ANALYTICAL REPORT
on criminal justice
information management

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ABBREVIATIONS

AIS	– automated information system
ERP	– Unified Register of Crimes
ERPN	– Unified Register of Violations
ERPP	– Unified Register of Crimes and Misdemeanors
IPHR	– International Partnership for Human Rights
IVS	– temporary detention centre
FES	– Forensic Expert Service of the Ministry of Justice
KAS	– Konrad Adenauer Foundation
LBI	– Ludwig Boltzmann Institute of Fundamental and Human Rights
PGO	– Prosecutor General's Office
ROLPRO2	– EU funded 'The Rule of Law Programme in the Kyrgyz Republic - phase 2'
SDG	– sustainable development goal
SIN	– Prison Service under the Ministry of Justice
UKUK	– State Company 'UKUK'

INTRODUCTION:
JUST4ALL ACTION IN CONTEXT

This White Paper on criminal justice information management is prepared by the Consultant at the request of the UNODC Regional Office for Central Asia, Program Office in the Kyrgyz Republic. It follows the desk study of recent criminal justice reforms in the Kyrgyz Republic, review of documents provided by the UNODC Program Office and its partners, as well as interviews and site visits carried out by the Consultant during his visit to the Kyrgyz Republic between 17 and 31 July 2022 (see List of Interlocutors in the annex).

Further to the Consultant's terms of reference, this White Paper covers the work done so far, main goals and vision for the further development of the criminal justice information management system, description of the main modules of the system, envisaged data protection safeguards and related requirements, integration across the criminal justice chain and proposed sustainability mechanisms for the maintenance and continued functioning of the system. More broadly, attention is also given to the sustainability of the proposed interventions in the area of criminal justice information management.

The Project "Support to Justice Sector Reform in the Kyrgyz Republic: Advancing Probation and Integrated Justice Information Management" (hereinafter – "the Project") implemented by UNODC is part of the EU-funded Action "Justice for All - Mainstreaming People-Centred Reform in the Justice Sector of the Kyrgyz Republic (JUST4ALL)". The Action comprises three components. The first component aims at introducing a results-oriented gender-responsive and rights-based monitoring system in the justice sector by building capacity of the parliament and the civil society to monitor the justice system. This component was awarded in two lots to the Konrad Adenauer Foundation (KAS, Germany) and Brussels-based International Partnership for Human Rights (IPHR). The second component pursues the objective of improving probation management in line with human rights standards, while the third component is aimed at strengthening a gender-responsive and human rights-based approach to the administration of justice in the digital era. The second and third components form the Project, which was awarded for implementation to UNODC.

This paper focuses primarily on the third component of the Action (the second component of the Project), i.e. strengthening digitalisation in the criminal justice sector. This component was designed to, inter alia, develop and support the infrastructure to lawfully and appropriately manage information, deliver justice, and protect rights within particular institutions and across the justice sector, and throughout the government and society. The EU's Action is aligned with a number of strategic documents including the New Consensus on Development, the EU Gender Action Plan (GAP) 2016-2020, the Action Plan on Democracy and Human Rights, and the 2019 EU-Central Asia Strategy.

These goals resonate with Kyrgyzstan's own development agenda. In particular, the National Development Strategy 2018-2040 provides (section 4.3):

> *By 2040, functioning of the entire justice system will be based on strict adherence to the principle of personal integrity. The court secures respect for human and citizen rights, protects freedom of the individual from possible arbitrariness of state bodies, primarily from the part of law enforcement agencies.*

> *Application of modern information technologies in the operation of the courts is among the priorities for optimizing the administration of justice. Introduction of electronic court proceedings will allow not only to achieve maximum transparency and facilitate citizen access to justice, but also help improve quality, timeliness, transparency and openness of justice.*

The Action's digitalization component evidences the growing attention to this area in the context of international development. Among other initiatives, in June 2019 the UN Secretary-General presented the Roadmap for Digital Cooperation – a set of recommended actions for the international community, which included strengthening digital capacity building and ensuring the protection of human rights in the digital era. The 2021 Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development, adopted in the framework of the 14th UN Congress on Crime Prevention and Criminal Justice, commits member States to, inter alia, "promote the appropriate utilization of technology by law enforcement and other criminal justice institutions through providing technical assistance upon request, capacity-building and necessary training, as well as improving legislation, regulations and policies so that they are adaptable to continuous technological developments" (para 94).

For the UN activities in Kyrgyzstan, the Project is highly relevant to achieving proposed Output 4.2 of the new Sustainable Development Cooperation Framework for the Kyrgyz Republic for 2023-2027 (signed between the UN and the Kyrgyz Government in June 2022), namely: The justice system and human rights institutions are strengthened to uphold rule of law, counter corruption, and ensure justice and human rights for all.

The Action is also relevant for the 2030 Agenda. It contributes to the progressive achievement of SDG 16 (Promote peaceful and inclusive societies for sustainable development; provide access to justice for all; and build effective, accountable and inclusive institutions at all levels). The Action is also relevant to SDG 5 on Gender, linking specifically with SDG 5.2 (Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation through building the capacity of duty-bearers to generate relevant data on the state's institutions and justice system and informing right-holders). The Action also addresses SDG 10: Reduced inequalities through greater access to justice and humanisation of sanctions.

