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Policy
Note

The Jogorku Kenesh and Citizens' Access: Parliament's Website and Related Issues

The Parliament of the Kyrgyz Republic has made significant progress in developing its website so that citizens may stay informed and involved in the law-making process, but gaps exist that compromise a free and effective exchange between citizens and their lawmakers.

A Problem of Access

Unlike the case in many countries, citizens of Kyrgyzstan find it difficult to enter the house where their laws are made. The parliaments of many countries allow individuals to pass relatively freely into the building where legislative hearings and formal floor sessions of the members are being held, subject only to a screening for hidden weapons. There, of course, security personnel are on standby to deal with any potential problems, but, nevertheless, interested persons may often freely attend scheduled committee hearings, go to the office of a particular parliament member to drop off a letter or document, or sit in the viewing gallery during voting sessions – without prearrangement. At the White House, in Bishkek, attending generally requires an appointment, or special permission.

This is not to say that it is impossible for a citizen to get in. If one knows the name of, and can locate, the appropriate contact person for a scheduled hearing it may be possible to call from home or office and gain permission to get past the security desk at the building entrances in order to attend. Also, there is the small office at the southwest side of the Jogorku Kenesh (JK) that has a list of telephone numbers and a couple of telephones that may be used to ask questions or seek entrance to the building. During times when parliament is active this office is often very crowded and there are lines for the use of the telephones.

There are, however, other jurisdictions that – like Kyrgyzstan – also more closely restrict physical access due to security or management concerns. Given the recent history in the country of violence and mob action it may well be that concerns about open physical access to parliament are justified. And perhaps the JK's plan is to ease restrictions as the Kyrgyz Republic exhibits greater and sustained stability.

Remedy When Physical Access is Limited

Access by citizens to their representatives and to the law-making process is vital. Without access and ready forms of participation, transparency is severely hindered, and democratic governance is undermined where barriers to a free exchange of information between the citizenry and legislature are high. For democratic governance to work effectively members of the legislature need to be able to easily interact with citizens and organizations, easily receive letters from constituents, without difficulty take delivery of research reports and documents – particularly those that relate to legislation under consideration. Of equal or greater import, citizens need to be able to follow what is developing within the parliament/ government, what legislation is being developed, when committee meetings are scheduled, when matters are up for a vote, how they may find out who is on which committee, what the staff or expert analysts are concluding about proposed legislation, how individual members voted on specific legislation, and so on.

Over time, it is likely that citizens of Kyrgyzstan are going to get more involved in the process of monitoring the development of legislation in the parliament. This is the usual pattern as democracies progress. Increasing numbers of citizens will begin searching for the language of proposed legislation in order to see how it might affect them, how it might change their society and their lives. This is particularly true of individuals who may represent – in an official or unofficial capacity – other persons and groups: business organization leaders, health or charitable group representatives, union officials, education society lobbyists, and so forth.

As with many countries and their parliaments, a website and access through the internet is a convenient way for citizens to interact with the governing process. And a good website provides a critical source of information about lawmaking and developments in government. In the case of limited or restricted access to lawmakers and their daily activities – as is the case in Kyrgyzstan – it is particularly important that the website be comprehensive and fully functional. Kyrgyzstan has not yet achieved this. Gaps exist that compromise a free and effective exchange between citizens and their lawmakers.

An Overview of the JK Website

First, credit must be given where it is due. The lawmakers and staff of the Jogorku Kenesh have created, since the beginning of 2011, a website (<http://www.kenesh.kg/>) on which there is a great deal of useful information. Members of the JK have clearly been working hard to build out the site, implementing their ideas and getting assistance from local professional website developers, the United Nations Development Program, the Parliamentary Strengthening Program of DAI/USAID, and others.

Notably, one of the links on the JK website now leads to the record of the votes of individual members of parliament on specific legislation as each measure has come before the JK for final decision. This information was difficult to obtain just last

year, even though such information is vital in order that society and the various interests (teachers, taxi drivers, business persons) may determine which parliament members are supporting or opposing matters of concern to them. It is commendable that JK leaders have moved forward to provide citizens with this information.

In addition, there is a much more available on the website: Rules of Procedure; News; Agendas for JK committee meetings, JK meetings, and Faction meetings; an About Parliament section, including the KR Constitution; Work Schedules; Bills and their movement; Voting Results; the JK Structure, with information about Factions, Committees, a list of JK members and their biographies; and a JK Apparatus section that includes information on the senior staff and their telephone contacts. Further, there is a link for Resolutions of the JK; a Press-Center of the JK; Useful Links; and – importantly – a Feedback section where people enter their name and contact information and may then pose a question.

Begin to consider, however, what is not on this website. Suppose a citizen in, say, Naryn or Osh wants to send a copy of a report, or a study, or even an opinion note to a member of parliament he or she knows who is a particular champion/supporter of agriculture, or business, or education. It would be difficult to send such a report or an email to that particular member of parliament because there are no email addresses or telephone numbers for the individual members of parliament on the JK website. Similarly, if someone thought that the study, and the issue, was important enough to send to All members, the email addresses that would make this possible are not on the website. A citizen would have to trust, perhaps, to some kind of indirect distribution, and the website does not describe any such method.

