

Plenary Session 5

Sub Theme

Identifying People's Concerns from Daily Flow of Complaints and Contribute to Systemic Improvements

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Identifying People's Concerns from Daily Flow of Complaints and Contribute to Systemic Improvements



Mr. Huawei Zhang
Vice-Ministerial-Level Commissioner
Ministry of Supervision
CHINA

Ladies and gentlemen,

Today, the 12th Conference of the Asian Ombudsman Association is successfully held in the beautiful city of Tokyo. On behalf of the Ministry of Supervision of the People's Republic of China, I would like to express my sincere greetings to all delegates. The conference has provided a sound platform and opportunity for various Ombudsman institutions to enhance cooperation and cement friendship by learning and communicating with each other. I hereby convey my heartfelt thanks to the host of the conference, the Administrative Evaluation Bureau of the Japanese Ministry of Internal Affairs and Communications.

The Chinese government has been resolutely combating corruption and building a clean government. China adheres to the principles of addressing both the symptoms and the root causes of corruption, taking comprehensive measures to readdress both, and combining punishment with prevention while focusing on the latter. It has set up a system for corruption punishment and prevention and attached special importance to the root causes, the prevention of corruption and the institutional improvement in combating corruption. Efforts have been made to broaden the working area to prevent corruption at the source and gradually build a long-term mechanism of education for corruption prevention, a system of combating corruption and upholding integrity, and a monitoring mechanism over the exercise of power. China has explored a new way of combating corruption and building a clean government that conforms to China's national conditions and displays Chinese characteristics. In the practice of combating corruption and upholding integrity, we have paid much attention to public support and participation. We have built the whistle-blowing system and placed emphasis on the collection and analysis of information concerned so as to promote the institutional improvement in combating corruption and building a clean government as well as the innovative reform.

I . Handling Complaints by China's Supervisory Organs

1. Special organs for handling letters and calls of complaints have been established. The Constitution endows the citizens with the rights to criticize, suggest, appeal, complain or accuse State organs and

functionaries. The procuratorial organs, supervisory organs and audit organs have all established departments to handle complaints as well as suggestions and accusations from the people. So are with China's supervisory organs at all levels. In 2010, 1,427,186 cases of complaints were handled.

2. Channels for making complaints have been expanded. On the basis of keeping the existing channels unimpeded as letters and calls, China's supervisory organs have managed to provide more information and offer more convenient and unimpeded approaches for the public. There are nationwide reporting hotlines and websites, leading officials regularly receive visitors, government functionaries may visit grassroots, groups are dispatched for collecting information, and the information network at grass-root levels are set up. Therefore, the channels have been expanded and the information concerned can be collected in a proactive manner.

3. Complaints handling system has been perfected. China's supervisory bodies have built the mechanism of information analysis on complaints, and conducted regular researches on the dynamics of complaints as well as the outstanding concerns of the public. The integrated information with the characteristics of generality and regularity summarized from the less valuable, independent and raw data has been forwarded to relevant officials and departments. These efforts have provided important basis for correct extrapolation of anti-corruption situation and scientific decision-making, furnished substantial clues for investigating into and dealing with all the breaches of laws and disciplines, and most significantly, promoted anti-corruption work from the source and the deepening of reforms.

II. Mechanism and Systemic Reform of Anti-Corruption Work

1. Law and regulations for combating corruption and building a clean government have been promulgated. China adheres to the rule of law as a fundamental principle, attaches importance to the regulating and safeguarding role of law and regulations, and continuously promotes legalization and standardization in the fight against corruption. In order to ensure that leading officials work in a clean and honest way, a series of codes of conduct and ethical rules have been issued, including **the Guidelines for Leading Officials on Government Integrity**, *the Regulations on Strict Prohibition of Seeking Illegitimate Gains by Misuse of Official Power*, *the Regulations on Reporting of Relevant Personal Matters by Leading Officials*, and *the Interim Regulations on Strengthening Management of State Functionaries Whose Spouses and Children Have Emigrated Abroad*. China has also enacted a series of law and regulations to ensure the proper exercise of public power and prevent corruption, thus gradually establishing a legal framework for combating corruption and upholding integrity with scientific contents, rigorous procedures, well-matched regulations and effective enforcement, and strengthened supervision on the implementation of the regulations.

2. Power restraint and supervisory system are being perfected. A power without supervision will definitely lead to corruption, and an absolute power will corrupt absolutely, which is fully proved by

complaints from the masses. Therefore, we have strengthened the restraint and supervision of power exercise, advocating procedures and transparency, making government affairs public, strengthening supervision of chief officers, and streamlining the accountability system for decision-making. On the principles of reasonable structure, scientific distribution, rigorous procedures and effective restraint, we are gradually establishing a sound power structure and enforcement mechanism where decision-making power, executive power and supervisory power can check balance and coordinate at the same time.

3. Institutional reform and innovation have been promoted. China has adhered to the principle of punishing and preventing corruption by way of development and reform. In view of the main areas and key steps vulnerable to corruption, vigorous efforts have been made to promote institutional reform. Firstly, China has deepened the reform of administrative examination and approval system, reducing or adjusting the items requiring administrative examination and approval. As of January this year, various departments of the State Council had canceled or adjusted for five times 2,183 items which used to come under this heading, accounting for 60.6% of the former total. Secondly, China has promoted the reform of fiscal and tax management system. The State has improved the public finance system, and enhanced supervision and disclosure of financial budget. It has intensified the trial operation of public announcement and post-project appraisal of major government investment projects, and streamlined the supervision of government investment projects and livelihood-related public funds. It has also standardized the exchange market of State-owned property rights, and upgraded the risk prevention and control for monetary system reform. Thirdly, China has promoted the reform of personnel system. It has established a scientific mechanism for selecting and appointing officials as well as a management and monitoring mechanism in this regard. Fourthly, China has deepened the reform of judicial system and working mechanism. It has established a fair, efficient and authoritative judicial system to safeguard judicial justice. Through institutional reform and innovation, the State has established new regimes and mechanisms that accord with the demands of the times and managed to punish and prevent corruption at the very source.

4. Special campaigns for handling problems of strong public concerns have been launched. A special campaign has been targeted to the outstanding problems in the field of engineering and construction. Readdressing efforts are made in project decision-making, bid invitation and submission, land leasing, project planning and management, and construction supervision. The State has propelled the development of law and regulations on engineering and construction, as well as information disclosure and the building of credibility system. Another campaign is focused on the “little coffers”, misuse of government cars and excessive celebrations, workshops, and forums. China has spared no efforts to resolve the problems of strong public concerns and readdress the malpractices that harm the interests of the people. It has initiated the readdressing of arbitrary charges in highway toll offices and schools, and tried to alleviate the burdens of farmers. It has also redressed the malpractices in purchases and

sales of drugs and medical services, and started the special campaign for food safety. Through these campaigns, China is in a position to identify the existing problems and draw on the experience, improve the institutions and build the long-term mechanism which may prevent repeated occurrences of similar cases and ensure the addressing from the source.

What is more, based on the complaints from the masses, we have strictly investigated into and dealt with cases of corruption. We are serious in handling the cases of power abuse and embezzlement involving leading officials, the cases in which they take advantage of their power over personnel affairs, judicial powers, and the right of examination and approval to seek personal gains, the cases in which they provide protective shield for underworld and evil forces, and the cases of severe loss of State-owned assets. We have strengthened the efforts to deal with the cases in such key areas as engineering and construction, real estate, land leasing and mineral exploitation. We have laid stress on the cases of commercial bribery in the fields of purchasing and marketing of drugs, government procurement and deals in resources. We are also working on the cases of negligence and infringement that cause mass disturbances and major accidents in terms of food and drug safety and environmental pollution. As a result, a number of corrupt officials have been punished, which sounds alarming to corrupt officials and manifests the stand and resolution of Chinese government in combating corruption.

It is the mutual aspiration of all humanity and the common task faced by all governments to combat corruption and uphold integrity. With complicated causes, corruption may be occasioned by multiple subjective and objective factors, and the fight against corruption is to be a long-term process. China's supervisory bodies are willing to endeavor, together with their Asian counterparts, to build a clean, just, harmonious and fine world.



 **中华人民共和国监察部**
MINISTRY OF SUPERVISION OF THE PEOPLE'S REPUBLIC OF CHINA
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Identifying People's Concerns from the Daily Flow of Complaints and Contribute to Systemic Improvements

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China adheres to the principles of addressing both the symptoms and the root causes of corruption, taking comprehensive measures to readdress both, and combining punishment with prevention while focusing on the latter. It has set up a system for corruption punishment and prevention and attached special importance to the root causes, the prevention of corruption and the institutional improvement in combating corruption.





The banner at the top of the slide features the national emblem of China on the left, followed by the Chinese text '中华人民共和国监察部' and the English text 'MINISTRY OF SUPERVISION OF THE PEOPLE'S REPUBLIC OF CHINA'. The website address 'WWW.MOS.GOV.CN' is also present. The background of the banner shows a scenic view of a mountain range with a Great Wall section.

I. Handling Complaints by China's Supervisory Organs

- Special organs for handling letters and calls of complaints have been established.
- Channels for making complaints have been expanded.
- Complaints handling system has been perfected.



A decorative circular emblem featuring a stylized dragon or mythical creature is positioned in the bottom right corner of the slide.



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II. Mechanism and Systemic Reform of Anti-Corruption Work

- Law and regulations for combating corruption and building a clean government have been promulgated.
- Power restraint and supervisory system are being perfected.
- Institutional reform and innovation have been promoted.
- Special campaigns for handling problems of strong public concerns have been launched.



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Daily Complaint Handling Towards a Systemic Approach: Thai Ombudsman Experience



Mrs. Panit Nitithanprapas
Chief Ombudsman
THAILAND

Mr. Chairman,
Distinguished delegates,
Ladies and Gentlemen,

It is a great pleasure and honor for me to be addressing one of the five key sub-themes of the 12th Asian Ombudsman Association Conference in Japan. I would like to congratulate everyone whose dedication and efforts have contributed to the success of this conference, particularly Mr. Hideo Arai, the Director-General of the Administrative Evaluation Bureau in the Ministry of Internal Affairs and Communications and his team for their insights, goodwill, and hospitality extended to all of us.

Today I would like to share with you on the sub-theme “Identifying People’s Concern from the Daily Flow of Complaints and Contribute to Systemic Improvements” which I will focus on Thai Ombudsman experiences in daily complaint handling towards a systemic approach.

I . The Roles of Ombudsman in Thailand

Ladies and Gentlemen,

Before going into details on how Thai Ombudsman deal with daily flow of complaints, let me briefly explain about the roles of Thai Ombudsman.

The Thai Ombudsman is an independent constitutional organization firstly established under the 1997 Constitution of Thailand to investigate the complaints on maladministration and unfair practices of the public officials. Therefore, the main duties of the Ombudsman in the past focus only on fact finding concerning the complaints on maladministration, unlawful performance as well as unfair practices (whether or not it’s lawful) of the public authorities.

