

**REPORT OF
OMBUDSMAN (AKYIKATCHY)
OF THE
Kyrgyz Republic**

*“The state of the human rights and
freedoms of citizen in the
Kyrgyz Republic in 2005”*

Address to Deputies of the Jogorku Kenesh (Parliament) of the Kyrgyz Republic

«All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood».

ARTICLE 1. UNIVERSAL DECLARATION OF HUMAN RIGHTS.

In accordance with standards general recognized by world community in the sphere of human rights and freedoms and point 1.1 "Plan of actions of National program "Human rights" for the period 2002-2010, June 25, 2002 Legislative Assembly of the Jogorku Kenesh (Parliament) of the Kyrgyz Republic adopted the law "About the Ombudsman (Akyikatchy) of the Kyrgyz Republic." November 25, 2002 deputies of the Parliament choose the first Ombudsman (Akyikatchy) of the Kyrgyz Republic, and December 13 at the joint session of Legislative Assembly and Assembly of Public Representatives of the Jogorku Kenesh (Parliament) of the Kyrgyz Republic he solemnly sworn and assumed in his position.

The Constitution of the Kyrgyz Republic defines the mandate of the Ombudsman (Akyikatchy) of the Kyrgyz Republic: "The control over execution of human and civil rights and freedoms in the Kyrgyz Republic imposed on the Ombudsman (Akyikatchy) of the Kyrgyz Republic."

Activity of the Ombudsman (Akyikatchy) of the Kyrgyz Republic does not substitute or replace the activity of other state bodies, providing protection and recovering civil rights and freedoms in the frames of their powers. It promotes the improvement their work in this field, indicates at drawbacks and problems, including that are connected with actions or inaction one or another bodies and officials and thus, promotes for perfect civil rights realization.

Ombudsman acts as the direct representative of the government in the contact with population, assisting to the increasing of the general prestige of the authority and rendering free legal aid to all needy. The main goal of human rights and freedoms protection may be achieved only by attentive investigation each petition, legal acts, regulating the investigating issues and experience. Aims and goals of Ombudsman (Akyikatchy) of the Kyrgyz Republic in details are stated in the special Law.

Summing up the activity for last three years, probably it may be said that despite the ambiguous perception of the Ombudsman (Akyikatchy) Institution of the Kyrgyz Republic by governmental and non-governmental structures of the society he proved in deed his extremely necessity and ability to execute the most elevated and noble mission – to assert the rights and freedoms, that were given to him from birth.

If states, mostly, provided in the protection of their interests by international and legal basis, so individual, mostly, is deprived the possibility to protect his rights by himself. Even his fundamental rights, given to him and pertaining to him from the birth, he gives as "deign" of government. It is easy to excuse the human rights abridgement as states needs. And there appears the necessity to withstand to lawlessness, arbitrariness and absence of rights on the state level in the country, which is in searching for ways and forms of democracy building.

The fact that for three years from the day of election of the Ombudsman (Akyikatchy) of the Kyrgyz Republic 92 thousand of people applied to him for, speaks for importance of establishment and necessity of function such state body in the country with incomplete transitional period.

Naturally, that not all who came to (Akyikatchy) or wrote about their troubles, muddles were satisfied with the results of their complaints investigation: one third of the complains and petitions were arranged in favour of complainants. The reason of why other complains and petitions were declined or uninvestigated in the favour of complainants stated in the annual report of the Ombudsman (Akyikatchy) of the Kyrgyz Republic in details. And in order to judge objectively whether it is few or a lot, it is necessary to come into contact with each of them, to understand the background of each certain situation.

The example is penetrate with pain and sorrow petition of the mother, who lost her only son – breadwinner during the war in Afganistan. Having stayed alone in old ages, in bad physical condition gets for him only 200 soms, 50 soms as a social grant and 50% benefit for public utilities. "How can I live for 800 soms – she asked, - when prices for goods and rates for utilities are growing extraordinary."

In other wretched, poor peasants call for help, leaving alone with giving allotment without any elementary agriculture machinery, without means for fertilizing, sabadilla and other needs, but other complaints did not have even the land.

In search of daily bread there desperate apply of Kyrgyzstan citizens, who appeared outside the motherland, as fate has willed. Compatriots are have to work on the tobacco plantation of Kazakhstan, building work and markets of the Russian Federation, wandering labor migrants on the territory of Europe, Asia, reached Africa, America and Australia – all of them are needed in the support of the home government (special report of the Ombudsman (Akyikatchy) would be separately presented to the deputies of the Jogorku Kenesh (Parliament)).

Different in subjects, content, character of the trouble – all of them are full of hopes and expectations. Despite the Ombudsman is not omnipotent due to the powers given by the law, I may say with sincere heart, that none of them was left without attention, even those that are outside the competence of the Akyikatchy (Ombudsman). Despite the impartial reasons far from all petitions we managed to solve, but the trust to Ombudsman did not changed and assurance of people in the primary value of rights and freedoms and necessity of their protection is increased.

Dear Mr. Toraga (Speaker), deputies of the Jogorku Kenesh (Parliament)! In ue course you, elected by people, have pay high reliance choose me alternatively as the first Ombudsman (Akyikatchy) of the Kyrgyz Republic. Former and present chamber (composition) of deputies have approved two annual reports of the Ombudsman (Akyikatchy) about state of the human and civil rights and freedoms in the Kyrgyz Republic in 2003 and 2004 and actively support our activity.

Here you may see the annual report about situation in the country in the sphere of human and civil rights and freedoms protection in 2005, presented to you in accordance with p. 29 p. 1 art. 58 of the Constitution of the Kyrgyz Republic. Employees of the Ombudsman (Akyikatchy) Institution have already got necessary skills for work and you have elected all my deputies (that are three), the trust of citizens, foreigners and people without citizenship is increasing. However, there are some questions that can not be solved without you.

Still did not executed the p.3 of art.17 of the Law of the “Ombudsman (Akyikatchy) of the Kyrgyz Republic” obliging the Government in three months provide Jogorku Kenesh (Parliament) of the Kyrgyz Republic with proposals about adjustment of legislation in accordance with this Law and decide technical issues, connected with creating Ombudsman (Akyikatchy) Institution in the Kyrgyz Republic. But it have passed four years yet!

Does not executes the demand of the p.2 art. 16 of that law, regarding that Jogorku Kenesh (Parliament) defines the amount of means, necessary for activity of the Ombudsman (Akyikatchy) and his office. The government financed not sufficiently us from the approved by Jogorku Kenesh (Parliament) republic budget for 2005 on the sum more than five million soms, and in 2006 they reserve only two third of the means amount, that are so necessary for our efficient activity.

According to the p.3 of art.16 of mentioned Law Ombudsman (Akyikatchy) creates and executed the estimate of expenditures by himself. However, due to the indecision of the Government technical issues and shorten financing we can not fulfill many points of this estimate of expenditures. By then, despite the independence of the Ombudsman (Akyikatchy) from any state bodies and officials, prohibition of interaction in his activity and influence on him in any way stated in p. 1 of art. 6 of the mentioned Law we have got “recommendations” to shorten the number of civil servants till 79, technical servants till 25%, and abolish the departments etc. however, in accordance with p. 2 of art. 14 of the same Law Ombudsman (Akyikatchy) defines the structure, order and organization of work of the Institution by himself.

Does not executes the commissions, recommendation of deputies of the Jogorku Kenesh (Parliament) that they have accepted in regulations after hearing of annual reports of Ombudsman. I dare assure you, dear Toraga (Speaker) and deputies of Jogorku Kenesh (Parliament) that during solving of issues mentioned above and your support we will be able to execute our constitutional activity of control over human rights and freedoms observance in the country. I think that your constituencies needs in it in the first place.

Sincerely yours,



Trsunbay Bakir uulu

INTRODUCTION

There have been passed one more stage in the activity of Ombudsman (Akyikatchy) of the Kyrgyz Republic. This stage as two previous promoted for further statement of the priority of the human and civil rights and freedoms in the life of state and society. Experience, that was got during two years significantly enriched and filled with new matter the style, forms and methods of his work.

If at the stage of formation one of the important tasks, besides self-assertion of new state body at the jural field of the country and disposal of befallen stream of petitions and complaints, was the distribution of information among wide range of population and community about newly created constitutional remedial institution, so now the main efforts of Ombudsman (Akyikatchy) were directed at fixing and development of positive tendencies of his activity.

Although, the main defender of rights does not endue some powers, it was important to shoe on practice effectiveness of the Institution, its ability to stand human rights and freedoms such effective methods as daily giving publicity to actions or inactivity of bureaucratic structures and officials, let the public know the objective information about human rights and freedoms violation facts and forming of public opinion on this regard.

Thus, we began to use press-conferences more actively, where were illustrates the most persistent facts of human rights violation. During the past year 18 such press-conferences were held, it is 1/5 more then in previous year. Wide public resonance got public speeches of Ombudsman that become popular and his informational bulletin, which we tried to issue and distribute everywhere.

Previous years lessons of experience let analyze in wide extend acting legislation of the Kyrgyz Republic for the purpose of its accordance with Constitution and international standards in the sphere of human rights and freedoms and on this basis form and make proposals of its improvement. 31 of such kind of proposals were refer to President, government and Parliament (Jogorku Kenesh) in 2005, and 14 of them were accepted and were reflected in the newly elaborated and accepted documents.

Special attention of Ombudsman (Akyikatchy) was focused on strict law compliance during investigating of each case. As practice shows not every time and not every complainant being not satisfied with decision of his troubles evaluates all the circumstances objectively and naturally, tries to realize his interest. But in any situation demand of Ombudsman (Akyikatchy) is unshakable: only fair investigation and just decision are the assurance of the lawfulness providing. So, as the result not everyone gets consoling answers for them.

Ombudsman (Akyikatchy) not only investigated petitions of citizens and in every possible way tried to reinstate their rights but also made independent monitoring of the human rights and freedoms observance in different spheres of society's life.

In the beginning of 2005 Ombudsman made a great efforts to solve the political conflict in the society that had already reached crisis point by evolutionary way. And during March events he did not only had a speech on the national television with appeal to people to keep peace and sense, but also was in the building of Parliament together with people who came to power and diplomatic corps. In the period after March events Ombudsman (Akyikatchy) worked for making adequate contribution to the efforts for organization of work in all units of state machinery.

So, in the special apply to leaders and members of Parliament Ombudsman told about inadmissibility of serious shortages in forming of management of National Security bodies, interiors, territorial state administrations, judges' body and diplomatic servants, because it is directly connected with human rights and freedoms observance. For instance, it was said directly, that for 15 years of the History rulers had thought not about image of the new state or ancient folk, having appointed as ambassadors and councils general governors, ministers, other members of the government and President administration, another criminal-like officials or politicians, who were caught stealing and fold at the Parliamentary elections, but then they were close to the "Family".

Ministry of internal affairs has agreed with the position of the main rights defender of the country in this regard. And Mr. K.Samakov, chairman of the Committee of inter-parliamentary relations and international affairs of the Jogorku Kenesh (Parliament) expressed his solidarity with Ombudsman (Akyikatchy) in the following: "such kind of appointments directly influence on the human rights of citizens: the rights of career diplomats' are violated and protection of citizens of the Kyrgyz Republic abroad, guaranteed by the art.13 of the Constitution of the Kyrgyz Republic does not ensures." Also, he highly evaluated activity of Ombudsman (Akyikatchy) as in the country so abroad, and expressed his wish to hear in Jogorku Kenesh (Parliament) special report "Compatriots' abroad rights and freedoms protection in 2005" in order to make a pulls in solving the issues raised by Ombudsman (Akyikatchy).

During his work Ombudsman emphatically and consequently obtained humanization of criminal executive legislation of the country, basing on the experience of the world practice in this sphere. In his

answer Mr. K.Bakiev, President of the Kyrgyz Republic said that consider proposals of Ombudsman actual and that he is also interested in humanization of the penitentiary system. In this regard work group was created, which work out the pack of bills on humanization of criminal execution system for further introduction in the Jogorku Kenesh (Parliament). Moreover, president announced that he gave Prime minister a commission to take necessary measures for realization of Conception and acceleration of work on preparing and acceptance the National program of reforming the penitentiary system of the country.

During the period of his activity Ombudsman (Akyikatchy) urgently has seek rescission of death penalty, promoting further humanization and liberalization of he criminal legislation in the Kyrgyzstan. 29December 2005 K.Bakiev, President of the Kyrgyz Republic signed the Decree of extension of death penalty moratorium term from 1 January 2006 till its canceling by legal way.

It is widely known what public-political resonance called in all country the series of famous assassination of Mr. U.Kudaibergenov, Mr. J.Surabaldiev, other known political and public figures and businessmen. They caused mass protest actions according inaction of authorities and power structures. All these was the threat for safety of the state. Ombudsman (Akyikatchy) took some steps in order protect possible disorders to be. Thus, 5 September 2005 after next such murder of Mr. A.Junusov, acting director of "Turatali" Kara-Suu bazaar and Mr. S.Abdiev – his driver, he went to Kara-Suu cityband met with relatives of killed, becalmed them and ask families and fellow-villagers for patience. Then he made an appeal to Mr. K.Bakiev, President of the country with the request to consider the way and results of investigation of bodies of interior, prosecutors office and national security bodies of all assassinations, committed on the territory of the republic at the nearest meeting of Security Council of the Kyrgyz Republic

Ombudsman (Akyikatchy) had to appeal to President of the country in the second time, persisting on his suggestion to consider separately in extended body of the Security Council issue about assassinations; because from the moment of the first appeal was killed another political figure – Mr. B.Erkinbaev, then with small time lag followed next series of assassinations, including another Jogorku Kenesh (Parliament) deputy Mr. T.Akmatbaev. Unfortunately, the meeting of Security Council was held not in extended body and without participation of Ombudsman (Akyikatchy) of the Kyrgyz Republic.

Without any far-reaching conclusions from the given facts, it is impossible not to see their negative influence on the situation in the society and on the weakening of the government's position in its life. Runaround of the political elite from critical reality, longing to illusory worldview makes favorable environment for spontaneous manifestation of people's anger and indignation regarding absence of rights and arbitrariness that fully was showed by the 24th March 2005 events and the whole period after. The conclusion may be the following: such vital issues as elections, legal disorder, uranium exploitation consequences utilization, destiny of Kara-Keche and Kumtor etc. can not and should not be solved on big and small public squares. There are the government and political ill to this effect.

For instance, on 29.10.2005 in "Aalam" newspaper was published the appeal of National alliance of writers to government of the country about introduction of moratorium on meetings and mass-meetings during two years. Ombudsman (Akyikatchy) immediately reacted on the effort of writers and poets to substitute legislation on the situation's emotions. Ombudsman (Akyikatchy) sent letters to them and into Jogorku Kenesh (Parliament) with statement that it contradicts to the Constitution and violates laws of the country.

Special place in 2005 year in the activity of Ombudsman (Akyikatchy) took the campaign on elections of Jogorku Kenesh (Parliament) deputies, presidential elections and local administration (the special report to Jogorku Kenesh (Parliament) on this theme is preparing at the moment).

Materials, gathered by Ombudsman representatives from the election stations witnessed about double standards of election comities, including Central Election Committee leaders, in the evaluation of candidates; although proclaimed course on democratic principles approving in the society is still no more than just declaration. Almost any signal of rough violations of elections legislation by the Central Election Committee was not heard or was readdressed to regional committees, where was lost without answer; but episodic answers at imperative requests of Ombudsman (Akyikatchy) gave off a bad hidden irritation and edigying. Ombudsman had to inform Mr. K.Bakiev, the President of the country about all these unattractive cases.

Results of the work during the reporting period give the background to declare that objectives, which were put to Ombudsman (Akyikatchy) mainly were achieved. As the acknowledgement to this, first of all, may serve not declining amount of oral and written complaints of citizens.

Totally, in 2005 to the address of Ombudsman (Akyikatchy) of the Kyrgyz Republic turned 55275 people with written petitions and complaints. In 2004 was got written petitions from 11467. Thus, total number of complainants increased in 4.8 times.

Work over almost 70% of petitions and complaints was completed, 26.8% of them were solved in the favor of complainants. But it does not mean that over other complaints was undertaken anything. This is because, not always there is a possibility to solve the issues and claims of complainant in the frames of acting legislation, although initially they formed lawfully. Additionally, increasing of collective complainants

and some declining in percentage of solving them in the favor of complainants explained not only by traditional "culture" of Kyrgyz officials, but also, as it was mentioned above, by inadequate work of Central and local election committees.

Among left petitions, execution of 197 of them went over the frames of specified period, 152 of them are in the regional Ombudsman representative offices. Mainly, it is connected not only with undue getting of requested information, necessary for their investigation, but also with weakness of material technical basis of the regional offices. Among complains went to the next year are those, which enter in the last month of 2005, and those, which stay under the control till get final result after investigation of the case in the courts or other instance.

Stabilization and some declining of written complaints may be referred to positive beginnings in the sphere of legal relations of government and population. Problems of human rights and freedoms during last two years more and more go on the paramount level and not to reckon with such fact is impossible for the state officials. On the contrary, it would be illogical in such situation to establish the increasing of number of petitions on his regard.

The tendency of stabilization of written petitions appears at all territory of the country. Although, as in the past years the majority of complaints was from Bishkek city – they were 34.4%. There was any appreciable growth: there were 33.3% of complaints in 2004.

This factor has formed similarly in other regions: from citizens of Chui oblast in this year have entered 15.8% in the previous year – 17.7%, from the Issyk-Kul oblast respectively – 12.4% and 11.4%, from Naryn – 6.9% and 5.8%; from Batken – 5.97% and 6.2% and from Jalalabad oblast – 5.7% and 6.0%.

We may only point out a little noticeable reduction of letters from Osh oblast from 16.9% in 2004 to 14.49% in 2005. The number of them from Talas oblast encreased contrary two times, i.e. in 2005 – 3.73% against 1.99% in the previous year, though their number in general mass was not changed greatly.

Alongside with it sharp increasing of number of collective petitions and respectively – their authors is the evidence of strengthening of consolidating processes in connection with significant events in social political live of the country. As the acknowledgement is the mass speeches of citizens during land capturing, election campanies, changing of ruling elite, acts of disobedience in prisons, protests of bankrupted depositors, reactions at series of murders etc., reactions at series of murders etc.

Not all who came to the head and regional offices of Ombudsman (Akyikatchy) left their written complaints. 6737 of them were satisfied by consultations, explanations and recommendations that they have got here.

Thus, totally in 2005 to Ombudsman (Akyikatchy) of the country turned 62012 people with written and oral complaints and petitions, while in 2004 they were – 15740.

In report for 2004 year we noticed the timeliness and necessity of Ombudsman (Akyikatchy) representative offices in the oblasts of the country. At that time was confirmed lawfulness of this decision on the concrete statistical calculations and with arguments. Works amount that they have done in 2005 says the same – they received 1392 written petitions or 34.4% of general number, and 952 or 68.4% of them were executed, moreover 41.1% of them - in the favor of complainants.

Ratio of complaints and petitions have entered in central and regional offices during the year draws the attention. As in previous year the majority of them were investigated at the place of complainant's living. So, from citizens of Osh oblast have entered 587 written petitions, and exactly to regional representative office – 352 (or 60.1%); from Issyk-Kul – respectively 504 and 375 (74.4%); from Batken – 242 and 186 (77.0%); from Talas – 151 and 100 (66.2%) and from Jalalabad oblast – 231 and 126 (54.5%). As it was before this index is lower in Chui oblast. From 640 complaints and petitions directly to the representative's office entered 92 or 14.4%, that is the same as in previous year. This is wholly explicable, as for citizens of this oblast, except Kemin and oblast center, easier to apply to central office, then in Tokmok city. And nevertheless, the presence of regional representative's of Ombudsman to a considerable extend facilitates to search of the ways for fairness recovering for citizens.

It would be appropriable to note, that quite often from the Ombudsman's opponents we may hear rebukes regarding, ostensibly, excessively upratted number of staff. Herewith, amateurly and exaggeratedly introduced information about his activity. We may ask reasonably: is 88 civil servants and 39 technical employees are busy receiving, registration, investigation of complaints more then 60 thousand (!) people in the central office and regional Ombudsman representative offices – whether it much or less? And how we can compare it with other acting and newly established state bodies, whose field of activity incommensurate with human rights and freedoms protection on the whole territory of the Kyrgyz Republic and abroad? And after all the number of staff of some of them more then a hundred or two hundred, besides operating personnel.

Doubts and ripostes of skeptics are refusing not only by given statistics, but also by facts, when citizens who turned to high instants for recovering of the human rights, were addressed to Ombudsman (Akyikatchy). And for those, who could not overcome bureaucratic barriers, he is remain the last hope to be received and listened to. Also, the entrance to Ombudsman and his employees does not restricted not

by the permission cards' bureau, not by the police posts, which have never exist in his ventral and regional offices.

In 2005 on personal reception to Akyikatchy have visited 431 visitors, in comparison with 576 in 2004. However, it is not connected at all with easing its contacts to the population. On the contrary, his meetings with many thousands audience during working trips to all regions of the country, convince of the return: people aspire to tell to him the problems not only in room conditions, but also in public dialogue and receive help in their sanction.

That reception of citizens did not become the disposable certificate, and is an alive source of the information for the analysis and public illumination of a condition of human rights. In Office of Ombudsmen is developed and introduced the special questionnaire which fills everyone comes on reception. Not erecting in the absolute the data received from these questionnaires, nevertheless, it is possible to note some characteristic attributes in a life of a society, in mutual relations of citizens and the state bodies.

Conversations with visitors and studying of the questionnaires filled by them, and it is necessary to note that not all questions are connected with infringement of their rights and freedom, many of them could and should be solved by local authorities and managements at diligent execution by their officials of the official duties. However Ombudsman (Akyikatchy) has to accept and listen to citizens and on such questions. 202 persons or 47,7% that were accepted marked that before arrival to Ombudsman they already addressed in different state instances, but have received formal or unpersuasive formal replies. 18,5% of them have specified, that have not received the answer to the references at all.

Attracts the attention that fact that people go to Ombudsman, being assured in fair consideration of the requests and complaints. It have noted in questionnaires of 312 (72,3%) visitors, 193 (44,7%) trust in the informal attitude to the references, and 108 (25,0%) consider, that state bodies will necessarily react to inquiries of Akyikatchy, and they, at last, will receive intelligible answers to the questions.

Practice of the last years of Ombudsman activity has led to a conclusion, that protection and restoration of the rights of citizens though is a main problem, but without the analysis of sources, relationships of cause and effect of these infringements will not give due dynamism to social development. In 2005 the registration-analytical and information direction became one of priority in his activity. The materials received can be used for development of recommendations on improvement of work of the state structures of authority and perfection of the mechanism of protection of the rights and freedom of the person.

On results of 2005 has been made sample of complaints and applications on judicial bodies, law-enforcement bodies, Offices of public prosecutor, Service of national security, social security, public health services, formation and culture, local self-management and the state administrations, the selective commissions.

In total it is allocated nine subjects of legal relationship. Their share in the general file of written references has made 33,5% and number of authors - 66,7% from all subscribed under them. To estimate unequivocally obtained data it is not obviously possible, but on a number of positions quite certain tendencies reflecting conditions in a society are shown. So, most of all complaints has come equally on courts and employees of law-enforcement bodies. They make accordingly 11,0% and 11,5% from all applied for a year, and in sample on their share it is necessary in total 1874 persons or 60,0% of applicants who are not satisfied by their actions and inactivity.

The second position on number of the complaints which have acted on them and applications is borrowed with bodies of the state administration and local self-management. Them was 301 or 7,4% from all addressed and 19,8% in the chosen group from 9 state bodies.

The certain features are born with the information connected with campaigns at elections of deputies in Jogorku Kenesh and the President of the Kirghiz Republic.

So, on wrongful actions of the selective commissions are received 26 applications and complaints which authors became 25388 person or 45,8% from total subscribed under written references to Ombudsman (Akyikatchy) for 2005 and 68,9%.

Despite of some reserve of the received data, nevertheless, a number of the state subjects built legal relationship, basically coincides with realities of a daily life and character of public processes.

Received on the basis of the analysis of references of citizens in 2005 statistical data basically correspond with practice of their mutual relations with the state bodies.

Estimating a situation with human and civil rights and freedoms in the Kyrgyz Republic not only through a prism of references to Ombudsman (Akyikatchy), but also on a level of life support and sincere comfort of the overwhelming majority of the population of the country, it is possible to tell with firm confidence, that for the statement of law and order and prosperity would demand more forces and time. Clearly as well that on this thorny way Ombudsman (Akyikatchy) Institution is the real and effective tool of extrajudicial protection and restoration of human rights, and also strengthening of statehood, principles of leadership of the law and validity in a society.

CHAPTER I.

The activity of Ombudsman (Akyikatchy) of the Kyrgyz Republic on restoration of infringed right and freedoms

§1. The right to live and immunity

The Constitution of the Kyrgyz Republic has proclaimed the right of each person to life, freedom and inviolability. However, this right is not always provided, that testifies by numerous petitions of citizens to Ombudsman (Akyikatchy). For the previous year have been entered 466 complaints and petitions from 637 citizens at employees of law-enforcement bodies, 74 from 90 complainants - at workers of Office of Public Prosecutor. At the first sight, figures seems not so impressing, but if each such signal will be considered from positions of the certain person, who has appeared in deprived of civil rights position before power pressure «quick with his fists» officer of the criminal investigation department or inspector, so the estimation will be adequate.

During several years Mr. A.T., the citizen of the country, tried to prove his non-participation in crimes incriminated to him and condemned on p. 3 items 3, 4 items 164 and p. 3 items 3 of item 165 Criminal Code of the Kyrgyz Republic and sentenced by 11 years of imprisonment. He approved in the complaint, that all acts incriminated to him are accomplished during its finding in the receiver-allocator in Taraz, Republic of Kazakhstan under assumed name of Mr. Bayaliev Bolotbek Myrzabekovich.

Employees of Ombudsman had to work hard to collect all necessary documents confirming, that pseudo-Bayaliev and Mr. A.T. - the same person; and that during the corresponding period he was in the receiver-allocator in Taraz city. This acknowledgement extracted by employees of Akyikatchy, was the unique proof of his non-participation in incriminated acts and his rescue from illegal charge.

Akyikatchy has addressed to his colleague – Commissioner of the human rights of Republic of Kazakhstan Mr. B. Baikadamov with the request to assist in reception of the information about valid being in the receiver-allocator in Taraz during the period of Mr. Bayaliev Bolotbek Myrzabekovich with documentary acknowledgement of this fact with appendix of available photos. The received answer has confirmed a finding of Mr. M. Bayaliev in the receiver-allocator of the Department of Internal Affairs of the Jambyl oblast of Kazakhstan from 11.06.03 to 11.07.03 and presence of his medicine card.

Then the inquiry has been directed to chief of General administration of crime detection the Ministry of Internal Affairs of the Kyrgyz Republic with the request to assist in identification of Mr. A.T. and Mr. B. Bajaliev on what we have got the answer that they received a copy of medicine card of Mr. B. Bajaliev. During the inspection of a dactyloscopic card of Mr. B. Bajaliev according to the information of the Ministry of Internal Affairs of the Kyrgyz Republic it is identified that Mr. A.T., date of birth - 04.03.1964, the native of Tokmak city 07.01.1997 has been arrested and subject to dactyloscopic registration in pre detention center № 1 in Bishkek.

The collected documents have been transferred to the lawyer of condemned. After revision of the case by judicial board a verdict of Chui-Tokmok regional court has been canceled, and he was sentenced for 3 years of imprisonment according the episodes recognized by the respondent.

In almost similar situation there was citizen A.Kh., who sent the complaint to investigatory bodies of region police station of Lenin district of Bishkek city. He was informed, that the inspector, using a former conviction, has fabricated charge and has imputed guilt thefts which he did not make. In the proof he has specified, that at the moment of doing of one of such thefts he was on hospitalization in National hospital.

The inquiry has been directed to the head physician of the hospital. The answer with discharged epicrisis on the patient A.Kh. has confirmed its reasons. The given proof has been transferred to the lawyer of the defendant. During proceeding at presence of representative of Ombudsman the public prosecutor has given incontestable proofs only on 4-th episodes of thefts from 10 incriminated. On six episodes Mrs. T. Ismailova, prosecuting official petitioned to justify the defendant due to absence of proof of participation in their perpetration. According to the verdict of Lenin region court Mr. A. Kh. was justified on six episodes of thefts arraigned to him due to absence of proof of his participation in them. The responsibility for other four episodes has been specified according to the law.

Mr. E.O. has addressed with the complaint, accused on item 167 of the Criminal Code of the Kyrgyz Republic subsequently condemned by Sverdlovsk region court of Bishkek city. He does not agree with the charge shown to him and considers, that the given criminal case has been forged, all signatures in materials of criminal case are forged by Mr. K. Zhaparbek uulu, inspector of Sverdlovsk district region police station in Bishkek. By inquiry of Akyikatchy in the conclusion of the judicial examination which have been given out by the state center of judicial examinations at the Ministry of Justice of the Kyrgyz

Republic № 6542 October 31st, 2005 reasons concerning a fake of its signatures in materials of criminal case have proved to be true.

Ombudsman has addressed in the State Office of Public Prosecutor and the Ministry of Justice of the Kyrgyz Republic. From the answer of the State Office of Public Prosecutor follows, that on December 29th, 2005 Mr. K. Zhaparbek uulu and the lawyer of Sverdlov region advocacy of Bishkek city Mr. M. Bazarbaev are brought representations about their attraction to a strict disciplinary responsibility for infringement of requirements of criminally-remedial legislation and the Law of the Kyrgyz Republic «About lawyer activity» concerning the inspector of an investigatory department of Sverdlov district police station of Bishkek city accordingly to the Ministry of Internal Affairs of the Kyrgyz Republic Bishkek city and Chuy oblast. Akyikatchy has disagreed with such decision and has repeatedly addressed to the General public prosecutor with the offer to institute criminal case concerning the inspector and the lawyer.

Almost 5 years sisters E. and D-va, living in Kosh-Korgon village try to achieve carrying out of appropriate investigation of murder of their father. And they come out with the assumption of participation in the murder one of the State traffic inspectorate employees. During this time this case has passed through six inspectors, but any of them plainly has made nothing, stopping and stopping the case. They do not find arguments to remove gloomy suspicions at the native victim.

On inquiry of Ombudsman the State Office of Public Prosecutor of the Kyrgyz Republic has informed that during the checking the inspector of Investigative Agency of the Panfilov district police station Mr. U. Mamytov has made the decision about refusal in starting the criminal case due to absence of event of a crime. The given decision has been cancelled by Office of Public Prosecutor of the Panfilov district and criminal case was raised on the fact of murder S.D., the investigation is entrusted to Investigative Agency of the same district police station. However on September 5th, 2001 the investigation of criminal case is transferred to inspector of Investigative Agency of the Jaiyl district police station Mr. K. Bejsheev, who withheld the case on October 15th, 2001. Almost in a year, on November 21st, 2002 the State Office of Public Prosecutor cancels the given decision of the inspector and directs criminal case to Department of Internal Affairs of the Chuy oblast. On December 21st, 2002 Mr. U. Sultangaziev, inspector of Investigative Agency of the Department of Internal Affairs of the Chuy oblast stops again processing on the case in connection with non-defining the person, who is subjected as accused. Only in two years, on November 26th, 2004 Office of Public Prosecutor of the Chuy oblast has cancelled the decision of inspector U. Sultangaziev and case was directed in Investigative Agency of the Department of Internal Affairs of the Chuy oblast for the further investigation.

For red tape and the admitted infringements of criminally processing legislation concerning inspectors and chiefs of investigatory divisions of police station and Department of Internal Affairs of the Chuy oblast have been brought representation addressed to the chief of Department of Internal Affairs of the Chuy oblast about their attraction to a disciplinary responsibility. On April 4th, 2005 after repeated reference of Ombudsman in the State Office of Public Prosecutor have informed, that inspector of Panfilov district district police station Mr. U. Mamytov, another inspector and the chief of Investigatory Department of the Jaiyl district police station Mr. T. Soltaliev and Mr. E. Nazarbekov – were prevented strictly. Concerning the inspector of district police station of the Panfilov district Mrs. T. Isaeva were limited by earlier imposed penalty - strict reprimand, inspectors of the Jaiyl district district police station and Investigatory Department of Department of Internal Affairs of the Chui oblast K.Bejsheev and U.Sultangaziev were transferred in other divisions, Mr. P. Orozakynov, inspector of Department of Internal Affairs of the Chui oblast was prevented strictly.

04.05.2005 to Osh regional representation of Ombudsman (Akyikatchy) has addressed Mr. A.B., the inhabitant of Kermetoo village of Karasuu region. He has informed that consequence on business about murder of his 10-years son is conducted languidly, biassedly, and his rights as a victim during consequence are violating. Employees of Akyikatchy have addressed to management of Karasuu district police station, to the public prosecutor of oblast with the offer to understand on the acted complaint. Only after such intervention consequence became more active, case has been transferred in court where accused was recognized guilty on p.2 p.p. 3 and 6 items 97 and p.3 item 246 Criminal Code of the Kyrgyz Republic also is sentenced to life imprisonment.

Since April, 2004 inhabitant of Karasuu region Mrs. O.S. tries to achieve objective investigation of the case on murder of her son, whose corpse has been found out with the tied hands and legs in a bag, with obvious attributes of a violent death. In the petition she specifies participation in death of her son employees of militia which ostensibly before threatened him. Charge rather serious. Not surprisingly: consequence began one employee, but then goes on leave and submits the case to another. Then this employee goes on leave and returns materials again to the first. And one version - death from the use of a Dimedrol is developed. Physical examination also draws the conclusion on a medicinal intoxication, not finding (!) attributes of physical injuries.

But employees of Ombudsman have revealed one doubtful circumstance: detained and containing in pre detention center № 5 somebody Mr. A.Berdibaev, familiar the victim, has given inconsistent evidencies. In one case he approves, that has learned about death of D.S. in day of detection of a corpse,

and in other shows, that D.S. has come to his home and after the use of some medicines has died. On this basis inspector has born the decision about refusal in excitation of criminal case.

Employees of Ombudsman had to work hard to draw to this case attention of the State Office of Public Prosecutor, the Department of Internal Affairs of the Osh oblast and to achieve purpose of disinterment a body of the victim. As a result of physical examination of the Kyrgyz Republic has born the conclusion, that death of D.S. has come «from mechanical asphyxia owing to a finding in the closed space with the limited receipt of air». The bases at forensic scientists to connect it with influence of a Dimedrol was not.

The answer from the State Office of Public Prosecutor was received "...concerning the forensic scientist of Osh oblast bureau of physical examination I.Baltabaev was raised the criminal case for a summer residence of the false primary conclusion. Consequence on criminal case about murder of Mr. D.S. is proceeding... As to Mr. A.Berdibaev's petition for payoff and compulsion to evidence on the given fact by Office of Public Prosecutor of the Osh oblast is raised the criminal case, which now at a stage of investigation. The course of investigation of these criminal cases is on the constant control of the State Office of Public Prosecutor of republic».

01.06.2005 to Representative of Akyjkatchy in Issyk-Kul oblast have registered the petition of Mr. A.K., who have been installed in pre-trial detention center region police station of Karakol city on suspicion in terrorism and contained there in infringement of the law more than 3 days, without presentation of concrete charge. Representative of Akyjkatchy after specification of circumstances of the case has demanded from employees of militia to operate within the limits of the law and not to suppose arbitrariness, has informed about happened the public prosecutor of the city. This very day the arrested person has been released.

With mistrust to law enforcement bodies in Chuy representation of Ombudsmen has addressed Mrs. V.D. In the complaint she specifies, that consequence in occasion of murder of her daughter has been lead biasedly and superficially. During consideration of given complaint Akyikatchy has addressed to public prosecutor of Chuy oblast with the request to assist and check up reasons of complainant.

The answer was received that September 11th, 2004 the corpse has been found out with attributes of a violent death. On the given fact district police station of the Chuy oblast was raised criminal case which has been transferred on a territorial accessory in Tokmok city region police station. During consequence has been detained Mr. O.K., however, subsequently criminal prosecution concerning him was stopped behind an absence of proof of his guilt in committing of this crime. After intervention of Ombudsman by Office of Public Prosecutor of oblast it was lead additional check on criminal case. By its results the above-stated decision of the inspector on the termination of criminal prosecution concerning it was cancelled and directed for manufacture of investigation. The case is taken by the public prosecutor of oblast under the control.

The citizen M.B. has addressed to Akyikatchy in occasion of inactivity of employees of Office of Public Prosecutor and region police station of Ala-Bukin region and also asked to assist in purpose of additional check on the case in which excitation it has been given up. From the reasons stated in the application, follows, that the M. B. addressed to Office of Public Prosecutor of Ala-Bukin region, and also to region police station of the same area in occasion of accident as a result of which B.B., the son of the complainant has died, numerous physical injuries on a body of the late testified that it has been killed.

