

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

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 physically. 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.

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 |