(Some observers of the JK argue that some members of parliament are not yet accustomed to frequent use of email, but it would seem logical to assume that the individual members of parliament have some obligation to set up their office and set up email in order to facilitate communication with their constituents, the citizens of the Kyrgyz Republic.)

Some other gaps:

- As of the date of this writing, only two of the Political Parties have an email address on the JK website. (There are phone numbers, however.) The Factions, the political parties, play an extremely important role in the governing of the Kyrgyz Republic, so difficulties in addressing the faction leaders and offices represent a troubling shortfall;
- On the link for the parliamentary committees only two of the committees have email addresses listed. These are listed on the “Structures” link; they are not listed at all on the “Contacts” link. (Some telephone numbers are listed: 10 of 13 committees on the Contacts link, 5 of 13 committees on the Structures link.)

Three committees have no contact information whatsoever. The committees are where draft bills receive their earliest serious consideration – by committees that are devoted to the relevant subject matter. Members of the committees are assigned to the committees, at least in theory, on the basis of their relative expertise on the committee’s subject, so this is an important place for citizens to send their input.

- None of the links on the JK website list the member-by-member votes in the parliamentary committees, despite the importance of these votes and the indication they give about the likely prospects of ultimate passage of the measures.
- There is no link to a “How a Bill Becomes a Law” section, where people may be guided to a better understanding of how parliament works, the normal steps by which laws are adopted, or any exceptions to the usual process. The official *Rules of Procedure of the JK* are extremely long and complicated. The website needs to have a simpler description of the practice.
- There is no FAQ, that is, a “frequently-asked questions” section. The JK website is quite complicated and needs to be made somewhat more user-friendly, and one first step might be to include a FAQ in an obvious place on the first page. Many websites use this approach to help users of the website with basic, common queries.
- More significantly, it is more difficult to locate a particular draft law than it should be. This is not so much a problem of locating where bills are located on the website as it is of identifying a particular bill. Although parliament gives proposed legislation a Registration Number, the parliament and its members seldom provide that number when discussing the proposed legislation in public. Nor do the public media provide any reference or registration number when reporting on the legislative news. Instead, the bills are described by subject matter, or given a name – names which are often lengthy and susceptible to confusion with other legislation dealing with the same subject (e.g., a draft law on ozone, or draft law on energy tariffs). Many other governmental jurisdictions deal with this issue by establishing a practice of commonly referring to proposed legislation by its assigned registration or reference number, for example SB415 (2012). In this way, the draft bills and the analyses are much more easily located by interested parties. Identifying them in this way needs to be the common practice, both among parliament members and the media.
- Finally, there is a real need for improvements in the analysis of proposed legislation. As informed observers note, “the legal department and legal analysis department shall provide its analysis otherwise the draft law may not be considered at committee. Additional requirement for hearing in the committee is the mandatory linguistic analysis of the draft law.” The existing

analysis is a combination of several documents including a statement of purpose or intent; a review considering legal, gender, human rights, anticorruption and environmental factors; and a side-by-side comparison of the current law and the proposed new language. The side-by-side comparison is particularly valuable as there one can see exactly what changes in the language of current law is being proposed.

However, the current analyses unfortunately usually present an incomplete picture of the nature of the debate on proposed legislation. Evidence of counter-arguments, indications of opposition to the bill is usually lacking. Thus, a reflection of the possible issues, of possible unintended consequences – that is, developments not expected by the originators of the bills – is often absent. An analysis of a bill should have a standard form of presentation with, for example, plain-language sections on:

1. Background of the issue
2. What is the current law on this specific matter?
3. What does this bill do to change that law?
4. Arguments of the supporters
5. Arguments of the opponents (if any)
6. Which organizations and/or individuals support this legislation?
7. Which organizations and/or individuals opposed this legislation?

Some of the current analysis includes aspects of these, but the public may be denied sufficient hint or evidence of controversy, and controversy often accompanies proposed changes in the law. Citizens deserve exposure to the evidence of this debate.

Conclusions and Recommendations

Given that the members of the JK have provided plenty of evidence that they are committed to improving the JK website, it may well be that some of the gaps described here will soon be remedied. Also, it is certainly the case that resources in the country are limited at present, so it may be difficult to speedily close all the loopholes. However, officials in the Jogorku Kenesh, and government, should move forward to make the JK website a more efficient medium for lawmakers-to-citizens and citizens-to-lawmakers communications.

- Place the email addresses and phone numbers of the offices of all Members of Parliament on the website.
- Place the email addresses and phone numbers of all parliamentary committees on the website.
- Place the email addresses and phone numbers of all parliamentary Factions on the website.

- Put plain-language analyses of proposed legislation (draft laws) in a prominent place on the website for easy access, and include opposition arguments and entities (if any) in the formal analysis of draft laws
- Include on the JK website a place where the votes of parliamentary committees on each measure may be accessed.
- Regularly identify a Reference Number when making public statements about a proposed bill and ask the media to do the same.
- Create a link to a “How a bill becomes a law in the Kyrgyz Republic” on the website.
- Include a FAQ section (Frequently Asked Questions) on the primary page of the website.

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