Under given petition Ombudsman has addressed in the State Office of Public Prosecutor of the Kyrgyz Republic. In the answer he was informed, that Office of Public Prosecutor of Jalalabat oblast like the supervision earlier had been studied materials on which it is given up in excitation of criminal case. By results of studying materials of the stopped criminal case by decision of Jalalabat regional Office of Public Prosecutor about refusal in excitation of criminal case has been cancelled by the State Office of Public Prosecutor of the Kyrgyz Republic also additional check of materials is charged to Office of Public Prosecutor of Ala-Bukin region. Now measures on an establishment of the reasons of death would be undertaken., including by disinterment of a corpse.

Mrs. L.G. has addressed on the fact of wrongful actions of employees of region police station of Jaiyl region. In the application she specifies, that operative workers in pre-trial detention center region police station of Jaiyl district scoff at her son, beat, apply the unlawful methods of consequence. The same day employees of Ombudsman have left in pre-trial detention center district police station where the arrested person has told, that to him and his girlfriend charged on art. 97, 164 Criminal Code of the Kyrgyz Republic also that for reception of grateful indications power methods were applied. For acknowledgement of the complaint Mr. A.G. has been examined. There are many grazes and bruises on a body. For finding-out of a source of beating and other circumstances by Ombudsman have been directed corresponding inquiries to the public prosecutor and chief of region police station Jaiyl region.

At the same time Mrs. L.G. has informed that there was published an article in the local newspaper «Vest» where deputy chief of region police station of the region Mr. U.Aaliev gives the comment concerning suspected, representing them, including her son, as guilty though the court has not born the verdict yet.

Chief of region police station of Jaiyl region Mr. S.Ajdarov has specified in the answer, that judicial-medical examination, defining a degree of weight of physical injuries, could not establish, when they are received. And the public prosecutor of region has informed, that charges in committeemen of murder A.G. and D.F. are removed and charge is shown only in fulfilment of two episodes of thefts. As to the fact of publication of clause in the local newspaper «Vest», concerning deputy chief of district police station Mr. U.Aaliev representation is brought.

With the application to Akyikatchy has addressed Mrs. B.M. Her complaint concerned inactivity of employees of Investigating division of region police station of Sverdlovsk district of Bishkek city in occasion of murder of her son. Except for it the second son of Mrs. B.M-va was beaten and with heavy physical injuries has been hospitalized in local hospital. After it complainant knew, that materials of the case have been transferred in the Municipal Department of Internal Affairs Bishkek. As a result of reference of Ombudsman in the Municipal Department of Internal Affairs Bishkek the information was received in which it was informed, that by employees of the Municipal Department of Internal Affairs suspected persons concerning whom criminal case is raised are detained and is charged on item 1 of item 97 Criminal Code of the Kyrgyz Republic, after the termination of consequence materials of the case will be transferred to court.

To Akyikatchy has addressed Mrs. G.A-va, living in Bishkek city. She has declared, that at night 10-11 July, 2005 six unknown persons in masks, having got through a window in the house, have beaten her spouse K.Y. shown them resistance, also have disappeared. According to complainant, it was necessary to work hard, that Pervomay district police station has accepted her petition, on which investigatory actions were not spent properly.

Under the given application Ombudsman has sent the letter to the public prosecutor in Bishkek city. In the answer of Office of Public Prosecutor was informed, that by the inspector of Pervomay district district police station in Bishkek city Mr. N.Zholdoshev in which manufacture there are admitted a specified criminal case, infringements of norms of criminally-remedial code. The Office of Public Prosecutor of area gives the written instruction Investigating department region police station of Pervomay district in Bishkek city on carrying out of investigatory actions for an establishment and detention of other accomplices of a crime. Addressed to the chief of the Municipal Department of Internal Affairs Bishkek is brought representation about punishment of the corresponding officials who have admitted red tape in investigation of the case. It is possible to consider an outcome encouraging, but there is a question: what if Ombudsman has not interfered? Cannot depend destiny of people on will of a case while it preset huge army of guards of the law and order.

The inhabitant of Kokoy village, Talas oblast Mrs. M.I-va also has addressed in occasion of red tape in investigation of the criminal case raised under her application concerning employees of Service of national security. From the reasons stated in the petition, follows that on May 23rd, 2005 at Pishpek station three unknown people on the "BMW" heavy blue, #04-15 BA introduced themselves as militias, have beaten Mrs. M.I-va and her two sons; therefore she has got concussion of the brain, the closed crisis of edges to what the extract from the case record testifies.

On the given fact region police station of Lenin district of Bishkek city started the criminal case. On the lead operatively-investigatory actions by employees of region police station established, that the persons who have beaten Mrs. M.I-va and her sons, are employees of National security of the Kyrgyz Republic. Complainant has informed, that suspected repeatedly were invited in region police station of the Lenin district in Bishkek city for carrying out of an identification, but in view of their absence case was suspended.

Ombudsman has addressed to the State Office of Public Prosecutor of the Kyrgyz Republic, who has informed, that the decision about suspension of the case has put Office of Public Prosecutor Bishkek was cancelled and criminal case is returned for the further investigation. For admitted infringements of the law and absence of the appropriate departmental control over the Municipal Department of Internal Affairs Bishkek the State Office of Public Prosecutor of the Kyrgyz Republic has brought representation about attraction to the responsibility of guilty officials. Whereas employees of Service of national safety are the military men, the given criminal case is transferred in Military Office of Public Prosecutor of the Kyrgyz Republic. In this situation it was necessary to designate our position to management of National Security, but it keeps silence.

In the complaints addressed to Akyikatchy citizens lifted the questions connected with unreasonable attraction to the criminal liability, abusings of officials, falsification of proofs, illegal methods of conducting preliminary investigation.

Mrs. K.M-va has addressed in occasion of abusing service position of the employee of the Municipal Department of Internal Affairs Bishkek Mr. M.Omordinov who, as she said, ignores and does not execute the decision of Lenin regional and the decision of Bishkek city courts about her eviction from the house belonging to complainant on the property right.

Having considered the given petition and having established its validity, Akyikatchy has directed the missive to the chief of the Service of own safety of the Ministry of Internal Affairs Mr. B.Zhakypbaev with

the request to take corresponding measures. On the given reference immediate reaction has followed. The employee of the Municipal Department of Internal Affairs Bishkek Mr. M.Omordininov for discredit of a rank of the employee of militia has been dismissed from law-enforcement bodies. Criminal case has been raised in the subsequent concerning him by Investigating Department of region police station of the Lenin district in Bishkek city.

The citizen of the USA M. N. has addressed in occasion of infringement of his rights and freedom by employees of Alamudun district police station of the Chuy oblast. From his reasons follows, that employees of district police station have unjustly detained and have delivered him in a police station where by blackmail and physical influence extorted money from him. During five and a half of hours he was refused in numerous request to inform the Ministry of Internal Affairs, the General public prosecutor and Embassy of the USA in the Kyrgyz Republic. Being afraid for the life he has given to each of the torturers on 100 US dollars. Then has been compelled to transfer on 100 US dollars also to chief of region police station and the employee of Department of Internal Affairs of Chuy oblast Mr. K.Asanov.

Under the application of M.N. Ombudsman has directed letters to Minister of Internal Affairs and the General public prosecutor with the request to assist in service investigation on the acted signals, to consider incident in essence and to take necessary measures.

The press-service of the Ministry of Internal Affairs has distributed the information that «the Service of own safety of the Ministry of Internal Affairs of the Kyrgyz Republic leads service check which has established, that the facts stated in application M.H. Concerning employees of region police station of Alamudun district and others, have not found the acknowledgement, in their actions of infringements of legality was not revealed.

The collected materials and application of Mr. M.N. are directed to Office of Public Prosecutor of Alamudun district and the State Office of Public Prosecutor of the Kyrgyz Republic for the decision of a question on attraction of Mr. M.N. to the criminal liability for roguish actions concerning several tens citizens of Kyrgyzstan and causing of a material damage by it in the sum nearby 15000 soms, thus Mr. M.N. was covered with names of high-ranking officials of our state. The given question is at a stage of consideration».

The assistant to General public prosecutor Dzh.Makeshov has answered to Ombudsman, that «by results of check by the assistant to public prosecutor of Alamudun district Mr. N.Konkoshev under the application of Mr. M.N. in excitation of criminal case is given up behind absence in actions of workers of militia the structure of a crime. The State Office of Public Prosecutor of the Kyrgyz Republic by way of supervision had been studied the collected materials, the decision about refusal in excitation of criminal case was cancelled and directed to Office of Public Prosecutor of Chuy oblast for the organization of careful additional check». And remains not clear: who is this American - a victim of a militiaman arbitrariness or the criminal? If there is no structure of a crime in actions of workers of militia, what for then to cancel the decision about refusal in excitation of criminal case and again to organize «careful additional check?».

To Ombudsman has addressed Mr. A.N-v for assistance in attraction to the criminal liability of employees of criminal investigation department region police station of Sverdlovsk district in Bishkek city, put to him physical injuries, with the purpose to beat out «frank recognitions» in committeemen of crimes which it did not make. Mr. A.N. was in hospital № 4 in Bishkek. Under given application Ombudsman has addressed in Office of Public Prosecutor of Sverdlovsk district in Bishkek. The answer, that earlier on the given fact has been hold check by results of which Investigating Department of Sverdlovsk district police station has made a decision on refusal in excitation of criminal case behind absence of structure of a crime. But after studying materials has put Office of Public Prosecutor, the decision about refusal in excitation of criminal case is cancelled, and materials of business are directed on additional check.

In representation of Ombudsmen in the Osh oblast has addressed Mr. A.T., inhabitant of Otuz-Adyr village Karasuu region. He has informed, that in March 2003 has submitted the complaint in region police station of Karasuu region that the expert on agrarian questions of village administration of Otuz-Adyr Mr. T. Bazarbaev has fraudulently appropriated his money. However in excitation of criminal case on this fact it has been refused, as reasons of the applicant about use by the official of the service position in the mercenary purposes, ostensibly, have not found acknowledgement. After intervention of employees of Ombudsman the public prosecutor of region has informed, that criminal case is raised, and criminally-remedial spends actions on gathering proofs of fault of Mr. T.Bazarbaeva. As a result of July 22nd, 2005 Karasuu regional court has sentenced the respondent concerning on p.4 p.3 item 166 and p.1 ст.353 of Criminal Code of the Kyrgyz Republic. In favour of the claimant it was collected moral and a material damage at a rate of 8500 soms.

It is possible to mention the similar facts and further. There is no lack in them. Fortunately, not always complaints to militia are motivated. It would be remarkable, if such erroneous opinions on employees of militia was more.

16.06.2005 have registered the written reference from the inhabitant of Balykchy city Mrs. G.Kh. She informed, that her mentally sick son have been beaten and have been plundered, she has a fear, that the militia will disregard this case. But such assumption has appeared groundless. As chief of region police

station of Balykchy city Mr. The O.Nogoev has informed, under the application of G.Kh. investigatory actions would be spent, and the case will be transferred in to the court.

On June 13th, 2005 in Osh representation of Akyjkatchy has received the application from Mrs. Sh.M. An essence of the reference in the following. On May, 13th her son A.M. has gone to visit the relative in Andizhan city. But after the tragedy which have happened there he have taken into custody in pre-trial detention center of the Department of Internal Affairs of Osh.

Employees of Ombudsman have visited him in chamber IVS and have established, that A.M. went to Andizhan on affairs of firm «Gratsio». Checking pre-trial detention center, employees of Akyjkatchy have revealed B.M-va, also gone to the Andizhan relatives those days. He has no attitude to Islamic parties and works as the trainer in sports club «Dynamo». On the basis of the lead investigation and collected explanatory from relatives and the friends, managing south regional mobile inspection of Ombudsman has addressed to the public prosecutor of the Osh oblast for an explanation of circumstances of the case. However because of absence of proofs the arrested person B.M. from under guards have been released, and criminal case is stopped.

§2. The family right, protection of the rights of women and children

All weight of consequences of deterioration of social and economic situation in the country for last 15 years first of all impose their effect on families of simple citizens, women and children. As the theme of family traditionally is «closed» in the certain degree, it does not receive due public illumination. Rather seldom women, and especially children, lead up to a foreign review of burdens and misfortunes of the life.

Mail of Ombudsman is acknowledgement to that. For the expired year of the application on a family problems have acted from 332 person. Last year there were - 94. However it does not speak about positive tendencies in this sphere. The dramatics of position is that the special importance of family and the childhood in a number of priorities of the state and a society is lost. And it appeared not suddenly. In the beginning debugged system of preschool education has been destroyed barbarously. If only in Bishkek till 1991 in system of preschool education operated worked more than 200 children's preschool establishments, so by 2005 they remains only 73 municipal children's gardens and 15 departmental.

According to the statistics for the last 10 years 80 kindergartens and a day nursery were closed. Basically they were sold for nothing, transformed into offices of private enterprise structures and state institutions. And now, 15 years later, the damage put to system of preschool education was sharply designated. State kindergartens as well as schools, drag pity existence, survive and compelled to be engaged in requisitions from parents even on a covering of economic needs. Places in them does not suffice. Budgetary groups are till 40-50 children. To organize normal leaving and education in such conditions is impossible.

Does not differ from budgetary commercial children's establishments, even if by unreasonably high prices, which are inaccessible not only to needy, but also to young families with an average prosperity: it is far not to everyone to lay out 100 dollars in a month for the child. Practically all of them work in the rented premises. Only three from 15 private children's establishments have own buildings.

The solution from the created position can be found only with the help of the state. Even if the state is not on forces to solve this problem at the given stage so, government should make decisions promoting development of private children's preschool sector and allowing to reduce expenses for its maintenance.

In 2005 took place the national forum «Position of children of Kyrgyzstan: a reality and prospects». Here what the statistics said on it: more then 5,0 million people 2,1 million are children in the age of under 18 years. There is «New generation» state program is developed in the country till 2010. Its purpose: «creation of the conditions guaranteeing a survival, growth and an all-around development of children of Kyrgyzstan, their participation in a public life, strengthening of moral education». With the help of UNICEF was developed the project of the Children Code. Now there is a search of the mechanism of realization of the current legislation and sources of financing. One of the problems - children whom parents have refused. In 2000 they were 246, in 2004 - 188, but these are only the elicited facts, exact calculation is not present. Actually it is more than them.

According to the Ministry of Internal Affairs, the quantity of homeless children and young offenders goes on decrease. In 2002 according to IDN reports there were registered 1953 crimes, in 2004 - 1035. On account of IDN at the beginning of 2004 were registered 3936 teenagers, 200 of them - for usage of spirits, 39 - the narcotic substances, conditionally condemned – 469, schoolchildren - 2172, do not study - 1602.

For 11 months of 2005 on the account was taken 3388, 470 of them - conditionally condemned, pupils - 1854, do not study - 1410. And it only those, who were registered. One of vice-prime ministers has recognized, that child neglect has got mass character. How many of them are borrowed by back-breaking toil in the markets, stations, car washes and motorways. All this - attributes of extreme poverty. With the

purpose of an estimation of a problem and search of ways of its decision in the beginning of 2006 Akyikatchy begins inspection on revealing homeless children. Special report of it will be presented in Jogorku Kenesh (Parliament).

Today there are 39 state children's establishments of boarding school type in the country where contains 5388 children. 19 of them - boarding schools for children with defects of development, they are 3098 children; two children's houses-boarding schools (399 children); 18 children's homes for children of orphans and the parents who have remained without care, there - 1891 person, 80 of them have one or two parents. Children of street is an explosive material of a society. Deprived the elementary vital blessings, parental love and attention, being in inhuman conditions day by day, they become aggressive, disputed and reject all public norms of behavior.

In this connection optimism installs the Governmental order of the Kirghiz Republic № 627 from December, 28th, 2005 «About the project of the Children's' Code of the Kirghiz Republic». With acceptance of this document the state policy in the field of protection of the rights and interests of children, will be certain at last, will be fixed legislatively its priority in activity of the government bodies and local self-management, specific targets of the Government of the Kirghiz Republic in the field of protection of the rights, freedom and legitimate interests of children, and also problems of the authorized state bodies in the field of formation, sciences, youth policy, public health services, work and social protection, in the field of migration and employment.

Separate clauses in the project of the Code formulate problems and powers of Ombudsman (Akyikatchy) of the Kirghiz Republic on protection of the rights and freedom of children.

Ombudsman actively participated in development of the Children Code; he has made the offers and remarks. Also for maintenance of an all-round and fair legal protection and for application of measures alternative to imprisonment concerning minors, Ombudsman (Akyikatchy) has acted as the initiator of introduction of institute of juvenile justices.

For the first time in our country has been held the 1st national forum «Position of children in Kyrgyzstan: a reality and prospects», devoted to development of prime, urgent measures on improvement of position of children in Kyrgyzstan in which active participation was accepted by assistant of Ombudsmen (Akyikatchy) of the Kirghiz Republic.

Tomorrow on change of the senior generation will come new and young; therefore legal education of students and schoolboys should be done at the state level. Ombudsman have addressed to Mr. Dosbol Nur uulu, Minister of Education, sciences and youth policy the offer on carrying out of competition of figures and compositions on a theme «I and my rights» before celebrating of the Day of human rights - on December, 10th.

After the statement of Regulations by Ombudsman (Akyikatchy) of the Kirghiz Republic have been organized 2nd competition of figures of children and compositions among schoolboys and students on a theme «I and my rights». By active participation of the children, the given method of education had significant effect in knowledge them of their rights and freedom. The jury of competition has accepted over 2500 compositions and over 1200 figures from all parts of Kyrgyzstan. Totally there are 32 winners on republic who have been awarded by diplomas, monetary prizes and gifts. Results of works of participants will find the application in activity of Ombudsman. The best works have been already published on pages of Information bulletin.

Ombudsman it is measured to spend similar competitions henceforth.

In April, 2005 Akyikatchy has visited Issyk-Kul oblast and Ak-Suu boarding school for children-orphans. He not only has examined life and study conditions of children, but also has accepted effective participation in the decision of some household questions. So, been surprised with the fine sauna constructed in a boarding school especially for children, he has noticed, that there is no special footwear. In local market Akyikatchy has bought up footwear of the children's sizes and delivered it to children. Also has rendered food aid to the smallest children of a boarding school. Talented pupils were rendered by the material aid as well.

The work of Ombudsman in the sphere of protection of the rights of children and women was not limited by participation in socially significant actions and initiation of development of corresponding documents. The special attention and immediate reaction was demanded by this category of citizens with their requests for the help.

In November, 2005 to Ombudsman addressed the collective of the Center of social rehabilitation of children-invalids «The House of development of mother and the child through their initiatives». International Charity Found «Meerim» in occasion of imposing arrest and a lack of distribution of money resources from currency account of ICF «Meerim» as concerning consequence by the State Office of Public Prosecutor of the Kyrgyz Republic is conducted. Employees of the center, despite of a delay of wages for 2 months, came to work, as these children have no opportunity to visit other children's establishments, and for them it is a unique opportunity to study and adapt in a society.

Ombudsman has addressed to the General public prosecutor with the request to authorize for partial removal of arrest from the settlement account «The House of development of mother and the child through their initiatives», and the question has been solved positively.

Ombudsman gets petitions, concerning violence in family on the child and neglects of children.

For example, in the complaint of a citizen from Batken oblast described the facts breaking the rights of the juvenile girl, the daughter from the first marriage of complainant. The stepfather has raped the stepdaughter and forced the girl to cohabitation at 14-years age. She being afraid of her stepfather, did not tell about it to her mother. As a result, in 15 years she has given birth to the boy from her stepfather. Because of threats and blackmail of the tyrant they were afraid to address in law enforcement bodies. He did not recognize paternity. Term of the reference on the fact of rape has been missed. However, later he has been detained for illegal storage of the weapon in the house and has been taken under the guard.

Ombudsman (Akyikatchy) of the Kyrgyz Republic has addressed to Minister of Health with the request for assistance in Carrying out of examination on DNA and in Department of Internal Affairs of Batken oblast with the offer to investigate the given crime and to take necessary measures. From the received answer follows, that concerning the regional Department of Internal Affairs has excited criminal case on ч. 4 items of 129 Criminal Code of the Kyrgyz Republic and materials of the case are transferred to court.

Mrs. M.F., the citizen of Bishkek city has addressed to Akyikatchy for protection of the rights of her 12-years daughter which was beaten by two adult women on a surname Grigorievs and has been hospitalized in branch of neurosurgery № 3 children's hospital in a grave condition. Inquiry on the given fact was bureaucratized. According to the complainant, during inquiry have been changed three inspectors, but has not been reached any result. By Ombudsman have been directed requests to Office of Public Prosecutor and region police station of October district of Bishkek city. As a result, on the fact of drawing of physical injuries has been raised the criminal case to attributes p. 2 items 112 Criminal Code of the KR, and materials of case have been directed for consideration to court of October district of Bishkek city. Ombudsman has to consider petitions of condemned mothers which ask assistance in definition of their children in children's establishments.

Imprisoned Mrs. T.M. serving time in colony #2 (Stepnoye village) has applied to define her two sons, who have remained without supervision in far Chatkalskiy district of Jalalabat oblast, to a SOS-children village in Cholpon-Ata city. Mr. B.Abdiev, director of a SOS-children village has positively responded to a petition of Ombudsman and accepted children on education.

Akyikatchy has got the application from imprisoned Mrs. T.M. in which she asked to assist in registration of her juvenile daughter on education in orphanage as she is single mother and serving long time of the imprisonment. During a meeting with Mrs. T.B. in colony #2 she has informed, that her daughter (1999 birth year) lives in the house of mother of a former roommate, who cannot contain the girl because of a difficult financial position.

During work under the given complaint it has been established, that the child, really, has no lawful trustees and lives in the extremely unsatisfactory domestic conditions. Employees of Ombudsman Office have collected all necessary documents: the certificate of inspection of domestic conditions, copies of judgments on criminal case concerning mother of the child, the birth certificate of the child, the applications of mother and woman where the child lived. On the basis of these documents the Commission on affairs of minors has registered the child in children's establishment on full state maintenance, as the child was actually homeless and required social rehabilitation.

Care of children, their education - the natural right and a civil duty of parents (item 1 art. 26 of the Constitution of the Kyrgyz Republic). However, this norm not always observed though it is fixed in the Basic law of our country.

Ombudsman (Akyikatchy) of the Kyrgyz Republic has considered many petitions and the complaints connected with non-payment of the alimony, malicious evasion from the maintenance of the child. It is necessary to note, that the state bodies providing executive manufacture, work in this direction not up to the mark.

On March 9th, 2005 Mrs. A.M.-va, living in a Kyzylkiya village has addressed in representation office of Ombudsman in Batken oblast. In the petition she specifies, that her daughter has married for Mr. Abdykalyk Bazarbaev and they have three children.

In 1998 Kyzylkiya city court has passed the decision on collecting the alimony from Mr. A. Bazarbaev in favor of Mrs. N.M. However, the alimony have been collected by judicial executors only from 1999 to 2001. On the basis of the given petition by representation of Ombudsman had been directed inquiry to Division of service court executors (DSCE) of Kyzylkiya. As a result of close interaction with employees of DSCE, in particular, with judicial executor Mr. Akylbek Ahmedov on April 25th, 2005 from Mr. A. Bazarbaev in the favor of Mrs. N.M. have been collected 10000 som and he has got the prevention about well-timed payment of alimony.

Mrs. M.G. has addressed to Ombudsman with the petition in occasion of nonpayment of the alimony by her former spouse. It follows from the application, that her former husband Mr. K.Nurbaev divorced with her since 1994, but since 1994 and till 2005 the alimony on children have not been paid for all that

period. Akyikatchy has sent the letter to Mr. M. Bakiev, director of Judicial department at the Ministry of Justice. It follows from the received answer, that the debtor has left on earnings to the Russian Federation, however the alimony has undertaken to pay his sister.

Mrs. S.B. from Balykchi city has informed in her complaint, that since 2004 her former spouse Mr. Z. Alybaev does not pay alimony on four children. Ombudsman has addressed to Mr. I. Kochkorbaev, director of Judicial department at the Ministry of Justice of the Kyrgyz Republic.

The question was solved positively, namely: the court order about collecting the alimony from Mr. Z. Alybaev at a rate of half of earnings has acted for execution in division of service of judicial executors of Panfilov district of the Chuy oblast and was directed in a place of work of the debtor where the alimony to complainant have been withheld and listed till September 2005. Moreover, Mr. Z. Alybaev, participating in competition has won 25 000 som and it has been collected 2000 som from the specified sum by judicial executors.

The inhabitant of Naryn Mrs. I.A. turned to Akyikatchy. In the application she writes, that since April 2005 she did not receive the alimony from the former spouse living in Bishkek city. Under given petition Ombudsman has addressed in Judicial department at the Ministry of Justice. In the answer it is specified, that money was sent via mail by judicial executors of Lenin district of Bishkek city.

Mrs. K.A. the inhabitant of Naryn also applied to Akyikatchy. It follows from the addressed application, that her former spouse Mr. T. Tashtanbaev does not pay the alimony to children since January 2005, and alimony are not collected in due time from judicial executors. Under given application Ombudsman has sent the letter to Judicial department at the Ministry of Justice. It was written in the received answer that on August 18th, 2005 debtor T. Tashtanbaev, has extinguished the debts.

On name of Ombudsman was addressed the application from the inhabitant of Jalalabat oblast Mrs. Ch.B. in occasion of nonpayment of the alimony by Mr. T. Orozbaev. Akyikatchy has addressed in Judicial department at the Ministry of Justice. From the given answer follows, that it was collected 7576 som from debtor T. Orozbaev.

The child has the right to live with the parents unless it contradicts the interests of the child. The child has the right to keep communication with both parents in case of separation with one of them or with both. But there are facts when the child of the dissolved parents has no opportunity to see and communicate with one of them.

For instance Mr. M.T. has addressed to Ombudsman regarding the infringement of his fatherly rights and the rights of his daughter M.N. by officials of the Ministry of Internal Affairs and Consular Department of the Ministry of Foreign Affairs of the Kyrgyz Republic, given out a service passport to minor M.N. illegally. Former spouse, the daughter of one well-known official Mr. A.A., without the consent of the father of the minor daughter, has illegally taken out her to the Incorporated Arab Emirates.

According to item 14 of Regulation «About diplomatic and service passports of the Kyrgyz Republic», separate diplomatic or service passports given to children till 16 years, whose parents are owners of diplomatic or service passports, making trips independently or accompanied by other persons. However the former spouse of the applicant does not fall under the list of the persons stipulated by the above-stated item of Regulation and more so, the father did not give the consent to departure of the daughter.

On this fact the applicant addressed both in Office of Public Prosecutor and in the court. During inspection according this case Office of Public Prosecutor of Sverdlovsk district in Bishkek city repeatedly was made decision on refusal in excitation of criminal case. Within 1,5 years there were some litigations under the claim for definition of a residence of the child. Judicial bodies passed the decision on determine of the child with mother but he could meet his father 2 times a week. However, the decision of court could not be executed, as the child was out of the territory of Kyrgyzstan.

The given case was under special control of Ombudsman (Akyikatchy) the Kyrgyz Republic. Employees of Ombudsman were present at sessions of courts of all instances, some inquiries in the State Office of Public Prosecutor of the Kyrgyz Republic have been made therefore, the Office of Public Prosecutor of Bishkek city had cancelled decisions about refusal in excitation of criminal cases, and on October 14th, 2005 by results of additional check by the Public Prosecutor of Sverdlovsk district of Bishkek city has been raised the criminal case according p. 1 of item 304 Criminal Code of the Kyrgyz Republic and directed to Office of Public Prosecutor of Pervomay district of Bishkek city for investigation on territory. The course of investigation has been taken under the control by Office of Public Prosecutor of Bishkek city and was on the control of Ombudsman. On the basis of the decision of court the girl has been returned on territory of Kyrgyzstan, and the father has an opportunity to see and communicate with the daughter.

Quite often in the applications authors ask assistance in reception of the documents proving the identity of the children. In 2005 such help more is rendered than ten families.

29.09.2004 was registered the petition of Mrs. A.B-a living in Bishkek city. She asked assistance in reception of the birth certificate of her charged girl M.B-a from Mytischki city of the Moscow area. Knowing in practice, that protection of the rights of compatriots abroad these questions are solved foreign colleagues Kyrgyz Ombudsman more quickly and more effectively rather than diplomatic services of

Kyrgyzstan, Akyikatchy has addressed to the Representative of human rights of the Moscow area Mr. S.Kryzhov.

By Mr. S.Kryzhov's inquiry the head of department the Registry Office of Mytishchi area on December 16th, 2004 has directed to a department of the Registry Office in Bishkek the duplicate of birth certificate II-IK № 619268 for M.B-va. Unfortunately, the mail has not reached the addressee. Akyikatchy has asked the Moscow colleague about delivery of a repeated copy of the lost document. In 2005 in Moscow, at personal meeting with Ombudsman (Akyikatchy) of the Kyrgyz Republic, the Representative of human rights of the Moscow area has transferred it in hands new birth certificate, for personal delivery to M.B-va in Bishkek.

Ombudsman has got the reference from Mrs. J.J. about assistance in reception of duplicates of birth certificates of her 7 children, as at crossing from southern region in capital they have been lost. In a place of their birth and residing at management of justice of the Osh oblast, whence duplicates of birth certificates directed the inquiry has been directed to a department of the Registry Office of Lenin district of Bishkek city for their delivery. Children of the complainant have received birth certificates and have an opportunity to visit school.

Also to Akyikatchy has addressed imprisoned woman from colony #2 asking for help in reception of the duplicate of the birth certificate of her son, as of absence of this document the child had no opportunity to meet condemned mother. Ombudsman has directed inquiry on the birthplace of the child to management of justice of Jalalabat oblast. In the answer was received the duplicate of the birth certificate addressed to the son of complainant. In a corrective colony the document has been handed over to the applicant personally in hands.

Mrs. U.K., inhabitant of Kochkor district of Naryn oblast has addressed to Ombudsman for the help in reception of the repeated birth certificate of her daughter, who was born in Jambul area of Republic of Kazakhstan. Because of absence of documents the daughter of the complainant could not get a job and leave abroad. Ombudsman (Akyikatchy) of the Kyrgyz Republic has addressed behind assistance to the Representative of the human rights in Republic Kazakhstan Mr. B. Bajkadamov, who has sent the original of the repeated birth certificate of the daughter of the complainant. Representative of Akyikatchy in Naryn oblast handed over the document to the applicant.

In 2005 Akyikatchy and his employees regularly visited a colony for the condemned women. They were given legal consultations and their complaints were considered. For 16 prisoners, having claims from 200 up to 3600 som Ombudsman has helped to extinguish debts from specially collected means, and they have acquired the right to amnesty.

Moreover, Ombudsman from personal means has helped in Repair of a building for children of the condemned women and has brought to kids the humanitarian help. Women, with heavy diseases placed in a medicosanitary part of a colony, Mr. M. Mamytov, Minister of Health has organized carrying out of surgical free of charge operations under request Ombudsman.

As in Correctional Colony-2 no telephone line, Akyikatchy and his employees using their mobile phones have helped condemned to communicate with the relatives.

Majority of condemned women address to Ombudsman due to disagreement with verdicts of courts, dragging out process of litigations, conducting consequence, etc.

Mrs. A.K., condemned and serving time in Correctional Colony-2, has informed, that on January, 23rd 2004 she has been condemned by Panfilov district court on item 164 Criminal Code of the Kyrgyz Republic and sentenced to 6 years of imprisonment. Not left part of punishment is attached to this term on the basis of item 60 of Criminal Code of the Kyrgyz Republic on the previous verdict - 6 months earlier, and was finally certain 6 years and 6 months of imprisonment with confiscation of property. But, as it was found out, on the first previous conviction to her amnesty, but Panfilov district has been applied, and then Chuy regional courts have not considered it and have committed a serious mistake in definition of punishment on the second verdict.

Akyikatchy has addressed with the act of reaction to Chairman of the Supreme court with the instruction of the infringements, admitted judges of the Panfilov district and Chuy regional courts. On March 29th, 2005 the board on criminal cases of the Supreme court has cancelled verdicts of the subordinate courts which have applied item 60 of Criminal Code of the Kyrgyz Republic and has finally defined term of punishment of 6 years of imprisonment, having excluded 6 months.

To Ombudsman has received the complaint of Mrs. O. S-va. She writes, that has been taken under the guard, being the minor in July 2003, in a consequence to it she has been charged with committing of crimes together with three adult accomplices. Her unique request to Ombudsman was only accelerate consideration of criminal case in court as she contains in pre-trial detention center -2 at Correctional Colony-14 more than two years. Thus complainant specified, that has reached majority in pre-trial detention center, being in conditions of a «covered» prison regime that has affected mentality and health of the minor.

During the work under the given petition it was found out, that consideration of criminal case was dragged because of absence of the basic witnesses and victims. Akyikatchy has directed inquiries to Office of Public Prosecutor of Djailyskiy region and Chuy oblast with a desperate request to provide

appearance of participants of process from the charge side. Have been lead conversations with judge of Djajylskiy region court and state accused on the given case. At last, the verdict on this case has been done in October 2005.

The citizen Mrs. G.L., living in Bishkek, informed on wrong calculation of term of punishment of the daughter – B.N., condemned and serving time in Correctional Colony-2. Having studied materials of criminal case, employees of Ombudsman have revealed contradictions in calculation of terms of punishment received by condemned from Main Administration of Punishment Execution of the Ministry of Justice and the Supreme court of the Kyrgyz Republic.

From the decision of the Supreme court follows, that according to p. 3 items 59 of the Criminal Code of the Kyrgyz Republic to take into account punishment appointed left in time of punishment on the first verdict from January 9th, 2001, in other part a verdict of judicial board on criminal cases and on affairs about administrative offences of the Bishkek city court from September 7th, 2004 concerning to B.N. is upheld, and the supervising complaint left without satisfaction. In a verdict of Sverdlovsk district court of Bishkek city from January 9th, 2001 specified about calculation of term of punishment since October 13th, 1999.

However, in the answer from Main Administration of Punishment Execution on inquiry of complainant follows, that her daughter B.N. is a subject to conditional-preschedule release after serving of 3/4 of term of punishment, i.e. after March 7th, 2009. However, the objective data show, that conditional-preschedule release should come in 2005.

Ombudsman has directed inquiry to the public prosecutor of Special Office of Public Prosecutor of the Kyrgyz Republic, having noted facts stated above. Special Office of Public Prosecutor has studied the case of Mrs. B.N. As a result, corresponding documents in court have been prepared. It has been conditionally-ahead of schedule released for the remained term of 11 months by decision of Alamudun district court from March 3rd, 2005.

To the address of Akyikatchy has addressed Mrs. T.J., living in Naryn oblast with the complaint on Sokuluk district court of Chuy oblast. She was refused to get decision on divorce by Sokuluk district court of the Chuy oblast in 1997. It follows from the complaint, that on Februar 15th, 1996 Mrs. K.J. has directed by mail all necessary documents and the statement of claim on divorce and collecting of the alimony on children in Sokuluk district court of Chuy oblast. During 9 years (!) she could not receive decision of the court. And only after reference of Ombudsman to chairman of Sokuluk district court the copy of the decision has been received and directed to the complainant.

Mrs. T.G. has addressed to Ombudsman with the complaint to hooligan behaviour of the former husband. She has informed, that the former spouse pursues her, behave like a hooligan, beats her. On her prevention to declare to militia he has cynically declared, that «the chief of local district police station – his fellow villager, and knew him since childhood». Employee of Akyikatchy has in details and popularly explained to the committing excesses hooligan, that he will not be protected from responsibility by any communications. And chief of Sokuluk district police station has charged to the employees to collect an administrative material on «friend» and has submitted the case to court.

Also, to Ombudsman has addressed Mrs. J.S. with the complaint to actions of judge of Atbashi regional court of Naryn oblast, who has informed, that consideration of a civil case on collecting the alimony is considered biassedly. As follows from the petition, from the former spouse and a department of trusteeship and guardianship of Atbashi region, Naryn oblast regularly put upon her psychological pressure with the purpose to compel to give the child on education to the father. The same position was borrowed also with the judge who unjustly postponed considerations of the given case. Ombudsman has directed the official letter to chairman of Atbashi regional court. Then the case has been considered and passed the decision on collecting the alimony from Mr. N.Ysakov in favour of Mrs. J.S. at a rate of 25 % from all available incomes.

Ombudsman has considered the application in occasion of rendering assistance in gratuitous reception of a wheelchair for her daughter. In the petition specified, that she has a daughter J. kyzy N. (1975) on hands, being a mother of five children (the senior is 10) whom 2,5 years is paralysed, without a sight. Te spouse has left her because of heavy illness and did not render any help for children. Grandmother is bringing up the children and has no opportunity to get an wheelchair, and to pay treatment of the daughter.