But under the current 2007 Constitution, the Ombudsman has been given other important roles, i.e. to conduct the proceeding in relation to ethics of persons holding political positions and state officials, as well as, to investigate any omission to perform duties or unlawful performance of duties of the Constitutional Organizations or Agencies in the administration of justice, except the trial and adjudication of the Courts. Thus, if such acts of those public authorities cause injuries to the public or it is necessary to protect public interests, the Thai Ombudsman may conduct investigation irrespective of a complaint (or what we call “own motion”).

II. Thai Ombudsman’s Experiences

Distinguished Guests,

With the various roles of the Ombudsman in Thailand under the Thai Constitution, we, the Three Ombudsmen, must take the lead in proactively ensuring proper complaint handlings (or people’s concern) and developing efficient and effective mechanism for systemic improvements. This entails more than simply providing an individual remedy to the complainant. We must as well regard prompt and professional access, timely service delivery along with fair and proportionate remedial actions on a broadest scale possible

-Thai Ombudsman’s Experiences in Dealing with Daily Complaint

Let me now share some of the initiatives, what the Thai Ombudsman has done to effectively identify people’s concern from the daily flow of complaints, as the followings:

First, to ensure easy accessibility for people to file complaints, the frontline toll free call center (1676), which provide easy and free access for individual concerns without the cost of long distance telephone calls, has been set up. Mediation through direct telephone conversation instead of relying on traditional bureaucratic documentation and processes was also initiated by the Ombudsman. In addition, we have mobile “complaint handling” and also promotion unit travelling around the country to receive people’s complaints to provide a stronger presence and effective daily flow of complaints derived from public exposures.

Second, the Thai Ombudsman has set the target in our internal working procedure for all staff that all complaints coming into the office must be finished from start to end within 6 months. So far, out of totally 25,171 complaints received, we have finished 23,807 cases (94.6% of total complaints) meanwhile only 1,366 cases (or 5.4% of total complaints) are still under investigation.

Third, to guarantee accessibility for daily flow of complaints which will impinge on a more effective public services in a convenient and timely fashion, we collaborated with the Lawyer Council as well as the Department of Legal Aid and Civil Rights Protection, Office of the Attorney General, in every province throughout the country as alternative channels for the people to have legal advices or submit complaints to the Ombudsman. Since we do not have regional offices throughout the country, this co-operation can save the expenses of the poor to file their complaints at their own domiciles.

Fourth, on top of all initiatives, the Thai Ombudsman has used the divisional authority to efficiently handle the daily flow of cases. Each of the three ombudsmen will be allocated portfolio of responsibilities. Each has a full authority to preside over their respective area divisions or investigative bureaus. For example, although being Chief Ombudsman, I have been evenly allocated portfolio to preside complaint over police and local administration.

III. Thai Ombudsman's Experiences for Systematic Improvement

Ladies and Gentlemen,

What I have been sharing with you so far are some of the works done by the Thai Ombudsman in dealing with the daily complaints coming to our office. We realize that complaint handling in a case by case basis is important to cope with daily grievances of the people. It is however a matter of fact that similar problem can emerge in different parts of the country. If we tackle the issue in a systemic manner, we will not be able only to solve the problem for the people, but also to prevent the same problem from ever occurring again.

I was reminded of a case where a motorcyclist filed a complaint to our office that the police fined and confiscated his driving license due to the loss of a license plate. The motorcyclist had explained that he had already filed for a new license plate and had gone through the proper process with a document to prove to the police. The police did not care to look at the document and made judgment without proper protocol. Considering this as a "systemic" improvement issue, I raise the bar to the whole system of the Thai Police and not just the handling of one police officer. My positioning results in a systemic level change and the Thai Police put in place a proper process in the matter of lost license plate so fairness and fair handling of the matter will be there for all, resulting from one individual complaint. On top of that, the Department of Land Transport responsible for the issuing of license plates responded to my recommendation and looked into measures to enhance faster services in their production line as well.

In order to promote systemic improvements, the Thai Ombudsman has set up the system to upgrade “individual” complaints, small as it may seem at the outset, to affect systemic change or “BIG PICTURE” impacts as follows:

First, “Tuesdays” (weekly) consultation meeting among the three Ombudsmen has been created. Given that each Ombudsman has a full authority to preside over different investigative bureaus, the three Ombudsmen set up a meeting on each Tuesday to brief the others on the latest development of cases under their respective areas in order to streamline cooperation, standards and procedures to make cases systemic and expansive.

For example, we have recently discussed a matter concerning flood and water management system instigated by own motion from one of our ombudsmen, namely, Professor Siracha Chareonpanij. Even as these cases fall under Prof. Siracha’s investigative bureau, it requires attention from all three ombudsmen since other public bodies must be integrated into a systemic and comprehensive planning to alleviate public distress.

In addition, all of Professor Siracha’s undertakings on the matter of concern, from his personal study leading to an extensive study on a nationwide scale with a support team, led us all Ombudsmen to come alongside to both rework and broaden the issue with him as a leader to that of “National Spatial Development Plan” thematic issue. He, with our full support, championed this “Grand Theme” integrative improvement of the whole issue surrounding flooding and water management.

Second, besides meeting arrangements between Ombudsmen each week, we also invite internal and external team of experts on a case-by-case basis. Internal and external expert team, individuals respected for their local wisdom pertaining to the issue at hand, and public participating are all crucial to the successes of case and systemic issue handling and processing. As in the case of the recent “Flood Crisis” in Thailand, we were well ahead of time to provide the Thai government with the support they need for systemic improvements to prevent future flooding in Thailand.

Third, we also streamline our public relations with various target groups, focusing on the general public, government agencies, state agencies, state enterprises and local government organizations, non- governmental organizations, mass media, private organizations, foundations, associations and educational institutions. Specific activities and media were designed for each target group. Television and radio programs are broadcasted regularly in order to send a message to the public at large.

Fourth, apart from the above practices, the Thai Ombudsman also investigated other cases of unconstitutionality and recommends to the Constitutional Court or Administrative Court to give ruling

in the case committed to a systemic resolution as the ruling of these Courts has a binding effect to all public concerned.

IV. Conclusion

Distinguished Guests,

Ladies and Gentlemen,

What I have been sharing with you so far are some of the works done by the Thai Ombudsman in handling daily complaints towards a systemic approach. I hope that our case sharing will be useful for others to apply for its own context as I myself find that case sharing throughout the conference has proved to be extremely useful to improve our future works at the Thai Ombudsman. Lastly, I strongly believe that with closer cooperation among fellows Asian Ombudsmen, we will become better adapted and equipped to face the challenges in an ever-changing Socio and Economic environment we live in at present.

Thank you very much for your attention.

SYSTEMIC IMPROVEMENT IN PUBLIC SERVICE DELIVERY: COMPLAINTS AS SOURCE OF INNOVATION



Dr. Weng Wah Tam
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Public Complaints Bureau
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MALAYSIA

I . ABSTRACT

Malaysia's Government Transformation Programme (GTP) was formulated with the aim of transforming the public service delivery to be more effective, efficient and accountable. Complaints management is one of the vital components for ensuring the successful implementation of the GTP in transforming the public sector. In this regard, the Government views complaints as a source of innovation and creativity to bring about systemic improvement in public service delivery. This is achieved by way of eliminating irrelevant or obsolete laws, rules and procedures and creating more people-friendly processes. The Public Complaints Bureau will continue to serve as the key focal point between the Government and the people in managing public complaints. This is to ensure that the public sector continuously delivers service improvements beyond the ordinary with a view to enhancing the nation's competitiveness as well as the overall wellbeing of the people.

II . INTRODUCTION

1. The main purpose of this paper is to present Malaysia's experience in the management of public complaints. It will give a special focus on new approaches and specific programmes carried out by the Government of Malaysia in the management of public complaints and in bringing about systemic improvement in its public service delivery. This paper will cover several key areas including: Change of Approach; Managing Complaints - Reaction vs Proaction; Identification of Issues and Systemic Improvement; as well as Conclusion and the Way Forward.

III . CHANGE OF APPROACH

2. The key issues for improvement in public service delivery always feature customer satisfaction and expectation as the benchmark. In addressing public expectation, the quality of public service delivery becomes the focal point. In the case of Malaysia, it has become the number one objective of the Government under "1Malaysia - People First, Performance Now" principle.

3. Malaysia's Government Transformation Programme (GTP) was launched on 28 January 2010 aimed at, amongst others, transforming the Government to be more effective in delivering results in areas of major concern for the people through higher efficiency and accountability. The expected consequence of this transformation measure is about generating a robust economic growth to further improve the quality of life and welfare of the people.

4. Without improvement in the quality of public service delivery, efforts to implement GTP will not be effective. Complaints management is one of the vital components in ensuring effective public service delivery. Complaints management can no longer be seen merely as an administrative function. Rather, it must be viewed as a strategic function in implementing the GTP. Managing public complaints in a prompt, fair and courteous manner complements efforts in improving the quality of service delivery. The Government no longer views complaints as an impediment, but considers it as a source of innovation. Therefore, public complaints are always welcome.

5. With this changing approach, the roles and responsibility of PCB as a facilitator have also changed to meet the new dynamic in complaints management. In this connection, PCB has shifted its role from merely accepting and resolving individual complaints to critically analysing complaints. The critical analysis of complaints provides a valuable feedback to systemic improvement of the existing Government policies, procedures and work practices.

IV. MANAGING COMPLAINTS – REACTION vs PROACTION

6. PCB has been entrusted with not only managing public complaints on services provided by the Government, but also about civil servants who are administering or rendering such services to the public. Complaints are being viewed positively and considered as a form of feedback to keep the government departments alert and always prepared for improvement in their delivery system.

7. As such PCB provides a number of channels for the public to forward their flow of complaints. This includes electronic channel, walk-in, telephone, faxes, SMS and the proactive programmes.

Generally, the electronic channel (e-mail and website) is the public's preferred channel followed by the proactive programmes. From 1 January 2011 to 30 September 2011, a total of 9,887 complaints were received by PCB. Of this, 5,183 (52.4%) complaints was lodged through electronic channel and 1,847 (18.7%) via pro-active programmes.

8. With the enhancement of ICT, PCB's web portal provides main gateway for the public to lodge more than 50% of the complaints against Government agencies. The PCB manages the complaints through a system known as i-Aduan, an integrated public complaints management system that has

been upgraded to increase PCB staff productivity. Public Relations Officers (PROs) of other Government agencies are also allowed to access the i-Aduan directly. PCB does not even need to forward the complaints to agencies as they can access them directly and take immediate action on complaints which are under their respective jurisdictions.

9. PCB's proactive programmes are the Mobile Complaints Counter (MCC), Integrated Mobile Complaints Counter (IMCC) and Mesra Rakyat Programme (MESRA). These outreach activities have enabled the public to directly put forth their complaints, enquiries and suggestions to government agencies. In 2010, a total of 134 proactive programmes were held, with 2,310 complaints received from 16,277 visitors. For the period of 1 January to 30 September 2011, a total of 122 proactive programmes were held, with 1,820 complaints received from 18,345 visitors.

