority over qualifications and disciplinary matters to decisions on the prosecution service's size and structure. If not exercised appropriately, this concentration of power may create concerns within the prosecutorial corps, fostering a sense of injustice and disengagement from internal management. A possible solution could be the introduction of prosecutorial self-governance bodies.

The position of the Prosecutor General is largely politicized, as there is no competitive selection process and no participation of prosecutorial self-governance bodies when appointments are made by the President and Parliament. Even more concerning is the fact that the Prosecutor General can be dismissed by a simple majority vote in Parliament, making removal more a matter of political influence than professional grounds.

The functional (internal) independence of prosecutors is legally guaranteed. However, concrete mechanisms for its implementation—such as the ability to report threats to prosecutorial independence, protections against unjustified removal from cases, and limits on managerial influence over subordinates—are either absent or only superficially addressed.

A similar issue exists with the prosecutor evaluation system, which is not formally regulated by law. In practice, the outdated Soviet and post-Soviet evaluation model persists, relying on quantitative indicators of crime detection and case referrals to court (known as the APGG+1 model). This system not only distorts crime statistics and encourages unlawful practices but also prevents an objective assessment of prosecutors' professionalism. As a result, it neither rewards quality work nor motivates inadequately performing prosecutors to improve.

The disciplinary procedure lacks sufficient safeguards against bias and partiality. While decisions are made by disciplinary commissions or panels rather than a single superior, prosecutors are denied the right to an adversarial process. They have no opportunity to speak, present their position, hire a lawyer, submit evidence etc. The legal provision allowing written explanations is clearly insufficient to guarantee a fair process. Additionally, the list of disciplinary offenses is not sufficiently specific, and the system of disciplinary penalties lacks proportionality, failing to distinguish adequately between minor and serious violations.

Career opportunities for prosecutors have significantly improved compared to previous legislation, with the introduction of a mandatory competitive procedure being a notable step forward. However, there are still grounds for non-competitive appointments to the prosecutor's office, which should be largely eliminated. Many issues related to the transfer, dismissal, and promotion of prosecutors could be addressed using objective criteria and in a more transparent manner Currently, too much power is concentrated in the hands of heads of offices. This could be addressed by establishing prosecutorial self-governance bodies, which would manage the qualification process, while prosecutors would hire colleagues of equal standing within the framework defined by law.

The funding of prosecutors is generally adequate, when considering not just their salaries but also material support, which ranges from access to medical and health resort facilities to substantial payments on various service-related occasions and upon retirement. However, this financial structure makes prosecutors significantly dependent on the will of their supervisors, as material support is important to every prosecutor. It creates opportunities for misuse of control by supervisors in cases of conflict with subordinates, negatively affecting prosecutors' independence.

Rather than providing a high salary on par with that of judges and implementing a public insurance system, the current model focuses on the provision of extra funds and the development of material facilities within the prosecution service. While this makes the profession more attractive and prestigious, it does not align with international standards. It would be far better to offer prosecutors a competitive salary and let them independently address their leisure, recreation, and material needs, rather than relying on occasional incentives and support from management while receiving a lower salary.

Against this background, the key recommendations resulting from our monitoring focus on the following conceptually important issues:

- Limiting the prosecution service's role to criminal prosecution;
- Establishing prosecutorial self-governance bodies;
- Depoliticizing the appointment and dismissal of the Prosecutor General;
- Introducing effective mechanisms for responding to threats to prosecutorial independence;
- Enhancing the disciplinary process by making it more adversarial and ensuring there is greater proportionality between offenses and penalties;
- Implementing an objective system for evaluating prosecutors' performance;
- Reducing managerial influence over subordinates' careers;
- Increasing prosecutors' salaries to match those of judges;
- Replacing existing material support measures with a high salary and an insurance system.

Implementing these recommendations will help establish an independent, professional, and efficient prosecution service that meets international standards and strengthens public trust.