Ombudsman has addressed to the Minister of Labor and Social Protection with the request to assist in gratuitous reception of an wheelchair for J. kyzy N. However, because of absence of wheelchairs this reference of Akyikatchy has been declined. Ombudsman has managed to find the foreign sponsor, who provide J. kyzy N. with wheelchair in cost of 5 thousand soms, he has transferred food stuffs and 1000 (thousand) soms of the monetary help. Under reference of Ombudsman to Minister of Health has been created the medical commission at Bishkek and J. kyzy N. was inspected. But to our bitter regret J.kyzy N. could not sustain all troubles which have fallen at her and some months later have died.

Mrs. K.A. has addressed to Akyikatchy with the complaint to C.Achikeeva's actions, the head of one of region administration of Alamudun district. As she underlined in the given reference, C.Achikeeva has

been condemned by Alamudun district court on item 304 p. 2, 305 p. 1 of the Criminal Code of the Kyrgyz Republic for 3 years to 6 months of imprisonment that, being the head of the region administration, used the service position in the mercenary purposes and has made illegal withdrawal of a part of the land fixed by the certificate of tap for Dj.Dj. To that, has caused essential harm to legitimate interests of complainant as to the lawful successor dyed by then. The judicial board on criminal and administrative affairs of Chuy regional court has cancelled the verdict of guilty of Alamudun district court and has justified Mrs. C.Achikeeva because of absence of proof in fulfilment of a crime.

On the given litigation there was representative of Akyjkatchy of the Kyrgyz Republic, who has fixed infringements of norms of Criminal Processing Code of the Kyrgyz Republic from judicial board by consideration of the given case, namely: declared written petition of K.A. about tap of judicial board it has not been considered in proper order with removal of the decision in a consultative room. In the petition she brings the complaint to default of the decision of the chief of branch on investigation economic and malfeasances Investigating administration of the Department of Internal Affairs of Chuy oblast about time discharge of Mrs. C.Achikeeva from a post of the head of the district administration in connection with the shown charge in abusing official position and excess of official powers.

Under the given complaint Ombudsman has directed inquiry to Chuy oblast state administration which, referring to item 3 of item 44 of the Law of the Kyrgyz Republic «About local self-management and local state administration» has informed, that the head of local self-management can be ahead of schedule released from a post by the head of the state administration of oblast - the governor on the basis of the verdict of guilty which has entered validity. Thus, the mechanism of discharge from a post in interests of consequence of such elective office as the head of local self-management, is not stipulated by the legislation.

Besides, under the given petition numerous departures of employees of Ombudsman have been carried out meetings directly with the head of district administration Mrs. C.Achikeeva and neighbours of complainant on the ground area. The letter addressed to chairman of the Supreme court with the request has been sent to pay attention to infringements of norms of Criminal Processing Code of the Kyrgyz Republic admitted by judicial board of Chuy oblast court and by consideration of criminal case concerning Mrs. C.Achikeeva. Verdict of «not guilty» of Chuy oblast court has been excellent by the criminal and administrative affairs of the Supreme court concerning C.Achikeeva, upheld by judicial board a verdict of the first instance, C.Achikeeva's action retrained on item 304 p. 1 and 316 p. 1 Criminal Code of the Kyrgyz Republic. There was representative of Ombudsmen on the process.

M.A. and J.M. have addressed with the complaint to wrongful refusal of Office of Public Prosecutor of the Moscow district in excitation of criminal case on the fact of destruction of their relative U.M. during execution of labor duties. By inquiry of Ombudsman Office of Public Prosecutor of the Chuy oblast has checked up reasons of complainant in occasion of infringement by administration of instructions of the law of the Kyrgyz Republic «About a labor safety».

By results of check decision of Office of Public Prosecutor of the Moscow district on refusal in excitation of criminal case on the fact of death of Mr. U.M. recognized as unreasonable, this decision is cancelled also by the Office of Public Prosecutor of the oblast; the criminal case to attributes is raised 2 art.236 Criminal Code of the Kyrgyz Republic (infringement of safety rules at conducting the civil work, entailed on imprudence death of the person). Investigation of the given criminal case is entrusted to Office of Public Prosecutor of the Moscow district.

To the address of Akyjkatchy has addressed Mrs. R.K. with the complaint to refusal of region police station and Offices of Public Prosecutor of Sokuluk district of the Chuy oblast in excitation of criminal case on the fact of drawing of physical injuries to her brother T.K. Herewith the complainant specified, that the given decision of inspector of region police station of Sokuluk district was not cancelled by the Office of Public Prosecutor of region, despite of her numerous references. Under the given petition have been directed inquiries to the Office of Public Prosecutor of Chuy oblast, Office of Public Prosecutor of Sokuluk district, and in Department of Internal Affairs of Chuy oblast with reduction of reasons of complainant and the request for acceptance of corresponding measures. On the given inquiries were received the answers from which follows, that the decision of the inspector of investigating administration of region police station of Sokuluk district about refusal in excitation of criminal case by Office of Public Prosecutor of district is cancelled as illegal, and started the criminal case by art. 105 p. 2 Criminal Code of the Kyrgyz Republic.

§3. Protection of the rights of citizens on the property and the land

In 2005 as during the last years Ombudsman (Akyjkatchy) got numerous references connected with the property right to the land and use of the land. The basic part of complaints in this sphere is caused by obstacles, made by the state officials and municipal bodies at realization of enterprise activity on the rented land. Here the most typical of them.

From Novochuiskoe village, Sokuluk district ethnic kyrgyzs, arrived from Tajikistan and received the Kyrgyz citizenship, have addressed to Akyikatchy with the request to assist in allocation of the ground area of an irrigated arable land by ATT in rent for the period of some years. Earlier some times they addressed to the head of Novochuiskoe local administration regarding to the given question, but is ineffectual. Only after corresponding actions of Akyikatchy the question has been solved, and 52 hectares of an irrigated arable land have been allocated to inhabitants in rent for the period of five years.

The citizen of Bishkek Mr. Z. has addressed to Ombudsman in connection with unreasonable, in his opinion, refusal of municipal bodies to allocate to him the ground area in a city boundaries for installation of trading pavilion. Earlier he addressed to the state administration of Pervomai region of Bishkek city with the request to give the ground area in time using for installation of trading pavilion along the L.Tolstogo street. By the decision of regional commission he was reduced in satisfaction of his request.

The decision of the commission proved the joint order of city Kenesh and mayoralty of Bishkek city № 404 from 18.06.01 «About statement of time regulations about the order of registration of the allowing documentation and operation of time objects in Bishkek city» and protocol № 4 from 20.07.05 of the commission concerning installation and prolongation of term of operation of time objects of retail trade in the territory of Pervomay district. However later, under the reference of other private businessmen other three pavilions have been established in the above-stated territory.

In reply to official inquiry of Ombudsman about why one can get area under commercial objects and another can not get it, the authorized body –architecture building authority of Bishkek city has answered, that the given commercial pavilions are there, ostensibly, since 2002. But Akyikatchy has convincingly proved to officials that it is impossible to establish double standards to people, all are equal in the law. Local state administration of the Pervomay district has considered the problem on granting to the applicant of the ground area on the right of rent for installation of pavilion.

Mr. A., living in Kyzylkiya village, Batken oblast, has addressed to Ombudsman with the request to help him to return documents and things which have been wrongfully withdrawn by conductor of the train «Moscow-Bishkek». It was necessary to invite a conductor of national company «Kyrgyztemirjolu» Mrs. T. Sultanbekova and explain, that her actions have criminally and punishable character, then all things and documents have been returned to the applicant.

Representatives of public associations, political parties, private businessmen and council of veterans of Naryn oblast have addressed to Ombudsman with the complaint to actions of regional management KSFK. On the basis of given reference Ombudsman has sent the letter to the Prime minister of the Kyrgyz Republic Mr. F.Kulov. The order of the head of the Office of the prime minister of the Kyrgyz Republic № 191 from October 5th, 2005 had been created the work group in which have been included representatives of the Office of the Prime minister of the Kyrgyz Republic, department of agrarian development of Naryn oblast, State fund of development of economy at the Ministry of Finance, People party of Kyrgyzstan in Naryn oblast and Office of the Ombudsmen (Akyikatchy) of the Kyrgyz Republic. The work group has met applicants where the question was discussed, concerning activity of KSFK. As the result of work of work group the decision on acceptance of possible measures for improvement of work of the given corporation was accepted.

The reason of complaints of citizens often become inconsistent and wrongful actions of officials of the state administration bodies and local self-management. For 2005 have been get 8023 such complaints.

D.U-va, the inhabitant of Karakol Issyk-Kul oblast has applied with request to assist in tap of an allotment as during many years on her applications, addressed to Mr. S. Soronbaev, the head of the village administration of Teploklyuchenka village and Mr. M.Mambetov, Akim (head) of the Aksuu region, the answer is not present. Ombudsman had to direct repeatedly inquiries to Aksuu region state administration, whence, at last, was received the answer that, D. U-va was registered under № 2333 in the economic book of region state administration and was registered on the basis of the certificate on allotment by Aksuu regional state register on September 19th, 1996 for № 12105 series ICAS.

Mr. J. living in Bishkek city has addressed to Ombudsman with the complaint to actions of employees of Lenin district state administration. According to the complainant, employees of the given district state administration, despite of presence of all allowing documents, wrongfully withdraw the commercial booth belonging to him on the property right. Ombudsman has sent a letter on the given question to the head of the Lenin district state administration with the request to give an explanation on this case. Only after numerous references of Akyikatchy has been received the answer signed by deputy head of the district state administration in which he was informed, that actions of district state administration employees, withdrawn a commercial booth are lawful, and caused the property damage to Mr. J. is not a subject to compensation.

Ombudsman has directed the Act of reaction to the public prosecutor of Lenin district in Bishkek city. The Office of Public Prosecutor had been raised criminal case on art.305 Criminal Code of the Kyrgyz Republic on the fact of plunder of a booth concerning employees of Lenin district state administration and subsequently has been transferred in to Lenin district court for consideration in essence.

In Batken representation office of Ombudsmen has been addressed the collective application from inhabitants of Uchkorgon village administration of Kadamzhay region. They specified in the petition that during many years they stand in a queue on getting allotments without any results. But for some reasons, as they said, the land does not given, as provides the law, but is on sale. And it is soled by the head of village administration not to people in a queue but to other inhabitants of the village, who do not stand in a queue, and are not citizens of Republic Uzbekistan at all.

Employees of Batken Ombudsman representation had collected all corresponding materials - information of the state register, the state architecture of Kadamzhay region, explanatory notes of inhabitants of the village administration, who have bought the land - and directed for acceptance of corresponding measures to the governor, to Department of Internal Affairs of Batken oblast, to Akim (head) of the administration and to the chief of district police station of the Kadamzhay region, public prosecutors of region and oblast. The given case for that moment has not been finished to the logic end, but after events on March 24th, 2005 has been renewed the trial on the given case. As a result has been created the special commission from representatives of public organizations, region administration and some state institutions for check of the facts on the places.

The corresponding certificate has been made about the fact that, during the check have been revealed 18 hectares, which are being on the balance of Uchkorgon village administration that were transferred to unknown people for construction of individual apartment houses. Also it was established, that these 18 hectares have not been allocated for construction of apartment houses. Employees of the state register and architecture have given information that they did not give any allowing and other documents. Nevertheless, this question still is not solved, people expect the final decision. The governor of the oblast has assured, that the given application is taken by him on the special control. Akyikatchy also from his part does not remove the given case from the control and expects the final decision of the authorized state bodies.

To address of Ombudsman have addressed with the complaint workers of a factory on manufacturing of silk, located in Osh city. They specified in the complaint infringements of their rights by employees of the mayorality of Osh city regarding distribution of allotments. Ombudsman on given fact has directed the inquiry to the public prosecutor of the Osh oblast Mr. A.Sheripbaev. The Office of Public Prosecutor leads check during which it was established, that on the given question the mayorality of Osh city had been admitted numerous infringements of the current legislation. At the moment of removal of corresponding decisions in turn on reception of the land were registered 1968 citizens.

Also it was revealed that the majority of the ground areas, intended to workers of silk factory, are given out to friends, relatives or colleagues of members of the working commission in which competence is a consideration of applications for allocation of the land, and also to officials of various ranks. The Office of Public Prosecutor has born some protests in occasion of illegal decisions of the mayorality of Osh city and has demanded their canceling.

Inhabitants of Amanbaevo village of Karabuurinskiy district, Talas oblast have addressed to Ombudsman with the complaint to illegal actions of Mr. A.Eshenkulov, special administrator of a country facilities "Kurkuroo".

Under the given complaint Ombudsman has directed the Act of reaction to the governor of the oblast and also to minister on affairs of local self-management and regional development. As on the Act of the reaction, addressed to the governor, has not followed the answer in the term established by the law, the repeated certificate has been directed. It was informed in the answer signed by the regional state administration managing of the general department Mrs. A.Akmatalieva, that the Act of reaction of Ombudsman has not reached the governor.

As it has been found out subsequently, this information has appeared doubtful, by a management of oblast state administration have been taken measures of disciplinary character in relation to senior civil servants of the general department, in particular, for rough infringements in the work senior civil servant of the given department Mrs. Z.Zhumagulova has been discharged from the office on the basis of the order № 81 from July 12th, 2005.

For illegal use of 60 hectares of an irrigated arable land by special administrator Mr. A.Eshenkulov Management on land management and registration of the rights to real estate of Karabuurinskiy region has born the instruction to which special administrator undertook to return Illegally used land.

21.10.2005 there have been registered the application of inhabitants of houses №№ 24 and 28 on street Kolbaeva, Bishkek city. They asked assistance in the termination of construction of parking place in the general adjoining territory. Akyikatchy has addressed to mayor of the Bishkek city. Soon Mr. K.Narbaev, chief of the main architecture administration of Bishkek city has informed, that under the given complaint has been created commission led by Chairman of the commission of Kenesh of Bishkek city, deputies on architecture, construction and agrarian questions with participation of the deputy of the head of Sverdlovsk regional administration, experts from ГАКК of Bishkek city and the Office of the city Kenesh. With departure at place the commission has made a decision: main architecture administration of Bishkek city should withdraw this one № 9/3218 from 05.04.2005, given out to the builder; Committee

on management of municipal property of Bishkek city should terminate the contract of rent with the builder. On the ground area recommended to equip a children's playground.

Inhabitants of Novopavlovka village of the Sokuluk district have addressed to Ombudsman in occasion of default of the contract by the Kyrgyz-American enterprise «Smart-Com». The given enterprise has undertaken to provide inhabitants with telecommunication. According to the concluded contract on installation of phones, inhabitants have brought on 5 thousand soms. However, having collected money resources, the enterprise has drag out processing of carrying out of telephone systems. References of citizens to administration of enterprise have not given any results. Inhabitants have been compelled to address to Ombudsman. On his letter to director of State agency of communication at the Government of the Kyrgyz Republic with the request to assist in the decision of the given question the answer has been received, that in connection with default of the conditions specified in the contract, the brought money are returned to inhabitants.

Inhabitants of Chauvay village of the Kadamzhajskiy region, Batken oblast in the petition asked to promote a cancelling of results of the tenders on sale of a building of the administrating household building, which is being on balance of joint-stock company «Khaidarkan mercury factory», taken place on May 31st, 2005.

On inquiry of Ombudsman to Osh, Jalalabat and Naryn territory management of the State Property Committee there was the answer, that the announcement of carrying out of auction is published in the newspaper «Osh jabyrygy» at April 30th, 2005. Mr. N.Kozhomuratov was recognized the winner of auction.

It is possible to consider, that formalities were observed, but the information about auction obviously has not sufficed. There were doubts, discontent with its results - the starting price of a building has been underestimated on 25%, the object was sold for 91 thousand soms at estimated cost in 120 thousand soms. Akyikatchy has sent the letter to Chairman of the State committee of the Kyrgyz Republic on management of state property for acceptance the measures. As a result of the lead check, results of the tenders which took place on May 31st, 2005 were cancelled.

To Ombudsman has addressed pensioner Mrs. Z.S-va in occasion of that her daughter has sold to Mr. A. Darvishev house in Toolos village of the Nookat region, Osh oblast. Her daughter Mrs. G. S-va is in a corrective colony for women in Stepnoe village at the present moment. And the buyer has given short to her 8000 soms, though has passed two years. Mrs. G. S-va has confirmed to employees of Ombudsman words of mother in Correctional Colony-2.

Mr. A.Darvishev has evaded from a meeting with representatives of Akyikatchy. Then they have been compelled to address for assistance to the head of the village administration of «Tolos». After consideration of this case by the head of the village administration and chairman of court of Aksakal, Mr. A. Darvishev has arrived to regional office of Ombudsmen and has completely paid the debt.

March events have shown, that the agrarian question became sharper in the country. Tens thousand of internal migrants have splashed out on the grounds around Bishkek city all the collected insults and emotions. Everywhere were formed self-management with huge lists of all wishing to get the land in the capital. Quite often it led to skirmishes with local population or among themselves. And then they demanded immediate arrival of a revolutionary power which ostensibly promised them the land.

They also demanded Ombudsman arrival. He and his deputies did not begin to avoid mass congestions of self-aggressors; as they could called them for calmness and legality. Seeing, that a part of land demanding threaten to leave to hold a meeting in the capital area, Akyikatchy has immediately contacted Mr. U.Sydykov, head of Administration of President and others officials, who have come to power on a "wave" of March events. There has been created commission which has started to order lists requiring in the ground areas and negotiate with leaders of self-aggressors.

With the purpose to study a situation with human rights after March events on places Akyikatchy has made a working trip in Naryn, Issyk-Kul and Chuy oblasts fom April 13 till April 23rd. On his out of place reception days thousand of citizens, including with agrarian questions have visited. So, if inhabitants of Naryn oblast have been more anxious by deliveries of cheap petroleum products and grains, so, in Issyk-Kul – by transformation of lands, especially - boggy.

In the factory of the Kochkor region people cannot receive their allotments till now. After returning Akyikatchy has directed there head of the inspection by the rights to property and land. But the head of district state administration Mr. Kurmanbek Baiterekov (about whom they say, that he is the taxi driver with 7-forms education) not only has refused to help with consideration of complaints, but also has grown furious: «What is the firm «Ombudsman»?! Do you have 2 million soms? If not – get out of my region! I have bought this region from the present president for 4 million soms and he promised not to involve in my work for 5 years!» So, recalled employees of Ombudsman returned to Bishkek city.

Akyikatchy has addressed with the Act of reaction to acting President K. Bakiev about correspondence of the posts of Akim of Kochkorskiy region and the petition addressed to the General public prosecutor about attraction of Mr. K. Bajterekov to the criminal liability for hidrance of activity of Ombudsman. To

general surprise, but nobody has borrowed in investigation of references of Ombudsman (Akyikatchy) of the Kyrgyz Republic regarding Mr. K. Bajterekov.

Hundreds of peasants have grasped land of a joint-stock company «Chelpek» in Aksuu region of the Issyk-Kul oblast as a token of the protest against illegal actions of its chairman T. Zhunkeev. But he, till March 24th leaned A.Akaev, now has started to frighten the rebelled relatives of «close relations» with a management of new authority. Akyikatchy has addressed to a many thousands audience in Chelpek village and has promised the assistance.

For the next day Ombudsman had a meeting with Mr. E. Omuraliev, the governor of oblast on this theme and has secured with his promise to solve the problem on a place. On returning in Bishkek city he has immediately communicated with Mr. U.Sydykov, the head of Administration of President on this question and has directed the Act of reaction to acting President of the Kyrgyz Republic K. Bakiev.

During meetings of Ombudsman in Issyk-Kul, Tonsk and Cholpon-Ata regions inhabitants have expressed the categorical disagreement with intention of new authorities to transfer in rent to Kazakhstan for 50 years coast of Issyk Kul lake. Akyikatchy to support their requirements has directed special references to acting president of the Kyrgyz Republic.

On May 16th in Batken representation of Ombudsmen have addressed Mrs. I. Ch-va and Mrs. A. K-va, inhabitants of Kadamzhajskiy region and Mrs. G. T-va, Kyzylkiya city about disagreement with decision of Kyzylkiyz city court under presidency of M.Shajiev. Under the decision of court each of them should pay to plaintiff Mrs. S. Kh-voi 4000 soms each. Legal executors have seized property of applicants. The last have been compelled to address with the appeal in regional court.

During investigation of the complaint employees of Ombudsman have revealed, that Mrs. A. K-va and I. Ch-va did not take that sum, and simply consisted with Mrs. G. T-voi in one company «Finnki». Mrs. G. T-va has taken money with S. Kh-voi and has spent money for own needs. The court has not penetrated into an essence has put and has passed the decision according to position of «Finnki» on which all the parties solidary pay a duty. After confrontation Mrs. G. T-va has admit her fault. At the regional office of Ombudsmen all the parties came to the consent, a duty of Mrs. S. Kh-voi has been paid. Legal executor and the parties would write the application in Batken regional court about leaving their complaints without considerations in view of the decision of the conflict the agreement of lawsuit.

§4. A right to housing

Questions of domestic disorder of citizens remain, as well as the last years, one of the sharpest and difficult solving in the present conditions. And though, at first sight, the statistics does not give essential growth of written references to Ombudsman on the given problem and numbers of the authors who have signed such references, nevertheless, is not necessary to speak about positive shifts in its sanction. In 2004 applications from 1432 person on such questions have registered, and in 2005 the applications have signed by 1456 person. Oral complaints accordingly from 594 and 530 person. It is necessary to tell, that it could be much more applications for assistance in reception of habitation or even about inclusion in lists of requiring it. But, proceeding from the powers and realities of day, Ombudsman could only explain to the visitors and give his recommendations.

The right to housing in the Kirghiz Republic remains the least realized constitutional law. The Constitution has proclaimed, that this right is provided with development of the state, municipal and individual available housing, assistance to citizens in purchase of habitation, but some appreciable promotion to the decision of this burning problem is not present. Thousand citizens, young families have appeared in such situation, when the corner and a roof above a head, to say nothing of the arranged well comfortable habitation, is steel for them an illusive dream. It is necessary to tell that heads of the state administrations, local self-management perceive such position as granted. The answers received by Ombudsman on the references to them on housing questions testify to it.

There are frank recognitions in them: the state and municipal housing construction is not conducted during 15 years, so there is should not be any questions on this account. And in fact in the country the state housing development programme till 2010 is developed and approved. And it costs in a priority number of social and economic transformations in Kyrgyzstan. However, organization has remained its performance on the distant plan. And it again creates a fertile field to dishonest people for instigation on not authorized actions on capture of arable lands at peasants in a park zone, to autocratic construction, speculative transactions with the ground areas.

In the previous reports we marked, that the state should not leave the market of habitation, give the decision of housing problem on an arbitrariness of destiny. The housing development program should find reliable organizational and material-financial maintenance. It is necessary to define, eventually, optimum measures on its consecutive realization, whether it would be the state grants or hypothecary crediting. It is clearly the one thing: in practice people should feel a social orientation of policy of the state. Thus, interests both solvent, and needy citizens should be considered.

But not only desperate position of absence of the corner and a roof above a head has led people to Ombudsman in 2005. Do not eliminated, but getting more and more hypertrophied forms of infringement of the rights of citizens in sphere of housing and communal services, an electro-heat supply, external arrangement of court yard and streets. Complaints of citizens to regular switching-off of the electric power in apartment houses do not stop. Disconnected all people without any difference whether he pays or not.

Under the petition of inhabitants of Tokmok city, who has informed Akyikatchy on these facts, he has directed inquiry to the joint-stock company «Severelektro». Sales manager Mr. N.Sultamuratov has answered: «According to item 9.4 «Instructions for use of electric energy» switching-off of subscribers it is made in case of non-payment for the consumed electric power. In connection with introduction of joint-stock company «Power plants» of a limit on holiday of the electric power in our network distributional company during certain time switching-off of the subscribers having debts, from substations according to the schedule of introduction of the restrictions, coordinated with local management Tokmok city is made. For this reason have been disconnected from electrosupply all inhabitants of apartment houses».

But why all of them? In fact in Regulations is precisely told about debtors. How local authorities of Tokmok city could approve such schedule? It is necessary to struggle with such disorder only in court.

Similar complaints have received from inhabitants of Karazhygach and Bektoo villages of Alamedin district, Chuy oblast. They inform, that regularly from 10.00 a.m. till 18.00 p.m. they disconnect the electric power. Children cannot prepare for lessons, families are deprived an opportunity normally use free time, besides in idle refrigerators spoil products. This time Akyikatchy has directed the Act of reaction to chairman of Open Society «Severelektro» Mr. S.Balkibekovu in which has specified that according to p.1 and p.3 item 16 of Law of the Kyrgyz Republic «About electric power industry» the enterprise of electric systems is obliged to support safe, reliable and uninterrupted electro supply, to respect with interests and needs of consumers, including questions of their safety.

Mr. S.Balkibekov, the General director of the enterprise at the same time, has informed, that Open Society «Severelektro» according to the order of Government of the Kyrgyz Republic № 280 from 13.05.2003 «On preparation of branches of economy and population of the Kyrgyz Republic to the period of autumn-winter 2003 - 2004» and realizations of order of Government of the Kyrgyz Republic № 567 from 19.08.2002" About stabilization of the electric power on branches», Appendices № 4 Regulations № 280 from 15.05.2003 established the limit of a current consumption for industrial consumers and the population on Chuy oblast, where it is proportionally allocated 73 million in kw/hour on Alamedin region and made the schedule of unloading of capacities from 24.00p.m. till 05.00 a.m. But people stay without light from 10.00 a.m. till 18.00 p.m.! What is the purpose for them to write the collective complaints, if their life is fine?

Mr. K.Anapijazov, chief of Tokmok regional electro plant is more frank and exacts: «Rummaging in electro supply is connected with technical malfunctions in distributive networks. The second important reason is debts, which makes 78469,21 soms on 160 apartments, i.e. debts of 490 soms on about one subscriber. Individual switching-off do not give results, as boards on ladder platforms are not closed, their operation should be engaged by the house management «Living service». The disconnected subscribers autocratically are connected again».

Also the chief informs, that from 160 subscribers of two houses № 24 and № 25 in the 1 microdistrict contracts have concluded only 53. It is asked, who is guilty and why contracts do not consist? He informs that in 12 apartments the controller cannot take readings of counters because of absence of subscribers. Calculation is made by a computer on monthly average consumption. But if in apartments nobody lives, it means that a current consumption is not present. Hence, the sums of debts are taken from a ceiling! And then, within 2004-2005 stood idle completely more than 200 enterprises or 17. There was no a catastrophic decrease in development of the electric power.

One more usual example; in Batken representation of Akyjkatchy has registered the application of Mrs. A.G., inhabitant of Karadobo village of Kadamzhaj region. She writes, that her sister temporarily has gone for work to Russia, and apartment has left to her supervision. On December 24th, 2004 employee of RES of Kyzylkiya city has drawn the account on payment for the consumed electric power for the sum of 747,5 soms and then on February 21st, 2005 on 7313,2 soms, and 7514,18 soms as debts. Complainant considers, that payment should be within the limits of 225 – 275 soms.

All her attempts to understand the arisen situation were ineffectual. And only after the reference in RES of employee of Akyjkatchy it was found out, that the computer has given out the erroneous account: actually the sum of payment has made 275 catfishes. After all Mrs. A.G. has expressed her profound gratitude to employees of Akyikatchy.

References of citizens to Ombudsman in occasion of infringements by services of electric networks of their rights testify to unequal conditions in which there are parties. It turns out, that sanctions to consumers of the electric power follow immediately and with full loading, and for unfair granting of services to the population there is nobody to ask.

12 inhabitants of Aviation Str. of Jalalabat city told to the representation of Ombudsman, that suffer because of absence in their houses of the electric power for a long time. After the reference of employees

of Ombudsman to the chief of the city electric system Mr. S.Kenzhekulov on the next day has been restored submission of the electric power in houses on the street named above.

It would seem, there is an occasion to be glad to such result, but involuntarily there is a question: why people should pass all instances, suffer weight of inconveniences, to receive what is necessary to them? The Answer can be only one – it is necessary the inevitable responsibility of everyone for execution of the duties. Treaty obligations of the supplier and the consumer of services should reflect equally all possible nuances of their attitude. For now it turns out so, that in contracts on services for all in the answer the addressee, and the supplier undertakes, but does not answer neither for failure of delivery, nor for quality of service.

In Issyk-Kul representation of Akyjkatchy has registered the collective reference of inhabitants of a multiroom apartment house in Karakol city, Issyk-Kul oblast, in occasion of rendering assistance in overlapping of a roof. Employees of Ombudsman having left on a place, have established, that the roof of the multi-storey house within 30 years was not under repair, ceilings of all apartments of the top floors proceed for a long time, constantly there is a threat of ignition of electroposting from short circuit.

Workers of regional representation of Akyjkatchy have helped house committee to collect all necessary documents, to receive calculations of the estimate of repair work and have managed to convince urban services of necessity of urgent repair in order to prevent possible consequences. As a result public fund «Karakol» has allocated means: the roof of the house is blocked. To address of Ombudsman have received the letter of thanks from inhabitants.

31.06.2005 has registered the complaint of Mrs. K.S., from Kara-Balta city. She writes: «Five years I live on the second floor, the whole year without water, and in the winter without any heating. I do not submit water with the purpose that I have thrown the apartment since the owner of cafe «Chaika» Mrs. Kozina V. wishes to borrow all two-storeyed house under cafe, and the head of the state administration Davydenko G.V. and the head of local management Mr. Tishenko promote her in it... The Consent to opening of cafe was not given».

As usual in such cases, habitation will be converted under other functions, re-planning is spent, walls are falling, deforming and failing internal communications. Naturally, live in such conditions is complex.

Understanding that rely on town governors is not necessary, Ombudsman 06.06.2005 has addressed to public prosecutor of Djahajl region, Mr. E.Satybaldiev with the request to understand and restore the order. The answer has not kept itself waiting long. In 20 days the public prosecutor has informed, that all is made according to Regulations about the order of delivery of the allowing documentation on designing, reconstruction, construction of objects of small and average business and ministered individual apartment houses. And underprofile of existing objects a total area up to 150 square meters without change of constructive elements of buildings, association of apartments, re-planning of premises, an establishment or liquidation of not bearing partitions are made out without the order of local authorities.

That is, who as do as one wants. And anybody does not have business up to sufferings of the tenants adjoining to pleasure institutions in their houses. The main thing that owners of cafe or restaurants did not test inconveniences. A situation with a water-heat supply of complainant as the public prosecutor has informed, deadlock in general. It appears, the house initially was built by joint-stock company «Jaiyl beer factory» and all systems worked regularly while the enterprise function.

Water supply was carried out from a water supply system of joint-stock company «Kyrgyzkilem». But it has gone bankrupt and have warmly cut off, water began to submit on hours, exactly, as it is necessary. To tenants «Vodocanal» has suggested to get supplying pump. But it was beyond the power and means to them. The mistress of cafe has equipped, and tenants have remained without water and heat. Anyone is guilty. There are only victims.

Such facts cause fair indignation and, naturally, form corresponding social mood in a society. But aggravates position that circumstance, that authorities do not have some constructive program of the decision of problems of housing-and-municipal sphere. In the mayoralities, the state administrations of all levels departments, managements, departments of housing and communal services and thermal power station are created, but they cannot estimate objectively a situation and to give the vision of the optimum organization and functioning of a municipal services. There are no problems for them, they as though send away in itself with privatization of an available housing.

Reasonably there is a question: what for and to whom created such state structures? Proceeding from numerous applications and the complaints received on this problematics, Akyikatchy once again addresses to management of Republic with the offer of responsibly, in a state way, to approach to reforming housing and communal services, to organize this work in view of all available means and opportunities on the basis of the adjusted statistical account and competent monitoring. And these means not so small, as attendants of this sphere often speak about it.

Mrs. M-ba from Bishkek city has addressed to Ombudsman with the application for illegal capture of the land, belonging to her on the property right. Akyikatchy has directed inquiry to public prosecutor of Alamudun district Mr. M. Eshperov. According to the information of Office of Public Prosecutor, the land allocated by the decision of Sverdlovsk regional administration of Bishkek city № 227 from 09.08.2005 for

construction of an apartment house of M-va, is really grasped by autocratic builders. In this connection the public prosecutor district bears caution to the persons who have grasped a site of the complainant, about inadmissibility Infringements of the law and clearing of illegally grasped of the land.

Mrs. K. M-va from Jalalabat city asked Ombudsman to assist in reception of the land for construction of an individual apartment house. She writes, that since 1999 addresses to the mayoralty of Jalalabat, but since then did not receive the answer to the application. Mayor of the city Mr. I.Ajsariyev has answered to the inquiry o Ombudsman, that Mrs. T.M-va is registered under № 1711 also she is included in the list of queues, requiring in the land under construction of an apartment house.

Still the vicious practice of decision-making by local authorities about construction of objects in domestic territories without taking into account opinion of inhabitants which make the protest does not stop, addressing in all instances, but unsuccessfully as a rule.

So, with the collective application have addressed owners of commercial pavilions and tenants of building complex -73 which is being on crossing of Umetalieva-Chokmorova streets, Bishkek city. They do not agree with forthcoming construction of sausage shop by trading firm «Triada». Akyikatchy has addressed to the Mayoralty of Bishkek city for explanations about the subjects having the property rights to the given site. In the received answer it is spoken, that the decision of the Mayoralty № 693 from 04.10.2000 the site has been given to firm «Fenci - TMS» in time using under designing and construction of trading pavilion.

In June, 2005 has been created the commission from representatives of Office of Public Prosecutor, district state administration, the mayoralties, administration on land management and registration of the rights to real estate for finding-out of circumstances of the case at the place. During check it was established, that construction is conducted with infringement of norms of the current legislation. The report has been made according to which it is recommended to inhabitants to address in the conciliatory commission of the mayoralty of Bishkek city, and in case of disagreement with the decision of the commission to address in court. There is a question: what for exists city authorities with the branched out network of every possible offices? Should not they define: lawfully or no the decision was made. Here another idea: while inhabitants will pester the commissions to achieve the truth in courts, during this time the builder with money will manage to get necessary documents.

On the similar facts of infringements inform inhabitants of the house 34 on Tabyshalieva Str. in Bishkek city, where the well-known businessman Mr. V. Romanenko has built the medical center «Lik»; has closed a sight on street to inhabitants of the second floor and has disfigured architectural shape of an apartment house; inhabitants of the house 19 on the Baitik Baatyr Str. in Bishkek city, in occasion of the town-planning action which are carried out by Mr. A.Mahmudov, mentioning constitutional laws and freedom of inhabitants.

More than a year inhabitants of the house on 165 Kievskaya Str., Bishkek city try to defend their right to the adjoining domestic area which is illegally given by the order of city authorities on construction of an elite high-rise building. On the given question the mayoralty has accepted the decision, not having asked the sanction of inhabitants. The same problem have inhabitants of the house of 71 Kerimbekova Str., Bishkek city: recently, just in font of their windows the mayoralty has allowed to build the next elite high-rise building. And what about not elite old residents of the capital?!

On March 10th, 2005 № 42 has passed «the Law about entering additions and changes into the Law on town-planning and architecture of the Kirghiz Republic «According to item 3 of clause 36 of this law» any construction in territory of house by area without definition and removal in a nature of borders of the ground area at an apartment house is not supposed». Inhabitants addressed in the mayoralty, of the Lenin regional state administration, in Office of Public Prosecutor. However nobody has reacted to their letters. They have been compelled to address of president K.Bakiev. It seemed, that the question will be considered on a lawful basis - the conflict commission with participation of representatives of all interested parties has been created. Construction have suspended.

After numerous sessions of commission Bishkek main architecture administartion has defined borders of a court yard in a challenged zone. It is established, that the territory of a court yard is reduced more than on 12 sk.km. However such argument meant nothing for the mayoralty. City board solves, that construction should proceed, and the contractor «Bishkekkurulush» under covering of militia has started business immediately: trees the concrete protection is cut down, established, the foundation ditch is dug. References in the State Office of Public Prosecutor - are ineffectual. Proceedings cannot establish in any way: for whom the truth. Though it is quite obvious, that it there, where the law.

It not a single instance. Inhabitants of the house № 71 on Kerimbekova Str., having addressed to the President of the country, could not defend the rights. Construction of an elite high-rise building comes to an end directly before their windows. Reference of Ombudsman in the mayoralty has not helped also. Perhaps, rights is that who has more rights?

Such orgy will proceed until authorities will not comprehend simple truth, that on lawlessness and lawlessness it is impossible to reach the world and prosperity in a society. For now it is favourable to officials to manipulate crafty positions, instructions, hoping on obedience of citizens.

On references of Ombudsman on infringements of town-planning norms and rules city authorities created the commissions, next certificates, reports, and there was solved nothing. It was necessary to help people with upholding the rights in courts.

The pensioner Mrs. V.G-va during several years struggles with allmighty neighbour Mr. Dunlarovym, who has developed scale construction of the house with infringement of legislatively-building norms. Thus, he put essential material and moral harm to the complainant. The conclusion which has been born by the expert in occasion of damages, put to housing construction of complainant obviously does not reflect on a real condition. Ombudsman has addressed to chairman of Lenin regional court of Bishkek city with the petition about purpose of repeated judicial-building examination on the given business; which judge of Lenin regional court Mrs. N.Asanova has supported and on July 13th, 2005 has born definition about purpose of repeated judicial-building examination.