I. OVERVIEW OF DIGITALIZATION EFFORTS IN THE CRIMINAL JUSTICE SECTOR

A considerable amount of activity is taking place with respect to introducing information technologies in Kyrgyzstan's justice sector. Nearly every state agency met by the Consultant named one or more 'automated information systems' (AIS) recently introduced or in the process of development, usually with the support of international donors. The following brief overview, while far from an exhaustive treatment, offers a snapshot of the key systems relevant to the Project. The current status of each system is indicated in the following table.

DEVELOPED AND IN OPERATION	IN DEVELOPMENT / TRIAL	TO BE DEVELOPED
ERP (registration and pre-trial proceedings)	AIS Expert	AIS Material Evidence
IVS (ERP module)	AIS Register of Advocates	AIS Penitentiary system
AIS Probation		
AIS Legal Aid*		
AIS Court*		
AIS Enforcement Proceedings*		
ERPN		

* Require integration with the ERP platform

A. ERPP – ERP

The Unified Register of Crimes and Misdemeanors (ERPP) is the centerpiece of digitalization in the criminal justice sector and its most visible achievement. The ERPP was rolled out with the entry into force of the (then) new criminal-law legislation in January 2019, which undoubtedly constituted the most ambitious reform of this field in the history of independent Kyrgyzstan.[1] The ERPP is built into criminal procedure and as such its use is not optional: the law requires any information about a potential crime to be registered in the ERPP (Articles 145 and 146 of the 2021 Code of Criminal Procedure) and a criminal case cannot proceed without being registered, and subsequently updated, in the ERPP. From the time of reporting of potential crimes, until the case is sent by prosecution to court, the ERPP requires recording changes in the status of the criminal case and keeps track of

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1. The new Criminal Code, Code on Misdemeanors, Code on Violations, Code of Criminal Procedure, and Code of Criminal Sentence Enforcement introduced a new classification of criminal offences (crimes, misdemeanors and violations) and a new sentencing system, with expanded application of non-custodial measures.

the deadlines for making key decisions. Over 4,000 users from the law enforcement agencies use the system on a daily basis, in real time. The ERPP allows to track what happens with every report made to the police, including via emergency phone lines. Once registered, a case cannot get "lost", and all procedural decisions may be reviewed by the chain of command. A lack of action on the case within the prescribed deadline is also visible to supervisors and those with oversight authority.

The revision of criminal-law codes in 2021 brought changes to the laws, but the ERPP as such was retained.[2] Due to the change in the system of crime classification with the 2021 reform, the ERPP is now renamed as the Unified Register of Crimes (ERP). It remains imbedded in the law, with Article 5(31) of the 2021 Code of Criminal Procedure defining the ERP as:

> *an electronic database into which data shall be entered with respect to the beginning of pre-trial proceedings, procedural actions and decisions, movement of the case, applicants and participants of criminal court proceedings.*

The law specifically requires law enforcement officers, investigators, prosecutors, investigative judges, judges, and other officials whose conduct is governed by the Code of Criminal Procedure to record or transmit the necessary information to the ERP in a timely manner. The ERP forms the backbone of future plans to introduce an 'electronic criminal case' process, which is also reflected in the new Code of Criminal Procedure (Article 5(68)).

The 2021 legislative changes require an extensive update of this AIS to reflect the new procedures and new criminal law provisions. The ERP now operates with three different sets of penal legislation: in force from 1997, 2019, and 2021. Crime reports are registered with a confirmation QR code, which can be used to see updated information about the report on the General Prosecutor's Office website.

Financed by ROLPRO2 and overseen by UNODC's envisaged implementing partner – the Ludwig Boltzmann Institute of Fundamental and Human Rights (LBI), the ERP was developed by State Company "UKUK" (hereinafter – UKUK), which operates under the auspices of the General Prosecutor's Office since November 2021.[3] UKUK is responsible for ongoing maintenance of the system and further development of most of the linked AIS described below.

B. Probation

This AIS is being developed since 2020 to facilitate the workflow of the Probation Department under the Ministry of Justice, which is also one of the major beneficiaries of the Project. AIS Probation covers all four types of probation envisaged by the Law on Probation: trial probation; sentencing probation; penitentiary probation and post-penitentiary probation. The AIS allows probation officers to maintain some of the clients' records and schedules of meetings electronically, and for supervisors to keep track of compliance with the statutory deadlines for responding to requests for probation reports. It also includes a submodule for basic data analysis. The AIS is currently rolled out across the country and all 50 city and district probation offices have been connected and trained to use the system.

AIS Probation was developed by UKUK during ROLPRO2. It is fully interoperable with the ERP. It was also integrated with the ERPP case numbers, ensuring verification of the information submitted from the judicial system. This integration needs to be restored after the ERP update in line with the 2021 legislation.

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2. In 2021, the Code on Misdemeanors was abolished, with some of the offences criminalized in the revised Criminal Code; the Code on Violations was repealed and replaced by a Code of Infractions, which was largely modelled on the Code of Administrative Offences that was in place before the 2019 reform; a new Code of Criminal Procedure re-introduced some of the elements abandoned in 2019, most notably the pre-investigation stage, in which the police have discretion whether to start a criminal investigation.

3. UKUK previously operated under the State Committee for Information Technologies and Communications.

C. Temporary detention centre

Temporary Detention Centre (IVS) is a module designed to facilitate processing of individuals subject to temporary detention. Along with individual data, the module includes entry of a medical examination and records of any change in the placement of the detainee (transfer to a cell; departure from and return to the IVS). This module has been developed and is currently piloted in one IVS, in Bishkek. However, the lack of supporting equip-ment and infrastructure (inadequate space, computers, camera, fingerprint scanner, etc.) means that not all system functionalities are being used in this pilot.