10. PCB has even taken a pro-active initiative by identifying problems or issues and forwarding them to relevant agencies for solutions before they become a subject of public complaint. The programme is acronymed as MASJA or in Malay language Menangani Aduan Sebelum Jadi Aduan. Literally means solving an issue before it becomes a complaint. Under this initiative, PCB personnel as proactive complainants are expected to be an agent in spotting and reporting issues on the ground before they become a complaint.

11. Government agencies are also required to monitor and address issues raised in the media including online media on a daily basis. Besides, PCB and the Department of Information also monitor issues and complaints highlighted in the media daily and forward them to the respective PROs of the ministries or departments for immediate action. The agencies are also required to monitor and response immediately to issues reported or raised in the media. The government agencies are required to upload them on their official websites. These feedback and responses will also be uploaded on PCB's website.

12. In addition, PCB also launched a smart partnership of online portal programme with BERNAMA, a government news agency. The portal enables more people to access the feedback on complaints over a longer duration.

13. More often than not, PCB also receives complaints on the services provided by and/or entities in the private sector. Similarly, the complaints are channeled to the relevant government agencies which in turn will deal with the private sector entities concerned for solutions. Therefore, the overall task of PCB is indeed very challenging.

14. Over the past few years, the number of complaints has increased quite significantly. However, the high volume of complaints does not necessarily reflect the declining standard of the government

service. Rather, it is an indication of the people's higher expectation on the quality of public services rendered and the speed of service delivery. It goes in tandem that as the society becomes more affluent, their expectation for better quality services and speedy solutions is higher.

V. COMPLAINTS AS SOURCE OF INNOVATION

15. As the Malaysian society has become more affluent and demanded higher quality and speedy public service delivery, PCB's approach in managing complaints has also been redefined and further improved. PCB not only channels complaints it receives to the relevant government agencies for their appropriate action and response, but has taken a more pro-active and prominent role as innovator in solving issues which are the source of complaints.

16. One of the mechanisms for PCB to ensure agencies take a serious view of major issues in the flows of public complaints is through the Permanent Committee on Public Complaints (PCPC) chaired by the Chief Secretary to the Government of Malaysia. The PCPC which meets monthly will consider nation-wide or high impact issues that will contribute towards improving the public service delivery.

17. In this connection, PCB will sieve through all complaints received or raised in the media. Repeated issues or issues with high impact on the public wellbeing are identified. Concept papers are prepared on each of these issues. A thorough study and consideration of the causes of complaints/issues, their impacts and solutions to improve the related public service delivery are conducted through a mechanism established at the PCB level involving concerned agencies/organizations or parties. The concept paper will then be presented for consideration and decision of PCPC.

18. Since its first meeting on 6 October 1984 until September 2011, PCPC had considered 420 concept papers on various issues for purposes of innovating and improving the public service delivery. The ideas for innovation were generated by complaints raised by the public. The following are some examples of issues of public complaints which have become a source of innovation:

(1) Proposal to Improve Payment of Medical Claims to Pensioners

Complaint:

Government retirees who purchased medicines from pharmacies experienced delay in getting their claims for reimbursement from the Public Service Department (PSD).

Innovation:

Under the new partnership arrangement to be introduced by the Government in 2012, retirees can continue to get their supply of certified medication unavailable at Government hospitals from any network providers chosen and appointed by the Government. Retirees will no longer be required to pay for the medication purchased from the pharmacy upfront and later claim for reimbursement from

the Government. Instead, the pharmacy concerned will claim directly from the Government based on the purchases made by the retirees. Under the new arrangement, the process of payment of medicines has been simplified involving only the pharmacy and the Government.

(2) Proposal to Improve the Process that Suspends Individuals from Travelling Abroad Due to Debt or Security Reasons

Complaint:

The complainants were not allowed to make overseas trips as their names had been blacklisted by the Government for various reasons such as criminal cases, bankruptcy, failures to pay income taxes or study loans provided by the National Higher Education Fund Corporation, etc. However, the complainants have proved to have been cleared off the blacklist.

Innovation:

The process and procedures for blacklisting of individuals has been streamlined and improved. This is to assist the Immigration Department to accelerate the process of listing and clearing the blacklisted names. Information concerning names that have been delisted from the blacklist is made available online to the Immigration Offices at exit points. The State Immigration Directors at all exit points are empowered to access the system for current status of blacklisted cases.

(3) Proposal to Improve the Procedure and Scale of Payment for Subpoenaed Witnesses

Complaint:

Subpoenaed witnesses faced difficulties and delays while claiming for expenses and compensation from enforcement agencies such as the Royal Malaysian Police, Royal Custom Department or Anti-Corruption Commission.

Innovation:

The new Criminal Procedure (Rate of Payment to Witnesses) Rules 2011 was introduced to replace the old Criminal Procedure (Witnesses Fees) Rules 1954. With the replacement, the relevant authority is required to make payment of expenses and compensation to the subpoenaed witnesses or their parents, relatives of guardians. The rates of compensation were also revised from RM10 to RM45 per day to RM50 per day. The witnesses are also entitled to claim for reimbursement on travelling, hotel accommodation and lodging expenses.

(4) Proposal to Improve the Process of Resolving the Problem of Courses Without Accreditation Certification

Complaint:

Complainants felt cheated because the fields of study in private institutions were not accredited by the Malaysian Qualification Agency (MQA). There were also cases of private colleges had deceived the public on their accreditation status by making misleading advertisement on the programmes or courses offered.

Innovation:

All institutions of higher learning are required to obtain accreditation by MQA for all their courses and study programmes offered which previously was optional. In addition, all Private Higher Learning Institutions (IPTS) are required to show the details of the MQA accreditation of courses or programmes offered in their advertisements to avoid confusion amongst prospective students.

(5) Proposal on Addressing Problems of Swiftlet Farming

Complaint:

Some members of the public have experienced noise problems generated by swiftlets farms, especially those living in residential areas close to the swiftlet farms locations. In addition they also have to endure the foul smells of the swiftlets droppings. In a rush for good profits generated by the industry, swiftlet farmers have resorted to renovating and turning unused shoplots and buildings into swiftlets nests without following the guidelines and approval of the authorities.

Innovation:

The Ministry of Agriculture and Agro-Based Industry has been identified as lead agency in developing a guidelines for the swiftlet farming industry. In ensuring that swiftlets farmings are not posing hazards to the residential areas, the States Governments are required to allocate and designate certain areas or zones in rural areas suitable for swiftlet farming activities. The properly managed swiftlets farming activities can create employment opportunities for the local community and have the potential for tourism in the area besides improving the inflow of foreign exchange through export of “Bird Nest”.

(6) Proposal to Improve Services of State Education Departments

Complaint:

Parents and teachers are not satisfied with the services of the State Education Department on matters related to delay in transfer process for school children, salary adjustment and reimbursement for travelling claims.

Innovation:

Specialised training on administration, financial management and audit inspection is given to administrative staff to improve the management of the State Education Department and schools. It also involves development of Standard Operating Procedures for each financial and administrative process in the State Education Department.

(7) Proposal on Supervision Responsibility of Sewerage Service Channels in Public Reserved Areas

Complaint:

Complainants facing faulty problem on their private sewerage pipelines channels wanted the authorities to bear the cost of repair because the private sewerage pipelines channels were located outside their area.

Innovation:

The National Water Services Commission (SPAN) and the Department of Sewerage Services (SRC) have agreed to use emergency funds to repair damages to the Private Sewerage Pipelines in public reserve areas. SPAN will determine Private Sewerage Pipelines across reserve lands, roads, drainages and others outside the reserve property as Public Sewerage Pipelines. Any damage to Private Sewerage Pipelines will be the responsibility of SPAN.

(8) Proposal to Improve Process of Issuing Medical Reports in Hospitals

Complaint:

Patients are unhappy with the delay to get medical reports by hospitals within the period of 8 weeks set by the Ministry of Health Malaysia.

Innovation:

The Ministry of Health has introduced a Guideline for Preparing Medical Reports (Director-General of Health - Circular No. 16/2010) and a Guideline for Managing Patients' Medical Records (Director-General of Health - Circular No 17/2010) in an effort to further improving the process of preparing reports and managing medical records.

(9) Proposal on Implementing Guidelines for Gated and Guarded Community Not Covered under Act 318

Complaint:

Concerned with the rising crimes such as frequent house breaking and robbery, some residents associations in certain housing areas have implemented their own gated and guarded community arrangements. These ad-hoc security arrangements have not complied with the State Governments Guidelines on Gated & Guarded Community Scheme (GACOS). For instance, some gated and guarded communities have been implemented without the consent of at least 85% of the residents in the respective housing schemes. In certain residential areas, the existence of ad hoc security arrangements have created various unintended problems to the local communities and surrounding residents.

Innovation:

With the continued need for gated and guarded neighborhood schemes, the Government has approved the standard Guidelines on Gated Community and Guarded Neighbourhood. The guidelines are intended to guide the local authorities on the management and monitoring of the development of the security scheme. Previously, the guidelines on gated community were provided separately by each state and local authorities.

(10) Proposal to Improve Loan Management by the National Higher Education Fund Corporation (NHEFC)

Complaint:

New students at the private institutions / universities were unable to enter NHEFC website to fill out the online loan application due to heavy web traffic. In addition, NHEFC is slow in adjusting student account refund following the reduction of service charges from 3% to 1%.

Innovation:

NHEFC has been providing diverse facilities and payment channels including online payment methods, Bank Draft and salary deduction by the Inland Revenue Board for loan repayment. NHEFC has also set up One Stop Centre at KL Central and NHEFC Info Centre in Sabah and Sarawak for various transactions including queries and complaints, consultation, loan settlement and Internet services for easy access to NHEFC online applications. NHEFC also has established Call Centre which operates from 8.00 am to 10.00 pm on weekdays to assist the public on general queries.

(11) Proposal for Implementing Guidelines for the Establishment of Kindergartens and Nurseries in Housing Areas

Complaint:

There are a number of kindergartens and nurseries in a particular housing which have affected the owners of adjacent or neighbouring houses. There is no standard guidelines to establish a kindergarten and nursery in residential areas.

Innovation:

The Ministry of Housing and Local Government has established uniformed guidelines to all local authorities on the number of nurseries and kindergartens that may be established in a housing estate. The guidelines require that parties seeking approval to open nurseries and kindergartens have to seek prior views or feedbacks from the residents in the housing areas concerned before the nurseries and kindergartens can be approved by the local authorities.

(12) Proposal to Improve the Reading System for Electricity Bills

Complaint:

Consumers were unhappy with the electric bills that were not issued on a monthly basis. This had resulted in them not being able to enjoy the RM20 of government subsidy. The bills which are not issued monthly will result in consumers being charged at a higher block rate for higher electricity consumption.

Innovation:

The National Electric Company (TNB) has ensured that the electricity bills will be issued on a regular monthly basis. TNB also has outsourced the job of meter reading to ex-TNB staff to ensure the consumers get their monthly electricity bills. This effort helped reduce the electricity bills and ensure the consumers benefit the RM20 government subsidy.