Invincible obstacles are met on the way by citizens, whose habitation has undergone to destruction from acts of nature, trying to receive the loan for restoration or new construction. Officials solved questions not at once, as a result collected a lists of squealers. The state department of housing construction refers to the Ministry of Finance, which has own reasons. People, having appeared in a distress, cannot overcome this nonsense. They still have one way - to Akyikatchy.

350 families living in villages of Naryn oblast, whose houses have suffered from earth flows, write to Ombudsman, that they cannot receive loans due on the law for a long time. Every time when they address in corresponding instances, officials make a helpless gesture and advise to wait. The only question, how and how long is it possible to wait in partly destroyed, unsuitable houses for residing, subjecting themselves and families with risk for a life?

Within the limits of powers Akyikatchy could address only to director of the State department of housing construction Mrs. A.Tazabekova with a desperate request to accelerate consideration of a question of allocation of the loan for the citizens who have suffered from elements.

Inhabitants of 3 Kumarykskaya Str., Bishkek city have addressed to Ombudsman in occasion of that an angular part of a wall of the house 23.02. 2005 has fallen and exists real threat of destruction of all house because of what tenants are compelled to leave the apartments exists. On the given question with the request for rendering assistance Ombudsman has addressed to the state department of housing construction at the Government of the Kirghiz Republic and in the mayoralty of Bishkek city. In the answer the department of state specifies, that long-term loans for construction or purchases of habitation for the period of 15 years are given to inhabitants of the above-stated house. The reference is directed to the Ministry of Finance of the Kirghiz Republic with the request to accelerate solving of a question. The ministry in the answer has informed, that in the state budget is planned to provide delivery of long-term preferential loans in full means.

Mr. M. A-v, living in Maidan village of Kadamzhajskiy region, Batken oblast has applied to assist in reception of the loan. Akyikatchy has addressed to director of the State department of housing construction with the request to assist in the decision of the given question. After intervention of Ombudsman, Mr. M. A-v has been allocated the long-term preferential loan at a rate of 150 (hundred fifty) thousand soms.

Inhabitants of Karachyi of the Jergal village, Naryn oblast could not receive the long-term loan since 2001. On petition of Ombudsman addressed to director of the state department of housing construction the answer is received, that to inhabitants the Ministry of Finance of the Kirghiz Republic has allocated the long-term loan.

The inhabitant of Amanbaevo village of Karaburinsk region Mr. A. Chaushogly has informed, that his house is in an emergency condition because of a raising of subsoil waters. In such situation has appeared not only the complainant, but practically all inhabitants of the given village. Representative of Ombudsmen in Talas oblast has directed letters to governor Mr. I.Ajdaraliev, in Talas regional management of Ministry CHS and civil protection with the request to estimate the developed situation and to assist requiring. The special commission has been created with participation of corresponding services of oblast and area Karabuurinsk, which has defined prime measures on rendering assistance to inhabitants of village Amanbaevo.

The pensioner Mrs. K.O-va, living in Akjol village of Chuy oblast, asked assistance in carrying out of repair of an apartment, as the habitation has decayed so, that to live in it is practically impossible, and means that the lonely aged woman are not present. It was directed the request to head of Sokuluk district state administration Mr. A.Chynybaev to assist to complainant. But the regional head did not have time to inform Ombudsman about the decision, even after reminders. It was necessary to search sympathy and assistance at governor of Chuy oblast, who has informed in the reciprocal letter, that it was allocated 5 thousand soms for repair of an apartment of the pensioner.

Mrs. R.R-na, living in a Osh, has informed about illegal removal of judicial certificates on business about her eviction from premises. In 2001 through the agency of the real estate «Musaev LTD» she has got an apartment to the above-stated address at Mrs. B.Dzhorbaeva. But because of lack of money in due time has not legalized papers. To everything, she has lost the receipt of the vis-a-vis about calculation with her for the bought apartment, and has taken advantage, having demanded through court of its eviction. Thus the seller approves, that ostensibly she has borrowed money at Mrs. R.R-na through real estate agency, and on account of maintenance of a duty has given out the power of attorney on the apartment.

The case has appeared rather uneasy, but during studying materials the infringements of remedial norms admitted by courts of all instances have been revealed. Akyikatchy in this occasion has addressed to the General public prosecutor. By results of check the State Office of Public Prosecutor has brought representation in the Supreme court about revision of business on again opened circumstances. The given case was directed on consideration to the Osh city court. On the Osh oblast is entrusted to representative of Ombudsmen to supervise a course of case through representation in proceedings.

To representative of Ombudsmen in Jalalabat oblast has addressed Mrs. S.M-va, the inhabitant of Jalalabat city, living in one of hostels. In the petition she has specified, that she is the invalid of the I-group. In a room on 4 floor where she lives, there are no conditions for normal residing: the ceiling proceeds, there is no bathroom. She has addressed in the mayoralty of Jalalabat city, but nobody reacts to her references. Representative of Ombudsmen urgently asked mayor of city to show participation in destiny of complainant, to facilitate her, heavy fate even household prosperity. The mayoralty has allocated to Mrs. S.M-va a room in other hostel with the improved conditions.

To representative of Ombudsmen in Jalalabat oblast has addressed Mr. A.S-v, the inhabitant of Jalalabat city the participant of the Afghani war. In the petition he has specified, that 15 years consists on the account in a department of the municipal property at the mayoralty of Jalalabat city and waits for the turn on reception of an apartment. However, the room in a hostel, without elementary municipal convenience has been given to him. He asked to assist in reception of other, arranged well room. And in this case the help has been rendered to the applicant: in the letter mayor of city has informed, that other room with the best conditions in the same hostel is given to the complainant, and also that allocated the land for construction of an individual apartment house. For their help Mr. A. S-v has thanked employees of representation of Ombudsmen.

§5. The citizens' rights to work and social security

Sharp decline of economic development tempos in 2005 is involved exacerbation of legal relationship in labor and social spheres. In fact, finishing investment's process which was happened after March events and unclear social economic policy of new government has increased misery of population. It is became more difficult to find money for existence for simple people. There is big distance between rich and poor people.

All attempts of State statistic try to approach to more or less successful mark of population incomes and could not note life reality. Even according to data among formed USSR countries our country hardly predominate Georgia and Tajikistan having averages salary in 59\$

During last ten years minimal consumer budget did not reconsider but the life is very expensive today. Average statistical Kyrgyz citizen consumes less food than it was provided by norms in 1995, for example: bread – on 2.75 kilogram (kg), meat products– on 2.8 kg., milk products on 5.8 kg est. In 2005 incomes in comparison with of republican budget equal to 15.7 billion soms or near to 380 million US\$ so that' s why incomes of simple Kyrgyz citizen is amount 76 US\$. If we take together with this the high price for main food and high rate of unemployment which became higher in comparison with 2004 it is not difficult to image real level of life in the country. Therefore labor relation between employers and worker is not in favor of the last in such condition. And he should undergo low salary, difficult conditions of work, absence of social security privileges and many other humiliations.

Unemployment issues and guaranteed salary which are provided satisfactory life conditions, social security and interest protection of workers take special place in activity of Ombudsman (Akyikatchy) of the Kyrgyz Republic as they are determined the condition of society and the State. On May 23, 2005 Ombudsman (Akyikatchy) directed to Mr. President K. Bakiev his proposals concerning adduction of national labor legislation in accordance with international standards particularly to ratify a number of international conventions concerning establishment of minimal sum of salary, protection of workers' rights, the main goals and norms of social policy, implementation of international labor norms, assistance in employment and protection from unemployment, financial guarantees for workers in the case of non-payment and many others cases.

On November 2005 Ombudsman received projects concerning proposals for consideration and agreement from government.

The main reason of complaints on labor legal relation is illegal dismissal, nonpayment salary, reimbursement of injured person and etc. In 2005 690 persons turned to Ombudsman (Akyikatchy) with such complaints. This is on the level of previous year. By November 1, 2005 total sum of debts of local budget on salary and payment in to Social fund is 82,5 million soms.

On March 23, 2005 Mrs. G. T., Mrs. A. S. and Mrs. N. R. turned to Ombudsman with complaint. They wrote that Mr. B. Jeldibaev, the Director of "Kyrgyzenergoremont" stock company breaks their rights during two years. On August 13, 2003 they were dismissed with any reasons. On April 6, 2004 October district court took decision about their reinstatement and payment for forced missing. However, the Director did not implement court's decision. On December 7, 2004 October district court made decision concerning delay of implementation by him.

On January 27, 2005 executor gave them work but followed on them very careful. He is still looking for any excuse in order to dismiss them.

Two times in January and February 2005 persecuted employees turned to General Office of public Prosecutor and to Prosecutor of Bishkek city but the reply did not follow. On April 11, 2005 Ombudsman (Akyikatchy) turned to Mr. O. Kutuev, the Prosecutor of Bishkek city with the request to speed process of consideration of applicants' issue. Unfortunately, the reply of the Prosecutor did not satisfy. Actually, the director formally cancelled his illegal order № 136-p from 08/13/ 2003 by another order № 27-p from 04 /06/ 2004, which was considered as false by October district court. Nevertheless new order is as addition to it!?

How can we add to illegal act!? Besides that cancellation of order is looked very strange: "...to imply as temporal and stopping order № 136-p from August 13, 2003" According to this follow question is appeared – is it cancellation or stopping, is it order or something else? Further if Prosecutor supposed that legality is restored but why had not they begin to work at once from day of order finance concerning dismissal – since 08/ 13/ 2003 but since 04.06. 2004? Forced missing was paid correct in accordance with day of restoration on job.

Directorate of Public Prosecutions is looked very indulgent in this case. The employees of the Prosecutor Office could not or do not want to solve labor legislation dispute in a sense. As before we received complaints from this company about which testifies decision of court not in favor of employees who had turned before.

Mrs. G. B., the teacher turned to the Ombudsman (Akyikatchy) Office of Naryn region. She was illegally dismissed while she was on vacation at her own expense. She was restored on work only after interfere of representative of Ombudsman. The Headmaster was told off and the Headmaster deputy was demised by order of Naryn Educational Department.

Mrs. M. A. the employee of Ministry of education was on vacation. But when she wanted to return she was refused as new employees was accepted instead of her. Ombudsman (Akyikatchy) indicated on infringement of labor legislation norms in the letter to Minister of Education.

Having considered this addressing Minister agreed with Ombudsman's act of reaction and later applicant was restored on work by order of Minister. The case did not bring to the court consideration.

Mr. A. R. from Osh city turned to Representative Ombudsman in Osh city because of illegal dismissal. During examination was established that applicant was dismissed with infringement of Labor Code of the Kyrgyz Republic. Mr. A. R was restored on previous work after Representative Ombudsman interference.

Mrs. D. M. turned to Ombudsman because of Center of Family Medicine (CFM) refusal to give labor book in connection with quit. Applicant worked as family doctor and on October 22, 2005 she gave application about retiring because of health but clinic administration did not give her labor book in time. The employees of Ombudsman had to explain head of staff department of hospital legislation norms after all the conflict was solved.

Mrs. A. T. informed Ombudsman (Akyikatchy) that Administration of National Academy botanical gardens did not pay salary of her died father. In this cases Ombudsman (Akyikatchy)'s employees indicated on infringements which was made by administration. According to given information applicant received salary.

It is necessary to note that Ombudsman had to solve such issues on this enterprise many times including also collective complaints. According to Mrs.'s S. P. statement she could not get salary per 2004 therefore act of reaction was directed to Administration. In July 2005 applicant was paid full sum of salary. She tendered thanks for assistance.

Mr. K. B. turned regional Representation of Ombudsman with the request to assist in getting of salary in Ak-Suu farm where he worked as tractor driver and quit a job by own desire. Ombudsman (Akyikatchy) Commissioner directed addressing to administration of farm and asked to solve this problem within Law without court interference. As result of this applicant received salary.

Since 2004 Mrs. V. K. could not restore her rights in relationship with Administration of "Severelektro" stock company. On February 16, 2005 she turned to Ombudsman Commissioner of Chu region with the request to help her.

During examination was established that contact has been made between Direction of enterprise and applicant many times but the work was constant. However, in accordance with p. 2 art. 90 of Labor Code of the Kyrgyz Republic making of labor contract for execution of work is banned in old publication.

According to statement Ombudsman directed inquiries to reticuloendothelial system (RES) of Panfilov district, Chu regional body of labor and General Office of Public Prosecutor. Given facts is testifying infringement of Labour Legislation by administration of "Severelektro" stock company.

On August 23, 2005 Office of Public Prosecutor of the Kyrgyz Republic announced that Mrs. V. K. was dismissed on May 19, 2004 but she turned to Office of Public Prosecutor in one month after examination of the order about dismissal that's why she was recommended to turn to the court with the statement concerning recovery of missing working days and solution of labor issue. Formally it is right but in a sense accordingly legislation the employer has to make a contract with the employee for certain term if this job is permanent.

Mr. V. S. announced Ombudsman in his statement that he could not get final payment in sum of 4319 soms 54 tyiyn after dismissal from company «Vesta» 2 branch. The administration of the company did not react on his addressing. Ombudsman directed the Act of reaction to the director of the company later applicant's final payment was paid.

Mr. Sh. J. and Mrs. T. S., the teachers of Naryn State University turned to Ombudsman because of unconformity of the payment for their work with declared conditions of the contest. Applicants wrote that in advertisement for vacancy was mentioned that salary of candidates and Doctors of science will be in sum 7000 – 8000 and also some privilege will be provided. Ombudsman (Akyikatchy) offered to the head of a university to investigate this case.

According to reply the salary was defined in accordance with article 22 of the Law «on Education» and also on the basis of common tariff scale taking into account the mountain conditions of the work. Therefore mentioned sum in the advertisement was not rate of salary scale it was just assumed real salary which could be changed in accordance with common seniority, academic degree and est. The infringements in this case were not found.

Mrs. Ch. T. turned to Ombudsman (Akyikatchy) because of illegal dismissal from office of the chief accountant of republican center of blood. Later we got reply from Ministry of Health in which was mentioned that she was dismissed until ending of the investigation of criminal case. However, as we found out the investigator did not accept resolution. Consequently there was not legal reasons for this which was fixed in Pervomay district court of Bishkek city and also as the applicant asked employees of the Ombudsman (Akyikatchy) Institution attended the court proceeding. By the decision of the court from November 14, 2005 the order 104 from September 7, 2005 was canceled and Mrs. Ch. T. was restored in previous position. It was also decided to pay 12861 soms for time of forced absence and moral damage in sum of 2000 soms. As the Ministry does not hurry to execute the decision of the court Ombudsman (Akyikatchy) still is keeping it under the control.

Mrs. L. K. is trying to conduct legal accounting control for determination of real salary of her former husband for long time but unsuccessfully. She announced about this to Ombudsman (Akyikatchy). Ombudsman (Akyikatchy) directed letter to State center of legal expertise concerning assistance for applicant. Later we got reply in which was mentioned that she got all necessary materials of expertise.

A lot of infringements in the sphere of labor relations are aroused on the enterprises, which have undergone the process bankruptcy. People are losing their jobs, debts for salaries and insurance payments do not enter in social fund. Besides during the bankruptcy a lot of worker's rights infringements are aloud and methods of its prevention do not reflect in Labor Code of the Kyrgyz Republic. The situation is complicated by that former of bankrupt enterprises is being as creditor do not know their rights and could not realize them including the right of execution control over the procedure of bankruptcy.

Mrs. K. K. informed Ombudsman (Akyikatchy) that «Vostok» joint enterprise does not execute the decision of Sverdlov district court of Bishkek city from February 13, 2004 about payment of arrears of wages for her son Mr. M. K. at the sum of 4664 soms 14 tyiyn. During the investigation was found out that in accordance of Chu arbitrage court decision from February 25, 2004 since March 1, 2004 the procedure of special administration have begun in the enterprise. Therefore all requirements on bill payable must be satisfy in accordance with art. 99 Civil Code of the KR and art. 87 Law «On bankruptcy (insolvency)» and requirements about execution of court decision at third line. By the examination of list of creditors was found out that applicant's son was to put on third list in accordance with legislation. She was explained that credit repayment will be given by taking funds from selling of enterprise debtor's property assets.

This complaint could not be if the administration of enterprise has explained people who were in bad position legislation correctly.

Mr. D. R. and Mrs. L. T. turned to Ombudsman (Akyikatchy) with the same complaints. They asked to assist in collection of salaries from «Djal-Yntymak» company. According to this statement the Act of reaction was directed to «Djal-Yntymak» company, but the reply was not given. Ombudsman (Akyikatchy) had to turn to Mr. M. Suranbaev, the public prosecutor of Sokuluk district in order to get assistance. The public prosecutor replied that by the decision of Chu inter-district court from June 03, 2005 a new special administrator was appointed on enterprise and the applicants should turn to him for solution of their issues in accordance with legislation on bankruptcy.

Mr. A. J. in the statement wrote to Ombudsman (Akyikatchy) that after operation he worked in «Kumtor Operating Company» joint - stock company in dumping truck. He was not given easy work. It caused acute condition of disease. However State inspector was keeping another opinion and during of examination his complaints he did not find out occupational disease. Ombudsman's (Akyikatchy) employees studied this case in detail and did not find legal basis for recognition of occupational disease. Nevertheless the applicant was explained and recommended to turn to the court regarding disagreement in issue of investigation, registration and determination of accident on the manufacture in accordance with pp. 38 and 39 of position «On investigation and registration of accidents on manufacture» which was asserted by regulation № 64 of the Government of the Kyrgyz Republic from February 27, 2001.

The practice of investigation of addressing to Ombudsman (Akyikatchy) concerning labor disputes particular in condition, organization and payment for labour is shown that often hired workers execute the work without corresponding contracts and in that way they are jeopardized themselves and exempted employers from liability for all unfavorable consequences. Service of Social funds and service of rating authority can be criticized for their work. They do not always explore and call account for bill of insurance in that way they was breaking the Laws.

Mr. T. A. with his wife and son orally dealt with contractor and conducted construction works in Issyk-Kul Lake for total sum 63692 soms. However contractor did not pay off with A-s family fully. According to their complaint Ombudsman directed the letter in which he offered to solve labor dispute but the answer did not come. Ombudsman received the reply from Office of Public Prosecutor of Issyk-Kul region in which was mentioned that between hirer and applicants actually was just verbal arrangement for carrying out of construction works. However, by finishing of construction works disagreement concerning bad work has arisen between the sides regarding this corresponding act was written. Therefore to establish the fact of the infringement and to protect the rights is very difficult and sometime impossible in such situation.

Later on April during the visiting of Ombudsman (Akyikatchy) to Issyk-Kul region several workers, who have built «Gulkaiyr» hotel turned to Ombudsman (Akyikatchy). They were not paid salary by Mr. Aidar Akaev, the son of escaped president. Ombudsman (Akyikatchy) immediately went to the place of construction works, which was protected very hard. Actually there were not any other persons except accouter. Ombudsman (Akyikatchy) invited local Prosecutor and forced him to recovery broken rights of builders. By arriving to Bishkek he begun to seek the owner of the firm - customer. Having heard about this they immediately paid off with builders all sum. The conflict was solved. The builder solved their problems with the help of Ombudsman (Akyikatchy).

The Constitution of the Kyrgyz Republic is declared providing of the labour safe and people' health, public support of invalids and old people. However, civil rights on social protection which was declared in the Constitution does not provide in reality. Social stratification in the society, lack of proper support from the State of socially unprotected people can lead to breaking of the society and the State.

There are a lot of blames concerning acting order of pension charge. Simple person could not understand how and from what the amount of pension is up. It is a pity when old people have been worked over the 40 years and who earned only 800 soms per month. Because of incorrect registration of archival documents in the organization and institutions some of them have lost tenth of years of seniority and also the hope for getting a rise to their miserable pension.

Mrs. S. A. asked Ombudsman's (Akyikatchy) assistance in getting documents which was necessary for reappraisal of the pension. She continuously worked as the Head of drugstore № 339 of Talas regional hospital over 15 years. On May 25, 2005 the inquiry was directed to Ministry of the Health of the Kyrgyz Republic. Later we received reply in which was mentioned that in Talas regional state paper office necessary documents was not because its deposition in accordance with the legislation also was not. At present time it is unclear who must be responsible for such slovenliness.

We can not agree with the amount of established payment of sick-list. Paid off limiting sum in 600 – 700 soms at the same time of high cost of medicines and medical service have led to serious consequences. It is not secret that being ill the employee does not take sick-list and tries to go to work in order to not lose his job. The nation will not be healthy because of such actions.

In 2005 Ombudsman (Akyikatchy) received 950 complaints and application concerning payments of pension. Old Kyrgyz people and invalids very often turn to Ombudsman (Akyikatchy) because of incorrect charge pension. Such applications are demanded careful check and consultations with the experts. As a rule the reasons of dissatisfaction of the old people is aroused not because of mistakes in account of pension charge and in effect of pension legislation norms.

Mrs. K. D. asked to help her in pension allotment in accordance with record of service. Having learned all documents the applicants was given reply in which was mentioned that in accordance with p. 1 art. 9 of the Law «On State retirement and social insurance» the pension are granted to people who reached age since January 1 till December 31 2005: men – 62 years and women – 57 years therefore pension insurance are granted on the general basis and man must have 25 years of length of service and women -20 years. Therefore she will be given pension by reaching age which was mentioned above and required length of service.

Mr. U. S. and Mrs. Z. U. turned to representative of the Ombudsman (Akyikatchy) of Issyk-Kul region concerning assistance in getting pension in accordance with age. In March 2003 they handed all necessary documents in social fund of Jety-Oguz region. However, they did not reach anything except the promises from social fund. The issue was solved positively after checking of the employees of Ombudsman's (Akyikatchy) regional representative. As result of this on January 15, 2005 the reply was received in which was mentioned that documents by notice on these citizens for pension was directed to Republican Administration of social funds of Bishkek city. We received testimonial letter from applicants.

While Mrs. N. T., Mrs. U. A. and Mrs. M. D. who were doubted in correctness of pension and after careful examination of the documents they was told that the pension are given in accordance with current legislation and adopted methods of account.

Mrs. V. K., the habitant of Bishkek city turned to Ombudsman (Akyikatchy) with the statement concerning disagreement of money stopped from pension. Applicant lives in boarding house and fully supported by Government. Therefore, in accordance with legislation she must be given insurance par of pension. She was given such explanation in directed to her letter. And her request in assistance to get her property which was arrived by rail way from Russian Federation she received Ombudsman's support.

Point is that she needed to pay 45666 soms for package delivery but she could not pay such money. Ombudsman (Akyikatchy) turned to administration of «Kyrgyz-Railway» company wit the request to help woman. ON 13 December the General Director deputy of company announced that the issue was solved positively on the meeting of Technical board and the sum for delivery was paid by National company «Kyrgyz-Railway». This is perfect decision fro instance to other organization!

Mr. A. M., the habitant of Osh city turned to Ombudsman's representative of Osh region with request in assistance to get pension for there children of his brother because of losing bread-winner. During consideration compliant the inquiries to Osh regional administration and Karasuiski district department of social fund of the Kyrgyz Republic were directed. Later the reply was received in which was mentioned that since September 2004 till April 2005 the pension was paid on May 6, 2005.

Mr. Sh. T., the Head of social fund «Chernobyl-86» turned to Ombudsman (Akyikatchy) on behalf of 24 habitants of Chaek village of Jumgal district who was exposed radiation during the Chernobyl catastrophe. At present time because of blood disease among this category of people a big amount of death is pointed out and their children have been suffered from radiation exposure of one of the parents. Position of these people is become worth by that in Jumgal district as compared with other districts of Naryn region; higher radiation level which is coming from Min-Kush tailing pit is noticed.

Ombudsman (Akyikatchy) directed letters with the request to support «Chernobyl-86» to the ministries, social organizations and companies for protection social and economic status of citizens who was exposed radiation. Finally they were given assistance.

Mrs. A. O. turned to Ombudsman because of non payment the sum towards indemnification. In his application she announced that in 2001 she worked as plasterer of 2-rank in «Bishkek-kurulush» construction firm. After an accident on the manufacture she got mutilation. As result of received trauma she was operated and given diagnosis: compression fracture vertebrae with impaired function of spinal cord. The operation was cost 20 000 soms but she was paid just 9 000 soms towards indemnification. Also she was not paid her medical charges concerning treatment. Additional she supposed that she was unfair given 3 disability group and in accordance with medical certification determined 40 % level of loosing disability and also was dismissed without giving more easy work.

Besides the order of investigation and registration of an accident on manufacture were broken while fulfillment of acts of form N-1. The applicant explained this that having not learned the content of the act because of her illness she had signed this act. According to provision «on investigation and registration of an accident on the manufacture» Ombudsman (Akyikatchy) directed treatment to State inspection on labor of Ministry of labour social protection of the Kyrgyz Republic for solution of this issue in accordance with legislation as the infringement actually took place. Therefore State inspection on the labour of Bishkek city indicated that at present time on inquiry prescription about elimination of discovered infringements and also non execution of established of prescription in time administrative fine was imposed and materials was directed to Sverdlov Office of Persecutor of Bishkek city.

Mr. A. O. from Naryn region turned to Ombudsman. The reason of his applying was in that benefit on severe injury was not paid for seven months 2004. According to statement letter was directed to Mr. N. Jusupov, the Director of At-Bashinsk district enterprise «Ayyl-Komok» with the request to pay benefits. However we did not get reply. Only after second reminding of Ombudsman from January 26, 2005 reply was received in which was mentioned that debt was paid to Mr. A. O. In connection that in this enterprise season work are hold debts for January, February and March 2005 will be paid in April 2005. Thus broken rights of applicant were restored.

Mr. A.M., the invalid of third group turned to Ombudsman Representative in Osh region. He has 2 children who are studying at boarding school of Osh city. He several times turned to local authority with the request to give coal or money to pensioners and invalids. But there was not reply although Nariman administration should do so. Ombudsman Representative's employees met with Mr. M. Samsakov, the

chairman of administration. It is found out that applicant was receiving money in district post office and at present time he was transferred into post office where he is living where he can get his money.

Ombudsman Representative of Osh region asked Chairman of Red crescent city organization to help invalid's family. Applicant was grateful.

Mr. F. H. had severe injury as result of an accident being pilot of helicopter. But "Kyrgyz Aba Joldoru" company did not pay compensation for injury. Investigation of this statement was conducted by Ombudsman with State inspection of labor Bishkek. According to given documents was established that benefit indexation for Mr. F. H. had been implemented since May 1, 1991 in accordance with Law of the Kyrgyz Republic "On indexation incomes and savings of population in accordance with price changing for goods and services". And since 1993 benefit payment has been implemented in accordance with "Rules of indemnification", which was adopted by resolution of Government of the Kyrgyz Republic # 175 from 4/23/1993. Besides that the salary of this company was increased for all employees and benefit of Mr. F.H. was also increased by order # 416 from 9/30/1994.

Mr. U. B. from Suzak district turned to Ombudsman Representative of Jalalabat region with the request to assist Mr. J. B., her son in carrying out medical and social expertise. Later applicant's request was satisfied.

According to statement Mrs. S. O. concerning assistance in allocation of benefit Ombudsman turned to Jaiylsk district administration of social security. After all social certificate on poor family was registered. The issue concerning allocation of benefit was solved through Palatka administration.

Mr. E. J. invalid from Bishkek city turned to Ombudsman with the request to assistance in getting of phone. Ombudsman turned to Mr. A. Baratbaev, the director of Bishkek State telephone network with the request to tap of telephone line in his house in accordance with art. 34 "On social security of invalids of the Kyrgyz Republic". Later telephone was given

Mrs. J.K., invalid turned with the request to assist in getting of trade place in "AK- EMIR" market. Ombudsman's petition was directed to Director of Market and as result of negotiations with Administrator applicant was given place.

Mrs. N. C., invalid informed that Panfilov district court collected from her 14451 soms because of debts for electric power in favor of "Severelctro". Monthly applicant gets pension at the sum of 419 soms and 84 soms from which goes to District electric station (DES). Ombudsman directed to administration of DES letter with the request to do not switch off electricity. So this addressing had found its response and despite of big debts they would not switch off electricity.

§6. The Human rights of compatriots abroad and foreign citizens in the Kyrgyz Republic

Ombudsman thinks that human rights protection of compatriots abroad is one of important directions in the activity. As previous years address to Ombudsman concerning this problem is determined by arriving of our citizens abroad as labor migrants. It necessary to note that contacts which were established with Commissioners on Human rights and migration service in last two years and adopted inter governmental agreements have allowed to regulate this process. Accordingly number of complaints and statements has become less: if in 2004 was from 244 and in 2005 were from 128 people.

But direct contacts of Ombudsman with Ambassadors and representatives of foreign Kyrgyz Diaspora are increased. Ombudsman (Akyikatchy) reminded Kyrgyz diplomatists not only about their constitutional rights but also about main duty of compatriots' rights protection in the activity with complaints and statement of last. Namely p.5 art. 13 of Constitution: "the Kyrgyz Republic guarantees citizens protection and patronage beyond territory". Ombudsman (Akyikatchy) tries always to examine the activity of diplomatic representations of the Kyrgyz Republic abroad realizing mission on control over observation of human rights which was provided by Constitution of the Kyrgyz Republic.

So for example on March 6- 7 2005 Ombudsman (Akyikatchy) examined the work of Consulate general of the Kyrgyz Republic in United Arab Emirates concerning compatriots' rights protection. He discussed position of Kyrgyz girls who become as prostitute in this country and other Arabic countries with Mr. B. Akaev, the Consulate. A lot of such women are detained in the prisons waiting for deportation. But it is very difficult to help them to return. Firstly, they have forged passports. Secondly they have not money because souteneurs take away their money. But if women are ill with tuberculosis, syphilis or dying what can cause difficulties in transportation to the Kyrgyzstan.

Having used visit in Office of Commissioner on human rights in Moscow region Ombudsman examined Kyrgyz people's rights in Moscow and Moscow region. Ombudsman met with a lot of compatriots. He was very glad that compatriots earn from 3000 -4500 rubles on construction and in the sphere of service. However he was disappointed by stories about terrible actions of police and employers. So what can we do: illegal migrant have not legal right! One thing is good that they send money home.

Ombudsman (Akyikatchy) participated in conference of young Kyrgyz businessmen in Moscow. Most of them got Russian citizenship. Moreover Ombudsman told them true that Russia never give them dual

citizenship. Therefore try to get citizenship of this country and Kyrgyzstan always meets you with open door. Firstly there will not be problems with police and deportation. Secondly money will be legal.

Agreement between Governments of the Kyrgyz Republic and Russian Federation concerning labor activity and social security of workers – migrants from March 28 1996 and Protocol about making changes and additions in this Agreement which was ratified by Law of the Kyrgyz Republic from May 11, 2004 are single and necessary methods to legalize arriving of compatriots in Russia for Kyrgyzstan. In this connection it is nice to note that at the end of 2005 this Protocol was ratified by Russia.

Ombudsman also met with Mr. T. Shabolotov, the representative of Migration Service of Ministry of Foreign Affairs of the Kyrgyz Republic in Russian Federation. The issues concerning legal status of migrants from Kyrgyzstan were discussed. Received information during the monitoring Ombudsman wanted discuss with Mr. A. Djumagulov, the Ambassador of the Kyrgyz Republic in the Russian Federation. Unfortunately, Ombudsman's request was not satisfied as the Ambassador was busy by accompaniment of Mrs. R. Otunbaeva, the Minister of Foreign Affairs.

Later in November the situation was corrected by Ambassador. Having been in Moscow Ombudsman was met and had positive conversation regarding problems of compatriots in Russia with Mr. A. Djumagulov. Ombudsman asked Ambassador to meet to get in touch with Kyrgyz Diaspora and to support their initiatives.

After inspection of Kyrgyz Embassy activity Ombudsman also got to know about activity of diplomatic representations of the Kyrgyz Republic in Ukraine and Belarus. Ombudsman made sure that work on human rights protection of compatriots is better then in Russia.

In future Ombudsman intent frequently to inspect Kyrgyz diplomatic representations abroad, what will be aimed at "implementation of control over observation of constitutional rights and freedoms of person and citizen on the territory of the Kyrgyz Republic and within the limits of judicial cognizance" (art. 1 of the Law "On Ombudsman (Akyikatchy) of the Kyrgyz Republic"). At present time he is waiting for reply on his letter to Ministry of Foreign Affairs (MFA) concerning presentation for foreign diplomatic institutions reports on human rights protection of Kyrgyz people in countries of their stay for work completion over special report for Jogorku Kenesh of the Kyrgyz Republic.

The Constitution of the Kyrgyz Republic (art. 40) and the Law "On Ombudsman (Akyikatchy) of the Kyrgyz Republic" (art.2) make Ombudsman (Akyikatchy) responsible to implement control over observation of rights and freedoms of foreigners and persons without citizenship on the territory of the Kyrgyz Republic. According to this Ombudsman (Akyikatchy) as being official of the country inspected the tensest spots of Kyrgyz-Uzbek boundaries.

On May 13 Ombudsman had success to convey a lot of Uzbek people to neighbouring state and Kyrgyz people to own country after hard negotiation with frontier guards of the Uzbek Republic in Osh city. The fact is that the tragedy had over the barrel people of both sides of boundary. Some of them came to Kyrgyzstan in order to get medicines but Uzbek soldiers did not allow enter on the territory of the Uzbek Republic. Most of them have some business on Kyrgyz territory.

On May 14 having drove out soldiers and customs officials and grasped the head of local authority as hostage "national defenders" from Uzbek city Karasu begun to reconstruct broken bridge between Kyrgyzstan and Uzbekistan. There were not any representatives of Uzbek authority but representative form Kyrgyz authority every one was: representatives of National Security Service, Ministry of Internal Affairs, frontier troops and customs. Ombudsman stood on reconstructed bridge and demanded to do not interfere of Uzbek people initiative. After reconstruction of bridge Kyrgyz side renew access of people.

On May 27 Ombudsman (Akyikatchy) visited refugee camp which was situated in Kara-Darya village of Suzak region of Jalalabat region. He could personally value the situation, to give food and to meet almost with every one of refugees and to discuss the problems concerning complaints about action of Kyrgyz authority. Thereafter Ombudsman had conversation with Chairman Deputy of border service and military officers of National security Service, Ministry of Internal Affairs of the Kyrgyz Republic. During conversation Ombudsman (Akyikatchy) of the Kyrgyz Republic repeatedly insisted on observation of the Convention on refugees 1951. Ombudsman made them to pay attention on impossibility of refugees' extradition to Uzbek special services as he know about 80 refugees were drove away from Kyrgyz border.

By arriving from Osh region Ombudsman (Akyikatchy) give a number of press-conference and turned to international organizations with request to assist in provision of material assistance as Kyrgyz economy could not hold such big amount of refugees.

During of this period till final solution of this situation Ombudsman (Akyikatchy) and his employees of Jalalbat presentation visited refugee camp many times. Ombudsman insisted on that Kyrgyz government could give refuge to Uzbek citizens and also give them status of refugees.

Mrs. K.K and 11 others refugees informed Ombudsman (Akyikatchy) that on July 5 15 persons was removed from refugee camp. Ombudsman (Akyikatchy) found them in pre – detention center # 5. They are: Mr. A. Alimov, Mr. Sh. Atamanov, Mr. O. Akbarov, Mr. A. Kodirov, Mr. B. Mukhtarov, Mr. M. Mirzabaev, Mr. A. Makhسادakiev, Mr. B. Nuritdinov, Mr. I. Nazarov, Mr. N. Nematov, Mr. E. Tashbaev, Mr. F. Rashidov, Mr. R. Pirmatov, Mr. J. Makhsudov and Mr. O. Rakhimov. After detention in

pre0detention center # 5 of Osh city 15 Uzbek citizens extradition of which Uzbek authority demanded, Ombudsman (Akyikatchy) personally met with them and gave correspond instructions to his employees of regional representation on Osh region to react on all facts regarding infringement of refugee' rights. It is important to note that in such difficult situation many international organizations and local NGOs helped Ombudsman (Akyikatchy). With the help of Ombudsman (Akyikatchy) many of them could get to close zone and made own independent monitoring of the situation. Particularly Mr. D. Ilakhunov, the Chairman of public charity Fund «For vennskap» turned to Ombudsman (Akyikatchy) with such request. By assistance of Ombudsman (Akyikatchy) representatives of public organization could visit refugee camp.

On August Ombudsman met with Mr. A. Beknazarov, the General Prosecutor. The reason of the meeting was discussion about observation of international obligations and direction of all refugees to third countries. However, General Prosecutor answered that "we have to give back six of them as they did not service time till the end for commission of crime".