IVS module was developed by UKUK as one of the ERP pre-trial modules and it is fully compatible with the ERP. It is operated by the Prosecutor General's Office, which also facilitates its oversight over the police.

D. Expert evidence

AIS Expert is designed to support the work of the Forensic Expert Service (FES) of the Ministry of Justice. The FES provides a wide range of expert opinions on specialized matters including narcotic substances, ballistics, handwriting, and other. AIS Expert is in the process of development and testing at the central office in Bishkek. Currently, it already has functionality which allows the FES management to assign incoming requests for expertise to individual experts and monitor compliance with the deadlines. Additional functionalities to be developed include the management of multi-disciplinary expert assignments and allowing ex-perts to write their opinions from within the AIS, as opposed to scanning and attaching the files.

AIS Expert is being developed by UKUK in the framework of ROLPRO2 and it is fully compatible with the ERP. After the system is launched and integrated with the ERP, requests for expertise from investigators will be processed electronically; eventually the same will be possible for courts. Future development of this AIS is linked with the planned creation of register of material evidence, to be managed by the GPO and used by all investigative bodies.

E. ERPN

The Unified Register of Violations (ERPN) is as an automated information system designed to collect, process and store information about registered violations and persons who committed them, as well as the penalties applied to them and additional legal consequences under the Code of Violations. The ERPN is a separate platform and it was not developed by ROL-PRO2.

Until 2021, the holder of the ERPN was the Ministry of Interior (MOI). However, the Security Council assigned responsibility for the ERPN to the GPO in 2021. The handover of the ERPN to the GPO was completed at the end of 2020. The ERPN connects 32 state agencies, with over 15,000 officials. The system was initially hosted by a foreign platform and most information filled in manually. It has now been re-designed on a new platform but requires further integration with the ERP.

F. Courts

Several systems exist or are being developed to support the workflow of courts. Chief among them is AIS Court, developed in the framework of ROLPRO2, which is designed to track each case from the time of registration in court registry until the exhaustion of appeals. AIS Court incorporates automatic case assignment to judges (taking into account also their caseload), formation of case panels, and a calendar of scheduled hearings, which can be made public on screens in court buildings. AIS Court does not incorporate the system which provides for audio- and video-recording of court hearings. That system was developed by the Supreme Court separately and reportedly suffers malfunctions; it is not compatible with AIS Court. A register of court acts also exists separately. Court acts are produced in AIS Court and then transferred to the register of court acts, but the extent of integration between these two systems is unknown.

The Supreme Court has embarked on the development of a Judicial Portal, which is described as a platform for all key AIS that are currently in operation or expected to be launched in the near future. The portal will also have a public interface, which will be used to provide court services for court users.

AIS Court is being developed by Adilet-Sot, a state company operating under the umbrella of the Supreme Court. According to Adilet-Sot, AIS Court is rolled out in all courts across the country and in use for criminal cases; with respect to civil and administrative cases it is in use in lower courts, and is being piloted in the Supreme Court.

AIS Court is in principle interoperable with the ERP but the systems are not integrated at this time. Testing is underway of integration of AIS Court and the ERP with respect to investigative judges who authorize preventive measures pending trial. This integration is critical for the future of the information management system.

G. Other relevant systems

The agency which administers the provision of state-funded legal aid – Centre for the co-ordination of state-guaranteed legal aid under the Ministry of Justice – has its own AIS Legal Aid. The system has a roster of lawyers who are available to receive criminal legal aid cases and allows legal aid coordinators to assign cases. The AIS also hosts a basic register of advocates. AIS Legal Aid was created with the support of UNDP. It needs to be re-designed in order to allow its operation in real time and ensure compatibility with the ERP platform, especially with the module on IVS, which would allow the appointment of duty criminal lawyers from the moment of detention. ROLPRO2 provided assistance with the creation of the register of lawyers, which is linked to AIS Legal Aid. Integration of both systems with the ERP platform for law enforcement agencies and prosecution as well as with the AIS Court will ensure more efficient provision of legal aid in criminal proceedings.

The Prison Service (SIN), now under the Ministry of Justice, has a database of convicted persons. This database does not appear to be regularly updated, nor incorporated into the operating procedures of the SIN. It was reported that a database of remand prisoners also exists.

The expert also examined the AIS for enforcement proceedings, which was developed by Adilet Sot and is operated by the Judicial Department of the Supreme Court. This AIS was designed and launched with assistance from ROLPRO2 to facilitate the enforcement of court judgements involving monetary awards. This system is not directly linked with the ERP. In the long run it should be integrated with the ERP and ERPN in relation to the enforcement of pecuniary sanctions.

II. FURTHER DEVELOPMENT: CHALLENGES, OPPORTUNITIES, SUSTAINABILITY

A. Main goals

The rapidly evolving digital landscape presents unique opportunities for improving the functioning of justice institutions and the rule of law. A number of overarching goals may potentially be achieved by supporting digitalization in the criminal justice sector. In particular:

- AIS may strengthen the rule of law. By requiring the legally established procedures to be followed and allowing for easier monitoring of non-compliance, AIS improve the implementation of legal provisions.

- AIS may strengthen human rights safeguards. AIS work to improve compliance with the safeguards built into the legal framework, such as registration of crime reports, procedural deadlines (including related to detention), and access to legal aid. Additionally, AIS may serve to expose problems that require additional legislative or other interventions, as exemplified by gender-related crimes discussed below.