(13) Proposal to Improve Services of the Light Rail Transit (LRT)

Complaint:

The public is dissatisfied with the quality of the Light Rail Transit (LRT) services. The complaints include services disruption, delays, ticket reader and train air-conditioning system not functioning and failure of LRT staff to furnish accurate information to the passengers.

Innovation:

PRASARANA, the company that manages the LRT has established the position of Station Master to strengthen the management of each LRT station. Improvement has been made on customer service and reliability of the system and facilities available at the station. The Station Master is assisted by technicians trained to immediately overcome technical failures especially during peak hours. Complaints management has also been improved by PRASARANA. Various channels such as website, Facebook hotline and e-mail are made available to disseminate information and receive complaints/suggestions from customers.

VI. CONCLUSION AND THE WAY FORWARD

19. Viewed from a positive perspective, complaints can assist Government agencies improve the quality of their service delivery. This can be done through various ways which could lead towards overall systemic improvement of public service delivery. Elimination of obsolete laws, rules or procedures and creating more people-friendly processes are amongst examples of systemic improvements. They can have a positive impact in terms of boosting the image and credibility of the Government that is people-oriented and performance-based.

20. PCB will continue to serve as a key and effective focal point between the Government and the people in managing complaints about the public sector. Apart from strengthening the complaints management mechanisms, PCB will focus on mindset shifting efforts in building a customer-friendly public sector that strives to continuously deliver service improvements beyond the ordinary, create efficiency gains, ensure value for money and enhance customer satisfaction.

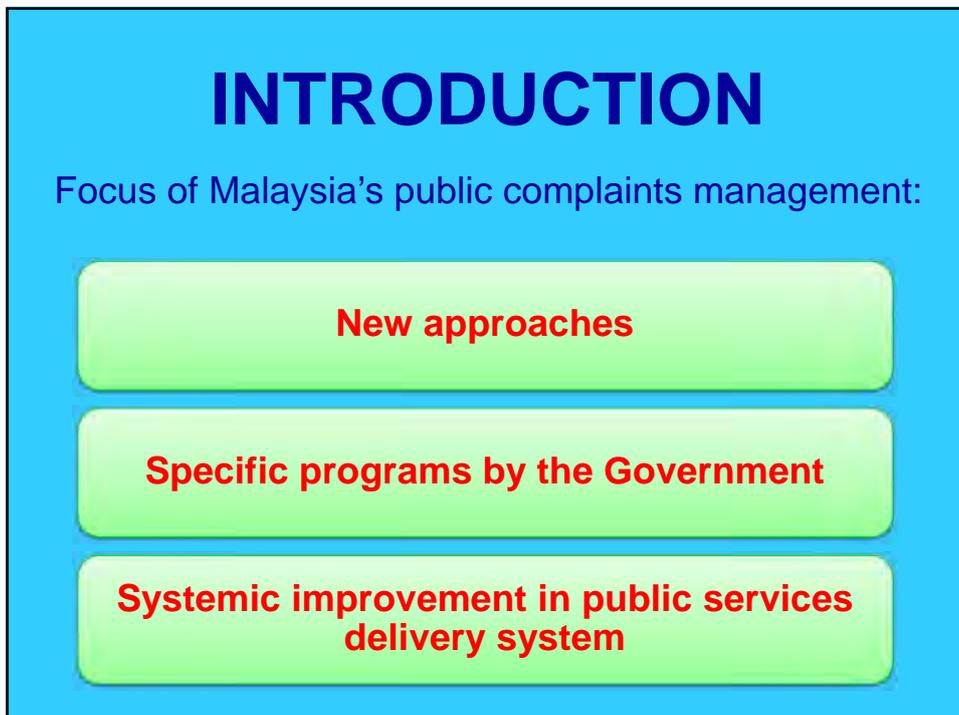
 **SYSTEMIC IMPROVEMENT IN PUBLIC DELIVERY SYSTEM:
COMPLAINTS AS A SOURCE OF INNOVATION** 

Dato' Dr. Tam Weng Wah
Director General
Public Complaints Bureau
Prime Minister's Department
MALAYSIA



OBJECTIVE

Share Malaysia's experience in systemically improving public service delivery systems through public complaints management



T-JUNCTION : WHICH WAY TO TURN?

CHANGE OF APPROACH



- ❖ Government Transformation Programme (GTP)
- ❖ Transforming public service delivery
- ❖ Complaints as valuable source of innovation and creativity

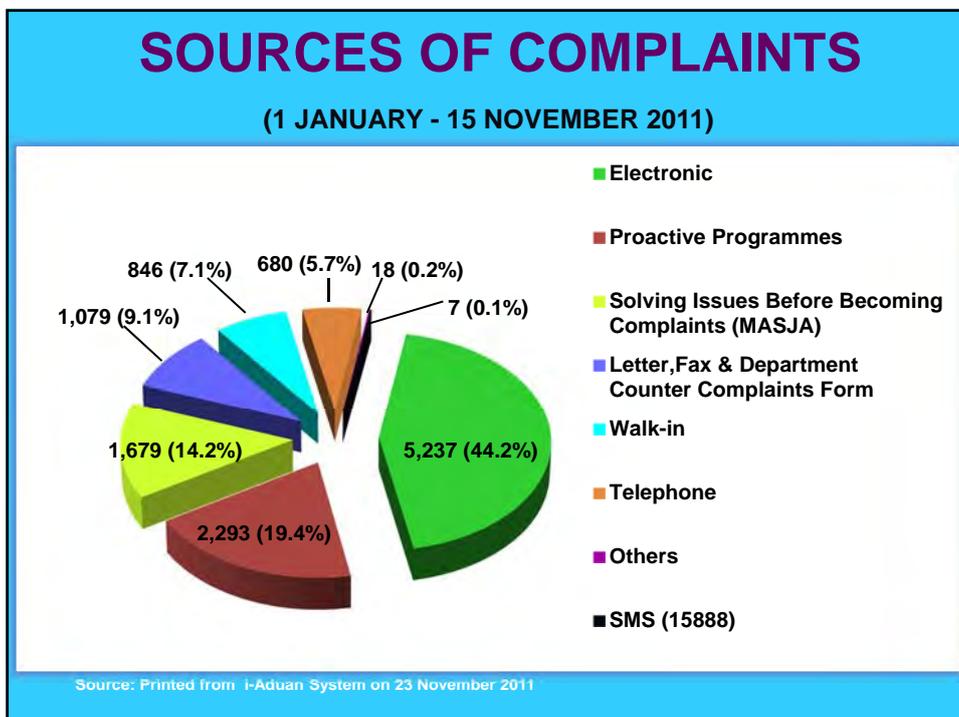
MANAGING COMPLAINTS: REACTIVE vs PROACTIVE

- **Conventional wisdom:**
 - reacting to complaints/issues



➤ New thinking:

- Complaints as public feedback
- New channels for public complaints
- Proactive outreach programmes identify complaints/issues
- PCB personnel as complainants
- Constant monitoring of media
- Public access to complaints feedback

..... New Thinking

INTEGRATED PUBLIC COMPLAINTS MANAGEMENT SYSTEM (i-ADUAN)

➡ 44.2% of complaints through web portal

➡ i-Aduan increases productivity

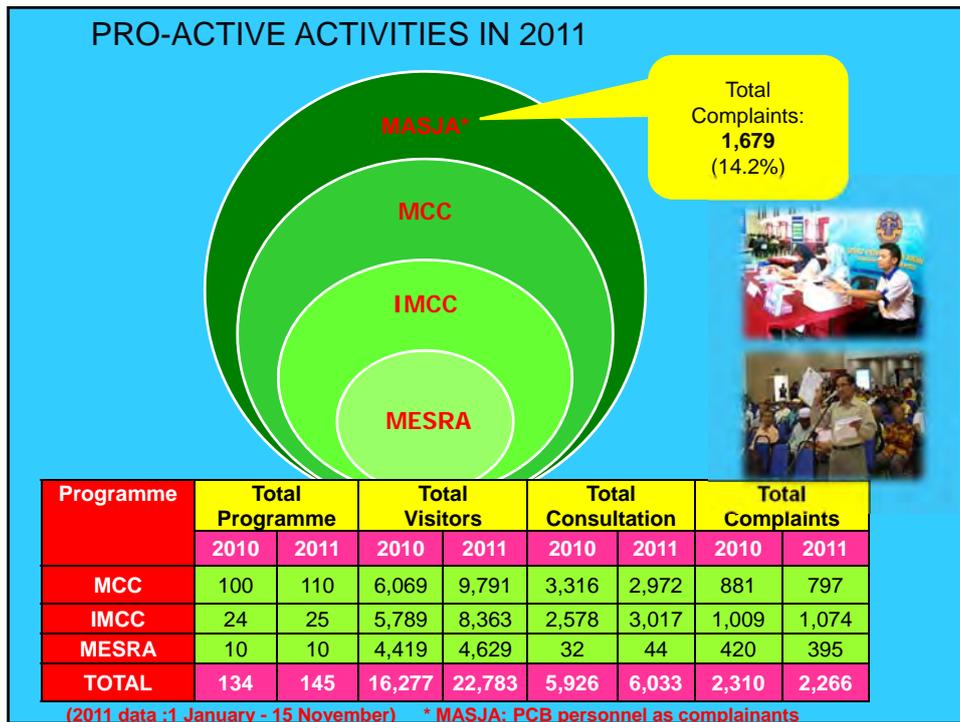
➡ i-Aduan allows agencies to take immediate action on complaints

PRO-ACTIVE PROGRAMMES

Mobile Complaints Counter ([MCC](#))

Integrated Mobile Complaints Counter ([IMCC](#))

MESRA Programme ([MESRA](#))



..... New Thinking

CONSTANT MONITORING OF THE MEDIA

Agencies monitor and address issues raised in the media daily

PCB and the Department of Information monitor issues/complaints in the media daily

Agencies immediately respond and upload feedback on their websites and PCB website

..... New Thinking

BERNAMA ONLINE

Smart online partnership portal programme

Agencies to upload feedback on issues in the media or Letters to the Editor

Public can access to feedback over a longer period

BERNAMA ONLINE

The screenshot shows the BERNAMA ONLINE website interface. At the top, there are navigation tabs for various sectors: Banking & Finance, Auto, Aviation, Maritime, Education, and Property. The main header includes the BERNAMA logo, the text 'Malaysian National News Agency BERNAMA.COM', and a 'KHLAS' logo with the slogan 'Medical Assistance? This card is all you need.' Below the header is a navigation menu with categories: MAIN, GENERAL, POLITICS, BUSINESS, SPORTS, FEATURES, and WORLD. The main content area is titled 'Maklumbalas Agensi Kerajaan' (Response From Government Agencies). It features a list of news items, including a prominent one about feedback to the New Straits Times on 'LET'S BE MORE UNDERSTANDING' FRIDAY, PAGE 19, DATED 22/7/2011 (LETTERS) - MOHA. Other items include 'Netbook pemberian kerajaan disalah guna pelajar - MOE', 'Pertikai standard perkhidmatan Pos Laju - KPKK', and 'Lambang pos ada pejabat pos tiada - KPKK'. The bottom of the page has a 'Sagi Maklumbalas' logo.