On August 26 Ombudsman (Akyikatchy) visited pre detention center # 5 especially for meeting with Uzbek prisoners. There were not complaints about keeping in cell, food and treatment of pre0 detention center staff. Every one asked to do not extradite Uzbekistan authority because there they will be killed. Everybody informed Ombudsman (Akyikatchy) that they arrested not for commission crime and for belonging to religious stream "Akrami".

Ombudsman (Akyikatchy) of the Kyrgyz Republic blesses Mr. Preisdent K. Bakiev and other officials for following of international obligations and direction the most of Uzbek refugees to third countries. At the same time Ombudsman (Akyikatchy) asked authority to observe international obligations regarding to refugees and to do not allow infringements of refugee' rights on the territory of the Kyrgyz Republic. The fact is that on July 26, 2005 Department of migration service of Ministry of Foreign Affairs of the Kyrgyz Republic made decision, in which was indicated that Mr. J. Makhsudov and Mr. A. Rakhimov was refused in giving the status of refugee in Kyrgyzstan. The Supreme Court also id not satisfy their complaints. Ombudsman turned to Mr. President and General Prosecutor of the Kyrgyz Republic again.

Ombudsman has initiated inspection of human rights and freedoms observation of migrants from Kyrgyzstan in Enbekshikazakh district of the Republic Kazakhstan. He with his deputy, employees, representatives of consulate general of the Kyrgyz Republic in the Republic Kazakhstan and the head of Employment agency participated in this inspection.

According to official information in 2005 3070 citizens of the Kyrgyz Republic have arrived to this district. The head of administration of this district personally is controlling the work for creation normal condition to work by employers. Parliamentarians of Kazakhstan have learned about condition of work place and life of migrants who are working on tobacco plantation and other farm work. They took decision to eliminate registration of Kyrgyz citizens and to introduce more easy order of registration. But we still have a lot of unsolved problems.

One of them: it is illegal import of our citizens on the territory of Kazakhstan "for sale". At present time we can not stop this illegal "business". There a lot of difficult have appeared during crossing of Kyrgyz-Kazakh border. So by arriving of Kyrgyz citizens to home with migratory cards, which was registered by competent bodies of Enbekshikazakh district however customs inspectors illegal detained and took money from them. The employers very often do not make a contract and just take away their passports and make them like hostages.

Mr. M. S. and Mr. A. T., the habitants of Naryn region in statement wrote that they worked on construction of building in Almatinsk region. The owner withdrew their passports and they came back home without documents. They asked to help them. Ombudsman turned to consul general of Kyrgyzstan in Almaty city with request to assist applicants to return documents. Consulate – general had worked very well and sent passports to Ombudsman (Akyikatchy).

Mr. Z. K., the habitant of Nookat district of Osh region turned to Ombudsman with the request to get out his son of slavery. Addressing was directed to Consulate – general of the Kyrgyz Republic in Almaty city. As a result of this her son was come back home.

The same request was form Mrs. G. T. form Belovodsk village of Mosow district of Chu region. Her sister was also in slavery. By addressing of Ombudsman, Consulate-general established that several Kyrgyz citizens including her sister arrived Yntala settlement of Kazygurtsk district for growth of tobacco. But by arriving of employees of Consulate –general it became clear that she had worked since July 31 till October 31 2005 and in the beginning of November she got full salary and went to Kyrgyzstan. Nevertheless Ombudsman personally investigated and found out that the name and place of residence (Kara-Balta city) of modern "slave-trader" and he sent all documents to Ministry of Internal Affairs.

As show correspondence of Ombudsman citizens made problems for themselves and relatives because of irresponsible behavior.

Mr. S. B. from Tegirmech village of Batken region turned to Ombudsman (Akyikatchy) with the request to find his son who went to Kazakhstan. Ombudsman (Akyikatchy) sent to Embassy of the Kyrgyz Republic in Kazakhstan addressing. By received information the applicant's son was found by employees of Consulate General of the Kyrgyz Republic in Kazakhstan. He was well but he did not think about worrying of the relatives. He has promised came back home in the end of year.

Mr. A. M. from Bishkek asked Ombudsman (Akyikatchy) to find three of her relatives who as if worked in one of brickworks of Jambylsk region. Consulate General gave reply on the inquiry of Ombudsman (Akyikatchy) that they examined all brickworks where they could be. They met with 17 workers from Kyrgyzstan of this brickworks, but there were not relatives of applicant.

Mrs. J. A. turned to Ombudsman (Akyikatchy) with the request to assist in return of her daughter from Russian Federation.

According to this statement addressing was directed to Consulate General of the Kyrgyz Republic in Yekaterinburg, Russian Federation with the request to assist in return of Ms. G. K, the applicant's daughter home. We received reply in which was mentioned that on October 14, 2005 the employees of Consulate General of the Kyrgyz Republic visited the place of her work – "Tagansky ryad" market. During conversation is found out that she would have back home on December 2005 as she lost her birth certificate. The Consulate General of the Kyrgyz Republic asked to inform mother about necessity to recover her certificate and to direct it to Consulate General for return of her daughter in Kyrgyzstan what it was done by Ombudsman (Akyikatchy).

Mrs. M.M., Mrs. N.B. from Kyzylkiya city and Mrs. I. M. from Nookat district, Osh region turned to Ombudsman (Akyikatchy) with collective statement. There was said that their friend Mrs. G. Pratova has promised to give a job for their daughters in business, which Mrs. G. Pratova's sister has opened in Moscow. The conditions of work are very good. She not only would pay high salary but also to take all expenses concerning accommodation and food. Women agree to send their daughters to Moscow but previously they gave her 5 000 soms. But later they found out that their daughters were in very bad conditions. They forced to work them 17 hours a day and food was also very bad. Additionally one of them was very ill.

Ombudsman turned to his colleague Mr. V. Lukin, the Commissioner on human rights of Russian Federation. It was difficult to find them and return home but nevertheless it was have success.

Mrs. K. E. from Bishkek city turned to Ombudsman (Akyikatchy) with the request to return her husband from Russian Federation. We received reply from Consulate General of the Kyrgyz Republic in Yekaterinburg, Russian Federation on this addressing in which was mentioned that persons who have lost their passports and wanted to return home should get certificate for return to Kyrgyzstan from Consulate General. In order to get such document person should come in Consulate General of the Kyrgyz Republic personally. Having done all necessary requirements applicant's husband arrived Kyrgyzstan and to express gratitude to Ombudsman for assistance.

Mr. K. Z. informed Ombudsman (Akyikatchy) that he bought car "Mercedes-Bens" in car market of Lithuania. But by arriving in Bishkek he was arrested by inspector of State Car Inspection with car' document withdrawals. It is turned out that carbody of this car was under the search.

On Ombudsman's addressing Mr. R. Kachkeev, the Ambassador of the Kyrgyz Republic in Belarus Republic informed that according to information of State motor licensing and inspection department of Belarus Republic withdrawn car actually is under the search. According to legislation of Belarus if during 3 years since seizure, legal owner would not take car so this car will be handed to buyer through decision Belarus court body. At present time car is in auto park of Ivyeysk police station of Grodensk region.

Mr. J. Tontukov, the chairman of Kyrgyz Diaspora "Adilet" in Novosibirsk city informed Ombudsman that Vice-Consulate of Kyrgyzstan in Novosibirsk does not follow rate on consular collections. Mr. T. Turgunbaev, the Consulate General and Mrs. E. Martushiva, the Vice Consulate was executing their administrative duties very bad. Ombudsman directed addressing to Mr. K. Bakiev, the President of the Kyrgyz Republic and Mr. E. Beishembiev, the Head of Main Consular Office of the Ministry Foreign Affairs (MFA) of the Kyrgyz Republic.

Consular service department (CSD) of MFA of the Kyrgyz Republic informed that correspond documents concerning necessity of strict observation of rates and consular collection, which was asserted by the Resolution of government of the Kyrgyz Republic and also about adoption of measures on providing of human rights and interests protection of citizens of the Kyrgyz Republic was directed to Foreign Institutions of the Kyrgyz Republic in Russian Federation. Taking into account current situation concerning provision by passports of the population of the Kyrgyz Republic CSD has reduced price of consular collections with the aim of creation of more favorable conditions on departure of the Kyrgyz citizens abroad and being in foreign countries. Changes in Position "About consular and factual collections of the Kyrgyz Republic" (in edition of Decree of the Government of the Kyrgyz Republic from July 1, 2005) about reduce a prices on consular collection; registration of foreign passport was made.

Mrs. T. Merzlyakova, the Commissioner on human rights in Sverdlov region, Russian Federation turned to Ombudsman with the request to assist Mrs. Z. Tomakhova to get birth certificate with correct surname. The employees of Jety – Ogas registry office made mistake in old birth certificate because of this she could not to get Russian citizenship.

Ombudsman directed inquiries to district registry office and Ministry Justice of the Kyrgyz Republic. On September we received reply in which was mentioned that they conducted investigation and sent all necessary documents to Commissioner.

Mr. V. Lukin, the Commissioner on human rights of Russian Federation turned to Ombudsman (Akyikatchy) with the request to assist Mrs. Z. Starobinskaya to get work record card and certificates about salary. She lived in Arashan village of Almedin district, the Kyrgyz Republic where she worked as teacher. In 1976 she was retired and went to Israel. As she said pension and work record card was in pension body of Alamedin district. So that's why she could not make official pension in Russian Federation.

The employees of Ombudsman (Akyikatchy) found all necessary certificates and directed to Commissioner on human rights of Russian Federation.

Mr. Ch.M.N., the citizen of Italy turned to Ombudsman with the request to assist in return of money for rent of the apartment. Mr. G. N., the renter was invited in the Ombudsman office for explanation and confrontation with foreigner. It was found out that the condition of the contract was broken by Mr. G. N.. She returned money in sum of 243 US \$.

Trips of Kyrgyz people abroad are connected with difficulties and limitations and sometimes with risk for life.

Sorrowful applying of relatives and friends of our compatriots who died far from motherland was created very difficult problem of delivery them. Because of lack of money for transportation people are very upset.

On November 8, 2005 Ombudsman of the Kyrgyz Republic had to turn to Government for assistance on solution of this situation. We received reply which was signed by Mr. K. Kanimetov, the head of strategic development and expertise department of President Administration of the Kyrgyz Republic. He informed that the letter was considered by corresponding bodies of republic. So "Kyrgyz Aba Joldoru" company took decision to provide 50 % discount for departure of "cargo-200" by route "Moscow-Bishkek" in accordance with application of government of the Kyrgyz Republic in Russian Federation. National Company "Kyrgyz Railways" has duties to cover full sum for delivery in special cases.

Current situation in the Kyrgyz Republic concerning new passport reform is creating a lot of difficulties for Kyrgyz citizens. The conditions of changing of new passport and limited terms of validity are caused misunderstanding. Trying correct situation Ombudsman turned to Mr. President and Mr. Prime minister of the Kyrgyz Republic with the request to provide benefits for needy people for getting passports of the Kyrgyz Republic. On February 4 2005 Mr. President signed decree in which 25 categories of such citizens was determined.

Any refuse of State body in issue of passport and non registration passport for traveling abroad in accordance with p. 8 art. 16 of the Constitution of the Kyrgyz Republic are breaking the right on traveling abroad and free return to Kyrgyzstan. Nevertheless it is real that over 500 thousand citizens could not at fully realize their constitutional rights.

So, some of them are obvious examples of citizens' addressing to Ombudsman: Mr. M. J. from Bishkek asked Ombudsman's assistance to get passport as he need to got to Russian Federation for earnings: Mrs. A. C. also from Bishkek informed that it was necessary to go to Russia for in-patient treatment of her children: Mrs. S. O. from Poltavka village, Jalyilsk district informed that she needed to change Soviet passport on national passport of the Kyrgyz Republic as she has six children and that's she could not get benefits.

After Ombudsman's addressing to corresponding body every one got passports. But it would be better if these problems never had appeared. We were in derision of whole the world.

In 2005 Ombudsman received written addressing from 265 persons concerning getting of document for passports and citizenship. There are a lot of complaints concerning long consideration of the documents because of unclear work of corresponding divisions of Ministry of Internal Affairs. Commission on citizenship issues sometimes has to return all documents district passports department of Internal Affairs Department (IAD) because of employees do not examine its accordance with established rules. Therefore correction of the mistakes takes a lot of time, which is continued for years.

Mrs. G. K. from Bishkek turned to Ombudsman with the request in assistance her daughter to get citizenship of the Kyrgyz Republic. She did not receive replies for her addressing from different bodies and that's why she asked assistance. So, having considered this statement we found out following.

The documents of applicant for citizenship from IAD of Lenin were district directed to the Ministry of Internal Affairs of Kyrgyz Republic – later to Commission on issue of citizenship of President Administration of the Kyrgyz Republic. But Mr. R. Mamaev, the Commission secretary replied that due to absence of MIA findings and deficit the documents was returned for consideration to Passports and Visas Work Administration (PVWA) MIA KR then again to Passports and Visas Work Department (PVWD) of Lenin district. So it was not last case of long consideration for getting passports.

Ombudsman (Akyikatchy) had to direct Act reaction to PVWA MIA of the Kyrgyz Republic and the letter to the Commission on issue of citizenship with the request to speed up consideration of material as this process is continued almost three years. Fortunately, the examples of this are less than decision which is satisfied people.

Mrs. M. T. turned to Ombudsman (Akyikatchy) with the request to assist in getting of citizenship. All documents for getting citizenship are on consideration in Commission on issue of citizenship but she does not know about results of consideration.

We directed addressing to Secretary of Commission with the request to inform results of issues consideration. So we received reply in which was mentioned that Mrs. M. T. was naturalized in the Kyrgyz Republic by Decree of the President from June 6, 2005.

The same decisions about citizenship were accepted regarding Mr. T. L., Mr. M. L., Mrs. V. K. and others applicants who turned to Ombudsman (Akyikatchy).

Mr. H. A. and Mrs. Z. A., refugees from Pakistan could not get birth certificate for their son, who was born in Kyrgyzstan. As the parents – foreigners District register office in accordance with Law “On citizenship of the Kyrgyz Republic” gave only note about birth. Later their child was given birth certificate in accordance with Law of the Kyrgyz Republic “On acts of status” from April 12, 2005 after meeting of Ombudsman (Akyikatchy) with Mr. M. Alymbaeva, the Head of status acts of Ministry Justice of the Kyrgyz Republic.

§7. The human rights and freedoms in sphere of education and culture

Unfortunately last year did not bring positive changing and tendencies for improvement of legal relation in sphere of education and culture. We have a lot of infringements in this regard. If in 2004 Ombudsman (Akyikatchy) received statements from 575 persons that for 2005 it was from 1119 citizens. They informed about mess in educational and cultural institutions. Investigation on complaints and statements is convinced us that constitutional right first of all of young people on getting of education and access to cultural values are not provided by good finance and corresponding organizational legal norms.

There are not reliable guarantees on getting qualitative and perfect education which will be corresponded to established standards and requirements. Level of teachers' education is low especially in rural schools. They do not get high salary for hard work that's why they do business. Specialists who have just graduated from university or who has not corresponding education come instead of them. Textbooks and methodical literature are not enough in every school including city's school. Because of lack of finance teachers have to organize additional money collection for rent of books, for repair of classroom, buying washable things and celebration of different holydays.

According to status of school and category of teachers the prices for additional educational services are established. At average such lessons are cost in middle class from 80 to 120 soms and in commercial till 800 soms a month.

Additional chargeable service as if is legal source for renewal of school budget actually it is simple way to take money from parents. Children are forced to attend “additional lessons” and it is not important the desire of children and parents. Teachers are stating as one that it is difficult to survive with current finance of educational system because government does not care about us. According to Headmasters of schools all collection of “additional lessons” are transferring to district department of education and then to special account of Administration of education and later goes in order to cover expenses for heating, salary of employees and teachers.

Provision of Ministry of Education of the Kyrgyz Republic “About parents' participation in maintenance material - technical and training basis of educational infant school and out-of-school institutions of the republic” is caused great attention. The size of optional consumer contribution was determined in this provision: in rural school - 100 soms and 160 soms - in city's school a year. There are also determined the category of people who do not pay.

Public schools of Bishkek city have not enough books and over 70% should be charged-off. Because of lack of books parents have to buy it at their own expense. Children from poor family have not books at all.

Materials of examination of school was collected by Ombudsman and directed to Minister of education for consideration.

Defects in schools are caused parents' protestation that's why they ask Ombudsman's assistance in solution of these problems.

Ombudsman (Akyikatchy) received collective statement from habitants of Tashkumyr city concerning money collection for books rent and school fund. We directed to Mr. Dosbol Nur uulu, the Minister of education the letter and met with the Head of library stock. Applicants were explained established price for school supplies.

According to price for books rent following was established. Books rent are 15 soms for 1 book in Bishkek city and Chu region and in other regions 12 soms.

Mrs. I. A., Mrs. K. B. and Mrs. S. A., the parents of school children of school # 38 turned to Ombudsman (Akyikatchy) because of monthly illegal requisitions by school administration. Employees of Ombudsman examined this statement. Requisitions over given 160 soms were made which was established after conversation with pupils. Ombudsman (Akyikatchy) directed Act reaction to Mr. Dosbol Nur uulu, the Minister of education and to Education Committee of Parliament (Jogorkru Kenesh). But problem still is not solved.

Ombudsman (Akyikatchy) received statement concerning unfavorable situation in the sphere of school education and infant school from 8 the headmasters of School and The head of Children Gardens of Talas city. For period since May 10 to 30, 2006 we received 3 statements, in which was mentioned about excesses and abuses of Mr. K. Orozaliev, the Head of city's education department. Employees of regional Representative Ombudsman examined this statement.

Mr. K. Orozaliev directed all his efforts for extraction benefits from very doubtful entrepreneurial operation instead of solution of problems concerning teaching and educational process. He sold organization's goods by high price for example bundle of paper was cost 240-250 soms (his price), but in the market the same paper would cost 160 soms. He commanded off-budget money as if it was his.

It is necessary to note that in April 2005 Minister of education tried to call him to order and directed commission in order to check up the situation. However, he did not allow doing examination. Mr. Dosbol Nur uulu, the minister of education dismissed from office but the order of Minister was cancelled by Pervomay district court of Bishkek city and Mr. K. Orozaliev was restored on work.

Ombudsman recommended Minister to appeal a decision in the court in an effort to protect of parents', children' and teachers' rights and interests. Ombudsman also guaranteed to give his representative in the court proceeding.

Corresponding addressing was directed to countable body and National Security Service (NSS) of the Kyrgyz Republic.

Examination, which was conducted by countable body revealed a lot of financial infringements and NSS administration not only confirmed these infringements and also indicted other his illegal action, who illegally interfered in investigation of criminal case. Also it was informed that on July 4, 2005 Mr. K. Orozaliev was arrested on suspicion of crime commission in accordance with p. 3 art. 394 of Criminal Code of the Kyrgyz Republic and placed in pre-detention center of Tals region. He was dismissed.

Ombudsman (Akyikatchy) very long time tries to introduce single school form in the city's schools. Having got positive reply on his initiative from Minister Ombudsman (Akyikatchy) during inspections of schools of all regions noted that single school form in the schools of KAdji-Sai village, Balykchy city of Issyk_kul region and in some schools of Osh region. Not noticing short skirts and jeans the teachers and Headmasters are fighting with girls who are wearing kerchief and long dress by means of police and mass media. Teachers' willfulness and pupils' spiritual wounds will continue as long as single school form will be introduced. It would undoubtedly increase moral principles in the schools.

The statements which were form Universities and schools have become alarm signal for taking immediate measures for Ombudsman. Mainly it was about corruption and sexual harassment. Ombudsman (Akyikatchy) described about unfavorable tendencies in Universities in previous his reports but, unfortunately situation was not change in the best side.

In November and December 2005 Ombudsman (Akyikatchy) initiated anonymous questioning among students of Universities in order to get file for more objective appraisal of teaching and educated process in educational institutions of different categories. 520 students participated in anonymous questioning. Received results make us to think up. First of all cases of bribe is one main feature for all Universities: good marks can be bought instead of knowledge.

86% of respondents confirmed fact of bribe in Osh State University. 82% of respondents in Bishkek Humanities University and 80% of respondents in Batken State University also confirmed this. Further by order of diminution: Kyrgyz Technical University (Bishkek city), Talas State University, Osh National University, Naryn State University, Kyrgyz State Medical Academy (Bishkek), Kyrgyz State Pedagogic University after the name of Arabaeva (Bishkek), Kyrgyz State Legal Academy (Bishkek), Kyrgyz State University of Construction and Architecture (Bishkek), Kyrgyz – Russian Slavonic University (Bishkek), Tokmok University and Kyrgyz National University. "Priority" belongs to provincial educational institutions in this line.

On the question: Why do teachers accept bribes? – 50% of respondents replied that the student gave cause for bribes; 35 % - because of low teachers' salary and 10% - the reason of bribes in dishonorableness of teacher- bribetaker. Bribes are giving by different way: money (47%), books, food and office equipment (13%), physical assistance (6%), invitation of going to restaurant and café (4%), sexual service (4%) and other (10%). It is typical that 85% of respondents resignedly accept bribery and do not to appeal such phenomenon. 46% of them think it is useless, 20 % are afraid of undesirable consequences for themselves. Only 3% of them have complained about this in corresponding body. It is good that 68% respondents suppose that this bad phenomenon should be eliminated.

Materials were directed to Minister of education of the Kyrgyz Republic for adoption of corresponding measures.

There are a lot of statements concerning reduction of high price for education. Most of students have to leave University or they are sent down because of debt.

Mr. A. I., the student of 3 year, "Jurisprudence" faculty of Kyrgyz National University informed that he could not pay 24000 soms for education as he is from poor family. He asked to assist in transferring into instruction by correspondence department and the sum for contract is 10000 soms. The Administration of University supported Ombudsman's request.

We received statement from graduating students who did not get their diploma during long period.

Ms. I. V. informed that in 2004 she graduated from Batken State University, "Economy and Management" faculty, degree "Management". According to contract she paid 2400 sms. However she was given diploma with printing mistakes. But administration of University did not send to correct it referring to that University has not money. And she could not find job in accordance with profession. Ombudsman directed addressing to rector of Kyrgyz Institute of technologies of Batken State University. Not having proper reply Ombudsman (Akyikatchy) had to turn to Minister of education who replied that Ms. I. V. got her diploma on October 3, 2005.

Taking into account addressing of previous years concerning infringements during enter exams and enrolment Ombudsman (Akyikatchy)'s employees examined all Universities during entering. At the same time there was task to exclude infringements and to get documents for analysis and assessment of innovation in the process of enrolment which was adopted in 2005.

Generally the level of preparation and organization of enrolment process deserves good mark: the main requirements, information concerning enrolment was observed in most of University. The members of receipting committee of Universities gave to observers open access to registration books.

Nevertheless there were some regrettable errors. In some cases information which was given without registration of separation of school-leavers into social categories what caused protest of those school-leavers who's scores was higher but among included was not. Not always members had enough patience in order to explain conflict situation. Doubts in objectivity of enrolment process caused manipulations.

Entrants of KRSU, KTU, KSMA, KNU and others did get proper information concerning of such places. The issues concerning of place allocation for entrance also were not regulated.

Not every entrant and their parent understand the scheme of enrollment into University. Not having proper explanations on their questions in Universities and Ministry of Education they have turned to Ombudsman (Akyikatchy).

Materials of inspection were collected and given to consideration for Ministry of Education by Ombudsman (Akyikatchy).

Reality of modern existence put the most of people in such position when their spiritual needs are turned out muted by burden of trivial life. Unfortunately Ombudsman (Akyikatchy) receives very seldom the letters concerning promotion and increasing of achievement in culture, art and literature.

Mainly cultural workers turn to Ombudsman (Akyikatchy) with the complaints that their work was not estimated as true worth and they were not awarded.

So, Mr. V. R., the Head of music – theoretical discipline department of Kyrgyz State Institution of Arts (KSIA) asked Ombudsman (Akyikatchy) assistance in getting reply about results of consideration of awarded materials. Taking into account big contribution of Mr. V. R. in development of culture and arts of the Kyrgyz Republic employees of KSIA and staff of Composers Unite have nominated him for appropriation of title of honour many times but he did not receive results of consideration. It is not surprised that Ombudsman (Akyikatchy) also did not get the reply on his inquiry.

Mrs. F. I. from Cholpon-Ata city, Issyk-kul region asked assistance in getting of title "honors employee of the Education of the Kyrgyz Republic". According to power Ombudsman (Akyikatchy) directed addressing to Mr. D. Sarygulov, the State secretary of the Kyrgyz Republic and the chairman of Committee on State Awards with the request to inform about taken decision and to Minister of Education – to consider the Mrs. F. I.'s issue.

Minister replied that Issyk-Kul regionsl administration of education was charged to collect all necessary documents and to pass in Committee on "Awards" and applicant was informed about this.

§8. Protection of rights of citizens in sphere of public health services

For 2005 Ombudsman (Akyikatchy) received 1442 written addressing from citizens in connection with infringement of their rights in sphere health services. People complain of shortage of means for purchase of expensive medicines, on carrying out of this or that operation. Heads of medical institutions in the addressing to Ombudsman (Akyikatchy) complain about heavy working conditions, the low salary, lack of the medical equipment, medicines. The real condition of medicine in the country is reflected in these messages. In structure of the state budget the share of charges on public health services annually decreased: from 13,5% in 1996 to 7,2% in 2004, in structure of gross national product in 2004 it has made 2,1% against 4% in 1991.

Position has even more aggravated annual imposing of an interdiction on use of means of the budget: in 2003 56, 4 million soms was sequestered, in 2004 - 20 million soms. Additional to that –is non-uniform financing on regions. All this has entailed decrease in quality of medical aid. Availability of medical services, especially for agricultural population has decreased; cost of medicines has sharply risen.

The state can not contain current system of public health services. Its reforming has begun with attraction of the external financial help for a total sum of 138 861 741 US dollars, including the World bank has allocated under the project « Reforming of public health services 1, 2» 33,5 million dollars, the Asian bank of development - 5,8 million dollars.

Means of obligatory medical insurance were used on repayment of pension debts. It has not brought simplification and entered since 2001 payment. And together with it the expenses directed directly on the patient, do not covered. It was dissolved in the general charges. Practically all privileges for medical aid have turned out as the empty declaration.

Inspections of Ombudsman (Akyikatchy) of the Kyrgyz in 2005 in territorial hospitals of Chu, Osh, Jalalbat, Issyk-Kul, Naryn, Batken and Talas regions have shown a failure of reform «Manas». Ombudsman (Akyikatchy) did see more or less decent hospital: in one of areas even on the small native land of the ex-first lady of Kyrgyzstan! Exception unless only Aktalin hospital in Naryn region, constructed with support of the Swiss Red Cross and Djety-Oguz and Issyk-kul regions are keeping on enthusiasm of doctors.

The situation in specialized medical institutions is not much better. The position of patients in Chymkorgon branch № 1 of Republican psycho neurological clinic and Kyzyljar psychiatric hospital till now are caused censures of legal experts both domestic, and foreign. On May 7 Ombudsman (Akyikatchy) visited psycho - neurological boarding school in Pokrovka village, Talas region, where 51 mentally sick men are situated, it is possible to remove films about fascist concentration camps.

One doctor, 4 hospital nurse, 12 nurses and 3 cooks on all patients in the boarding school. Practically nobody comes to patients: a stinking fetidity from the excrements which have impregnated mattresses. And mattresses change one time in five years according to norm! Relatives do not come to them there. They do not have the most necessary subjects of use, clothes, footwear, etc. Ombudsman (Akyikatchy) could not restrain himself: he not only has financially encouraged heroic activity of medical staff, but also has given money for urgent purchase of footwear of patients. On this background the establishment for mentally sick women, located on territory of area Issyk-Kul Aksujsk region favorably differs. Knowingly here annually pass indicative republican seminars.

In anti tubercular medical institutions the situation in Djety-oguz sanatoria, Jalalabat a clinic, Institute of tuberculosis is better than in the Bishkek hospital. The paradox, but is the fact established during their visiting of Ombudsman (Akyikatchy) of the Kyrgyz Republic.

Annually more than 1000 experts leave medicine. In many Territorial hospitals work only 3-5 experts instead of 10-15. The level of preparation of experts at nine again open medical faculties is low. In an intoxication of «regional patriotism» are opened medical faculties in Osh, Jalabat, Kyrgyz-Russian Slavonic Universities and other places. The quantity has eaten quality.

About 400 rural settlements have no medical institutions. As a whole the number of hospital establishments was reduced on 42 (from 342 in 1997 up to 143 in 2005), bed fund - on 49,8. Association of nurseries and adult polyclinics is made. More than half of villages of republic have no in the territory even one chemist's item. During the inspection of Naryn region, Ombudsman (Akyikatchy) investigated the fact of destruction of the parturient woman in rural administration of Jumgalsk region. Reform because of which doctors have ceased to hospitalize patients on village is guilty; at once patients have to go to territorial hospital in the regional center. All this refers to as reform under the loud western name «Group of family doctors»!

On November 14, 2005 Ombudsman (Akyikatchy) took part and spoke on the Republican Day of the Diabetes organized by Diabetic association of Kyrgyzstan. Discussion of one of the sharpest problems of struggle against this hardest and progressing illness all over the world, has once again naked gravity and danger of position from over 20 000 Kyrgyz people are suffering a diabetes, and has demanded immediate actions on strengthening the help of the state of patients.

At once after taken place conference Ombudsman (Akyikatchy) directed letters to Mr. F.Kulov, the Prime minister and in Parliament (Jogorku Kenesh), in which he stated a desperate request to offer a helping hand to diabetic persons and in the budget for 2006 in the separate line to provide financing health services of such patients. Besides it was offered to consider an opportunity of returning of a building republican endocrinological clinic in due time given for library of the first President. Ombudsman (Akyikatchy) asked Ministry of Health to include representatives of Diabetic Association of Kyrgyzstan in tender commissions on purchase of medical preparations for sick of diabetes. Ombudsman (Akyikatchy) also turned to deputies of all local Parliament with the request to follow the example of Bishkek city Parliament, which annually provides in the budget of 800 thousand soms for the help a sick diabetes.

Ombudsman (Akyikatchy) investigated statement of separate citizens. So, Mr. O. O. turned with statement in occasion of rendering assistance in carrying out of operation for his son. He wrote that the son requires urgent operation which according to experts is estimated for the sum of 7000 soms. The Financial position of family is disastrous. Ombudsman (Akyikatchy) had to turn with the letter to Mr. M.Mamytov, the Minister of Health of the Kyrgyz Republic who has not disregarded the given addressing and has found a way out. As a result operation to the patient was made.

The relatives of Mr. A. M. turned to Ombudsman (Akyikatchy) with the similar request. He needed operation on heart, which cost in the cardiological center of Bishkek city 3000 US dollars. Family has not such means. Ombudsman (Akyikatchy) addressed to Mr. M. Mamytov, the Minister of Health of the Kyrgyz Republic with the request to help the seriously ill patient. Soon Minister informed, that the patient invite to stationary inspection and treatment then the consultation of experts will be lead and the volume of operative intervention, with granting a privilege is certain.

On July 27 2005 Mrs. A. Sh. turned to Ombudsman (Akyikatchy). Her sister has not finished the cure in the Osh regional antitubercular clinic. Check had confirmed it. The patient's rights were broken by Doctor - Mrs. T. Zhusubalieva. The doctor was taken measures of disciplinary punishment and applicant's daughter again appointed inpatient treatment by the head physician of clinic.

Mrs. S. M from Bishkek city informed, that on her expense are three minor children, the younger daughter requires operation, but she can not pay for it. Ombudsman (Akyikatchy) again addressed to Minister of Health with the request to assist in carrying out of all-round and objective medical examination, and whenever possible to help with carrying out of operation on heart of the girl. We received the answer from minister, in which was mentioned that now the girl was accepted in branch of a nursery cardiosurgery hearts department and transplantations of bodies where passes stationary examination.

Mr. S.J. from Osh region asked to assist in treatment of the daughter and in reception of an artificial limb. She independently can not get an expensive artificial limb for the child. Ombudsman addressed in the Ministry of Labour and Social Protection of the Kyrgyz Republic. Later we received reply in which was mentioned that applicant should turn to the Republican enterprise of prosthesis-orthopedic products where will be made measurements and the individual artificial limb is made. Payment for an artificial limb, a feed, residing in a hospital will be at the expense of the Ministry of Labour and Social Protection. The question was solved.

Mrs. G. O. turned to the Ombudsman in occasion of rendering assistance in treatment. From the application follows, that she is the invalid of the second group with the diagnosis "a bronchial asthma «. Because of frequent attacks she monthly addresses in National hospital at Ministry of Health. But recently doctors have ceased to accept her motivating with that there is no direction from a residence. Applicant requires medicines which she could not get because of lack of money.

In connection with that Mrs. G.O. is invalid and also she needed clinical examination for restoration of work capacity and treatment at the doctor of the therapist, therefore Ombudsman turned to Minister of Health. The answer was received, in which was mentioned that Mrs. G.O. was taken on dispensary account and served in Center of Family Medicine (CFM) № 8 where she received necessary medicines.

Practically Ombudsman considered all request for assistance in reception of medical and, as a rule, all of them found the positive decision owing to humanity of minister of Health.

Medical workers and heads of medical institutions also addressed to Ombudsman for the help. So, the staff of Jajylsk hospital complained of infringement of their rights by Mr. K. Dzhumagulov, the head physician. The commission from among employees of Ombudsman Office and experts of Ministry of Health has been generated for check of acted signals. The lacks revealed during inspection, testified not only to a weak management, but demanded the effective help of the ministry.

On the basis of the information of commission Ombudsmen directed the Act of reaction to Mr. M. Mamytov, the Minister of Health of the Kyrgyz Republic for taking up measures on correction of position in hospital. In the received answer it was informed that Mr. K. Dzhumagulov, the head physician of Jajylsk hospital was dismissed. The basic purpose of Ombudsman was: it is to restore a normal climate in collective, to put in order staying idle medical equipment, to create necessary conditions for patients and employees.

Undoubtedly, many things directly depends on the Head and if people see on supervising to a post competent, knowing the work, competent experts-organizers so they try to defend and support them.

The staff of the Osh regional sanitary-and-epidemiologic station asked assistance in appointment of Mr. A. Eraliev for a post of head physician. Within 25 years he has passed a way from the ordinary doctor of the epidemiologist up to the Deputy of Osh regional sanitary-and-epidemiologic station. His appointment for a post of acting as the head physician of the above-named service, the collective connected with successful carrying out of reforms in the field of epidemiology. But, as applicants specified, others are appointed to a post of the head physician, nothing the proved persons.

Not being beyond of the powers, Ombudsman addressed to Minister of Health and to the governor of Osh region with the petition to not neglect opinion of collective and it is detailed to weigh all at the final decision of the given question.

Mrs. S.K. turned to Ombudsman from Jany-Aryk village, Jumgal district of Naryn region. He works as the hospital nurse in Centers of family medicine (CFM) № 9, and she is the invalid of 3 groups. As follows from the application, Mrs. A. Omurzakova, the director of CFM refused to direct her for study for improvement of professional skill and receptions of the next category. Minister of Health answered on Ombudsman's letter, that Mrs.'s S.K.'s statement was considered by administration of Naryn regional incorporated hospital and she was given permit for courses of improvement of qualification from October 3 till October 22, 2005

Ombudsman representative of Osh region received statement from Mrs. V.K., the Deputy of the Head physician of Karasujsk stomatological clinic of Osh region in which was mentioned that the head physician of clinic unreasonably tried to release her from a post. During examination it was found out that applicant is working in system of public health services over than 15 years. During work she has proved to be from the positive party, to execution of the duties concerns honesty, before she had not any remarks.

During conversation with Mr. T.Korgolov, the head physician of clinic it was found out, that a question concerning dismissal of Mrs V.K. from a post was initiated by Mr. Z.Baitov, the Head Deputy Karasujsk

district. The head physician was explained, that servility will not bring anything kind neither to him, nor collective. As a result of this Mrs. V.K.'s rights was restored also she continues to work in a former post.

On April 13 Mrs. L.K. turned to Batken Ombudsman representation. She worked in Karavan rural hospital on the full rate, and also worked as the nurse of a procedural cabinet. From March, 1 till March, 15th she was in holiday without the maintenance and when she has returned for work, she was dismissed from former work and translated in registry on 0,5 rates. On interventions of Ombudsman's employees Mrs. L.K. again was accepted on a former post with the full rate. Moreover, she still had only year up to an output on pension.

Ombudsman received the letter from President Kyrgyz society of blind and deaf and members of Advice on affairs of invalids at the President of the Kyrgyz Republic in which was mentioned to direct the lawyer to the above-stated society for carrying out of lectures under human rights. The given reference does not remain without attention and employees of Ombudsman Office had been read through lectures in sphere of human rights, in particular, about Ombudsman's activity.