- AIS may prevent corruption. Recording and monitoring of the required official actions in AIS reduces the room for taking a different action (or not taking any action) in exchange for bribes. Discretion is circumscribed and suspicious corrupt action may be easier to detect.

- AIS may improve institutional performance. As a managerial tool, AIS allow for identifying areas of weakness, bottlenecks, and may be used for better-informed planning and allocation of institutional resources.

However, whether AIS achieve these goals and live up to their full potential depends on how they are designed and implemented. As the ERP experience has shown, it clearly matters to what extent an AIS is designed with a human rights lens; how firmly it is embedded in the institutional work process (i.e. is it an indispensable part of the workstream, or merely an add-on), how much ownership the local stakeholders feel and exercise, and so on. The ERP ranks highly on these scores, but its success is not necessarily replicated in other AIS that are not developed as part of the ERP platform for law enforcement and prosecution. Integration between the different AIS employed is also a key variable, as discussed below.

B. Vision and planned activities

The broad vision for much of the digitalization work in the criminal justice sector is the creation of an electronic case system, in which a criminal case will be built in paperless format. Article 5(68) of the 2021 Code of Criminal Procedure defines an electronic criminal case as:

Criminal proceedings carried out in electronic-digital format, which means case movement from the registration of a crime, through the pre-investigative examination, the investigation, the trial and to the enforcement of the sentence; formed from the data of the respective agencies' information systems, with the possibility to generate procedural documents in paper format, verifiable through electronic signatures, and accumulated in the Unified Register of Crimes.

This is a long-term vision that requires the current systems to be integrated, as well as new modules and functionalities to be developed, ultimately allowing for

creating records of all procedural actions and generating the key documents within the system.

The Project plans with respect to the criminal justice component envision continuation of the work carried out under ROLPRO2, with completion of the several components and their integration. The intermediate vision that is within the reach of the Project is a 'complete contour' in which a criminal case can be tracked in the system (or, rather, a connected chain of systems) from the time of registration through the investigation, prosecution, trial and appeals, and the serving of sentences by those convicted. This vision guides the Project's planned activities.

Overview of activity clusters

Project Output 2.1 – Unified Register of Violations

The Project's Output 2.1 is devoted primarily to the further development of AIS ERPN, which has far-reaching implications for the imposition and collection of fines, and thus affects the interaction of law enforcement and administrative agencies with the public on a wide scale. This AIS also has a significant corruption-preventive potential. Its integration with the ERP is highly relevant after the 2021 reforms transferred a number of criminal offences to the Code of Violations. For example, domestic violence and violation of the terms of protection orders, which have repeatedly been mentioned as areas of concern in meetings, are now part of the Code on Violations (Art. 70 and 71 respectively).

Project Output 2.2 – Unified Register of Crimes

Under Output 2.2 work needs to continue to bring the ERP platform for law enforcement and prosecution in line with the requirements of the new criminal legislation, including development of a module for court prosecution and of a new AIS for registering physical evidence, including a fingerprint database.[4]

These steps constitute a much-needed contribution to improving the quality of the evidentiary basis in crim-

inal investigations, which remains low. Conditions for storing material evidence at the Forensic Expert Service are basic, and at the Karakol Police Headquarters (also visited by the Consultant) they are non-existent. There are no designated premises, few or no protections in place against tampering, and little oversight. Digital solutions in this area need to come with a more comprehensive overhaul of guidelines, procedures, and equipment. As this is not specifically foreseen in the project, it is advisable to conduct additional fundraising for work on quality management in forensics, including a pilot on introducing and managing a digitalized storage facility, and overall ISO certification of forensic services.

Output 2.2 also envisions further development of post-sentencing AIS, i.e. a penitentiary information system and a register of convicted persons. The accuracy of data supplied to the penitentiary information management system can be best ensured through their connection to court judgements, i.e. by direct data transfer from AIS Court. In absence of such transfer, these data will have to be entered manually, which would be a resource-intensive exercise, prone to human errors, and one for which the penitentiary system may not be as well-equipped as the Probation Department.

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4.   It is noted that the implementation of this new AIS will require the requisite hardware and equipment, such as evidence lockers, barcode scanners, sealing equipment, etc.

The experience of the existing register of persons sentenced to imprisonment, developed for the SIN, shows that it is already outdated and does not appear to be firmly imbedded in penitentiary institutions' procedures.[5] The Consultant's view is that the work on this AIS will be contingent on the judiciary's will to integrate the systems, including developing a specialized register of court decisions on criminal matters, which can be accessed and utilized by all bodies in charge of execution of criminal judgments.

There will be a need to develop a real-time automated information management system for the prison service, and to link it with the ERP platform for law-enforcement bodies and prosecution. However, a pre-requisite for the operation of such system will be the development of the specialized register of court decisions in criminal matters, which should be maintained by the judiciary.

Project Output 2.3 – Evidence-based crime prevention and intelligence-led policing

Activities under Output 2.3 intend to lay the groundwork for implementing another longer-term vision – evidence-based crime prevention and intelligence-led policing. Stronger analytical capacities will require a separate system – either developed in-house or adapted from those available on the market (such as Oracle Business Intelligence).