COMPLAINTS RESOLUTION PERFORMANCE (2005 – 2011)

YEAR	2005	2006	2007	2008	2009	2010	2011*
Total Received	2,707	3,397	5,347	8,066	12,683	14,700	11,839
Total Resolved	83.0%	86.4%	89.1%	90.6%	97.6%	98.7%	93.7%

* Until 15 November 2011

KEY PERFORMANCE INDICATORS

(1 January – 15 November 2011)

KPI	TARGET FOR 2011	ACHIEVEMENT
Resolution Performance	93%	93.7%
Resolution Rate Within 15-Working Days	50%	59.8%
Customer Satisfaction Index (Excellent and Good) *	90%	84%

* Based on 1,165 forms

(2010)

KPI	TARGET FOR 2010	ACHIEVEMENT
Resolution Performance	92%	98.7%
Resolution Rate Within 15-Working Days	35%	49.3%
Customer Satisfaction Index (Excellent and Good) *	86%	89.2%

* Based on 1,480 forms

INNOVATION JUNCTION, TURN IN.....

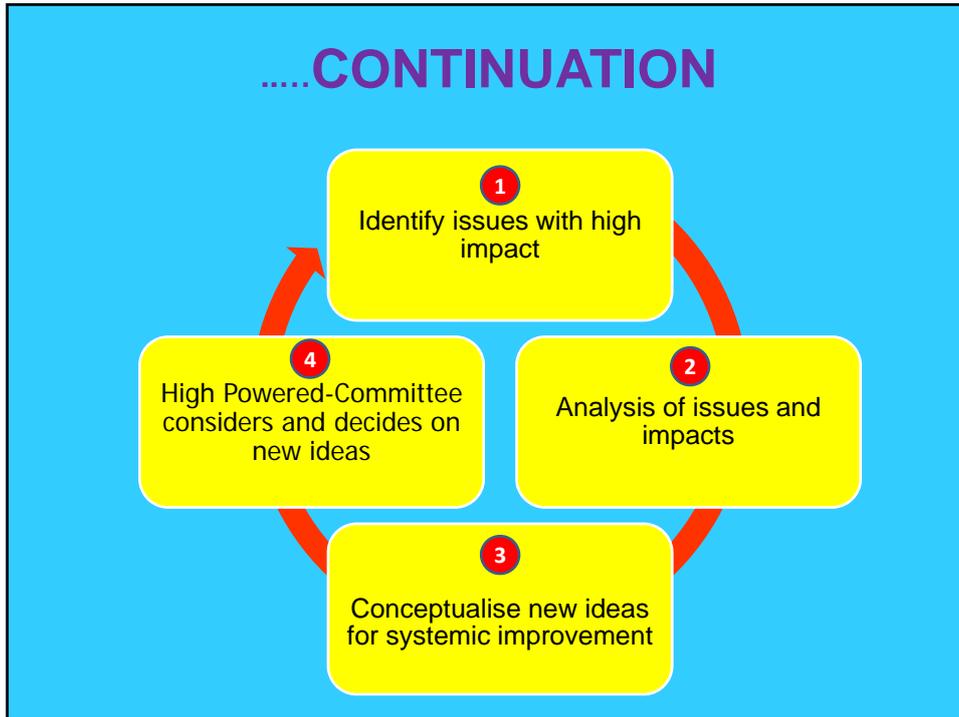
COMPLAINTS AS SOURCE OF INNOVATION



COMPLAINTS AS A SOURCE OF INNOVATION/CREATION

- PCB as innovator and creator of new ideas
- PCB as catalyst of change
- PCB as regulator





.....CONTINUATION

6 October 1984 - 24 November 2011

✓ 426 concept papers to improve public service delivery

.....CONTINUATION

Issues of public complaints which have become a source of innovation

1	• Proposal to Improve Payment of Medical Claims to Pensioners
2	• Proposal to Improve the Process that Suspends Individuals from Travelling Abroad Due to Debt or Security Reasons
3	• Proposal to Improve the Procedure and Scale of Payment for Subpoenaed Witnesses
4	• Proposal to Improve the Process of Resolving the Problem of Courses Without Accreditation Certification
5	• Proposal on Addressing Problems of Swiftlet Farming.
6	• Proposal to Improve Services of State Education Departments
7	• Proposal on Supervision Responsibility of Sewerage Service Channels in Public Reserved Areas

.....CONTINUATION

Issues of public complaints which have become a source of innovation

8	• Proposal to Improve Process of Issuing Medical Reports in Hospitals
9	• Proposal on Implementing Guidelines for Gated and Guarded Community Not Covered under Act 318
10	• Proposal to Improve Loan Management by the National Higher Education Fund Corporation (NHEFC)
11	• Proposal for Implementing Guidelines for the Establishment of Kindergartens and Nurseries in Housing Areas
12	• Proposal to Improve the Reading System for Electricity Bills
13	• Proposal to Improve Services of the Light Rail Transit (LRT)

CONCLUSION AND WAY FORWARD

PCB will continue to serve as key focal point in managing public complaints to ensure the public sector continuously delivers service improvement to further enhance the national competitiveness and overall well-being of the people

TERIMA KASIH

THANK YOU

Mobile Complaints Counter (MCC)



Miri, Sarawak (6 July 2011)



Chendering, K. Terengganu (12 July 2011)



Tesco Cheng, Melaka (30 October 2011)



SMK Nusajaya, Johor (10 November 2011)

Integrated Mobile Complaints Counter (IMCC)



Hulu Langat, Selangor (8 October 2011)



Sabak Bernam, Selangor (9 November 2011)



Kangar, Perlis (10 November 2011)



Kuala Kangsar, Perak (17 November 2011)

MESRA Programme (MESRA)



Bandar Melaka, Melaka (28 July 2011)

MESRA Programme (MESRA)



Sipitang, Sabah (3 November 2011)

Identifying People's Concerns from Daily Flow of Complaints and Contribute to Systemic Improvements



Mr. Nguyen Duc Hanh
Deputy Inspector General
Government Inspectorate
VIETNAM

Complaints and denunciations are citizens' basic rights prescribed in Vietnam Constitution. In order to facilitate its citizens to exercise the rights, and create a legal framework for handling complaints and denunciations in accordance with laws, Vietnamese State issued Law on Complaints and denunciations 1998 (on the basis of Ordinance on Complaints and denunciations 1990) which were revised in 2004 and 2005.

Through consolidating practical implementation of Law on Complaints and denunciations in recent years, in the context of integration, at second session of the 13th National Assembly in 2011, Law on Complaints and Law on Denunciations were passed by. Vietnamese State always respects its citizens' complaint and denunciation' right and regards the handling of complaints and denunciations as important mandate with a view to protecting benefits of the State and lawful benefits of the people; contributing to prevent law violations and ensure social order, political and defense security as well as economic development. Law on Complaints and Law on Denunciations clearly stipulated rights and obligations of complainers and denouncers as well as procedures and responsibilities of state agencies in handling complaints and denunciations.

In order to enhance responsibility and ensure good progresses in handling citizens' complaints and denunciations, it can be seen from instruments of the Communist Party of Vietnam, Resolutions and directions of different levels of party committees, that different levels and sectors need to strengthen and pay more attention to handling citizens' complaints and denunciations.

Implementing the Communist Party's policies and State laws, authorities from central to grassroots' level received citizens, received, then classified and dealt with complaint and denunciation letters and cases within their scope of competence.

I . COMPLAINT AND DENUNCIATION SITUATION AND RESULTS OF HANDLING COMPLAINTS AND DENUNCIATIONS IN 2011

In 2011, State administrative agencies received 356,487 citizens complaining and denouncing, decrease by 6.2% in comparison with 2010 and received 147,572 complaint and denunciation letters. There arised 120,197 complaint and denunciation cases in this year.

- Regarding complaint: There were 123,905 complaint letters and 104,133 cases, decrease by 8.07%. Complaints regarding land make up 79.04% (land recovery, site clearance compensation, project implementation, land dispute...); while complaints regarding housing make up 3.4% (claiming back rent/lent houses..); complaints regarding cultural and social issues represent 3.1%; complaints regarding judicial issues cover 10.16%; and other complaints make up 4.3%.

- Regarding denunciation: There were 23,667 denunciation letters and 16,064 cases. Denunciations regarding administrative affairs and judicial affairs represent 89.9% and 2.7% respectively.

- The Government of Vietnam considers complaint and denunciation settlement an important responsibility, and focused on directing different sectors and levels to reform citizen reception work and timely handle citizens' complaint letters in accordance with laws. At monthly meetings of the Government, the Inspector General report about factual situation and results of citizen reception, and complaint and denunciation settlement nationwide so that the Government can timely manage and direct, especially regarding new arising matters. The Government Inspectorate issued plans and documents guiding, supervising and speeding up citizen reception, letter handling and complaint and denunciation settlement. It is remarkable that the Prime Minister and the GI required state agencies, especially heads of these agencies to improve their responsibilities; timely dealing with new arising cases in accordance with laws right at grassroots' level with a view to ensuring benefits of the State and lawful interests of citizens. According to annual statistics, Heads of administrative agencies of Vietnam resolved 85% arising complaint and denunciation cases.

In 2011, GI received and dealt with 19.526 complaint and denunciation letters, out of which 6,462 are eligible to be handled, covering 33.1%; 12,526 are identical; and the rest are those without a clear issues, adress or anonymous, representing 2.75%.

Ministries and sectors at Central level received and dealt with 24,786 complaint and denunciation letters (decrease by 17.64%), out of which 10,866 cases (including 6,726 complaint letters and 4,140 denunciation letters) fall under their competence.

Pelnary Session 5

Localities received and dealt with 117,254 complaint and denunciation letters (decreasing by 1%) with 66,684 cases fall under their competence (including 60,879 complaint letters and 5,805 denunciation letters).

Ministries and localities settled 66,173 out of 77,666 cases under their competence, representing 85.21% which includes 57,883 out of 67,721 complaint letters and 8,341 out of 9,945 denunciation letters.

From the progresses made in settling 42,581 complaint cases, it can be seen that 8,487 letters reporting the truth (19.94%); 24,348 (covering 57.18%); and 9,746 letter containing both true and untrue information (22.88%).

Analysing the progresses made in settling 7,730 denunciation cases, it can be seen that 943 letters reporting the truth (12.2%); 4,646 (covering 60.1%); and 2,142 letter containing both true and untrue information (27.7%).

Through the complaint and denunciation handling, it was recommended to recover 24,587 millions dongs; 84.94 ha of land for the State; return 141,027 millions dongs and 76.8 ha of land for citizens; vindicate for 208 people; give back interest for 2,262 people, recommend to make administrative punishment with 503 people, transfer 116 cases with 131 people to investigation bodies for consider criminal responsibility.

Thanks to policies, legal framework and direct direction of Prime Minister, there have gained many considerable achievement in receiving citizens, handling letters and complaints and denunciation of people. The situation of complaints and denunciations has reduced, interests of the State are ensured, legal interests of citizens are protected. Social order and political security are stabilized.