The staff of the Republican rehabilitation center for children «Mayak (Beacon)», the National center of phthysiology of Ministry of Health of the Kyrgyz Republic and also parents of sick children and inhabitants of Issyk-Kul region turned to Ombudsman with the request. Applicants asked assistance in transfer on balance of Ministry of Health the under construction object located in east part of territory of former Republican children's antitubercular hospital (RCTDH) «Cholpon –Ata», intended to school «Meerim» charity fund for the presented children. They asked and to return PCTDH from «Mayak» village of Tupsk district of Cholpon–Ata city.

On the letter in the Government of the Kyrgyz Republic Ombudsman received the answer, that «Meerim» charity fund is public organization with a private pattern of ownership and, accordingly, all buildings and the constructions belonging International welfare fund «Meerim», are its property. Therefore the Government has not right to solve questions of withdrawal and transfer of buildings and constructions of fund «Meerim» to other persons. Here so reference Ombudsman was answered with new authority: it is a private property of fund «Meerim», therefore it cannot be transferred a sick tuberculosis to children.

Nevertheless, Ombudsman directed inquiry to Office of Public Prosecutor of Issyk-Kul region about legality of transfer of a building and territory to fund «Meerim». By results of check it is established, that any decisions institutions of local government and the local state administration were not passed. Legal documents on transfer of the given territory to fund were absent. On the given site the school was constructed which now does not function. The question on transfer of a building of new school for especially presented children on balance of the republican rehabilitation center of Cholpon–Ata is a subject to the sanction at a level of the Government of the country and the Office of Public Prosecutor prepares for the corresponding reference addressed to the prime minister.

The sincere pain was caused the destiny small sick of a tuberculosis, struggled for returning in Cholpon–Ata from the compelled reference a former management of the state in «Mayak» village. Ombudsman repeatedly, in 2003-2004, appealed to conscience former authority and asked to not move sick children from a familiar spot. However fund «Meerim» has strongly chosen this place. After events on March 24, 2005 Ombudsman has left in Issyk–Kul region and helped to solve the problem on a place of returning of children in Cholpon–Ata.

Soon after returning Ombudsman received the information that according to decision of Issyk–Kul regional state administration from April 18, 2005 № 117 « About the regional center on struggle against a tuberculosis » and the order of the National center of phthysiology at Ministry of Health of the Kyrgyz Republic from April 14, 2005 № 11 « About Republican rehabilitation the center «Mayak (Beacon)» in April of current year to children from the Rehabilitation Center located in Mayak village of Tjupsk district was authorized to return on a former place to the cities of Cholpon–Ata. During next visiting Issyk–Kul region Ombudsman was convinced of it. Now 167 children receive treatment in PCTDH of Cholpon–Ata city.

§9. Political rights and citizens' freedoms

Address to Ombudsman on political rights infringements and citizens' freedoms although were not many but are differing by mass. Totally 26420 people turned to Ombudsman with the complaints and statements for the period of election campaigns of local administration, Parliament and Presidential election of the Kyrgyz Republic.

Social cataclysm exists before of Mach event of 2005. Complaints have been already coming during registration of candidates of Deputies of the Jogorku Kenesh in the Central Election Committee (CEC). Former diplomatists and politicians were refused in taking of documents and registration. Then open interference of authorities in course of election campaigns of local and district election committee was begun. Courts as before begun to take bribe.

Ombudsman (Akyikatchy) of the Kyrgyz Republic has raised the issue concerning the right of his employees to attend electoral centers many times with the aim of voting right infringements prevention.

Ombudsman's reasoning for this initiative was constitutional: to take control over human rights and freedoms observation during election. However, Mr. I. Imanbaev, the chairman of CEC argued with Ombudsman and his Deputy and banned them to take control over candidates' and voters' rights observation. Ombudsman received refusal on his addressing to Mr. President A. Akaev.

Nevertheless Ombudsman edited order for the avoidance of political conflicts in the society, in accordance of which on February 27 he inspected election centers in the South of the country, one Deputy – Issyk-Kul, Naryn and Talas region another – Chu Region and Bishkek city. Certainly, lack of employees Ombudsman could not take control over all election centers. Therefore volunteers were included in monitoring. But everywhere they tried to eliminate Code on election infringements; they explained chairmen and members of election committee legislation norms.

On March 1 and 7 2005 Ombudsman and his Deputies gave press conference which was devoted to results of first Parliament election. The informed that expect for Ombudsman's representatives there was mobile group consisted of employees of inspection and press– service. It is allowed to cover by control more election centers.

Voting was holding normal as tough legislation infringements were during election campaign. Tampering with voters not only by services also money, food, alcoholic drinks, goods and souvenirs had wide extension. Mainly, observers were placed far from place of marking, voters' registration giving ballots, voting and ballot-boxes. Therefore most of them had not opportunity to check marking and reveal other infringements.

Voters were not satisfied by long turns because of marking and lists. For example most of them were not included into the list of voters in the voting center # 173 (Issyk-kul region). The chairman of District voting center (DVC) was absent and list of voters also was not in the Yrdaksk centers # 163 of this region. Mrs. Z. D. was not admitted to voting as she was marked in the voting center # 2116 (Jalabat region). Mr. A. Orozuev, the chairman of DVC insisted on that 30 persons without passports voted in the voting center # 21. Infringement typically for Talas region was revealed because of non–renewing of the list most of the voters was not in the list. Voting centers #1,2,6 were not ready for election at all.

In fact the election was holding on old list and therefore dead people or living on another place was in the list in all voting centers of the republic. Additional list had consisted 10% from total number of voters in the voting center # 2125 (Jalabat region) Number of voters was not specified in Kyzyl-Kyiay voting center # 317 where number of voters with additional lists was more over 40 thousand persons. Voters stood in a queue over 50 minutes in voting centers of Osh region. And it caused that voters had begun to break windows and doors in the voting center # 288. Mrs. M. B., the voter knew that somebody voted instead of her in Aral voting center #263. Most of voters tried to vote in second time but it was strongly prevented by markers and Ombudsman's representatives.

Ombudsman again took control over election process on the second parliament election despite of obstacle of CEC and President Administration. Infringements were the same which was on the first tour. The number of candidates had just changed. But open pressure on voters and interference in results of election caused mass meeting. On March 4 mass meeting begun in Suzak district and covered many other districts.

On March 22 Ombudsman gave press–conference, on which he not only summed up results of second Parliament tour but also gave political assessment. Then he made his addressing to President public. The reason of public and open addressing to Mr. A. Akaev, the President was in that despite of attempts (in accordance with p. 1 art. 8 of Law “On Ombudsman (Akyikatchy) of the Kyrgyz Republic” he has right on immediate reception to the Head of all State bodies) he could not meet with President during all 2004 and begging of 2005! The topic of conversation was very serious: how honest election is conduct, without infringements of human rights and to offer Ombudsman's service in establishment of dialogue between authority and opposition. Mr. A. Akaev did not reply on last Ombudsman's letter (from December 30, 2004) in which was mentioned about meeting because of current troubled situation and necessity of above mentioned dialogue and his intermediation.

Ombudsman hoped that if he could meet with President then may be President would listen to his public addressing and would meet with leaders of opposition. Ombudsman understood that if situation would reach conflict between authority and opposition that can caused not only mass human rights breaking but also more bad consequences. Here Ombudsman's addressing in short:

“Unfortunately unskillful and illiterate actions of officials just have aggravated social political situation in the country. Republic was on the verge of social and political catastrophe. Many Kyrgyz people protests against results of Parliament election Current situation demands dialogue of Mr. A.Akaev with leaders of meetings.

Disaffections..... in the society was because of inability of Central and district election committees conduct honest election and assert its results in accordance with Legislation of the Kyrgyz Republic. Policemen and employees of Prosecutor could not and did not want to prevent the facts of tampering with voters and Code on election infringements. Judicial bodies also did not bring elements of honesty and justice in this situation. Sometimes decisions of election committee and judicial bodies have contradicted not only to each other but also to common sense. What can we say about them when the Supreme

Court's and courts of the first instance's decisions are mutually exclusive?! Is it caused statement about bribery among judges and members of election committees?!

Dear Mr. Askar Akaev, as you see the situation is become hot According to article 42 of the Constitution of the Kyrgyz Republic the President is guarantor of the Constitution of the Kyrgyz Republic, human rights and freedoms of citizens who are involved in present campaign of mass protestation. According to art. 40 of the Constitution Ombudsman (Akyikatchy) has to control over human rights and freedoms observation on the territory of the Kyrgyz Republic. Therefore I am asking you to recover justice and legality of candidates' and voters' rights where their rights were broken.

I think that protesters must act within legislation of the Kyrgyz Republic and realize the responsibility for their consequences. Therefore we must have open dialogue with them. It is not late.....

As Ombudsman (Akyikatchy) of the Kyrgyz Republic I am ready to be intermediary between authority and protesters for the sake of peace and justice in the world."

According to addressing Ombudsman foresaw everything that was happened in next days after press-conference but he was not noticed by the President Mr. A. Akaev.

There are some examples of consideration complaints of candidates of parliament election.

Mrs. B. Sh. the assistant of Mr. Marat Sultanov, the Deputy of the Parliament of the Kyrgyz Republic turned to Ombudsman with the complaint of CEC 's action in election center # 44 of Alay district of Osh region for protection Mr. Marat Sultanov's rights. According to protocol #1 of Alay District Election Committee (DEC) form March 13 2005 total number of voice was: MARat Sultanov –11605 (52,08%) and Abdagany Erkebaev – 10474 (47%). However, CEC knowingly delayed adoption of protocol "About results of Parliament election of the Kyrgyz Republic".

Ombudsman directed inquiry to CEC concerning observation of Mr. Marat Sultanov's constitutional rights in this issue. On next day on March 15, 2005 CEC positively considered the issue of giving of Deputy Mandate to Mr. Marat Sultanov.

Mr. K. Sherimkulov, Mrs. Z. Sadykova, (Editor of "Respublica" newspaper) the candidates and Mr. A. Chekoshev, the lawyer of Mr. B. Maripov turned to Ombudsman with the complaint concerning interference of authority and CEC's inactivity regarding infringement of legislation on election in the Kyrgyz Republic by Mrs. B. Akaeva. Mr. B. Maripov turned personally to Ombudsman because of his and voter's rights infringement and for protection of his right to get Deputy Mandate after first tour.

If in the first tour Mrs. B. Akaeva used dirty methods such as to cover portraits of Mr. B. Maripov, Mr. M. Mukashev, Mr. K. Sherimkulov and other candidates by black ink. Then Mr. B. Maripov informed about Mrs. B. Akaeva's action before the second tour.

On March 4, 2005 his team began agitation. But voluntary agitators especially women was subjected to attacks and robberies. For example Mr. G. Tolobay uulu and Mr. E. Bidjanov were subjected to attacks of employees of National Security Service of the Kyrgyz Republic who took away all agitational materials and posters and tried to push them into car. The same was happened with his agitator Mrs. G. Akmatyldaeva, Mrs. T. Abdasheva, Mrs. S. Omuralieva and Mrs. T. Sydykova. In this case representatives of NSS took away all posters and therefore voter could not get information about Mr. B. Maripov.

Observers of both sides, Ombudsman's representatives, independent observers of NGO and International organization. OSCE's and embassy's employees and mass media presented on the election of the second tour between Mr. B. Maripov and Mrs. B. Akaeva. On March 13 Mr. Steven Young, the Ambassador of the USA and Mr. B> Silaev, the former mayor and former Vice Prime –minister, who was independent observer of Russian Federation attended election center.

On March 13, 2005 the second tour of election between Mr. B. Maripov and Mrs. B. Akaeva was hold. The Kyrgyz National University (KNU) was the main and more numerous election center. KNU's administration worked for Mrs. B. Akaeva's candidate. Administration made obstacles in the meeting of students with Mr. B. Maripov as on the first tour as on the second tour. According to this statement Ombudsman directed his employees to student's dormitory. However, they also were not allowed to meet with students. Moreover, White House immediately directed journalists of TV to KNU for organization of provocations.

According to results of counting of votes total amount of voters who took participation in election were 1791 citizens and most of them voted for Mrs. B. Akaeva. Total numbers of voters were 2092 persons. The members of DEC informed that the students of three dormitory which is situated near KNU and at across of Turusbekova and Jibek Jolu streets and behind of KNU.

To take into account that such numbers of voters do not set in these small buildings. For the last 10 years student were not given these dormitories because of conditions of the rooms in these buildings. Moreover, during time of Mr. S. Toktomushev, the former rector of KNU students had to leave the dormitories. Time by time they lived without any conveniences and these buildings were empty.

Many illegalized persons from different regions of the republic who came to work lived in these buildings. The member of DEC informed that one of three dormitories was occupied by electorate of voting center #1 another was occupied by Kyrgyz radio. Famous dormitory # 8 which is situated on Jibek –Jolu Str. is the biggest was given for training center.

In Soviet time 4 persons could live in one room therefore total number of voters – 2092 persons. At present time three dormitories could not give such number. 4 people live there as before. So at most will be 500 people. Thus addition was so obvious. Then where from such number of voters was from who was so active on March 13, 2005? So there was “wrong” voter.

It is found out that tampering with voters took place. Students were invited to “Nooruz” skiing lodge, restaurants and discotheque. Representatives of NGO informed that homeless persons and prostitutes voted.

Before events of March 24, 2005 this problem was impossible to solve. Later the issues cornering revocation of Mrs. B. Akaeva was not solved at once but under the public pressure was solved.

Ombudsman directed addressing concerning Mr. B. Maripov's complaints to Mr. Prime-Minister, Mr. K. Bakiev, acting as President, Mr. A. Beknazarov, acting as General Prosecutor and again Mr. T. Abdraimov, the chairman of Central Election Committee because of absence of CEC's reply on Ombudsman's Act of Reaction, unresolved problems, judicial crisis and distrust to the Supreme Court and increasing of disturbances because of constitutional rights.

Only Office of Public Prosecutor informed that on June 7, 2005 criminal case was investigated regarding official of CEC of the KR who made mistakes during registration in four election centers.

On May 16, 2005 CEC accepted resolution # 19 “about adoption of Parliament's election results in University election center #1 are not validity”. CEC organized working group for checking numerous statements of Mr. B. Maripova and other candidates, simple voters, for consideration of Mr. A. Beknazarov and Ombudsman's addressing concerning infringements of norms “Code on election.”

Employees of Prosecutor found out that Mr. B. Akaeva used money except for money of election fund of candidate in Deputy during election campaign. There was confirmation of abuse by rights of holding election campaign. CEC made conclusion that there was infringements of p.10 art. 51 and p. 1 and p. 2 art. 56 of Code “On election in the Kyrgyz Republic”, which influenced on desire of voters.

According to above mentioned resolution the results of election was admitted invalid and registration of Mr. B. Akaeva as Deputy of the Parliament of the Kyrgyz Republic was canceled.

Mrs. B. Akaeva declared because of CEC's decision. However, on June 13, 2005 Pervomay court of Bishkek city did not satisfy Mrs. B. Akaeva's suit.

On June 28, 2005 the Supreme Court accepted to consideration of Mrs. B. Akaeva's suit. But the Supreme Court canceled in consideration of the complaint and did not change Pervomay court's decision.

However despite of Mr. B. Maripov's statement and Ombudsman's Act of reaction CEC did not admit the right of Mr. B. Maripov to be Deputy of the Parliament (Jogorku Kenesh) in accordance with result of election on March 13, 2005.

Nevertheless in autumn 2005 Mr. B. Maripov again was nominated and finally he won on the election. At present time he is Deputy of the Parliament (Jogorku Kenesh) of the Kyrgyz Republic.

Earlier Mrs. Roza Otunbaeva, the former Ambassador of the KR in Great Britain, Mr. Medetkan Sherimkulov, the former Ambassador of the KR in Turkey and others were expunged from participation in election in University voting center # 1. They had not right to be elected as Deputy of the Parliament (Jogorku Kenesh) because they were under residential qualification. According to art. 69 of Code “On election in the Kyrgyz Republic” any citizen can be elected as Deputy of the Parliament if he/she is constantly living in the Kyrgyz Republic during last years before nomination.

On October 10, 2005 Jogorku Kenesh of the Kyrgyz Republic accepted Law #154 “On introduction of changes and additions in Code on election in the Kyrgyz republic” in accordance with p.6 art. 1 of which this residential qualification is not regarded diplomatists, trade representatives and others persons who are working on instruction of President and Government of the Kyrgyz Republic.

Habitants of Kum–Dobo of Kochkorsk district turned to Ombudsman. The complained of the Supreme Court's decision and chairman's action who satisfied reviewing complaint of Mr. Turdakun Usubaliev for decision of Pervomay district court of Bishkek city by which he was refused in renomination in Kochkorsk voting district # 34. The Supreme court did not accept into account declaration of will of 14691 electors of Kochkorsk and Jungal district of Naryn region (63% voices), who voted for Mr. A. Japarov against candidacies of Mr. T. Usubakiev, Mr. S. Moldoisaeva and Mr. U. Kydyralieva.

Applicants demanded to support decision of voting district commission, to stop support Mr. T. Usabaliyev from authority and to institute criminal proceedings against Mr. A. Aljanov, the Judge of Kochkorsk court and Mr. B. Janaliev, the Judge of Pervomay district court for adopting unfair decision. Ombudsman met with protester voters and supported them. According to conducted investigation he directed acts of reaction about reelection to the Supreme Court and Central Election Committee (CEC).

On June 5 2005 reelection in Kochkorsk voting district was hold but without their candidatures after confrontation of voters and authority and conflict between Mr. T. Usabaliyev and Mr. A. Japarov. Because of this conflict again appeared. Now Voters' dispute has leaved on third stage. Ombudsman's representatives observed over honesty of election.

Mr. K. Egemberdiev, the representative of Deputy Mr. T. Sarpashev turned to Ombudsman because of cancellation of vote results and appointment of new election in Toktogul voting district # 21 by the court. He warned that if problems would not be settled he will come to Bishkek with 12500 picketers as the response on requirements of Mr. T. Madiyarov 's picketers. This action caused confrontation of picketers near building of the Supreme Court. According to this compliant Ombudsman turned to CEC but without results.

Besides that voting districts was attended by Ombudsman's employees on request of candidate or their representatives.

It necessary to note that not all information concerning this problem was true and enough motivated. So, Mr. K. B., the candidate in Deputy of Jogorku Kenesh turned to Ombudsman with the request to examine and take measures regarding victorious contender and indicated on various facts infringements of legislation about election. However, at the moment to get into contact with him we found out that the address which he indicated in his statement does not exist.

Mr. A. T. and O. K. and other turned to acting as President of the Kyrgyz Republic, acting as General Prosecutor and to Ombudsman with compliant about neglect of voters' rights by authority and courts. The issue concerning legality of giving Deputy Mandate to Mr. Jusup Imanaliev was raised.

Big conflict took place in this voting district: Mr. J. Imanaliev's and Mr. R. Djeenbekov's supporters had abused one another in real. Ombudsman met with both sides and spoke with them on language of Law. By results of examination Ombudsman turned to CEC and Mr. J. Imanaliev was given Mandate.

Analysis of given examples show that CEC of the Kyrgyz Republic did not implement own duties on good level. Neglect in presentation of replies of Ombudsman's addressing may be considered as unwillingness to take responsibility for various facts of citizens' voting rights infringements. Courts also did not response for its destination.

Mr. E. Baisalov, the Leader of NGO "For democracy and civil society" turned to Ombudsman (Akyikatchy) with the complaint on action of district administration and city administration, local Parliament and especially on actions of Deputies of Bishkek City Parliament. The reason of complaint was in limitation of places for meetings, demonstrations and prohibition for setting of wards and yurts in pre-election period in winter 2004–2005. Ombudsman gave legal assessment on normative acts and actions of local authorities: they contravene the Constitution of the Kyrgyz Republic, Law of the Kyrgyz Republic "On citizens' rights to gather peacefully without weapons and free organize meetings and demonstrations" and decision of Constitutional court of the Kyrgyz Republic from October 14, 2004.

Before Ombudsman also turned to the Parliament (Jogorku Kenesh) and government with the request concerning adduction of old Law "On citizens' rights to gather peacefully without weapons and free organize meetings and demonstrations" from July 23, 2002 in accordance with the Constitution after referendum 2003. Later on October, 14, 2004 the Constitutional court admitted art 5–7 of this Law as unconstitutional and contrary to art 12, p. 14 art. 16 and p.1 art. 22 of the Constitution. According to Mr. E. Baisalov's statement recommendations concerning implementation of above mentioned decision of the Constitutional court was directed to all regional and district structures of authority, city administration of Bishkek city and Minister of Internal Affairs by Ombudsman with the aim of disorders prevention. Ombudsman received reply on his addressing only from Deputies of Chu regional parliament (Kenesh).

On March 23, we received alarm signal about that during demonstration group of people were arrested by police and placed into pre detention center. Ombudsman Deputies were sent to there.

Mr. B. Maripov and Mr. K. Bektemirov, the candidates in deputy of Parliament (Jogorku Kenesh), Mr. E. Baisalov, the leader of coalition "for democracy and civil society", student Ombudsman of Bishkek humanities University, Mr. T. Shaikhutdinov, the leader of "Birge" movement and other 30 people were in this center. During conversation the Head deputy of police station promised to let them go at 16:00. However, it was not happened.

Then at 20:00 Ombudsman personally visited police station. But employees of this police station did not allow entering on the police's territory. Little bit later Ombudsman entered. First of all he connected with Mr. N. Tayblin, acting as the head of Administration of Internal Affairs (AIA) of Bishkek city and Mr. K. Duishenbaev, acting as Minister of Internal Affairs and demanded to sent them free. Later the prosecutor and the judge of Pervomay court came for registration detained persons.

Ombudsman had long negotiations with the Prosecutor, the judge and the head of police station thereafter they agree to let them go. Ombudsman was appreciated them for civil position. Apprehended persons were released and on next day they took an active part in events on square.

On night of March 24 and next days Ombudsman, his Deputies and employees actively protected Store "Aichurek" and other magazines from marauders. Ombudsman at those days examined pre detention center of Sverdlov and Lenin police station and always connected with Administration of Minister Internal Affairs. Ombudsman took part in session of Parliament (Jogorku Kenesh) of new and old convocations. His employees were with people.

On June 17, 2005 attempt of "counterrevolution" – capture of White House took place on "Ala-Too" square. Peaceful meeting for protection of Mr. U. Barktabasov's rights to nomination in President of the Kyrgyz Republic was turned out into called incident.

Mr. K. A., the representative of movement "Mekenim – Kyrgyzstan" turned to Ombudsman with the request to stop arbitrariness and lawlessness of law machinery regarding members of this organization. According to applicant unknown persons organized mass riots and provoked of capture of White House during the meeting. No one of participants made it their aim to occupy the White House. The participants of meeting demanded only one it was registration of Mr. U. Barktabasov as candidate in President of the Kyrgyz Republic. 300 persons were arrested by police.

Ombudsman's representatives attended judicial sitting on civil case of Mr. U. BARKtabasov in connection with denial of CEC in registration his candidate for President of the Kyrgyz Republic and

because of this imposition of sentence cancelled many times. Only on June 23, 2005 court pronounced judgment concerning refusal to satisfy Mr. U. Barkatabasov's suit.

We received a lot of complaints and statements from voters and candidates, representatives, observers from NGO and international organizations concerning organization and conduction of Presidential elections in the Kyrgyz Republic. However, CEC and courts have discredited themselves on parliamentary election that nobody waited for determined actions regarding constraint of illegal actions of officials and voting rights protection. Therefore it is no wonder that none of the candidates' addressing to these bodies and "For honest election" organization, which was created by Mr. F. Kulov, the first Vice Prime Minister was not considered fully. Later election in local parliament confirmed doubt, which people and candidates had. This theme was the main on meeting of Ombudsman with President of the Kyrgyz Republic after election.

In general, theme of Presidential election, Parliament (Jogorku Kenesh) election and local authority in the Kyrgyz Republic is worthy of special report. This report will be presented separately for the Deputies of Jogorku Kenesh.

Freedom of speech takes important place among other political freedoms. Freedom of speech and right to access information are important elements of democratic society. They allow discovering and taking into account opinion of people and it is indispensable condition for forming of civil society and constitutional state. Therefore it is found reflection in basic law of the country.

State which could not or do not want to assure for citizens unimpeded access to information concerning human rights and freedoms is not constitutional and democratic. The right to information and freedom of exchange information, on the one hand, belongs to number of fundamental rights on the other hand is one of main mechanisms of realization of human rights to participate in management of public affairs, democracy principles and power publicity. Population pays for rights to access to information by taxes.

Analysis of conflict which was raised in this sphere testified that pretension, which was directed to mass media, it is just the method of pressure on independent mass media. For the last time authority's control over mass media is increased. It is widely known that mass media can be bought.

There are some cases of stopping of disagreeable mass media's activity. The relation between journalists and policemen is very hard.

It is important to strengthen legal and economic position of mass media as the main informative intermediary between citizens and authority together with legislative and organizational security of Kyrgyz people's rights to public access to necessary to him information.

It is important to make changes in their relation with authority, in legal regulation of TV and journalist's activity in order to mass media of the Kyrgyz Republic of XX century would become economically independent and responsible before society which have ability to self-organization. It is demanded such measures as introduction of taxes privileges and grants which allowed providing economic independent of mass media and their freedom from any kind of pressure form.

Ombudsman supposed that it is necessary to consider such steps as creation of independent from authority and commerce (including commercials) public television, making changes in tax legislation which relate to mass media, creation of public body of independent experts for examination, which could be participant in court's proceeding regarding mass media's activity. It is necessary to go by the way of elaboration of moral and ethic criteria of information freedom which responsible for world standards but do not lead to recovery of censorship contrariwise opposing attempts of its implementation and very carefully to consider the issue concerning fussiness by the advertisement of state's television's channels.

It is necessary to say about such fact. In 2004 Ombudsman (Akyikatchy) of the Kyrgyz Republic directed act of reaction to Mrs. O. Bezborodova, the main editor of "Vecherni Bishkek" newspaper with the request to stop the publication of advertising message of doubtful character which published in the rubric of "Service", "super massage", "Rest for men", "rest for women" and ect.. On what main editor replied "According to current legislation the spreader of advertisement ("Vecherni Bishkek" newspaper) could not refuse sponsor in place of his /her advertisement because of one-sided discretion of assumed some unethical information"

Mr. D. J. from Karasuu city turned to Ombudsman because of refusal in registration of TV company "ONG". Having carefully learned all documents Ombudsman gave legal assessments. Later Ombudsman turned to Minister of Justice after all positive solution was taken. Thus owing to Ombudsman's interference citizens of the South region got opportunity to access to independent information.

Collective addressing of journalist was not stayed without Ombudsman's attention. He has begun investigation. But later having thought that justice was recovered they took away their statement.

Also Ombudsman took part in regulation of conflict around "Piramida" television. He immediately responded to the call of journalists of this company when new administration with the help of police tried to capture the television studio. During speech on TV he turned to Mr. Prime-Minister with the request to prevent illegality. And Ombudsman Deputy with other employees participated in saving of TV studio.

Sometimes citizens have brought their articles with hope to get assistance in publication in mass media. In such cases Ombudsman's press-cutting service could just recommend newspaper. Sometimes citizen's articles are published in newspapers. Even prisoners' poems and articles were published. But if an article is "registered" or detractive of someone's dignity press-cutting service has refused them. For example Mr. Ch. S. turned to Ombudsman's press-cutting service. However, having learned his article in which he bad spoke of current author that's why he was refused in assistance.

Ombudsman (Akyikatchy) of the Kyrgyz Republic pays a great attention to strengthening of State language and non-admission of discrimination in language sphere. For example, he many times turned to authority with the request to make additions in Law "On State language", which demands compulsory knowledge of State language by Heads and employees of the Ministry of Foreign Affairs, National Security Service and others. It is necessary not only for State security but also for human rights and freedoms protection of Kyrgyz citizens.

Ombudsman (Akyikatchy) watches closely on the international organizations and diplomatic representations of foreign state do not discriminate Kyrgyz citizens due to lack of language knowledge. In 2004 all foreign organizations positively reacted on Ombudsman's addressing concerning to do not admit citizens' rights infringement during taking on work only because of that they do not know state or official language. They have begun to take into account Ombudsman's request in all advertisement concerning filling.

Nevertheless there are sometimes the infringement of human rights on language principle occurred. So, having read one of newspaper's advertisements concerning taking on work Ombudsman (Akyikatchy) of the Kyrgyz Republic had to direct special letter to Mrs. Mary Yovanovitch, the Ambassador of the USA. The reason of addressing was that condition of advertisement a vacancy, in which was mentioned that candidates for work must know perfectly English and Russian languages but any words was not said about Kyrgyz language. So it is become that if person who knows only Kyrgyz language could not participate in competitions because of he does not know Russian language. Thereby Kyrgyz people's rights were infringed. Later we received sedative latter from Embassy of the USA.

Another subject: it is return from past bright manes. A lot of efforts for recovery of historical true were made after independency getting. But we still could not proper estimate the work of our great compatriots who during terrible days of Bolshevistic arbitrariness and state terrorism was not afraid of sincerely serve people. It is not about national reconciliation of descendants of those who participated in civil war of last century. Russia, Ukraine, Baltic countries and Caucasian republics have recovered historical justice long time ago. But we need time for reconsideration and new assessments of own history particularly political concerning repressive citizens marked by "bourgeois", "basmach" or other "alien figure to proletariat".

We are talking about compatriots' initiative concerning awarding by State premium of "El-Baatyry" to Mr. Iskhak Razzakov, the great state figure. Ombudsman directed official letter to Mr. K. BAKiev, the President of the Kyrgyz Republic in supporting of this initiative. However, in received reply from Committee on state awards of the President of the Kyrgyz Republic was mentioned that this awards is giving only great people of contemporaneity. This is coursed the necessity of reconsideration of normative legal acts of state awards. It is turned out that those who repressed own people got this high awards and those who suffered and died could not be given it. It is paradox!

§10. Freedom of religion

According to the Constitution of the Kyrgyz Republic citizens' rights to a freedom of religious and creeds admit and respected. The most part of the population of republic openly expresses the religious accessory and keeps the religious canons. Therefore rather important task on the part of the state is protection of citizen's rights to freedom of religious, including creation of necessary conditions for activity of the religious organizations. In this sphere there are a lot of problems, acknowledgement this can serve the complaints received to Ombudsman on consideration in 2005.

So, in April parishioners of seven mosques of Chu area have addressed to Ombudsman and Moslems of Dugan Diaspora Tokmak city and villages Chu region in amount 1250 persons with the complaint on unreasonable, in their opinion, monetary requisitions and no-purpose use of donations of the parishioners intended for the charitable purposes, on the part of the first assistant to mufti of Spiritual management of moslems of Kyrgyzstan (SMMK) Lugmar aji Guahunova. Complaints of parishioners of mosques concerned also intimidation of students of Islamic institute by him in Tokmak, monetary frauds, division of Moslems to a national attribute, unreasonable abolition of the status of the central mosque and its transference in other mosque of Tokmak.

According to the pilgrims directed in hadzh, and also participants of republican meeting of initiative group of the moslems who have addressed December, 4, 2005 to the President, the prime Minister and the secretary of Security Council of republic, Lugmar aji Guahunov, as the chairman of a staff on hadzh, carried out additional illegal gathering from leaving (it is 4500) from 30 up to 50 dollars USA, thus in muftiyat wrote out the receipt only for 20 dollars. This sum on their calculations has made more than 100.000 dollars USA.

They, and also in mass media was published the message, that « during sacred month Ramazan collected oro-zo-fitr on 1.000.000 US dollars, proceeding at the rate of on 10 som from each soul », but under statements of muftiyat, in this year has acted only 500 thousand soms. Mufti M. Zhumanov at a meeting with employees of Ombudsman also has confirmed the gathering of money resources of L. Guahunov. Here it will be pertinent to note, that according to an item 205 Tax codes of the Kyrgyz

Republic, introduction of the local taxes and tax collections which have been not stipulated by the code, it is not possible, therefore legitimacy of additional gathering from pilgrims remains in doubt.

Twice by Ombudsman were directed inquiries to mufti Mr. M. Zhumanova on granting him lists of the persons who have made hadzh to Mecca. Unfortunately, inquiries of Ombudsman were ignored. It is necessary to note, that the executor of answers also was the same L. Guahunov who was twice invited for reception of written explanations, but that refused.

In this situation by Ombudsman were directed appropriate references in the address of the General public prosecutor of the Kyrgyz Republic, to the state tax inspection, to the state commission on affairs of religions, to financial police. However practically it was not accepted them any measures. December, 9, 2005 Akyikatchy has directed inquiry to the public prosecutor of Bishkek U. Karimov as a result the Office of Public Prosecutor Bishkek has cancelled the decision of Office of Public Prosecutor of Sverdlovski area Bishkek about refusal in excitation of criminal case in attitude Lugmar aji Guahunov and has directed materials concerning him in SU the Municipal Department of Internal Affairs Bishkek for realization of additional inspection.

Pandering to actions of dirty organizers of pilgrimage, default of the official duties by representatives of the state bodies (the Ministry of Internal Affairs, NSS, the Ministry of Foreign Affairs etc.), obliged on behalf of authority to promote hadzh and their collusion with priests annually brings about breaches of rights of pilgrims of Kyrgyzstan and irreparable falling of image of the Kyrgyz Republic in eyes of the countries of the Islamic world. The state can not provide in any way observance of rights which going in hadzh to sacred places of an Islam of the citizens. Not exception and a situation with pilgrimage of Kyrgyz citizens at the end of 2005 - the beginning of 2006.

Hadzh is organized once a year. Believers all life prepare for this significant event. But the state from year to year can not adjust the mechanism of the organization, sending, accommodation and returning of pilgrims. In other countries where most part of the population is formed by Moslems, in structure of executive authority is created the special body on the organization of hadzh. In November 2005 Mr. F. Kulov, the Prime Minister and Mr. L. Sagynbaev, the chairman of agency on affairs of religion of spoke about it. They both asked Ombudsman to head the commission on hadzh. But he refused, as according to p. 7 of an art 6 Laws of the Kyrgyz Republic «On Ombudsman (Akyikatchy) the Kyrgyz Republic» his status is incompatible to active service in the state authorities.

Akyikatchy has once again repeated to the prime Minister the initiative about abolition of spare structure in structure of the government, as follows - Agencies on affairs of religion. In order to prevent duplication and to economy of public resources he offered earlier to management of the country and deputies of Jogorku Kenesh function of agency to transfer the Ministry of Justice. In 1998 A. Sabirov, the Deputy Jogorku Kenesh offered the similar offer in the new bill of religion and the religious organizations. But it is not accepted till now. By the way, this one deputy makes more, than all SMMK in legal and religious enlightenment of believers of Kyrgyzstan.

Instead of Agency on affairs of religions in the country must function the special body on questions of hadzh. Annually it is made by 4500 citizens of Kyrgyzstan. And provision of their rights should be checked on the part of the state. It is not difficult, if the Government will engage in this question in time, not transforming in a rush job set of groups of pilgrims and their sending.

Saudi Arabia defines to each country number of pilgrims, proceeding from 10 % from its general population. At the organization hadzh in 2004 Akyikatchy has acted at session of the special commission created by the Edict of the President, with critiques of actions of the Government and DUMK. In particular, he has pointed corruption of priests and employees involved in this work the SNB and Ministry of Internal Affairs, illegal requisitions from pilgrims ostensibly for opening of the Saudi visa at a rate of from 10 up to 50 US dollars, a problem in sending, accommodation, the organization of treatment people who disease and returning of pilgrims.

The special theme Akyikatchy has selected the collusion azhu-bashchu and the law enforcement bodies, consisting in illegal inclusion in groups of our pilgrims of citizens of the foreign states, basically, China and Uzbekistan. What impact puts it on prestige of republic it is not necessary to explain, probably? Gosh perish us the thought from sharp reaction of these countries!

Therefore Akyikatchy offered to mufti and Government of Kyrgyzstan to tell the truth to king of Saudi Arabia that not all of 100 % of the population of the country - Moslems: in Kyrgyzstan live representatives more than 80 nationalities. A part from them confessing various Christian directions the orthodoxy, a Catholicism, doctrine of the baptists etc.), the Buddhism, Krishna's, Judaism, tenirism etc. In this connection is necessary to reduce amount of the places which selected for Moslems of Kyrgyzstan, with 4500 up to 3500-4000.

But appearance and offers Akyikatchy so, probably, have angered officials and priests, that at the organization of hadzh 2005/2006 years of it «have forgotten» to invite on meeting of the governmental commission. It is no wonder, that at the end of 2005 - the beginning 2006 1975 person could not get sacred places. They have returned with anything, faced with problems of transition of borders of the CIS, Turkey, Iran and other countries. The same miscalculations were and at hadzh 2004-2005 years. What this misfortune for pilgrims and their relatives can be imaging from stories and complaints returned.