The key law enforcement agencies (Ministry of the Interior, Prosecutor General's Office) appear to be keen on building their analytical capabilities. Their development as part of the ERP analytical platform or through an agency-based AIS may create opportunities for discussions on crime statistics, which are often subject to various manipulations. The Consultant also studied the report on functional analysis of the police in Bishkek city prepared in the framework of ROLPRO2, which offers detailed recommendations on further digitalization of the police in the Kyrgyz Republic. The report recommends, inter alia, improving the ERP analytical module to facilitate uniform statistical reporting, and developing an incident management AIS and a computer-aided dispatch system (integrated with the ERP registration module) in order to ensure timely police reaction to calls for intervention.

Project Output 2.4 – Gender-responsive and human-rights based criminal justice

Output 2.4 groups activities to build capacities of criminal justice actors in gender-responsive and human-rights based approaches. This includes training modules on gender-responsive criminal proceedings and workshops on related skills for the police, forensic experts, prosecutors, lawyers, judges, and probation officers. In addition, a separate register of protection orders is envisioned, which will also contribute to the protection of victims of gender-based violence.

The emphasis of these activities on responding to gender-based violence should complement UNODC's expertise in crime prevention and explore potential avenues for preventive action, in particular by probation officers, who are targeted in other Project activities. Gender-sensitive response of law enforcement agencies may also be linked with encouraging policies of recruiting more female professionals.

Project Output 2.5 – Data protection safeguards in the criminal justice system

Output 2.5 speaks to the need to address data protection safeguards in the criminal justice information systems. This dimension was found to be the least articulated by the Consultant's interlocutors. Those concerns that were articulated, related rather to the security risks of various AIS against data leaks and breaches, from internal and external sources. Future activities in this stream will therefore benefit from a clear distinction between information security and personal data protection, which should be better communicated also to the civil society and international actors.

Personal data protection, which deals with privacy rights in relation to the collection and processing of personal data, has limited application in the criminal justice sector. For instance, the EU's General Data Protection Regulation (GDPR), which sets out one of the world's most stringent data protection regimes, contains a number of exceptions, where the scope of the obligations and rights provided by the GDPR may be restricted, including "the prevention, investigation, de-

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5.   For example, in the prison-settlement no. 26 in Moldavanovka, visited by the Consultant, this database contains 143 entries, while the current number of prisoners was reportedly 110.

tection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security" (GDPR Article 23.1.d). Developing standards for personal data protection in this sector is an elaborate and complex undertaking, worthy of a separate project. Before any guidance is developed, an exploratory study could be undertaken, with a needs assessment and comparative research on striking the appropriate balance between privacy and public security.

Information security issues need to be taken seriously, but strengthening security against data leaks and breaches should be commensurate to the risks identified in sound risk assessments. It was not evident, for example, that criminal justice sector AIS were at special risk of external attacks. The physical security of hardware is clearly given attention by the GPO in the construction of the new server facility, which is being built to a high standard. To limit the risks of an internal data breach, the ERP platform AIS are designed with restricted access, based on the users' functional responsibilities. The Project envisages an eventual replacement of password-based access to the ERP platform AIS with more secure means such as digital signatures.

With the attention given to the development of new AIS, existing systems also need to be maintained and improved. Several interlocutors mentioned shortcomings, such their inability to generate documents or reports through the system, leading to dual workload. Feedback from users should be systematically collected, particularly at the piloting phase. Issues requiring substantial consideration could be responded to by way of periodic communications to the users.

C. Sustainability

Considerations of sustainability are paramount in all assistance efforts, and the Project is no exception. At the outset, it should be noted that political events following the 2020 parliamentary elections in Kyrgyzstan, which resulted in the change of the country's leadership, new constitution, and subsequent new legislation, reminded that linear progress should not be expected in any area, including criminal justice reform. Measures to enhance sustainability must necessarily form part of assistance efforts, but they do not provide insurance against setbacks in the policy domain.

Several aspects of the Project component related to criminal justice digitalization give reasons for optimism with respect to the sustainability of these efforts.

The first relates to the local ownership of the key systems such as the ERP and ERPN. All interlocutors acknowledged the leading role of the Prosecutor General's Office (PGO) in the digitalization of the criminal justice sector. The extensive oversight powers of prosecutors in this instance serve to underpin this leadership position. The PGO's commitment to advancing work in this area is evidenced also in securing state investment into upgrading the infrastructure – creating a fully state-funded modern server facility. The GPO and MoJ efforts to optimize hardware procurement and use across their parts of the criminal justice chain are commendable. This should be followed through in the MoI and other investigative bodies. It was also reported that there have been exploratory discussions on the creation of a Government-run central data processing centre.

In this respect, the emphasis of the LBI, the UNODC's implementing partner, on developing and supplying software, rather than hardware, during ROLPRO2, deserves recognition as an important good practice. Most certainly, Kyrgyzstan's needs in improving infrastructure are vast and will continue to be so. At the same time, investments by international donors into IT equipment, office premises, and other infrastructure development do not necessarily ensure sustainable use of this infrastructure in line with the donors' objectives. They also do little to tackle poor policies and institutional performance, which often lead to the inefficient use of available resources. In the LBI's experience, international support of knowledge acquisition and development of the know-how in digitalization was matched by the state authorities' commitment to implement these technologies, including by securing the necessary hardware. It can be only recommended that this experience is studied and replicated whenever possible.

The second reason for optimism is the Project's reliance on a local supplier for software development. Indeed, UKUK's leading position as the software developer for law enforcement bodies is an important sustainability factor. UKUK's ability to retain at least a certain amount of knowledge and skills beyond the Project's duration serves as an investment into human resources – which is often more durable than any equipment.