II. Causes of the situation of complaints and denunciations- Solutions

1. Compared to other countries in the world and region, there are a lot of complaints and denunciations in Vietnam. Analysing this situation, we find some main causes as follows:

- Vietnam always respects the rights to complain and denounce of citizens, from its legal framework to the implementation. Beside issuing legal regulations of the state, Vietnam also established citizen-receiving units, specialized agencies at local and central levels to receive complaint and denunciation letters from citizens. This helps people have convenient conditions to complain and denounce.

- There arise most complaints and denunciations in the land field. This comes from the fact that Vietnam passed a period of war, the management of dossiers, documents relating to land was not paid much attention leading the lack of documents and problems of land from the war have not been completely solved.

- In the process of socio-economic development, the Government of Vietnam plans to recover land from citizens (which was transferred or being used by the citizens) to carry out building projects of urban areas, industrial zones, and transportation projects. In the context of an economy having many difficulties, the state haven't had enough budget for the compensation and timely support for the people having recovered land. In some cases, in the implementation, authorized agencies haven't done well leading to the complaints and denunciations.

- Mechanism to handle complaints and denunciations in Vietnam remains certain limitations. In Vietnam, heads of administrative agencies (mainly Chairmen of People committees at all levels) are responsible for handling complaints and denunciations. In some cases, heads of state management agencies issue administrative decisions, administrative behaviours so changing administrative decisions and behaviours meets certain obstacles. On the other hand, beside sending complaints and denunciations to administrative agencies, citizens also have rights to send to judicial agencies for handling administrative cases. However, number of cases sent to administrative courses for consideration and solving are limited.

2. In order to better handle complaints and denunciations from citizens, it is necessary to focus on some key solutions as follows:

- Continue finalizing legal documents on complaints and denunciations to ensure the comprehensiveness and limit difficulties in handling complaints and thanks to this, people can better undertake their rights to complain.

- Improve the role of state agencies in receiving citizens, handling letters, solving complaints and denunciations, including: roles of heads of administrative agencies in assign, instruct, give directions, make decisions to handle complaints and denunciations, receive and dialogue with citizens; role of specialized agencies (inspection agencies at all levels) in examining, considering to suggest ways to handle and implement decisions; supervising role of the National Assembly and citizens.

- Strengthen the mediation of conflicts, limit arising complaints and denunciations;

Plenary Session 5

- Finalize mechanism, policies in all fields of the social life, especially land, construction investment, public finance management, investment granting, education, health,.... To ensure legitimate rights of citizens, attaching to the administrative procedure reform.

- Strengthen state management, adjust operations of state administrative agencies in implementing anti-corruption tasks to reduce violations or wrong-doings in the management.

- Strengthen the dissemination and propagandization of legal policies to increase the awareness of obeying laws in general and laws on complaints and denunciation in particular, to be imbued with a statement of President Ho Chi Minh: <Citizens only complain and denounce when they have grievances, or when they don't understand policies of the Party and Government>.

Identifying People's Concerns from Daily Flow of Complaints and Contribute to Systemic Improvements



Prof. Elmira Suleymanova
Commissioner for Human Rights
AZERBAIJAN

Distinguished chairman!

Ladies and gentlemen!

I cordially greet the participants in the 12th Asian Ombudsman Association (AOA) Conference, I would like to express my gratitude to conference organizers and wish success.

I would be pleased to begin my speech with short historical overview.

Azerbaijan is one of the new independent countries that regained sovereignty second time in its history in 1991, after the collapse of the Soviet Union.

Great changes have been taken place in Azerbaijan over the last years of the transition period that are happening faster in Azerbaijan in comparison with other former Soviet republics despite the fact of 20 years Armenian aggression that was resulted in occupation of 20% of the territory damaged the economy of Azerbaijan. This occupation is still being continued and as a result of it over 1 million people became refugees or internally displaced persons.

Despite of the UN resolutions that demand the unconditional withdrawal Armenian military forces from those occupied lands, Armenia has not taken any steps in this regards and continues its occupation and violation of human rights in these territories.

Though all of these difficulties Azerbaijan is taking great steps in developing the democratic principles and values. During the short period of time significant reforms have been realized in the fields of economic and social development, improving legislation, instutualization for better promotion and protection of Human Rights and Liberties.

Plenary Session 5

After the collapse of the Soviet Union to which we were a party over 70 years rapid development started in Azerbaijan Republic. During 20 years of the independence as a result of the implementation comprehensive socio-economic and legal reforms aimed at improvement of the population's welfare, significant progress was achieved also in the sphere of the protection of human rights and freedoms of all groups of population. This achievement led to the decrease of the poverty rate from 46% to 9,1% during short period of time.

It should be noted that complying with the last UN Human Development Report, in comparison with 2005 the Republic of Azerbaijan has advanced by 34 steps and shifted from the rank 101 to 67.

According to the average annual rate of the human development index, during 10 years Azerbaijan is a leading country among post-soviet states. The Republic moved from the group of "medium human development" to the category of "high human development" countries.

Great changes including legal reforms have been conducted in Azerbaijan in the field of human rights provision. Despite that we have risk groups among the population, including refugees, IDPs, persons with disabilities, the elderly people, people in emergencies such as natural and manmade disasters, war, poor families, detainee persons, victims of trafficking and violence, including domestic violence, drug abused and people infected with HIV/AIDS.

The establishment of the Ombudsman Institute in the country has been most significant reform. Next year Azerbaijan Ombudsman Institute will celebrate its 10th Anniversary. The Institute of the Commissioner for Human Rights of the Republic of Azerbaijan was established in accordance with the Paris Principles. Due to compliance with the Paris Principles, the Institute of the Commissioner was accredited with A status by the International Coordinating Committee of National Institutions for Promotion and Protection of Human Rights (ICC).

By ensuring the protection of human rights without restricting or substituting the responsibilities of other state bodies, supplementing existing remedies of human rights protection, and providing independent, unbiased non-discriminative non-judicial protection of human rights guiding with Rule of Law for more than nine years, the Commissioner also built her activities on the basis of principles of independence, publicity, transparency, legality, justice and impartiality, widely used the mediation capacities, and could reach the restoration of human rights in the majority of cases, consequently contributed to protection of the rights of each applicant.

According to the Constitutional Law the Ombudsman each year submits the Annual Report on Protections and Promotions of Human Rights in the country to and speaks with that report before the Milli Mejlis (Parliament) of the Republic of Azerbaijan. The aim of the report is to evaluate the

situation of ensuring human and civil rights and freedoms, to analyze the situation of important problems on human rights, as well as to provide the information on activities and events conducted by the Commissioner for the restoration of violated human rights, protection of human rights and prevention of their violation, as well as learning the situation of ensuring human and civil rights and freedoms.

The Ombudsman's mandate was broadened in respect of National Preventive Mechanism (NPM) and Access to Information. In compliance with the Constitutional Law adopted and later on amended by the voting of the Milli Majlis (Parliament) and signed by the President of the Republic of Azerbaijan on 8 August 2011, the provision regarding the prevention of human rights violations was added to the Article 1.1 empowering the Commissioner to control whether governmental or municipal bodies and officials possessing information observe the Law of the Republic of Azerbaijan "On Access to Information" was added to the Constitutional Law of the Republic of Azerbaijan "On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan" (hereinafter Constitutional Law)..This led to the increase of effectiveness of the work on human rights protection as well as to provision of independence to the Commissioner what enhanced her mandate and responsibilities.

National Action Plan (NAP) on Protection of Human Rights was approved by the Decree of the President of the Republic of Azerbaijan from December 28, 2006 considering the proposal of the Commissioner. The plan that has the significance from the perspective of human rights development and provision envisages the improvement of normative-legal base, cooperation with international human rights organizations strengthening protection of the rights of different groups of population, improvement of the work of state bodies from the perspective of human rights provision, education, awareness-raising events, scientific-analytical research cooperation actions. Commissioner organized Public Hearings in 58 cities and rayons of the country with the aim to monitor the implementation and promotion of measures provided in the NAP.

The public hearings were attended by the representatives of local branches of central government structures, local executive bodies, courts, prosecutors' offices, law enforcement agencies, municipalities, non-governmental organizations, local communities, district electoral commissions and mass media. At the public hearings to monitor the situation of implementation of the NAP, it was discussed the follow up process of mechanism on "Universal Periodic Review" and its implementation in the Republic of Azerbaijan.

In the official report on UPR it was particularly mentioned that Ombudsman had also taken active part in its preparation. It should be mentioned that eleven points of the document somehow deals with the activity of the Commissioner. The establishment of the Ombudsman Institute was welcomed; in

general the activity of the Commissioner was highly appreciated in the Review on the Report of the Republic of Azerbaijan on UPR worked out by the UN High Commissioner for Human Rights. The Review enshrines proposals of Ombudsman on adhering to international documents, provision of gender equality, domestic violence, early marriages, combat against human trafficking, protection of the rights of inmates, refugees and IDPs and other strata of population, adoption of the National Action Plan (NAP) on Human Rights Protection, the activity of Ombudsman in its efficient implementation, by organizing independent monitoring, regular public hearings all over the country and other issues.

In the initiative of the Commissioner the staff members of the Office were presented and took active part in the activity of the Working Group “On preparation and submission of the report of the Republic of Azerbaijan in the frames of the Universal Periodic Review of the UN Human Rights Council” established according to the Decree of the President of the Republic of Azerbaijan from July 11, 2008.

According to the Resolution of the UN Human Rights Council No. 5/1 dated June 18, 2007 relevant report was compiled on UPR mechanism and it was sent to the UN High Commissioner for Human Rights. Best practices in provision of human rights in recent years, as well as current shortcomings, difficulties were reflected in that report in accordance with relevant demands. Besides, a reference on the activity of the Ombudsman was submitted to the Ministry of Foreign Affairs to be included in the official report.

The Commissioner regularly met with the population, organized receptions, provided them with explanations and recommendations, interfered into the solution of their problems, as well as attracted local executive and law enforcement bodies to the restoration of violated human rights.

Commissioner always pays great attention to the protection of the rights of different groups of population such as IDPs’ and refugees, women, children, elderly people and etc.

The protection of refugee and IDPs’ rights became one of the main directions of the Commissioners’ work. The Commissioner received the refugees and IDPs appealing to her at various times and helped them to solve their problems.

The issues of the provision and protection of rights of disabled people and children with disabilities were always on the spotlight. Numerous activities were taken for integrating these persons into the society.

The examinations showed that ramps for ensuring secure and free movement of people with disabilities on the wheel were not installed along a number of roads and in some buildings, or existing ones do not comply with contemporary standards.

The recommendations of the Commissioner on provision of buses and cars acceptable for disabled people were taken into account by the Ministry of Transport and modern vehicles having special ramps for disabled people and children on wheelchairs were brought to Azerbaijan.