And from the very beginning the avidity of clerics from DUMK has resulted to significant sorting the quota allocated to Kyrgyzstan - more than 2500 person! And it in spite of the fact that the part of a problem was solved at meeting of Ombudsman with consuls of Saudi Arabia where he together with has elicited mufti Nigmatulla-azhy for Kyrgyzstan some more additional 500 places. Besides, despite of an interdiction of the Kyrgyz Government and the Ministry on affairs hadzh of Kingdoms of Saudi Arabia of the organization hadzh ground transport, 3400 pilgrims were directed to Mecca by buses!

At investigation Ombudsman (his deputy and managing inspection on political and religious freedom were included into Council of independent national observers) and commission DUMK December, 25, 2005 also it was found out, that at bribery of organizers hadzh initially enrolled in hadzh were forced back and have remained without visa. So, venerable priests and Orozov Dilmurat, Saipzhan Abduvahidov, SHarabiddin, Ubaydullo, Muhammed Usmon, Madizhun Tursun, Noman uulu Hosanzhon (groups №№ 18/5, 21, 27/1, 27/3, 28/1, 28/2, 28/3, 31/1, 31/2 etc.) have managed through well-known Lugmar azhy Guahunova to bring to the Saudi consuls of the passport of the pilgrims who have not got in a quota and to put down in them visas. And that were in the first groups (№№ 1/1, 1/2, 1/3, 6/3, 6/5, 7/2, 7/3, 7/4, 7/5, 9/1-2-3-4-5-6-7-8-9-10-11, 13-14, 16, 10/1, 11/1 and 16/4), and it - 2173 person, have remained without visa. This obvious infringement of rights of believers!

To Ombudsman have addressed 6.111 person from all villages Chujskoj area where live citizens of dungan nationalities on a problem demolition the Muslim graveyard which are taking place on street Ryskulova Bishkek and the beginning of construction here new objects. Akyikatchy has directed to address of mayor Bishkek A. Nogojev the address with the request not take off dungan graveyard. Akyikatchy has studied not only all documents which have received as the exhibits to the complaint, but also it was convinced of authenticity of all signatures of inhabitants dungan nationalities from s. Spark of Chuj region, with s. Milyanfan, s. Ken-Bulun and s. Ivanovka Ysykatinskogo region, s. Aleksandrovka Moscow region, city Tokmok and Bishkek, which relatives rest on this graveyard.

All subscribed are equitable in the requirements, it is impossible to build « on bones », let even it will be a mosque and medrese, erected by public fund «Ihsan-Hayriya». Really, demolition graveyard and construction on this place of something, without the permission on that relatives of people based there and the decision coordinated with them about reburial remains, is the insult of feelings of descendants of the people buried there. Akyikatchy with departure a place - on a graveyard, has got acquainted with point of dispute between fund «Ihsan-Hayriya» and relatives based. Applicants appeared are right: the metal fencing of a graveyard is disassembled, on some sites of a tomb have roughly razed to the ground, people go straight on tombs, the dust and splinters of bottles from alcoholic drinks etc. In the situation is not clear a position of high-ranking priests from DUMK and fund «Ihsan-Hayriya», which it is realized push city authorities on the conflict to believers.

In addressed to the mayor of capital Ombudsman has emphasized, that «the disputed situation has arisen. It is excited not only Dungan and Kazakh diasporas, and others Kyrgyz citizens are firm in the decision to not admit blasphemy concerning memory died and the insult of feelings of their alive «descendants».

By Ombudsman directed the inquiry to Department of sanitary-and-epidemiologic supervision of Ministry of Health of the Kyrgyz Republic for finding - out of legitimacy demolition graveyard from the point of view of sanitary-and-hygienic requirements.

The department has answered, that according to « to hygienic Requirements to the graveyards, established with sanitary Rules and Norms (SanPIN) 2.1.008-03» Hygienic requirements to accommodation, the device and the contents of graveyards, buildings and constructions of funeral purpose authorized № 45 Main state health officers of the Kyrgyz Republic from October, 29, 2003 - use of territory of a place of burial is authorized by the decision after the expiration of twenty years term from the moment of its carry. The territory of a place of burial in these cases can be used only under green plantings. Construction of buildings and constructions in this territory is not supposed. Use soil from liquidated places of a burial place for a lay-out of inhabited of territory is not supposed. Reburial remains died it is possible under the decision of enforcement authorities and the conclusions of State bodies. Tombs, in case of extraction of remains, should be disinfected, засыпаны and are planned ».

According to the specified document, the decision on closing and further use of territory of graveyard are accepted by local state administrations according to general plans of cities and conclusion of State body. The mayorality of Bishkek given the sanction on demolition Dungan graveyard and construction on its place of a complex of a mosque and medrese, has not seen the legal side of the decision, thus having pushed thousand citizens of Kyrgyzstan on mass expression of the fair indignation.

To Ombudsman addressed citizens of Muslim religious with the complaint to no-purpose use and assignment of their donations in one month Ramazan (fitr-sadaka) by employees of muftiyat the Kyrgyz Republic. The given question has found reflection in several mass media. In one of articles the address of group of Moslems is reflected addressed to the President of the Kyrgyz Republic: « In Kyrgyzstan lives more than four millions Moslems. Gathering of alms and zikir fatfa forms on approximate calculations almost 1 million US dollars but where there is this money, it is not known since checks up it practically can not anybody, even accounting chamber of the Kyrgyz Republic».

Akyikatchy has made an inquiry in Sverdlovsk regional Office of Public Prosecutor Bishkek for investigation of the facts in the specified editions of MASS-MEDIA and acceptance of the appropriate measures.

The representative of religious public fund « Ahadiyat » M. has addressed to Ombudsman with the complaint to actions of the officials who are interfering him in construction of a mosque and medrese in uptown «Kelechek» and not recognizing the decisions of court on this business. The interdistrict court Bishkek March, 30, 2005 has satisfied with the resolution the claim of fund « Ahadiyat» and has nullified the resolution of a mayoralty Bishkek № 580 from June, 3, 2005.

Earlier a mayoralty of Bishkek was allocated site «Ahadiyatu» in area of ware market « Dordoi ». However chief OGUKS B.Abdrazakov, pursuing, from words of the applicant, the purposes, has made attempt of a cancellation of rights «Ahadiyat» on the given site. The chairman of quarter committee g/m «Kelechek» B.Zhusupov has addressed with the application in a mayoralty with the complaint to construction of a mosque, thus, deforming the facts that the school remains without an athletic field. Appeared, that under the general Plan athletic field there is in a southern part of a school court yard, and a mosque from east side and on the contrary schools. B.Zhusupov has no right was to lift this question without the decision of general meeting of tenants which gave the consent earlier and have allocated money resources on construction of a mosque.

Since May, 2004 till August, 2005 the given fund suspended civil work, investors in the person « Al-vakf-al islamia » for creation of a mosque with medrese are lost, the dug hollow was filled with the ground. By applicant o. it was spent only the personal savings for the sum of 80000 catfishes on registration and document registration for construction of a complex.

Ombudsman directed addressing to Mr. A.Beknazarov, the General public prosecutor of the Kyrgyz Republic, Mr. A. Salymbekov, the mayor of Bishkek, to Mr. K.Narbaev, the chief Bishkek Main architecture organization, to Mr. K. Sultanaliyev the head of department of the state architectural - building control of Bishkek in which was mentioned to restore of rights of the applicant and other citizens on construction of a mosque and on execution of the resolution of inter-district court Bishkek from March 30, 2005. According to art. 86 Constitutions of the Kyrgyz Republic, they acts which have entered valid of courts of the Kyrgyz Republic are obligatory for all state bodies, managing subjects, public associations, officials, citizens and are subject to execution in all territory of the country.

Only after address of Ombudsman, management GASK on Bishkek has prolonged the sanction to conducting civil and erection works and has directed inquiry in Bishkek main architecture organization about decision making on fastening an above named site for construction of a mosque with medrese. At present construction of a mosque and medrese is renewed.

To Ombudsman have addressed believing tenants of Open Society of central department store «Aichurek» about rendering of assistance in allocation of a room in the given trading complex for reading namaz. It was found out, that namaz it is read in a unadapted place, in shaft of the lift, on ladder flights, under a ladder. Personal meeting of Ombudsman (Akyikatchy) of the Kyrgyz Republic with the General manager of Open Society TSUM « Aichurek » A.Arzymatovym during which the arrangement on possible ways of the decision of this question was achieved March, 31, 2005 was held.

March, 22 to Омбудсмену have addressed again behind protection of the rights representatives of the Chinese practicing group - the Centre spiritual and physical improvement «Falun-Dafa». From words of applicants, they are exposed to discrimination on the part of the Chinese embassy in Bishkek which through the Ministry of Internal Affairs of Kyrgyzstan arrange on them persecutions. The matter is that in China practice « Falun Dafa» as opposition official ideology, it is prohibition. Earlier this group was registered in the Ministry of Justice.

In 2004 to Ombudsman it was possible «Falun Dafa» to defend the rights. But February, 25, 2005 the Lenin regional court Bishkek has made the resolution on a cancellation of registration OO « Falun Dafa» in the Ministry of Justice, and the city court June, 1 has upheld the given decision. Now this group has addressed in the Supreme Court.

§11. The protection of military servant rights and members of their families

Addressings to Ombudsman (Akyikatchy) of military servants and members of their families basically are connected with a wrongful dismissal, wrong calculations of pensions, heavy conditions of life and est.

Mr. L.K., the citizen in the application states concern in occasion of a forthcoming canceling of privileges for families of the lost military servant and employees of law enforcement bodies. The reply with an explanation is given to the applicant, that now the given question is adjusted by the Decree of the President of the Kyrgyz Republic from December, 25th 2001 «About rendering social support to families of military servants and employees of the law enforcement bodies which have lost during implementations of a military duty in struggle against the international terrorism, the military man, employees of law enforcement bodies, victims during operations» and other normative - legal acts.

At the stage of consideration of Mr. L. K.'s addressing social privileges have not been cancelled, and in the further it was recommended to applicant to address in the Ministry of Labour and Social Protection of the Kyrgyz Republic.

Mrs. S. T.'s statement was considered on occasion of purpose to it additional pension because of lost son. She receives pension on age at a rate of 693 soms. In 1972 her son – Mr. Musa Samsaliev served in Group of the Soviet armies in Germany and died at execution of a military duty. Ombudsman (Akyikatchy) made an inquiry in management of social protection of the population of the Moscow district. From the received reply follows that in accordance with the Law «On the state pension social insurance», on the basis of the documents which applicant has, she was allocated the pension as mothers of the lost military servant.

Mrs. A. kyzy N. from Kyzylkia city, Batken region turned to Ombudsman (Akyikatchy) with the statement concerning pension of her spouse – Mr. M. Z. Her spouse became the invalid during passage of military service in Severodvinsk city. At present time he is hard sick and his pension is single source of the income, which makes 660 soms. Besides that the family has serious problems with accommodation. According to applicant she addressed in various bodies, but it was ineffectual. In social fund on a residence she gave reply that Mr. M.Z. has the right to use all privileges of the veteran of Great Native War and she has been directed to administration of social protection of Kyzylkia city and there have been suggested to address to the Minister of Labour and Social Protection.

Ombudsman (Akyikatchy)' dressings have been directed to the Ministry of Labour and Social Protection, to mayor of the city of Kyzylkija. The mayoralty has informed that Mrs. A. kyzy N.'s application is taken on the control and over an opportunity habitation by it will be given. The ministry has answered, that is instructed management of social protection of Kyzylkia city to give to Mr. M.Z. the privileges as to the invalid of war.

Ombudsman (Akyikatchy) got statement from Mrs. E. S. from Karakol city, Issyk-kul region concerning pension of her spouse who is the veteran of armed forces. Since 1965 he served in army. In 1992 he left from service on a length of service from a post of the chief of communication of a division of the Western group of armies in a rank of the lieutenant colonel. Has served 27 years and the general experience is 29, 5 years. In 1996 already being the pensioner he has been called on service by the chief of a department of communication of staff, where has served 2 years. Again having left he has started to receive pension at a rate of 1576 soms. As applicant stated, the military servants Armed forces transferred to the reserve receive pension much more, the last years works of her spouse were cancelled by these two years of service.

According to applicant Mr. P.S. repeatedly addressed to Mr. E. Topoev, the former Minister of Defense, but it was ineffectual. Though article 7 of the Law of the Kyrgyz Republic «On a provision of pensions of military servants» says: «to Military servants, persons of commanding and ordinary structure of law-enforcement bodies, establishments and bodies of criminally-executive system, Agency of the Kyrgyz Republic under the control of drugs, financial police and their families, having it is simultaneously right on various state pensions, it is appointed odes on pension at their choice «.

According to point 6 of the Governmental order of the Kyrgyz Republic from January 13, 1995: «Having two and more bases for offset in a length of service on pension on favourable terms the same periods of service a length of service to estimate on one basis, giving the greatest privilege». At present time the spouse of the applicant is hard sick and is in hospital, not having any privileges for treatment. Also he does not presume treatment in sanatorium establishment as cost of the permit much more exceeds the size of his pension.

Ombudsman (Akyikatchy) addressed to Mrs. O. Lavrova, the chairman of Social fund of the Kyrgyz Republic and Mr. I.Isakov, the Minister of Defence of the Kyrgyz Republic. From the given answers follows, that recalculation of pension was made in accordance with conditions and norms of dismissal from Armed forces, since January, 1st, 2003 for the spouse of applicant and the size of pension is 2080 soms in a month. The difference from January 1 till June 30, 2005 at a rate of 15120 soms will be paid in a place of reception of pension. The issue was solved positively.

Mr. M. A. addressed to Issyk-Kul Ombudsman (Akyikatchy) representation because of traveling and living expenses and monetary indemnification instead of a food ration have not been paid when he has been transferred to the reserve from military base # 93663. He repeatedly addressed on this question to the commander and in financial service but it was ineffectual. After inquiry of representation and conversation with Mr. K. Bektashev, the commander of military base # 2028 Mr. M.A. was paid travelling and living expenses in the sum of 542 soms and monetary indemnification instead of a food ration in the sum of 2480 soms.

Mr. M. K. turned to Ombudsman (Akyikatchy). The reason of his applying was in following. He is graduate 2004 of Academy of the Ministry of Internal Affairs of the Kirghiz Republic, in occasion of refusal in assignment to him of an officer rank. The applicant entered on the contract form of training in Academy of the Ministry of Internal Affairs on conditions of assignment to him of a primary officer rank on the end of all term of training. But by graduated from Academy the primary officer rank was not appropriated. The reason was that military gathering have not been organized.

According to Position of Academy of the Ministry of Internal Affairs of the Kyrgyz Republic which was approved by Government of the Kyrgyz Republic, all cadets and students are certified upon termination of Academy. The first special rank is

appropriated by it according to «Regulations about service by ordinary and commanding structure of law-enforcement bodies of the Kyrgyz Republic», which was approved by governmental order of the Kyrgyz Republic № 530 from July, 18, 1994. According to this «Position» special ranks of Internal Affairs Department (IAD)'s employees are equal to military ranks.

Ombudsman (Akyikatchy) addressed to Mr. M. Abdylbaev, the acting as Minister of Internal Affairs. We got reply in which was mentioned that the persons translated on the contract form of training from other Universities of republic are not a subject to the further translation into the budgetary form of training. On the given circumstance employees of Ombudsmen Office lead inspection of Academy of the Ministry of Internal Affairs of the Kyrgyz Republic and it is found out that Mr. M. K. was translated in Academy of the Ministry of Internal Affairs from Chu university and according to the order of Minister of Internal Affairs of the Kyrgyz Republic from January 8, 2003, the persons translated on the contract form of training from other HIGH SCHOOLS of republic are not a subject to the further translation into the budgetary form of training.

Having analyzed a stream of students from other HIGH SCHOOLS, the Academy of the Ministry of Internal Affairs in 1999 has solved that those student who did not get sufficient points for entering on the budgetary form of training that they can enter on contract form of training. In future those students who are training on a contract basis can be transferred onto the budgetary form of training by results of study. Such graduates are appropriated an officer ranks and the Academy of the Ministry of Internal Affairs fixes they up for a job. But as the applicant has been transferred from other University he can get the officer rank.

Nevertheless, the question here remains. It is illogical, that cadets of Academy of the Ministry of Internal Affairs, trained on a contract basis, pay the contract for all period of training, but after the termination officer ranks are not appropriated by it, and graduates of not militarized HIGH SCHOOLS having military faculties, officer ranks receive. On given question Ombudsman (Akyikatchy) addressed twice to Mr. M. Satalinov, the Minister of Internal Affairs but he did get the answer. For now graduates cannot found a job on the speciality chosen by them, that obviously contradicts item 19 of item 16 of the Constitution of the Kyrgyz Republic.

Ombudsman (Akyikatchy) got the collective application of the military pensioners who have served in military base # 23565 and members of their families in occasion of deprivation of their right to live in a floor space borrowed by them. Applicants explained that in house management Kant garrison the order of the head of department of construction and accommodation armies of the Ministry of Defence of the Kyrgyz Republic about clearing apartments by the persons illegally there living has acted. In number of such persons they have got also, the military pensioners who have served in Armed forces of the Kyrgyz Republic.

Ombudsman (Akyikatchy) on the given question has addressed to Mr. I. Isakov, the Minister of Defence. Minister answered, that at present time applicants are citizens of other state and do not fall under action of laws of the Kyrgyz Republic. Service apartments are borrowed by them concern to fund of the Ministry of Defence.

A number of references on a military problematics is connected with work of the draft commissions, namely with an appeal on military service of persons without appropriate studying their marital status and physical examination.

Mrs. G.M. from Bishkek considers that its son is called on military Service in infringement of the law as he is single child, and she is single mother. They prepare all documents on alternative service; however, he is called by the Sverdlovsk military registration and enlistment office on military service. Mr. M. Bekboev, the chief of the General staff, the first deputy minister of defense of the Kyrgyz Republic answered on Ombudsman (Akyikatchy)' addressing, that the mistake admitted by the Sverdlovsk military registration and enlistment office was corrected.

Mr. T. A. states that having finished school in 2003, he entered Bishkek technical school. Later academic holiday on a state of health - since December 2003 till September, 2004 on May, 9th, 2004 has been given to him but the officer of a military registration and enlistment office took away sick son from the house without the summons of visors, despite of reasons about its illness. Parents asked Mr. T. Myrsybaev, the military commissioner of Aktalinsk region to lead physical examination of the recruit.

But, despite of it, on May 11th, 2004 he has directed to serve in an military base № 31444. Month later having arrived to visit the son the father found out that he is in a grave condition in sanitary part. Having paid charges for physical examination, the patient has been hospitalized. But in connection with deterioration of health, he has been transferred in the scientific research institute of tuberculosis where he was treated two months. The military-medical commission has diagnosed hi, «the easy form of a bronchial asthma with rare attacks».

Ombudsman (Akyikatchy) in the reference asked the chief of the General staff of Armed forces to investigate given case. We received reply in which was mentioned that the recruit passed the regional draft commission and has been recognized suitable for active military service, he has not stated complaints to health.

Such answer could not satisfy. Repeated reference of Ombudsman (Akyikatchy) but already addressed to I. Isakova, the Minister of Defence has been directed. By results of the lead investigation about wrong realization of an appeal on military service of the sick recruit, former military commissioner Aktalinsk region and Naryn region, nowadays military commissioner Alabukinsk region Zhalalabatsk

region T.Murzabaev lieutenant colonel is involved in a disciplinary responsibility, and the chief of the second branch the senior lieutenant A.Abdykaliev is dismissed for negligent attitude to execution of the official duties from numbers of Armed forces of the Kyrgyz Republic.

Mr. T. G. from Karakol turned to Ombudsman (Akyikatchy)' representative in Issyk-kulregion with statement in which was mentioned about wrongful actions of the military commissioner Karakol city. The applicant approves, that passed a medical board three times, and each time proved to be true deficiency of weight of a body in this connection the medical commission has recognized its suitable for alternative service. However the military commissioner contrary to all reasons directs it on active military service. Ombudsman (Akyikatchy)'s Representative has proved military commissioner, that on all objective parameters to call such recruit in armies it is impossible. № 13 from 12.05.2005 it is called by the decision of the regional draft commission and the order on alternative service.

Mr. I. S., the citizen in the application has specified that by the order of Minister of Defence of the Kyrgyz Republic he has been dismissed from a post of the investigator of military base № 368060. His case is in Military court of the Kyrgyz Republic. Presence of Ombudsman (Akyikatchy) representative at judicial session has been provided. The judicial board on civil cases of Military court of the Kyrgyz Republic from January 18< 2005 passed the decision to restore Mr. I.S. in a post and to pay wages during the compelled missing. However the given decision of court was not executed, in this connection he has been compelled to address again to Ombudsman (Akyikatchy). He in the reference has delicately asked Minister of Defence to not create precedent and to execute the decision of court. The answer is received, in which was mentioned that Mr. I. S. was restored on work and the monetary contentment is paid for the period since January 2004 till March, 2005 in the sum of 73620 soms. The applicant has expressed gratitude Ombudsman (Akyikatchy).

Representative of Ombudsman (Akyikatchy) of the Osh region received statement from Mr. K.T., the military servant man of urgent service of military base # 2027 of National Security Service Boundary armies of the Kyrgyz Republic. He informed that on October 6, 2005 the employee of a department of combat training and educational work of military base # 2027 Mr. Z.Toktobolotov, the lieutenant colonel a sheaf of keys has struck him on a head and as result of this he has put physical injuries. In the statement Mr. K.T. specified that on the given fact he will address in military Office of Public Prosecutor of the Osh garrison in this connection asked to assist by consideration of his statement. Employees of Ombudsman (Akyikatchy) have taken carrying out under the control passage of course of treatment to branch of neurosurgery of territorial hospital of Osh city is judicial-medical examination.

Objectively lead by Office of Public Prosecutor of the Osh garrison it is judicial the-medical examination, the put clinical diagnosis have allowed the inspector to excite criminal case concerning lieutenant colonel Mr. Z.Toktobolotova on item 3 ч. 2 items 305 C.C of the Kyrgyz Republic.

But not only the acted complaints and applications drew attention of the Ombudsman (Akyikatchy) to a military problematics. More close understand their vital needs and cares have allowed regular inspections on places of performance of duty of defenders of fatherland. In 2005 22 military objects of the country were examined. Among them 7 frontier posts and groups, 5 military commissariats, three customs posts, military units of the Ministry of Defence and the Ministry of Internal Affairs. At meetings with militarians Ombudsman (Akyikatchy) not only accepted their messages on household disorder, lacks of a material contentment and fighting maintenance, but also urgently demanded from staff of a careful attitude to soldiers of urgent service. Its position in the given question is unequivocal: to not suppose and to stop any displays of mockeries at young soldiers - a point of honour of each commander of any rank.

Concerning which were lifted before Ombudsman (Akyikatchy) military men took all measures within the limits of its powers down to references to the supreme command and authority of the country.

§12. Citizens' right to judicial protection

On November, 2005 during a session of Security Council the discussion of a criminal condition the country President K. Bakiev has stated the sharp criticism to address of judicial bodies which «have brought the mite in revelry of criminality». The judicial red tape, untimely disposal of legal proceeding, discrepancy of verdicts of degree of gravity of committed crimes, bias and personal interest of judges at removal of decisions - all these defects are inherent in our judicial system. It is rather problematic to speak about improvement of criminal situation in the country in such conditions.

From first days of activity Ombudsman (Akyikatchy) of the Kyrgyz Republic, invariable brought up the above-stated problems before the President, the Prime minister, Parliament and the Supreme Court of the Kyrgyz Republic despite of slanting sights sometimes insults of judges of all levels. President Mr K.Bakiev in unison Ombudsman also emphasizes, that it is necessary to change a situation when for insignificant crimes courts sentence guilty to several years of imprisonment while experienced criminals leave from punishment in the speech.

In connection with dissatisfaction with work of courts in 2005 Ombudsman (Akyikatchy) received complaints and statements from 1237 persons. Still frequent there are complaints of citizens to passage of cases in judicial bodies, especially on deliberate red tape of cases and corruption of judges.

Mrs. A. N. turned to Ombudsman Representation of Jalalabat region. She specified that in December 2004 Jalalabat city court has passed the decision on eviction from the house Mr. S. K. and Mrs. S. P. Respondents this decision in the appeal order have appealed against in board on civil cases of Jalalabat regional court. However the appeal complaint long time was not considered for the inexplicable reasons. Then it was found out : the reason was quite banal. Simply, one of them is relative to Mr. M. Suerkulov, the employee Jalalabat regional Office of Public Prosecutor and Mrs. T.Suerkulova, the judge. Therefore Mr. M.Kalimbetov, the vice-president of Jalalabat regional court meaningly tightened consideration of case.

During the investigation Ombudsman found out, that case was studied by Mr. J.Sarykov, the judge who repeatedly postponed its consideration. Mrs. A. Amanova, the Ombudsman Commissioner addressed for explanations to Mrs. M.Kalimbetova, the vice-president of regional court and Mr. J.Sarykov, the judge. And only after that, on June 29, 2005 the appeal complaint has been considered: the regional court has upheld the decision of city court on eviction of the above-stated citizens.

Mrs. A. D. from Novopavlovka village, Sokuluk region informed that litigation under its claim for removal of obstacles in using the ground area and collecting of damage is tightened. Only after reference of Ombudsman to chairman of Sokuluk regional court the civil case has been considered and passed the decision in favour of the applicant.

Citizens from "Archabeshik" village turned with statement. During studying the statement and also documents enclosed to statement it was established, that in inter – district court on economic cases of Bishkek city there was two homogeneous put, as the same parties participate in business and a subject of dispute is the same ground area. Petition of Ombudsman with the request has been directed to chairman of inter–district court to consider an opportunity of association to one manufacture of the given cases. The court has recognized expediency and legitimacy of such decision and has united cases in one.

Spouses Mrs. A. T. and Mr. A. K. addressed with the complaint about actions of Mr. Z. Omuraliev, the chairman of Atbashinsk regional court. As it has turned out he has passed two judicial certificates by consideration of one civil case under claim KSFK to the above-stated persons about collecting 48648 soms. Ombudsman directed to Chairman of the Supreme Court of the Kyrgyz Republic the letter with the request to lead service investigation. From the received answer followed that, really, the judge had been broke requirements of norms of Civil Procedural Code of the Kyrgyz Republic and, concerning Mr. Z. Omuraliev, the chairman of Atbashinsk regional court was passed private definition.

More than 10 years has passed from the moment of allocation of lends to citizens of the Kyrgyz Republic. In spite of that the government of the Kyrgyz Republic took measures the rights are infringed of separate citizens who still have not received the ground shares. Instead of maintenance of Kyrgyz citizens with allotments, Mrs. Rakhat Bostonova, the citizen of Uzbek Republic was given lend in rural administration Dostuk of Nooken district, Jalalabat region

Ombudsman's employees knew about this fact during check of the application of Mrs. Z. S. who lives in Dostuk. She informed that Nooken regional court wrongfully collected 5000 sosms from her spouse for rent of the lend in favour of Mrs. R.Bostonova, the citizen of Republic Uzbekistan who managed illegal by to receive this lend. Mrs. Sh. Abdullaeva, the judge of regional court considered a civil case superficially, without identification of Mrs. R.Bostonova and instead of revealing infringement of heads rural administration she fixed the definition of illegal decision, by this she roughly broken constitutional rights of citizens of the Kyrgyz Republic.

Passed definition of Nooken regional court remains in force to this day. Regional and regional state administrations, and also Administration of the President of the Kyrgyz Republic are informed on this fact. It is necessary to hope, that trial on it will be all-round and objective.

Mrs. B. T. deom Moskow district, Chu region informed Ombudsman that Mr. K.Tashtanov with assistance of Toktogul rural administration and Totogul regional architecture illegally translated her house, which is located in Toktogul village on his name. On this question she addressed in Jalalabat regional court, however Mrs. G. Kojobekova, Mr. J. Sarykov and Mr. E. Imankulov, the judges did not penetrated into an essence has put and have passed the decision in favour of the respondent. She asked to restore justice.

During consideration of this statement applicant's argument have proved to be true. She was offered to address by way of supervision in the Supreme Court of the Kyrgyz Republic and assistance in preparation of the project of the supervising complaint was rendered. Having considered this civil case the Supreme Court of the Kyrgyz Republic satisfied her supervising complaint. She expressed profound gratitude to Ombudsman's employees for helped and legal consultation.

Mr. Sh. B. the inhabitant of Ozgorush village, Toktogul region in Osh region informed Ombudsman that in 2000 his brother was killed. Totogul regional court sentenced the murderer to 10 years of imprisonment. But in 2004 the given cases has been considered by Jalalabat regional court and regarding Mr. A.Mamytov, the convict the verdict of «not guilty» was passed. The applicant asked to restore validity. With assistance of employees of Ombudsman representation in Jalalbat region criminal case has been considered in the cassation order in Jalalbat regional court where the verdict of judicial board and the given criminal case have been excellent was directed in Toktogul regional court on new consideration.

Mr. A. P. the citizen addressed to Ombudsman in occasion of the infringements of criminally-remedial legislation admitted in Jaiylsk regional court and Chu regional court. On March 12, 2002 as a result of road accident the applicant received less heavy physical injury. On the given fact criminal case has been raised. On August 26, 2002 by verdict of Jaiylsk regional court guilty of an event has been condemned on p. 1 art. 281 Criminal Code of the Kyrgyz Republic but on amnesty have been released from punishment. On criminal cases Chu of regional court the given verdict is left by judicial board without change, and the appeal complaint of the victim - without satisfaction.

The decision of the Supreme Court verdicts of the above-stated courts were cancelled and criminal case was directed on new judicial consideration in other structure in Jaiylsk regional court. By repeated consideration of case Jaiylsk regional court the respondent has been condemned by 2 years of imprisonment, but again released from punishment in connection with statement to it amnesty. Chu regional court did not change verdict.

The applicant specified numerous infringements of criminally-remedial legislation. So, by courts of the first and appeal instances in infringement of art.245 Criminal Code of the Kyrgyz Republic have not been found out: whether are taken measures concerning accused, providing compensation of the damage caused by a crime and an opportunity of confiscation of property. The question on compensation of material harm is disregarded.

By repeated consideration of business in Chu regional court trial was postponed ostensibly in connection with absence of Mr. A. P. without the valid reason whereas on the notice of court it in due time directed telegrams to the given court in which asked to postpone consideration of criminal case in connection with his finding on hospitalization. It is not taken into consideration and that fact, that Mr. A. P. to the day appointed by court on consideration of his complaint has directed the telegram with the request to postpone consideration of case whereas his representative is borrowed on other litigation and has no opportunity to participate judicial session on his case. However judicial session has been lead to the specified day without participation of Mr. A. P. Because of the compelled delay at one o'clock on the given judicial session, it was the request for repeated consideration of case with his participation which has been left by judicial board Chu regional court without satisfaction is stated. That, the rights of the victim stipulated by norms of Criminal Procedural code of the Kyrgyz Republic have been broken.

Ombudsman addressed to Mr. K.Osmonov, the chairman of the Supreme Court with the request to consider the complaint of Mr. A.P. by way of supervision and to consider his arguments. The Supreme Court cancelled verdicts of Jaiylsk regional court and Chu regional courts and also has directed business on new judicial consideration in Jaiylsk regional court.

Mrs. K. K., the victim has addressed to Ombudsman with the request to cancel verdicts of Kochkorsk regional court and Naryn regional courts which have passed the verdict of «not guilty» concerning defendant Mr. R.Turdubekov and in occasion of actions of Mr. R. Murataliev, the judges of Naryn regional court and Mrs. A.Bekturova. Carefully having studied documents, Ombudsman sent letter addressed to Mr. K.Osmonov, the chairman of the Supreme Court with request to lead service investigation on the reasons stated in the complaint of Mrs. K.K.

We received the answer concerning results of consideration of the supervising complaint of Mrs. K.K. from the Supreme court. In which was mentioned that the decision about a canceling of verdicts Kochkor regional and Naryn regional courts concerning Mr. R.Turdubekov was passed. Case is directed on new judicial consideration in Kochkor regional court. The request of applicants was completely satisfied.

Mr. J. G. turned to Ombudsman with the request to help to understand his case. According to given statement the establishment MAPE № 21 of the Ministries of Justice was visited. During conversation with the applicant it has been established, that it is accused on item 5 ч. 2 items 123 Criminal Code of the Kyrgyz Republic also are in the given establishment 1 year of 7 months, considers itself innocent in this connection, being on treatment in medical center of establishments, has gone on hunger strike. The chief of medical center the given establishment also tried to dissuade it from the declared hunger-strike as the condition of its health has considerably worsened.

Meetings with T.Saatov, the judge and T.Ismailova, the judge of Lenin regional court Bishkek and M. Baratakhunov, the inspector Lenin DIAD of Bishkek was hold for finding-out of circumstances of the objective approach to consideration of the case of Mr. J.G. Applicant was explained, that there is no necessity to continue hunger-strike as there is an opportunity to help with his case during repeated visiting establishment № 21.

By verdict of Lenin regional court Bishkek from June, 21st 2005 regarding Mr. J.G. on the basis of art. 56 Criminal Code of the Kyrgyz Republic (purpose of softer punishment, than it is stipulated by the law) has been released from a hall of court, having served time punishments 3 years 3 months and 24 days (p.5 p.2 art.123 Criminal Code of the Kyrgyz Republic provides punishment of imprisonment for the term of from 5 till 10 years). The lawyer of the applicant directed to Ombudsman the letter of thanks for help.

In a number of the acted complaints condemned state disagreement with verdicts of courts, result enough sensible arguments and ask to assist in training for a new profession of clauses applied by courts.

Mr.S. Sn., the condemned by Lenin regional court Bishkek in 2002 on item of item 343 and 167 Criminal Code of the KR to 11 years of imprisonment, in application informed, that its actions have been recognized by court especially dangerous relapse. However changes regarding art. 16 Criminal Code of

the KR from the June 11, 2003, the stated in a new wording and changed mitigations stated in a new wording aside, regarding him was not applied. Materials of criminal case on his charge have been studied. It is as a result established, that acts incriminated to it as a whole are qualified by court correctly. But the recognition of its actions by especially dangerous relapse has raised the doubts, as ч. 2 items 7 Criminal Code of the Kyrgyz Republic say, that the law eliminating punishability of act or commuting punishment, has return force, that is extends on the persons who have made corresponding act up to the introduction of such law by virtue of, including on serving time or served time, but having a previous conviction.

Thus, its actions are a subject to qualification on ч. 2 items 16 C.C. of the KR. Regarding a training for a new profession of item 16 C.C. of the K.R the applicant addressed in the Supreme Court of the Kyrgyz Republic. The Supreme Court for performance of requirements of item 377 Criminal Procedural Code of the KR on February 16, 2005 had been sent the letter to Lenin regional court Bishkek for reclamation of the given criminal case for corresponding consideration. But, in spite of the fact that chairman of the above-stated court Mr. K.Turganbekov gave the instruction on registration and a direction of criminal case in Supreme Court, the complaint returned without registration to Mr. S. Sh., the condemned in a place of serving of punishment.

Because of this legal mistake the complaint of art. 16 Criminal Code of the Kyrgyz Republic condemned regarding recharging has not been considered, that occurred obvious infringement of constitutional laws condemned, expressed in inadequate and untimely execution of instructions of the Supreme Court of the Kyrgyz Republic.

Having explained all circumstances of case, Ombudsman sent the letter to the vice-president of the Supreme Court of the Kyrgyz Republic with the request to consider in proper order the complaint of Mr. S. Sh. and also to state a legal estimation to a management of Lenin regional court Bishkek. In the given answer it was underlined, that under the complaint of Mr. S. Sh. a verdict of Lenin regional court Bishkek from February 14 2002 and the decision of the Supreme Court from January 21, 2003 concerning him by the decision of the Supreme court of the Kyrgyz Republic from September 8, 2005 was cancelled regarding relapse of a crime and punishment. The case was renewed on again opened circumstances. Further it is underlined, that the above-stated judicial certificates are changed also a measure of punishment is lowered to 9 years of imprisonment.

It is quite obvious that without Ombudsman (Akyikatchy)' intervention condemned should to bear the cross, according to the verdict which was passed earlier.

Nevertheless, Ombudsman again sent the letter to the vice-president of the Supreme Court of the Kyrgyz Republic with the request to consider the problem on the responsibility of persons for infringements of norms of the legislation of the Kyrgyz Republic within the limits of the powers given to it. From the received answer follows, that to chairman of Lenin regional court Bishkek it is specified on denial henceforth of the similar facts.

§13. Representation of Ombudsman (Akyikatchy) in courts

Independent and free court from political and ideological reconstructions is necessary in a lawful state which will be acting as the guarantor of legality and validity. The judge should submit only to the Constitution and conscience.

As well as the last years, employees of Ombudsman (Akyikatchy) according to p.11 art.8 the Law «On Ombudsman (Akyikatchy) of the Kyrgyz Republic» continue to be present on proceedings. The stream of acting references in this occasion does not decrease. In 2005 Ombudsman (Akyikatchy)'s employees 888 times were present at judicial sessions under applications of citizens.