As a corollary, the necessary integration of the various AIS required to implement this Project's vision is impossible without maintaining one ecosystem, which can be populated by complementary modules. In this respect, the leading role of UKUK in developing this ecosystem provides further currency for to the Project's long-term sustainability. Following UKUK's transfer under the auspices of the GPO,[6] UKUK reportedly receives adequate state funding to provide ongoing maintenance to the AIS within its responsibility. It relies on external donor support for the development of new modules.

Last but not least, providing sufficient resources now for building an analytical platform that would create a full external contour for the management of information inside the criminal justice chain will allow to move to the next stage, when a full criminal dossier can be created online and proceedings may be organized in a paperless format. All AIS necessary for completing this contour need to be developed, in order to achieve the objective of sustainable digitalization of the criminal justice sector in the Kyrgyz Republic.

D. Challenges

An overarching concern noted by most interlocutors is the overall decrease in the level of transparency in the operation of state bodies after the recent change of the country's leadership, including the amount of information shared with the public. The level of access to state agencies in the criminal justice sector has reportedly decreased for many civil society actors and even for academics. By contrast, UNODC continues to enjoy a high level of access, which puts it in pole position to have impact on policies, as discussed below.

The integration of the ERP with the judicial stage of criminal procedure (AIS Court) presents challenges which require 'political' solutions, in addition to the technical issues. AIS Court contains opportunities for 'flexibility' with respect to following the legally prescribed rules. For instance, at several junctures of a case journey there is an option to manually enter 'official date and time' for the purposes of deadline calculation. Such options are foreign to the ERP, which operates in real time and makes non-compliance with the legal deadlines plainly visible. Overcoming the differences in the systems as a pre-requisite of their integration will therefore require the Supreme Court's willingness to accept a more demanding system, which will reduce the possibilities for concealing non-compliance with the procedural deadlines and may otherwise expose shortcomings in court performance.

Some of the other challenges have already been mentioned. The lack of adequate infrastructure needs to be taken into account in planning. For example, the ERP users in remote regions experience failures in electricity supply, during which time the system is unavailable and they have to use paper-based logs. Low internet speed means that elements such as maps take a long time to load and slow down system performance. Indeed, the lack of supporting infrastructure is adversely impacting the pilot of the IVS module in Bishkek, and its planned piloting in Karakol may be similarly affected. The same considerations apply to the planned AIS Expert and the register of material evidence.

In this respect, UNODC's high stature in the donor community should be used to mobilize complementary resources from other projects and organizations willing and able to support criminal justice sector reform. Such complementarity played out positively in the past, for example, when OSCE donated computers to the police to support the rollout of the ERPP in 2019 or, when UN-

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6.   See UKUK's statute as approved by the PGO: http://cbd.minjust.gov.kg/act/view/ru-ru/158370.

ODC itself handed over tablets to the Ministry of the Interior in August 2022. In particular, UNODC's engagement on strengthening forensic services and promoting international cooperation on forensics in line with its mandate could be used to mobilize resources for upgrading the FES' currently modest capacities in terms of IT equipment, laboratories and evidence storage facilities, including at MoI and other investigative bodies.

UKUK's success in serving law enforcement agencies has a flipside – its list of orders is long and it may find it challenging to meet the demands with the requisite quality control. It may be beneficial for the Project to explore how the working practices and organizational culture may be improved at UKUK. Developing and piloting new AIS calls for effective interaction with the beneficiary agencies and understanding of their work processes. Several interlocutors indicated their wish to spend more time with UKUK developers.

Also of note for sustainability, the recent plan of the Prosecutor General's Office is to co-finance UKUK from fines for traffic violations collected through the ERPN. While this idea has its appeal, it may also create adverse incentives and its pros and cons deserve further consideration.

III. CIVIL SOCIETY
AND PUBLIC AWARENESS

One trend which clearly emerged from the interviews with non-state actors is the shrinking of dialogue space between public authorities and the civil society after the change of the country's leadership in 2020-2021. Many interlocutors also noted limited awareness of the public about digitalization efforts in the criminal justice sector. Understanding of what AIS are meant to achieve and how they function does not appear to be high even among the better-informed NGOs.

Against this backdrop, the Project's workplan includes activities devoted to building public awareness in the probation component (e.g. Activity 1.1.6), which are not mirrored in relation to the criminal justice component. This imbalance should be addressed and consideration should be given to allocating additional funds for such activities to the criminal justice component.

The Project also offers opportunities to improve understanding about criminal justice sector AIS among NGOs. In particular, the NGOs involved in the other EU Action components can be given more information about the ERP and its complementary AIS, and explained what benefits may be achieved through digitalization with respect to human rights protection and prevention of corruption. This positive discourse may also be instrumental to counter possible attacks that may be launched by reform opponents.

Several interlocutors from the civil society expressed interest in monitoring the criminal justice system or specific components. In particular, the primary activity of the NGO alliance led by the IPHR and its national partner (Lawyers for Human Rights) is on monitoring the criminal justice sector. In addition, the Ombudsperson expressed her interest in monitoring places of detention and the probation service. These initiatives may also present opportunities for educating prospective monitors about human rights standards in the criminal justice system and steering their methodologies towards pertinent issues. For example, with respect to probation, restrictions on freedom of movement are routinely imposed – such as prohibition to leave one's district – which should be examined also from the point of view of their effect on the social rehabilitation for offenders.