In conformity with the State Program on Strengthening Social Protection of Older Persons, during 2006 – 2008 it was planned to provide old people of country cities and regions with gerontological services, professional psychological and medical aid as well as conduct appropriate courses on gerontology. Nevertheless, these activities have not been fully implemented yet.

Moreover, aimed at the protection of the health of old people the State Program covers organization of radio and television programs on psychology, sport and health as well as the implementation of appropriate activities on ensuring their health. These important issues should be taken into consideration and it was proposed the adoption of new state program on ageing.

It was recommended to take necessary measures for providing low-income categories of people with addressed social aid, which is a monetary support to poor families by state, to reexamine the legislation rules and list of documents for defining the assistance, train social workers and raise executors' capacity.

After examining homes for old people, the Commissioner advised to carry out training courses for the staff of these facilities, to create conditions on organization of trips for exchange of experience and conduction of different meetings. Such events will stimulate them that will have positive impact on the quality of work and make them feel that they are not isolated.

The continuation of examining the situation of the population groups in need of social provisions and of amending the law in this connection is expedient. In recent years the pensions increased 10 times in the country and 85 percent of pensioners have climbed out of poverty. There are 450 000 pensioners in the country.

There are also specialized advisors to the Commissioner who prepare specialized reports to submit to the Commissioner. It allows the Commissioner to investigate and study in depth the different fields of human rights and produce effective solutions to the challenges faced.

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The first specialized report of the Commissioner on child rights was prepared, translated into English and afterwards published and sent to the UN Committee on the Rights of the Child, UNICEF, ombudsmen of foreign countries and international organizations what served the dissemination of our positive practice and exchange of experience.

In her reports the Commissioner opposed the announcement of kindergartens' privatization and notified its harm on pre-school education.

It is a necessary to conduct examination as well the new surveys among children and parents in order to learn actual effect of curriculums applied in the sphere of education.

At the same time, the application of curriculums should not reduce responsibilities of teachers and unreasonably overload students. The training of teachers should be systematic and sustainable as well as should not be unified.

The posters entitled "Send immediately the information on violation of child rights to the Commissioner! 916 – is the hotline functioning for 24 hours", "Protect children from corporal punishment" and placards on the combating HIV/AIDS were multiplied and presented to the facilities dealing with children.

In order to solve such problems as early marriage, domestic violence, provision of addressed social aid supplying young families with apartments, problems regarding reproductive health, family planning, psychological aid, alimonies and others the Commissioner submitted proposals to appropriate state bodies.

These proposals were covering the following areas: adoption of the law and the plan on combating human trafficking; establishment of crisis centers for women and children being subjected to violence, shelters for juveniles released from penitentiary facilities as well as of centers of support to children deprived of parental care; adoption of legislative and normative acts for regulating legal state of people deprived of their place of residence or released from prisons addition of provisions on the fight against human trafficking to the Criminal Code; and preparation of legislative acts on protection of women's rights, provision of gender equality and prevention of domestic violence.

The Commissioner recommended to combat violence against women on various stages, including preventive measures, carrying out the work on legal enlightenment, organization of meetings and explanation, revealing the cases of violence, obtaining accurate statistic data, creation of data base, restoration of violated rights, establishment of special shelters, provision of financial, moral and

psychological support to women suffered from domestic violence as well as implementation of these activities in parallel to combating violence against children.

The Commissioner and the Institute's staff members regularly paid visits to investigatory isolators and prisons of the Penitentiary Service of the Ministry of Justice. During these visits it were inspected dormitories, medical units, canteens, libraries and clubs of penitentiaries as well as had meetings with inmates imprisoned in punishment and chamber cells and learned their problems.

Special attention was paid to personal security of prisoners, provision of their right to vote, freedom of conscience, belief and religion as well as their health protection.

Taking into account the significance of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights adopted by the UN General Assembly's Resolution No.63/117 on 10 December 2010 and already signed by our state the Commissioner considers acceleration of its ratification as a necessary step. It should be mentioned that the Optional Protocol provides the Committee on Economic, Social and Cultural Rights with the responsibility to hear individual or inter-state complaints.

One of the population problems has been complete or partial destruction of houses and agriculture as a result of floods on Kura and Araz rivers.

In connection with the floods urgent meeting in the area of natural disaster was conducted under the guidance of the President and with the involvement of state officials; the instructions were given on implementing urgent and complex activities following the plan. Also, Government Commission headed by the Prime Minister of the Republic of Azerbaijan was established.

According to the appropriate Decree of the President, the 2010 was declared as the "Year of Ecology". Within the successful implementation of relevant policy in the sphere of ensuring people's right to live in healthy environment the Ministry of Ecology and Natural Resources took significant measures.

With the aim of more efficient provision of citizens' right to live in healthy environment the Commissioner together with the mentioned Ministry carried out joint activities within the frame of the "Year of Ecology".

The Commissioner provided recommendations on conduction of joint discussions in connection with the improvement of the legislation on Ecology; conducting legal enlightenment events and short-term training courses in the secondary and high educational facilities as well as for people living in districts, IDP settlements and for NGO representatives; organization of joint awareness-raising TV programs

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within the “Year of Ecology”; publication and dissemination of leaflets, memory books, posters and other promotional materials.

It should also be pointed out that during the term of Commissioner in office 326 prisoners were pardoned or released upon the amnesty act following her motions. The Commissioner also urged with regard to pardoning of women, children, disabled persons, old people, and journalists.

The citizens personally may submit their applications to the Commissioner by various means, including postal service, e-mail, fax, reception rooms at the main office and the regional centers, “hotline” of the “Rapid Investigation Group”, “Hotline service for children”, and during the visits conducted by Commissioner and the Institute’s staff members to penitentiaries, investigatory isolators, temporary detention places (TDPs), military units, orphanages, boarding schools, settlements of the IDPs as well as healthcare, social protection and educational facilities all over the country.

The main reason in increase of amount of complaints’ lies in growth of confidence and trust to the Commissioner and the Institute; activation of regional center’s work; advancement of awareness-raising activities in cities and rayons; giving preference to the meetings with people on the spot; conduction of the work on legal education and enhanced explanation among groups of the population within the framework of the public hearings initiated with the aim to monitor the implementation and promotion of the measures provided in the NAP on Human Rights; holding meetings and receptions; giving preference for the conduction of investigations on the spot regarding the investigation of general cases specified in a number of complaints; increase of sustainability and consistency of inspections conducted in temporary detention places, investigatory isolators, penitentiaries, military units, settlements of IDPs, facilities for children, for old and disabled persons as well as other social objects; functioning of Rapid Investigation Group against torture; enlarging the efficiency of the national preventive mechanism (NPM) as well as improving its capacities.

The gained experiences from previous years proved once more the necessity of development and improvement of the cooperation with state bodies, municipalities, non-governmental organizations and mass media for provision of human rights and freedoms, consideration of complaints without delays, as well as for their rapid investigation.

The Commissioner addressed the appropriate state bodies with proposals and recommendations aimed at solution of important issues existing in the country as well as at effective ensuring of human rights and freedoms reflected in the annual reports. These recommendations, being considered as basing on economic state and financial resources of the country in the process of conduction of activities in the socio-economic sphere, continue to serve for reliable provision of human rights.

Working on effective protection of human rights as well as learning the state of their provision, prevention of their violation and the restoration of violated rights for more than nine years, the Commissioner also worked in close cooperation with appropriate state bodies and implemented planned and urgent activities.

As a result of a number of measures taken on such issues as the provision of responses by state agencies to submitted appeals of citizens, prevention of abuse of their responsibilities by officials, maintenance of ethics rules in dealing with citizens and elimination of red tape, in many cases violated rights were restored.

In order to perform NPM duties granted by the appropriate presidential Decree, the Commissioner prepared draft documents reflecting the new structure of the Ombudsman Institute, schedule of staff members and regulations and submitted them to the Cabinet of Ministers and the Ministry of Finances.

The Commissioner initiated and organized a number of important activities and made numerous proposals on effective provision of human rights and freedoms as well as on solution of the problems of different groups of population, including women, old people, children, disabled persons, refugees, IDPs, migrants, detainees and military servants, were taken into account in various legislative acts, programs and are applied in current work of state bodies.

The Commissioner and her staff members following her instructions regularly conducted meetings with the population in different country areas, carried out visit to prisons, investigatory isolators, temporary detentions places, military units, orphanages, boarding schools, settlements of refugees and IDPs as well as social protection, health and educational facilities, organized receptions, carried out explanatory and consultative work and took concrete measures on the protection of human rights.

Some of the officials having direct duty to ensure human rights and legally responsible for the protection of human rights demonstrate disrespect for Rule of Law, do not fully implement their commitments and lead to increase of discontent and disbelief of citizens.

It should be specially pointed out that such attitudes do not comply with the current measures and sustainable development course of the state aimed at the effective protection of human rights.

Thus, first of all, the Commissioner severely controlled the provision of people's right to appeal by different state bodies and officials.

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So, besides monitoring human rights situation and restoring violated rights in the country by establishing bridge between state bodies and civil society Ombudsman as National Human Rights Institute plays an important role in mediation and harmonizing the situation.

The Ombudsman has close cooperation with Mass Media and Civil Society. From the beginning of the establishment of the Ombudsman Institute Council of Independent Experts, which consist of the representatives of different NGOs, has been functioning at the Ombudsman Office. It has huge importance in evaluating main directions of human rights in the country, adoption of international conventions and preparing recommendations on the improvement of national legislation. Rational attraction of NGO resources in the conduction of joint activities and monitoring on the evaluation of the application of proposals submitted to the state is of outmost importance.

The eight of all seventeen inquiries sent by the Commissioner to the Plenary Session of the Constitutional Court were decided. The rulings including the explanations which have theoretical and practical importance were made by the Chamber regarding other eight cases. The work on further inquiries to be submitted to the Constitutional Court is being continued.

It was recommended that the district police should strengthen the preventive control over conflicting families, the attention to complaints on such issues should be increased, and reconciliation opportunities should be broadly used by changing of attitudes.

Among the complaints submitted to the Commissioner the cases on State Traffic Police treatment and professionalism attracted special attention. They treat drivers roughly, and conduct other actions contradicting with the law. Eventually, such situations lead to fair discontent of people and their appeal to the superior state agencies.

Upon the initiative and proposal of the Commissioner, trainings and legal awareness-raising activities were carried out for increasing professional skills and enhancing legal knowledge of mass media representatives, especially journalists writing on human rights, and furthermore, the competition of journalists' articles on the topic "Human Rights for All" are being carried out and winners receive certificates and rewards.

In connection with the Presidential elections, elections to the Milli Majlis (Parliament) and municipality elections the Commissioner conducted broad educational activities among the population of country cities and regions on the right to vote, visited district and local election commissions, provided instructions and proposals on the improvement of their work. Also, the Commissioner and the Institute's staff members observed the election process all over the country. The information was systematically provided to the mass media and society by means of mass media.

The Commissioner carries out seminars and other awareness-raising activities jointly with the Ministry of Labour and Social Protection of Population as well as with involvement of staff members of local agencies dealing with defining and providing addressed social aid, local NGOs and communities.

Along with the medical prophylactic measures for prevention of the spread of drug addiction, AIDS and tuberculosis among the population, especially the youth, it were taken measures for mass promotion of healthy lifestyle, and increased the advertising materials on AIDS in mass media and educational TV programs.

The Commissioner paid attention to the situation of ensuring the rights of people suffering from mental illnesses, regularly got acquainted with the conditions created in appropriate medical facilities for their treatment, learned the problem of these group of people in need of assistance and helped in their solution.

In addition, the improvement of mechanisms of people's provision with accommodation though society directed mortgage loans appropriate to the earnings of low-income families will play a crucial role in providing a big number of families with apartments.

The bribery cases were observed in various sphere of social-economic life, such as provision of the documents in illegal constructions areas, in some secondary schools, facilities of higher education, registration and notary offices; seizure of different documents from housing and community amenities or from the representatives of administrative territorial units of local executive body's heads; defining the disability degree in medical-social expert commissions; defining addressed social aid in STP agencies; in ID and Registration divisions, in public services and other.

As it is known in order to implement more serious and systematic fight against corruption and bribery proper instructions were given to appropriate state agencies, their main responsibilities were identified and concrete measures are being taken.

For better protection and ensuring human rights and freedoms in her previous annual reports the Commissioner recommended to the authorities to use the public control capacities in penitentiary facilities, army, and spheres of social protection, education and health as well as in socio-economic life.

As a result, many proposals on further improvement of the social situation of citizens are gradually implemented.

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The activities on increasing the welfare of various groups of the population make positive input year by year. At the same time, for more effective provision of human rights there is a need in carrying out of measures to solve existing problems in social sphere.

Finally, the Commissioner who is carrying out analysis on the basis of received complaints, submitting effective proposals and recommendations to responsible state bodies for the protection and provision of violated human rights and bringing to the spotlight the important issues on reliable protection of citizens' rights and freedoms, expresses her intention to continue her activities through the cooperation with state bodies, municipalities, local communities, civil society organizations and mass media to build effective cooperation for better protection of each person in country jurisdiction without any discrimination.

Thank you for your attention

Identifying People's Concerns from the Daily Flow of Complaints and Contribute to Systemic Improvements report



Mr. Tursunbek Akun
Ombudsman (Akyikatchy)
KYRGYZ

First of all, let me express a sincere gratitude to the hosts who has arranged international conference.

According the Constitution of the Kyrgyz Republic parliamentary control over human rights and liberties observance is vested with Akyikatchy (Ombudsman) of the Kyrgyz Republic. Activity of the Akyikatchy (Ombudsman) is devoted to the human rights and liberties protection according to requirements and obligations of the Kyrgyz Republic to the world community.

In compliance with Strategic plan of development of the Institution of Ombudsman (Akyikatchy) of the Kyrgyz Republic for 2008 to 2013, the **main area** of Ombudsman's activity is **complaints handling**.

Written and oral complaints are the main source of information about human rights violations. They are the reason for taking action in restoration of the violated rights by the Ombudsman whose rights are enshrined in the laws. To handle complaints in a proper way it is required to hire skilled and honest staff. For this purpose last three years Ombudsman has paid attention to capacity building of his staff, improving of his staff structure and regulations and legal basis, optimization of staff number. The biggest flow of the complaints since the founding of the Office has led to create the department for complains receiving and civilians' reception which nowadays has transformed into agency for complaints handling and documentation circulation of Office of Ombudsman. According to the duties the staff members of the agency are divided into 2 groups. The **first group** is register inbound and outbound documents, correspondences, input inbound and outbound correspondences into the data base, classify the information, codify the inbound documents and complaints, track the document processing, control over the document handling process, make registration of the complainants, explain them the complaints handling process. In case of problems such as how to submit a complaint, the staff members are willing to help the complainant. They also conduct archival processing and search the documents upon request and keep them in order and in a proper way. The **second group** deals with examination and investigation of the inbound complaints, make reports on results of the investigation to the Ombudsman.

Written complaints to the Ombudsman of the Kyrgyz Republic are handed directly to the Office, sent via mail, fax, email or delivery person. Web site surfers who logged on the web site of the Ombudsman have an opportunity to post their complaints in the site and get a reply there. In the Office of Ombudsman, there is a **Public Reception Room** where every complainant has an opportunity to get elucidation, consultations and advises. All these actions lead to lessen the number of the written complaints.

For the Ombudsman staff it is obligatory to fulfill reception of the complainants with their complaints in a proper way. General principles for the fulfilling the above-mentioned duties are defined below:

- honestly and impartially treat the complainants;
- to provide the complainants with detailed and exhaustive information;
- it is not allowed to harm the complainant who has asked the Ombudsman for help
- to keep and process the confidential information which was received from the staff members in compliance with the laws
- value the trust to the Ombudsman (Akyikatchy) expressed by the complaints.

Complainants-related activities are not limited to interrogation, consultations and interview them along with examination of their complaints. Usually every complainant tries to apply his complain directly to the Ombudsman (Akyikatchy) and only to him. But he is not able to accept everyone phisically. There is one day determined by the Ombudsman when he examines urgent and extremely important complaints. There also determined the day where he accepts by himself or the deputy of the Ombudsman accepts the complainants.

Analysis of inbound complaints indicates that insufficient legal awareness of people about methods of legal protection of their rights and liberties. Fifth part of the complaints comprises complaints that according to the laws Ombudsman of the Kyrgyz Republic could reject them. Taking into consideration the political situation of the country which was shaped after political events in April 2010 and tragic events of June 2010 in the southern part of the country no any complaints were rejected.

Office of Ombudsman applies all necessary steps for the improvement of complaints and documents processing. It also improves the document circulation between the departments in the Office of Ombudsman.

In **January 1st 2010** Office of Ombudsman set up computerized documents processing system. Earlier Office of Ombudsman applied paper logging and registration system. **ASKID Ombudsman electronic registration and documents circulation computer program was set up.**

Setting up ASKID Ombudsman electronic registration and documents circulation computer program led to enhance efficiency of the system, track a **detailed records** of complaints processing, documents and

assignments which in the process of handling in the departments assigned for their duties. It also allows to track the records of the documents circulation up to sending them to the archive. The system also provides all the privies with accountability. **It allows every complainant to get a detailed information on his complaint which is being document processed.**

The electronic archive with a short version of every compliant was also set up. In the electronic version complaint and document processing is shown. Thus sorting of documents circulation, setting up the electronic computerized programme is main factor of improvement of the activity of Office of Ombudsman aimed at human rights and civilian liberties protection and rehabilitation.

It is necessary to point out that since the establishment of the Institution of Ombudsman work which is done by staff members is impossible to fulfill properly. For the prompt reply to the complaints by the Ombudsman (Akyikatchy) it was decided to set up representatives of Ombudsman (Akyikatchy) in the regions forever. Nowadays in Kyrgyzstan, there are seven representatives who have their own staff members. Annually they examine more than **30 % complaints out of general number**. The staff members of regional representatives upon the complaints requirements attend the court of local judges. Complainants get oral consultations in their regional offices of Ombudsman. In 2009, it was decided to set up the office in the southern part of the state where one of the Ombudsman deputies will be working. It will enhance efficiency of collaboration between local officials and Ombudsman officials.

The analysis of complaints indicates that in 2010 many complaints were **successfully** completed in comparison with previous years. For example, in 2009 such kind of complaints consist of **12,9 %**. In 2010 it goes up to **16,6 %**. But unfortunately for the last 10 years of year 2011 it consists of **7,4 %**. Approximately one third of registered complaints and issues highlighted in the complaints remain unsolved. Particularly they comprise the complaints related to court decisions and sentences. In these cases Ombudsman`s staff members explain the complainants how to protect their rights during the court hearing. Those complainants who did not apply all the legal actions explanations and advises on methods of further actions are sent.

Analysis shows that greater number of complaints (**99,5 %**) are sent from the Kyrgyz citizens, **0,5 %** of complaints are sent from CIS countries. Complaints are sent from all regions of Kyrgyzstan. There are also complaints which are sent from the prison and by prisoners. For the last 3 years they comprise approximately **4 %**.

Contents of the complaints shows that greater number of complaints is connected with tyranny and lawlessness done by governmental officials, law enforcement officials and judges.

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Statement made by one of the famous politicians during Public parliament meeting where he said that police, prosecutor and judges are not agencies which must keep and order and make people to obey the law proves the statement. Majority of complaints is related to maladministration of police, prosecutor and courts. Revolution did not improve the human rights situation. Thus, every second complaint connected with maladministration of law enforcement agencies and court decisions. The decision made by the officials cause distrust, complainants feel uncertainty towards the decisions made by the officials.

Approximately **7 %** of the complaints is connected with issues of land distribution for the erection of houses, **6 %** of the complaints is connected with abuse of power, corruption, unlawfulness. **4 %** of complaints is connected with abuse done by local self governance agencies. The same number of complaints are connected with issues of labour disputes. **3,3 %** of complaints is connected with social services actions, **2,7 %** of complaints is connected with malfunction of health service staff members, **2,3 %** of complaints is related to the issues of education.

All the complaints which sent to the Office of Ombudsman are scrutinized according to the laws. According to the legally determined term complainant get a reply. In some cases the complainant is given a non-full reply because it takes time to get connected with the officials.

For the last 10 months of 2011 more than 3500 inbound correspondences were sent to agencies (1535 inquires on complaints, 1130 replies to the complainants)

One of the most efficient ways of handling of complaints is holding the **press conferences** by the Ombudsman on different issues when there is a need to inform the people about abuses done by some officials.

If there are cases of human rights violations, reaction certificate is issued. The reaction certificate is sent to the agency or the official who has violated the human rights abusing his own power. Ombudsman in the reaction certificate indicates human rights and liberties violations facts, makes suggestion how to solve the issue, particularly advise the agency or an official to change his decision. He suggest a fair decision to reexamine the situation. In addition, he suggests compensating physical injury to the aggrieved person. In 2009, Ombudsman sent only seven reaction certificates. In 2010, he sent **22** reaction certificates. For the last 10 months, he sent **24 reaction certificates**.

It is worthy to note that those cases which were not completely finished make the officials to reexamine their actions and decisions that earlier were disapproved by the complainant. Later officials will be more considerate towards the issues of human rights, liberties and legitimate interests protection of the Kyrgyz citizens.

**Comparison data of the complaints to the Ombudsman (Akyikachy) of the Kyrgyz Republic from
2003 to November 1st 2011**

<i>Complaints</i>	<i>YEARS</i>								
	<i>2003₂</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>November 1st 2011</i>
Written complaints	2717	4064	4051	3509	3014	2136	1742	1862	1705
Single	2602	3935	3745	3196	2703	1848	1594	1700	1526
Communal	115	129	306	313	311	288	148	162	179
Communal complaints were signed (number of complainants)	8561	7403	51530	9005	9373	8715	6797	5979	2744
Oral complaints (number of complainants)	2952	4273	6737	6118	6212	3135	3421	4457	3352
Total number of complainants	14214	15740	62012	18319	18288	13698	11960	12136	7801