International partners may also be in the position to encourage national project beneficiaries to institutionalize links with civil society and the academic community by creating advisory councils and similar channels of interaction – for example, the possibility could be explored to creating an advisory council on digitalization at the PGO.

IV. POLICY INFLUENCE

Project activities present opportunities for advocacy and other influence on policy development. In the short time spent by the Consultant in Kyrgyzstan, several issues came up in the meetings, including the effects of recent introduction of probation for more serious crimes, possible electronic monitoring of probation clients, and reforms of open-type prison-settlements (koloniya-poseleniye). All these and other issues that will arise in the course of the Project can and should be taken up as opportunities for policy influence by UNODC and its partners. UNODC enjoys high standing for its criminal-justice reform expertise and is in the position to infuse policy discussions with international standards and good practices. The UN also has an added value of bringing to the table human-rights oriented perspectives which are at risk of being overlooked in local debates and bilateral assistance interventions.

Policy influence does not necessarily require separate activities and can be integrated into already planned ones. It does require UNODC and its partners to take positions on issues where clear international standards exist, and deciding which good practices are more suitable for discussion in the local context.

A number of issues that warrant discussion relate to the changes in criminal-justice legislation with the adoption of new codes in 2021. Some of the 'counter-reforms', such as the return of 'pre-investigation examina-tion' before the decision is made whether to initiate a criminal case, have been (and continue to be) opposed by the reformers behind the 2017 codes, who lost that battle, for the time being. The scale of ambition of reforms which came into effect in 2019 was such that they inevitably caused resistance and reaction from those who favoured the status quo – it is hardly surprising that they seized the moment after the 2020-2021 political changes. Care should be taken, however, not to cast any debate as 'return of the 2017 codes' but rather focus on the effects of the legislative changes and the consequences of different policy choices. For example, such concerns as the wide gulf between the sentencing options in the new Criminal Code (a short probation sentence or a longer prison term) can and should be discussed from the anti-corruption perspective.

Policy influence may also extend to the functioning of institutions, including their management and internal policies. For instance, the small number of psychologists in the total number of employees of the probation service is a concern that could be remedied by changing recruitment policies. To take another example, work on the AIS and register of lawyers for the Ministry of Justice's Centre for the co-ordination of state-guaranteed legal aid opens opportunities for discussing the high turnover among legal aid co-ordinators (who are poorly paid) and the absence of any controls over the quality of legal aid delivered by the lawyers contracted by the Centre (with public funds).

V. PROJECT MANAGEMENT

The Project's principal managerial body is the Steering Committee, where UNODC and the donor's (EU delegation) representatives discuss Project implementation with the leadership of national beneficiary agencies, including the Ministry of Justice and the Prosecutor General's Office. The Steering Committee has clear advantages for maintaining political support for Project activities and local ownership, but its suitability for regular co-ordination is doubtful.

For the purposes of operational exchange of information and co-ordination within the Project, a leaner executive body should be considered, with one representative from each beneficiary agency and one representative from each international partner. It could meet in person on a bi-monthly basis or more often, as the need arises.

Regular communication and co-ordination would also be beneficial between the international JUST4ALL implementers. Such co-ordination group could include one representative from UNODC, LBI, KAS, Max Planck Institute, and IPHR, and meet remotely every month or two, to inform the others of the ongoing and planned activities, and explore potential synergies.

On the UNODC side, the Project should be implemented in a way which maintains a coherent vision, maximizes UNODC's added value in each activity, and avoids piecemeal interventions that do not add up to advancing the Project's overall objectives. This can be facilitated by a balanced distribution of responsibilities within the managerial hierarchy, where the Project's lead manager maintains the overall oversight and decision-making on key issues, while co-ordinating and advising other Project team members on implementing specific activities.

KEY RECOMMENDATIONS

The vision of the project is to bring the criminal justice information management system to a stage where a criminal case can be tracked in a connected chain of systems from the time of registration through the investigation, prosecution, trial and appeals, and the serving of sentences by those convicted. Based on this, full electronic case management, with records of all procedural actions and key documents generated within the system, can subsequently be achieved.

To work towards the vision, the following recommendations are made in terms of developing the criminal justice information management system:

- Developing an incident management AIS and a computer-aided dispatch system (integrated with the ERP registration module) is recommended in order to ensure timely police reaction to calls for intervention. Continued consideration of the conclusions from the report on functional analysis of the police in Bishkek city and further digitalization of the police in the Kyrgyz Republic is recommended.

- After the ERP is fully updated in line with the 2021 legislation, integration with AIS Probation should be restored.

- Further piloting and replication of AIS Temporary Detention Centre (IVS) needs to be backed up by supporting equipment and infrastructure (space, computers, camera, fingerprint scanner, etc.) so that all functionalities of this AIS can be used.

- Integration of AIS Court and the ERP with respect to investigative judges who authorize preventive measures pending trial is critical for the future of the information management system and should be a core focus.

- AIS Legal Aid needs to be re-designed in order to allow its operation in real time and ensure compatibility with the ERP platform, especially with the module on IVS, which would allow the appointment of duty criminal lawyers from the moment of detention.

- Integration of AIS Legal Aid and the register of lawyers with the ERP platform for law enforcement agencies and prosecution as well as with the AIS Court will ensure more efficient provision of legal aid in criminal proceedings.

- A real-time automated information management system for the prison service should be developed, which can be linked to the ERP. The development of a specialized register of court decisions in criminal matters, which should be maintained by the judiciary, is a prerequisite for this.

- Work on the ERPN should continue and focus on further integration with the ERP.

In rolling out the various components of the criminal justice information management, UNODC should take into consideration the following aspects of management, coordination and policy development:

- Feedback from users should be systematically collected, particularly at the piloting phase of new modules.

- Capacity-building activities on responding to gender-based violence should complement UNODC's expertise in crime prevention and explore potential avenues for preventive action, in particular by probation officers. Gender-sensitive response of law enforcement agencies may also be linked with encouraging policies of recruiting more female professionals.

- Future activities on data protection safeguards in the criminal justice system will benefit from a clear distinction between information security and personal data protection, which should be better communicated also to the civil society and international actors. An exploratory study on personal data protection in the criminal justice system could be undertaken, with a needs assessment and comparative research on striking the appropriate balance between privacy and public security.

- The Project should include activities to build public awareness and particularly improve understanding of the benefits of digital solutions in the criminal justice sector among the NGOs involved in other JUST4ALL Action activities.

- Opportunities for policy influence should continue to be taken up by UNODC and its partners to infuse criminal-justice reform discussions with international standards and good practices, including on issues such as the effects of recent introduction of probation for more serious crimes, possible electronic monitoring of probation clients, and reform of open-type prison-settlements.

- UNODC's high stature in the donor community should continue to be used to mobilize complementary resources from other projects and organizations willing and able to support criminal justice sector reform. In particular, digital solutions for forensic expert services and for handling material evidence should be accompanied by further upgrades of equipment and investment in capacity development and standard operating procedures to achieve accreditation of forensic services in line with ISO standards.

ANNEX.
LIST OF INTERLOCUTORS

Ministry of Justice

- Ruslan Romanov, Head of Department for Penitentiary, Probation and Forensic Policies
- Emil Zamirbekov, Head of IT Unit
- Almazbek Karabalayev, Deputy Director, Centre for Co-ordination of State-guaranteed Legal Aid
- Asel Abakirova, Acting Head of Department for Advocates and Legal Information
- Kuban Isayev, Head of Situation Centre

Probation Department (Ministry of Justice)

- Kuban Kazakov, Director of Probation Department
- Daniyar Moldokul uulu, Deputy Director of Probation Department

Penitentiary Service (Ministry of Justice)

- Arstan Ashymov, Head of Unit
- Aigul Katkeldiyeva, Deputy Head of IT and Communications
- Natalia Korobkina, Inspector of Department for Sentence Enforcement
- Tengiz Kerimzhanov, Head of Co-ordination Unit
- Marat Satayev, Deputy Head of Department for Social and Psychological Activities

Forensic Expert Service (Ministry of Justice)

- Kuban Nurlanov, Deputy Head of Forensic Expert Service
- Talgat Zhamaldinov, Legal Support and Human Resources Department
- Dmitry Podgorodetsky, Criminal Forensics Expert

Ombudsperson

- Atyr Abdrahmatova, Ombudsperson

General Prosecutor Office

- Bahtiyar Osmonaliyev, Head of Department for Legal Statistics and Reporting
- Azamat Usupbekov, Deputy Head of Department for Legal Statistics and Reporting
- Zhediger Ahunbayev, Prosecutor
- Artyk Rayumkulov, Prosecutor

State Company "UKUK"

- Ulukbek Yusupov, Director

Supreme Court

- Dzhyldyz Raskulova, Deputy Director of Judicial Department under the Supreme Court
- Elmira Baitikova, Director of the Higher School of Justice under the Supreme Court
- Kanybek Murtaliyev, acting Head of Department for Support of Judges in Criminal Cases
- Zarina Kaliyeva, Head of IT Department

State Company "Adilet Sot"

- Rustam Shabyev, Executive Director

Ministry of Interior

- Ilyas Dzhumagulov, International Relations Department
- Kairat Baimuratov, IT Department

National Statistics Committee

- Zhyldyz Rakhmanova, Head of Department for Social Statistics
- Nazira Kerimaliyeva, Head of SDGs and Households Division

International Actors

- Kuban Ismailov, UNODC
- Zhypar Rakisheva, UNODC
- Olga Tkachenko, UNODC
- Koen Marquering, UNODC
- Erkin Isakulov, UN OHCHR
- Nuriana Kartanbayeva, Soros Foundation
- Tahmina Ashuralieva, Soros Foundation
- Oleg Eftodi, OSCE Programme Office in Bishkek
- Bermet Akimkanova, OSCE Programme Office in Bishkek
- Saule Aripova, ROLPRO2 Project
- Aida Ulakova, ROLPRO2 Project
- Dmitry Nurumov, ROLPRO2 Project
- Victor Kessler, ROLPRO2 Project
- Anastasija Miniajeva, International Partnership for Human Rights
- Iotam Lerer, EU Delegation

Civil Society and Academia

- Batyr Saparbayev, expert
- Aslan Kulbayev, expert
- Irina Letova, expert
- Leila Sadykova, expert
- Asel Koilubayeva, NGO Lawyers for Human Rights

Site Visits

- Temporary Detention Facility (IVS) – Bishkek
- Centre for Co-ordination of State-guaranteed Legal Aid – Bishkek
- Prison-settlement No. 26 – Moldavanovka
- District Probation Unit – Alamedin
- Regional Police Department and IVS – Karakol
- Interregional Probation Department for Issyk-Kul and Naryn – Karakol