These data testify that uncertainty in objective disposal of legal proceeding in courts at people still remains. In due time Ombudsman (Akyikatchy) has corrected Mr. A.Akaev, the President: he spoke, that 80% population do not trust courts, and Ombudsman (Akyikatchy) in accordance with practice of the activity this figure has finished up to 99%. As a rule, citizens ask representative of Ombudsman (Akyikatchy) when proceeding approaches to end or when litigation reaches the greatest pressure. At this stage as applicants inform, judges quite often do not give an opportunity to express, refuse to accept this or that petition, the application, do not provide equality of the parties.

So, Mr. J. K. from Bishkek city turned with the request to direct the representative to October regional court. His requirements were satisfied by decision of October district court from April 2, 2005.

Mr. N. Sh. from Osh city turned to Ombudsman (Akyikatchy)'s representative of Osh region with the request to direct Ombudsman (Akyikatchy)'s representative on litigation to inter-district court on economic affairs of Osh region. Given trial was considered under the suit of .Mr. N. Sh. to Department of the municipal property of the mayoralty and about a recognition void warrants № 005432, was given to Mr. I.Dosmatov by the mayoralty Osh city.

Mr. I.Dosmatov, the Public Prosecutor did come on judicial session the who was given order and the warrant and the codefendant - Osh mayoralty which notified properly is given out, were not also any petitions in court from them has not acted. The decision is born 22.04.2005 Court has recognized the application proved and has decided the claim to satisfy: to nullify the warrant № 005432, given out addressed to Mr. I.Dosmatova.

Mrs. G.T., Mrs. A. S. and Mrs. N. R. addressed to Ombudsman (Akyikatchy) with the request to direct its representative to court. Consideration of a civil case under the appeal complaint of «Kyrgyzenergoremont» company under the claim of the above-stated citizens to it Open Company about a wrongful dismissal took place On April 20, 2005 in the Bishkek city court under presidency of Mrs.M. Omorova and judges Mr. Z. Zhakypberdiev, Mrs. K.Dospaeva and also with participation of Mrs A.Mamatalieva, the public prosecutor. The decision of judicial board on civil cases of the Bishkek city court the decision of October regional court from 04.06. 2004. It is left without change, and the appeal complaint of Mr. Zheldibaev, the director of «Kyrgyzenergoremont» company without satisfaction. Earlier by the decision of October regional court from 04.06. 2004 suitors have been restored on former work and in their advantage the average wages have been collected from «Kyrgyzenergoremont» company.

Judges did not find infringements concerning human rights and civil remedial norms during consideration of the given civil case. Applicants addressed to Ombudsman (Akyikatchy) the letter of thanks and Ombudsman (Akyikatchy) has been directed, in turn, is grateful to judges for their objectivity.

Mrs. K. M. turned to Ombudsman (Akyikatchy) in occasion of a direction of its representative on litigation in Lenin regional court of Bishkekcity. The given trial was considered by Mrs. F.Bajzullaeva, the judge under the claim of the applicant to Mr. Khusanov about paternity proof and the sums of payments of the alimony. After research of materials of cases and reception of judicial-biological examination, and also explanatory of witnesses confirmed that earlier the claimant and the respondent lived in common, the court has solved: to establish the fact of paternity, with payment of the alimony on the maintenance of the child at a rate of for salary payments of the respondent.

Mr. S.Z. from Jalalbat city turned to representative of Ombudsman (Akyikatchy) in Jalalabat region with the request to direct representative on court. By consideration of the given case by court it was established, that on July 4, 2005 on the auction lead by Jalalabat mayoralty, he has bought land for 200800 soms on O. Koshevogo Street, Jalalbat and he has registered the given site in a municipal government on land management and registration of the rights to real estate. However «Peak» company applying for the above-stated ground area, has addressed in inter-district court on economic affairs with the statement of claim to Jalalabat mayoralty. The court carefully studied materials of case, having listened to reasons of the parties and recognized the contract of sale and purchase between Jalalbat mayoralty and Mr. S.Z. lawful also has left claim of «Peak» company without satisfaction.

Mrs. T. M. turned to Ombudsman (Akyikatchy) with the request to direct Ombudsman (Akyikatchy)'s its representative on litigation which takes place in Chu regional court. Mrs. T.M. in the appeal complaint asked to cancel decision of Jaiylsk regional court: regarding collecting from «Aprodroj» company in favour of Mrs. T. M. for infringement of term of payment of calculation at its dismissal in addition for each delayed calendar day of 0,5 percent from an outstanding sum (14685 soms.) at date of actual calculation; to pass the decision on collecting with «Aprodroj» company in favour of Mrs. T.M. for infringement of term of payment of calculation at its dismissal the average one-day size of a payment in the sum 15988 soms for each delayed calendar day.

Chu regional court in structure of Mrs. I. Ajtbaev, the chairman at secretar N.Zhunushalievoj of S.Kalybaev, Z.Bejsheev, the judges has passed new decision on collecting with «Aprodroj» company in favour of Mrs. T.Mokshina for infringement of term of payment of calculation at its dismissal the average one-day size of a payment in the sum 15988 soms for each delayed calendar day. Judicial decision has been born in favor of the claimant. Further the given decision has been upheld by the decision of the Supreme Court of the Kyrgyz Republic.

Mr. A. S., the convict turned to Ombudsman (Akyikatchy) with the request to direct the representative to the Bishkek city court, who was condemned by October regional court Bishkek on article 164 and 174 Criminal Code of the Kyrgyz Republic to 8 years and 1 month of the imprisonment, serving term in pre detention center # 1 of Bishkek city. The applicant motivated the request that the verdict of regional court is too severe, many circumstances are not considered.

The judicial board on criminal and administrative affairs of the Bishkek city court, at presence of Ombudsman (Akyikatchy)'s representative as results of consideration of the appeal complaint, considering age and other softening circumstances, has reduced term of punishment for 3 years and to final departure of punishment has defined 5 years and 1 month of imprisonment. At a taken place conversation after announcement of a verdict the applicant has expressed the gratitude to all Ombudsman (Akyikatchy) Institute of the Kyrgyz Republic.

Mr. P. M. turned to Ombudsman (Akyikatchy) with the request to direct Ombudsman (Akyikatchy)'s representative on litigation in Sverdlovsk regional court Bishkek about recognition of the power of attorney insignificant. Employees of Ombudsman (Akyikatchy) Office carried out presence on litigation on which it has been appointed is judicial examination. After reception of the judgement proceeding has been continued, by results of what the decision on recognition of the given power of attorney insignificant has been passed. Thus, the claim of the applicant has been satisfied, and the broken rights are restored.

Mrs. T. A. from Karakol village of Uzgen district turned to Ombudsman (Akyikatchy) Representative of Osh region with the request for presence at judicial session of judicial board on criminal and administrative affairs of the Osh regional court, on criminal case concerning her husband – Mr. S. M.

On September 29, 2005 judicial board of the Osh regional court in structure of Mr. A.Shakirov, the chairman and judges: Mrs. S.Madumarova and Mrs. N.Hankheldieva, with participation of the public prosecutor, lawyers and Ombudsman (Akyikatchy)'s representative at open judicial session has considered the appeal complaint of Mrs. T. A. on verdict of Uzgen regional court from July 21, 2005, by which Mr. C. M. have been recognized guilty in commission crime stipulated by p. 1

art.105 Criminal Code of the Kyrgyz Republic and sentenced to 3 years of imprisonment, is applied by item 63 of the Criminal code the-appointed punishment to consider conditional, with a trial period in 1 year.

In the appeal complaint applicant asked to cancel verdict of Uzgen regional court and to return case on supplementary examination, as investigation has passed with rough infringements: without her participation, the civil suit has not been filed, that it has not been recognized by the claimant, her and her lawyer signature was forged, the legal estimation was not given as they beat by her father-in-law and the mother-in-law. During judicial session reasons of the appeal complaint have found the acknowledgement by the materials, shown to court and indications of witnesses. Having studied materials of case and listened to indications of the parties, witnesses, the public prosecutor the court has decided lawyers to cancel verdict Uzgen regional court from July 21, 2005 and to direct case on supplementary examination for completion of blanks of investigation.

Mr. R. S. turned to Ombudsman (Akyikatchy) with the request to give representative on litigation in the Supreme Court of the Kyrgyz Republic. Mr. R. S. turned to the Supreme court with the supervising complaint but he disagreed with the decision of judicial board on civil cases of the Bishkek city court from April, 25, 2005. In the supervising complaint he asked to uphold the decision of Pervomay regional court of Bishkek city from January 17, 2005.

Having considered materials of case and listened up explanations of the sides the court decided: to collect from "Bishkekkurulush" company 8913 soms in favor of Mr. R.S. and also collect court costs on payment of the help of the lawyer in the sum 1612 soms. So Mr. R.S.'s complaint was completely satisfied.

Mrs. N. K. turned to Ombudsman (Akyikatchy) with the request to direct Ombudsman (Akyikatchy)'s representative on litigation on criminal case in Bishkek city court. On March 22, 2005 the judicial board on criminal and administrative affairs of the Bishkek city court had been passed the decision, in which the verdict of the Lenin regional court which have been born concerning Mrs. N.K. has been changed by decrease of the punishment appointed by court on p. 1 art128 Criminal Code of the Kr up to 2000 soms and the size of the collected sum in favour of Mrs. L. Martovitskay for moral harm - up to 1000 soms that the appeal complaint of Mrs. N. K. was satisfied.

Mrs. G. A. turned to Ombudsman (Akyikatchy) with the request to direct representative. According to her case Ombudsman (Akyikatchy)'s employees attend court many times. During last judicial session on June 29, 2005 in Sverdlovsk regional court Bishkek under presidency of Mrs. G. Adenova, the judge on criminal case concerning Mrs. G. A. has been sentenced, where to her with a trial period conditional punishment has been appointed to 3 years and it has been released from a hall of court. The judge took into account all circumstances during making sentence.

Mr. M. A. who detained in pre detention center of Internal Affairs Department of Jalalabat region turned to Ombudsman (Akyikatchy) representative of Jalalabat region with the statement. He specified that he was sentenced to 4 years of imprisonment by Alabukinsk regional court. Having disagreed with a verdict of court of the first instance he has addressed with the appeal complaint to Jalalabat regional court. Therefore he sked to direct Ombudsman (Akyikatchy)'s representative to judicial session. On May 4, 2005 having considered criminal case of Mr. M.A. Jalalabat regional court passed sentence of «not guilty» in connection with absence in its actions of structure of a crime and she was released from a hall of court.

Mr. K. A. turned to Ombudsman (Akyikatchy) representative of Jalalabat region with the request to direct of representative on judicial session. During litigation Mr. K.A. completely recognized the fault and asked to consider, that on his expense there are three children from the first marriage, the sick, invalid wife and asked to appoint the punishment which has been not connected with imprisonment. The victim on the given criminal case – Mrs. M.M. his wife with a view of preservation of family, asked court to cancel verdict of Suzak regional court which sentenced Mr. K.A. to 5 years of imprisonment on charge in commission crime stipulated by art.2 p. 3 art. 234 of Criminal Code of the Kyrgyz Republic and to relieve from his responsibility in connection with their reconciliation. Having considering all the above-stated circumstances the court cancelled a verdict of court of the first instance and released Mr. K.A. from a hall of judicial session.

According to Mr. A.A.'s statement Ombudsman (Akyikatchy)'s representatives participated in judicial session of Alamudunsk regional court under presidency of Mrs. S. R., the judge. Mr. A.A.'s statement of claim was considered concerning collecting wages with indexation and penalty taxes from "Ular" joint-stock company. As result, in accordance with art. 41 and p.5 of art 221 C.C. of the Kyrgyz Republic sides reached the agreement of lawsuit. According to it the head of joint-stock company will extinguish debts within six months in the sum more than 20 thousand soms, in view of indexation and penal taxes which were formed from 1995 and also is stipulated to employ the claimant. The given agreement of lawsuit has been approved by definition from October 25, 2005 of Alamudun vessels. It is necessary to note also the professional, sensitive and close attitude of the judge to all participants of the given litigation. Such judges in our practice, to a general regret, meet very seldom.

§14. The rights protection persons deprived of liberty (prisoners) and imprisoned before trial

For 2005 1576 (39,0% of total amount of complaints) written addressing concerning criminal, criminal procedure and criminal executive problems have been received. Among them 665 (42,2%) was from persons deprived of liberty. It is in 1,5 times more than in 2004. These indication are higher than in other spheres and testifies that there was not good changes to the best in this sphere.

During examination of conciliations of detention centers we have to note the same defects: overpopulation and bad condition of cells, unhygienic conditions, dampness, lack of bedding, absence of normal ventilation, instead of lavatory there was dirty "bucket" All these can cause infectious diseases. We can explain such position that we have not enough money. However money which is allocated by State budget not always comes in full to prisoners. The troubles in the prisons because of stealage of means and food are not appeared from nothing. The facts of doubtful deals on delivery of inventory materials and foods by Main Administration of Punishment Execution (MAPE) became known.

The level of medical assistance to prisoners is still low. At the same time the number of specific for imprisonment places of diseases is growing. The results of Ombudsman (Akyikatchy)'s examinations shows that urino-genital, skin disease and neurological diseases are more of widely spread among detained persons. Tuberculosis is creating danger.

Generally there nobody explore this disease in proper way. Persons under investigation and prisoners take just primary medical examination. Therefore during detention in the prisons the cure is not conducted. Ill persons with tuberculosis are detained in common cell with healthy persons. Permanent tuberculosis specialist is not and X-ray photography equipment also is not. In such hopeless position people have suffered from incredible suffering and certainly they ask help. Unfortunately all Ombudsmen's addressing concerning provision by X-ray photography equipment and tuberculosis specialists was not noted.

So, Mr. B.C. , convict from prison # 3 of MAPE turned to Ombudsman. He informed that he is invalid of II group and suffer from paroxysm of epilepsy. His state of health is become worth. Ombudsman's employees met with him in prison where they found out that he is cured by invalid medicines.

Ombudsman turned to head of MAPE.. By the result of examination of medical center in fact in valid medicine was found out. As it was established these medicines was given by "Meerim" charity fund as aid and Minister of Health by agreement with the Head of MAPE allowed using it. Later all medicines were withdrew and the Head of MAPE –#3 was warned.

On April 2005 Mr. A.A., convict from pre-detention center #3 of Karakol city turned to regional representation of Ombudsman. In his statement he wrote that during long time he is ill but the treatment he did not get. Employees of Ombudsman met with prisoner and administration of prison where they insisted on examination of ill person. As result of examination he was diagnosed: comprehensive persistent bronchitis. According to doctor's conclusion he needed in-patient treatment. The decision was taken that he should be transferred into specialized clinic of pre detention center # 47. The issue mainly was solved but the way to first medical aid was so long for prisoners!

During meeting with doctors of prisons Ombudsman has to listen up and their complaints. They evenly worry about low salary, which is incommensurable with obligation and special regime of work: one doctor should accept more than 500 persons.

The system of medical service of MAPE's institution must be reorganized. So there are a lot of opinions existing. So Ombudsman (Akyikatchy) offered Mr. F. Kulov, the Prime-minister of the Kyrgyz Republic to transfer medical centers from MAPE office and Ministry of Justice into Minister of Health as it have great practice in treatment of tuberculosis and other dangerous diseases.

Ombudsman also offered Prime minister to secure Ministry of Justice for Vice Prime minister who would observe social issue justifying this by that all laws of state should be correspond international standards and to take their social adaptation after release. And also he noted that in 2004 he discussed this issue with the Head of republic and some ministries but they did not give reply on this suggestion. Besides this suggestion was supported by Mr. F. Kulov, Prime – minister.

On December 12, 2005 Mr. T. Koenaliev, the Head of Prime minister Office agree that situation concerning medical service for prisoners is still complex. The reason of this is overpopulation of penal jurisdictions, non-conformity of detention conditions to international standards, complex epidemiological situation, and lack of finance in accordance with article "purchasing medicine". It is all caused the growth of infectious diseases including tuberculosis. Also he noted that "at last time positive tendencies in the sphere of penitentiary health are observed. So inter-office working group on elaboration of programme interaction of prisonous and civil health care was established by Ministry of Justice with aim of interaction of prisonous and civil health care.

Besides that criminal executive system of the Kyrgyz Republic closely cooperated with many international and nongovernmental organizations in sphere of health care, and with which agreement concerning providing different aid including medical equipments, medicines and food was reached. Repair and reconstruction of medical – preventive building of this system are implemented by supporting of these organizations.

Concerning opportunity of transferring of medical service of criminal executive system into Ministry of health in Government's opinion that organization of medical provision of prisoners have some specific

features. Particular almost all medical staff of penal system is certificated and in accordance with Law of the Kyrgyz Republic "On bodies and institutions of criminal executive system (penal)" uses all privileges which were given to military personnel of Armed Forces of the Kyrgyz Republic.

Also activity of medical service of MAPE is closely connected with activity of other departments of criminal – executive system which providing good mechanism of work of this system.. At present time transfer of medical service almost impossible because of: huge financial expenses, absence of way of financing of medical service of criminal executive system and also absence doctors.

Ombudsman (Akyikatchy) of the Kyrgyz Republic could not agree with such reply from Government and again turned with suggestion to buy fluorography equipment for pre –detention centers #1 and #5. We hope that government would consider this problem.

Creation of good conditions in prisons is not of someone's caprice. It is inviolable requirement of civilized society and one of its humanization. Regularly conducting examination of prisons, pre–detention centers and penal jurisdictions Ombudsman required the adoption of immediate measures on keeping of prisoners. But there were not essential changes.

Position of prisoners and employees of prison is complicated by absence of investigational cells in some of regions. Taking into account that problem can not be solved at once Ombudsman directed letters to Mr. F. Kulov, the Prime Minister and Mr. M. Kaiypov, the Minister of Justice in which was mentioned the request concerning construction of investigational cells in Batken and Talas regions and reconstruct former factory in prison in Jalalbat region.

Mr. C. Zubov, the Minister Deputy of Justice in reply wrote that in accordance with art. 8 of Law of the Kyrgyz Republic "On bodies of criminal executive system" the decision on construction, reconstruction and liquidation of investigational cells are accepted by government of the Kyrgyz Republic and MAPE is not against construction of investigational cells and reconstruction. It seems that administration of Ministry of Justice is care the solution of this issue.

There was hope on Prime minister. But first Vice Prime minister informed that (capital) investments on construction and reconstruction of old building for investigational cells on the territory of Jalalabat were not provided in 2005 referring to finance difficulties. For promises was said that "Government of the Kyrgyz Republic is not against in consideration of this suggestion within forming of list of construction for 2006 in Jalalabat region." We had to satisfy that Government and Ministry are not "against".

We got a lot of complaints of prisoners concerning that they did not get results of consideration of appeals which was directed to the courts.

So, Mr. B. A., convict turned to Ombudsman with the statement in which he asked to help in getting results of appeal consideration by the Supreme Court of the Kyrgyz Republic. According to this statement inquiry was directed to this organization with the request to give information about results. From resolution of the Supreme Court from December 1, 2005 is followed that Naryn city's court verdict from February 14, 2005 and Naryn regional court's verdict from March 15, 2005 have power and Mr. B. A.'s appeal was not satisfied. Was it difficult to inform about this applicant in prison.

So, Mr. E. A., convict turned to Ombudsman with the request to assist in getting reply on his appeal which was directed to Chu regional court on April 2005. However, he could not get reply. According to this statement Ombudsman (Akyikatchy) directed official inquiry to Mr. Ch. Abyshkaev, the chairman of regional court with the request to give information concerning results of appeal consideration to Mr. E. A. As it is turned out criminal case of Mr. E. A. was considered on August 3, 2005 and the term of punishment was reduced for 4 years. He waited for 5 months in order to get reply on his appeal.

With similar problem has faced Mr. D. D., convict who has been convicted by October district court of Bishkek city. He asked to get information concerning results of appeal consideration by the Supreme Court of the Kyrgyz Republic, which was directed on November 2004. After Ombudsman's interference in this case it has been known that Mr. D.D.'s verdict was changed. 9 month was needed in order to know that his action was determined as dangerous recidivism which will be play important role in assessment of extent of crime.

Judicial bodies do not pay proper attention to observation of norms of current legislation, which provide corresponding notification of persons who are interested in this.

Sometimes prisoners turn with request to find our circumstances of their transfer from prisons into pre –detention centers. But according to complaints they are not explained the reasons of transfer.

So, Mr. P.M., convict to 18 years of imprisonment turned to Ombudsman (Akyikatchy) with the complaint. On December 8 2005 he was placed in pre–detention center # 1 of Bishkek but he did not reasons of his detention. According to reply from MAPE Mr. P. M. was placed in pre detention center on suspicion of commission of crime on art. 241 Criminal Code (C.C.) of the Kyrgyz Republic. On March 17, 2005 Mr. P. M. was sentenced by Moscow district court on p. 2 art. 241 of C.C. of the Kyrgyz Republic to 7 years of imprisonment. On April 5, 2005 he was placed in prison # 3 (Novopavlovka village) fro further service of term.

Mrs. B. U. turned to Ombudsman with the request to assist in ascertainment of the reason of transfer from pre detention center# 50 (Yssykatinsk district) into pre-detention center #1. Also she indicated the statement that transfer of another prisoner would be more unsafe for his life. Addressing with the request to consider to administration of MAPE was directed, in which was mentioned about the issue of Mrs. N. T.'s transfer from pre-detention center # 1 into pre-detention center # 50. The issue was positively solved.

Some times later Mrs. B. U. again turned to Ombudsman. She wrote that because of personal dislike of the Head of pre-detention center #50 she was refused in implementation of transfer of Mr. N. Toichiev in to prison despite of decision of Yssykatins district court concerning transfer. The letter was directed to

Special office of Prosecutor of the republic, in which was mentioned the request to examine legality and foundation of Mr. N. T. detention in pre-detention center # 50. In the reply was mentioned that taking into account actual service term by Mr. N. T. , convict, therefore administration of pre-detention center # 50 gave information concerning his transfer into colony settlement for consideration of local court as term of transfer fit to December 25, 2005. Mrs. B. U. was learned the copy of received reply.

A lot of addressing comes from prisons in which prisoners ask to redirect their complaint into other State bodies. It is evident that prisoners trust to Ombudsman (Akyikatchy) of the Kyrgyz Republic

So Mr. N. S., convict, Mr. I. N., convict, Mr. A. A., convict turned to Ombudsman with the request to pass their complaints which was addressed to General Office of Persecutor of the Kyrgyz Republic. Taking into account applicants' requests Ombudsman using p. 4. art. 10 of Law "On Ombudsman (Akyikatchy) of the Kyrgyz Republic" directed these complaints to General Office of Persecutor for consideration.

There are some cases when relatives of convicts do not know about place where they serve term what causes worrying. Although Ombudsman can do not consider such statement but he assists them

Mrs. J. K. turned to Ombudsman with the request to find the place where her husband is serving term and to know can he get amnesty from 2005. Ombudsman directed inquiry to the Head of MAPE who replied that convict Mr. F. A. is serving term in prison #19 (Jany-Jer village) and act of amnesty is not implemented to him. The applicant was informed about this.

Mr. U. M., the father of convict turned to Ombudsman. Applicant asked assistance in transfer of her son from prison # 8 of MAPE in Petrovka village of Chu region into prison #10 in Jalalabat city as he has not money in order to visit her son there because it is very far from Jalalabat city.

According to Law, Ombudsman (Akyikatchy) does not consider such request. Nevertheless he directed petition to head of MAPE of the Ministry of Justice with the request to consider opportunity of Mr. U. M.'s transfer into prison #10 for further service of term. This addressing was satisfied and convict was transferred into prison #10 of Jalalabat city.

We received addressing from Mr. J. Abdraimov, the Head of Maimak village's administration of Talas region. They put issue concerning opportunity of transfer of prison – settlement #29 of MAPE, as number of prisoner is not more than 10 persons. However prison's administration gives 100 prisoners. Almost all they work by contracts within Talas region.

This prison have field but because of default money for land-reclamation fro growing agricultural products but the field is overgrown with weeds. Administration does not accept any measures in order to correct situation. Moreover additional lodgments and sheds are broken and sold and caserns are not fit norms of living. Besides, prisons #29 is situated for a distance 150 – 200 metres from state border with Kazakhstan and it is not corresponding requirements of boundary regime.

During trip over Talas region Ombudsman personally visited prison #29. Position really is painful. Appropriately was information which was received by Ombudsman during examination of prison of Talas Internal Affairs Administration (IAA) and Kara-Balta District Internal Affairs (DIA). So here are prisoners committed prison breaking from prison-settlement #29 because of starvation and beating. For May 8, 2005 number of persons who committed penal breaking is 60 prisoners.

Ombudsman directed act of reaction to Ministry of Justice and MAPE. By the results of investigation MAPE administration took measures fro prevention of unlawful acts of prison #29's employees and Mr. T. Altymyshev, the major and division head was strict told off by MAPE administration for weak organization and service. During third quarter 2005 he was indicated to recover infrastructure of prison #29.

On October 2005 Mr. T. Altymyshev personally visited Ombudsman in order to report concerning his work. The issue concerning three meals a day of convicts was solved positively and they were given bedding.

The most worried situation is observed not only with prisoners' rights but also with rights of employees of penal jurisdiction of the Kyrgyz Republic. For example employees were not paid benefits towards working with prisoners who ill with tuberculosis.

Norms of International acts which were ratified by the Kyrgyz Republic are demanded arrangement of conditions and provision of benefits for prisonous staff.

Moreover, it is necessary to make changes and additions in normative legal acts of the Kyrgyz Republic which establish realization of human rights who work in contacts with convicts, sick with tuberculosis and it is allow recovering their broken rights. Ombudsman directed to authority such suggestions.

During repotting period Ombudsman of the Kyrgyz Republic and his employees have conducted 53 inspections in prison on subject of human rights observation and detention conditions. Unlike previous years Ministry of Justice, MAPE and prison's administration do not prevent Ombudsman's examinations. Because Ombudsman has proved that he fights not only against prisoners' rights but also stand for legal interest of employees of penal jurisdiction.

On September 1, 2005 Ombudsman got information concerning disturbances among prisoners in prison # 14 (Voznesenovka village). By arriving there he saw that parts of teenagers were transferred from prison into pre detention center #50. During inspections was established that prisoners of prisons # 14 expressed protest on conditions of detentions and to show disobedience and resistance to employees of prisons.

On September 16 Ombudsman received second addressing about rebellion in prison # 14. Ombudsman went to there. There he heard from administration that convicts expressed their dislike concerning strict detention and require free access to pre-detention center -# 2 (here boys and women

are detained) and also refuse attend school and more time in visiting rooms. Standing upon their requirement and requiring that Ombudsman and their parents have will come they armed by bricks and sticks. Before they have beaten several other convicts.

Representatives of Specialized Office of Prosecutor and the Head of MAPE have come there. The decision of conducting special action was adopted. But Ombudsman Deputy was against act of force toward teenagers. At his urgent request negotiations was hold as result of which the convicts obeyed to requirements of prison administration.

Ombudsman's representatives had to prove them illegality of their disorders and prevent them from unconsidered action. They were told that Ombudsman could not protect breakers of law order. Corresponding recommendation was made also to employees of prison # 14 who can not fin more humane methods on teenagers – convicts. Thus an accident was solved.

Ombudsman's examinations and citizens' complaints are testifying that reason of complaint is allocation of citizens in pre-detention centers. Namely there unallowed methods of inquest are implemented to detained persons. However, we can not get timely information from pre-detention centers and late citizens complaints will be difficult investigated. Therefore Ombudsman indicated that employees should examine pre-detention centers one time a two months.

We can say with confidence that Ombudsman's examinations of pre-detention centers and prisons are not undergone without traces as for prisoners and as for employees of these penal jurisdictions.

So during examination pre-detention center of Yssykatsinsk DIAD administration was indicated that it is one institution in Chu region where food of prisoners does not stand up to criticism.

Another position is in pre-detention center of Tokmok city. Here capital repairs of pre-detention center and police station was made by sponsorship of city administration. Taking into account inability of most of part under investigational persons to pay lawyer's service agreement about free legal aid to poor people of Tokmok city with "Legal aid for poor people of Tokmok city" organization was reached by Ombudsman representation of Chu region. Thus poor people of Tokmok city have opportunity to get legal aid.

Sokuluk DIAD also has some good changes: it is capital repairs of pre-detention centers, dining room in police station. Unfortunately as before there are complaints about illegal action of employees of DIAD.

Good changes also are in Osh region. So Ombudsman (Akyikatchy) of the Kyrgyz Republic was nicely surprised that his recommendations were taken into account in pre-detention center of Internal Affairs Administration (IAA) of Osh city. All cells were repaired. Only one what will be done in future it is to build courtyard for prisoners.

Unfortunately pre-detention center of Naryn has not such courtyard. Under investigation persons sit in stuffy cells very long time, for example weeks or even moths. Naryn pre – detention center #4 more correspond to international standards than others. Therefore Ombudsman did not get complaints from prisoners of this re-detention center. All complaints were from Kochkorsk, Atbashynsk DIAD and Naryn IAA.

During examination of human rights observation in pre-detention center of Jalalabat City Inter Affairs Department (CIAD), Ombudsman jointly with NGO "Spravedlivos (Justice)" found out several serious infringements. Prisoner complained about that employees beat them.

Totals of monitoring were discussed on the "round table", where suggestion on correction of positions was worked out and directed to authority.

Sometimes citizens complain to employees of pre-detention centers when they refused in meeting with detained persons. Maybe it has own reasons which connected with investigation. But therefore they should give explanations with concrete normative documents. Otherwise they have suspicion in exaction especially because the issues finally are solving by different ways including Ombudsman's interference. It is caused some ambiguity – if it decision is legal that why do people complain?

Namely these reasons with accuse of administration in corruption and, stealage of state properties was indicated by prisoners of prison # 3 (Novopokrovka village). Let remind that mass media spread information about disorders in prison, non admission of pre-detention center's employees to work place and ect.

On October 19, 2005 Ombudsman (Akyikatchy) arrived to prison to learn situation in accordance with requirements of prisoners. He with Mr. I. Polotov., the Head of MAPE, mas media representatives examined all barracks, cells, ward, morgue, deserted buildings, dining room and mosque. There were not aggressive people. Prisoners were glad to see guests and expressed hope for fair investigation of their problems.

They told Ombudsman about stealing of food, metals and bribe for meeting with relatives. They expressed disappointment about that prison's employees and even doctors do not come to work and that's why prisoners can do everything what they want. By this time several people died because of default of medical aid. Mentally ill offenders are not transferred into Chymkyrgon in time. Because of lack of mattresses prisoners sew it from jersey and other things. And they refuted mass media information concerning prostitutes and hostage. They thought the work of special part which does not pass their complaints courts and Ombudsman (Akyikatchy).

Colony was built in 1960 and was the most standard in Soviet time. But capital repairs did not conduct for long time. 2400 prisoners are detained in colony #3. Among them 300 – in T.B. prophylactic centre, 120 – in grave condition and mentally ill. Mr. Matyakubov Kakhramon, prisoner who was transferred from colony #31 began elevation of territory, stowed road with bricks, established lamps repaired several barracks, topped stealing of food and ect.. But colony's administration did not like such active acts of criminal representative.

Ombudsman met with Mr. Matyakubov Kakhramon and then gathered all prisoners and sum up the results of his examinations. He charged the Head of MAPE to check every complaints, to transfer ill prisoners and to open magazine on the territory of colony. He charged his employees to take away correspondences of complaints regularly.

Ombudsman met with colony's employees #3 for objective of inspection. They complained about lack of salary, and also menace of prisoners, their illegal requirements. But their main requirement was transfer of Mr. Matyakubov Kakhramon who was source of destabilization into another colony.

Mr. I. Polotov., the Head of MAPE noted that special regime could length only three days, which was introduced by the Head of colony. But Minister of Justice could prolong this regime. The term is over that's why colony's employees should come to work. Mr. I. Polotov informed that Deputies of Parliament (Jogorku Kenesh) of the Kyrgyz Republic decided to increase the finance of MAPE and tomorrow would be meeting with Mr. A. Akmatbaev, the chairman of committee. They expressed hope that he will decide all issues with the help of Minister of Finance and Ombudsman.

Ombudsman emphasized that gist of examinations of intuitions is not only to consider complaints but also to protect rights of colony's employees. He informed about decision of their complaints. Then he reminded employees about duties.

"If you refuse to come to work because of Mr. Matyakubov Kakhramon the issue of his transfer is not duty of Ombudsman bas it is duty of the head of MAPE – announced Ombudsman (Akyikatchy). But if you could not solve this problem and offender could solve then I am ready to meet with Mr. Aziz Batukaev in colony #31" But MAPE administration asked to not do it. As Mr. A. Saparbaev, the Head Deputy of MAPE informed "it will just increase Mr. A. Batukaev's prestige". Ombudsman asked that the Head of department on prisoners' rights protection of the Ombudsman Institution take part in the meeting.

Later Ombudsman was so surprised when on October 20, 2005 employee phoned and informed that she was not allowed on the meeting and said that MAPE administration asked to leave meeting with Deputies of Parliament as it "it would by men' talk". Later was worse: those officials, who dissuaded Ombudsman to do not meet with Mr. A. Batukaev, with Deputies went to colony # 31. Ombudsman representatives were not allowed to trip.

Ombudsman directed there his Deputy and several employees when tragedy has been happened and Mr. T. Akmatbaev, the Deputy and employees of Parliament were killed. About vesting prevention in colony # 31 will be said in corresponding paragraph of the report.

According to addressing of prisoners and relatives of Mr. A. Batukaev on November 25, 2005 Ombudsman Deputy and employees examined pre-detention center of National Security Service of the Kyrgyz Republic. However, Mr. Dj. Sheishenaliev, the Head of pre-detention center of National Security Service of the Kyrgyz Republic did not let them in building. Motivating this by that he was recently appointed on this position that's why he did know hoe to solve this issue. He said that it should be submitted it to Mr. T. Aitbaev, the chairman of National Security Service (NSS). Ombudsman Deputy and his employees wre so surprised: how it can be that such person was appointed, who did not know neither the Constitution nor Laws of the country on such serious position of serious body?! Nevertheless they were let to examine.

During examination they examine not only cells, in which Mr. A. Batukaev were detained but also the rest cells. If we did not get complaints from Mr. A. Batukaev except for low temperature. But Mr. P. M. Complained about that he could not meet with his lawyer and refusal of examination. During checking of documents which identify the legality of detention in pre-detention center of NSS, Mr. S. M. was found out who was convicted by verdict of October district court of Bishkek city and was directed to serve term in colony – settlement. But he is still detained in pre-detention center.

During examinations we receive a lot of issue which are worrying people who are turned out in difficult situation. Every of them are giving explanation and giving legal aid. Often such people can not form addressing correctly. And Ombudsman's employees also help in such situations.

§15. The problem of a death penalty cancellation

More and more countries refuse punishment as a death penalty. The organization «the International prison reform» (Penal Reform International) adduces the following statistics: 85 countries have cancelled a death penalty for all kinds of crimes, 11 countries apply a death penalty only in unusual cases, such as war crimes. From themselves we shall add that the death penalty was kept in some states of USA, on the African continent, in the Islamic countries, in China and Japan. As to the countries of the CIS, only Azerbaijan has completely cancelled a death penalty. In Russia, Ukraine and Kyrgyzstan the moratorium on execution of a death penalty operates, and in Tajikistan the moratorium is declared on passing of verdicts to a death penalty.

In « the National program «Human rights» for the period 2002-2010 years» in the project of the basic directions of one from actual task of the Kyrgyz Republic in sphere of human rights the nearest decade is determined reduction and a cancellation of the death penalty used by the state as an exclusive measure of punishment for especially heavy criminal offences .

In this program is told, that the death penalty is not capable to constrain growth of criminality. Application of this measure is the act of revenge to the person which criminal intentions are caused by a society or provoked by adverse hereditary predisposition. The death penalty give birth to cruelty in a society, in mass consciousness are widely disseminated stereotypes of perception of this measure of punishment in which basis dominate the emotional factor, motivation of punishment and traditional representations about efficiency of the most severe measures of struggle with criminality . The death penalty is especially dangerous if this cruelty on the part of the state can undergo innocent.

Therefore, constant there is position Ombudsman (Akyikatchy) of the Kyrgyz Republic concerning a death penalty. In 2002-2005 years he repeatedly directed manipulations to manual of the country not only concerning prolongation of term of the moratorium on execution of verdicts to a death penalty, but also her full cancellation in 2005 and its replacement on life imprisonment, instead of in 2009-2010 years as that wished the head of the state. Besides also it was offered to them to join the second optional protocol to the International pact about civil and political rights from 1966, 44/128 General Assemblies of the United Nations accepted by the resolution December, 15, 1989, providing a cancellation of a death penalty.

If to address to a history a death penalty, perhaps, the most ancient or anyway, one of the most ancient punishments, which mankind uses on all extent of the existence. Despite of it, disputes between opponents and supporters of a death penalty do not cease and to this day.

Whether the death penalty is necessary for Kyrgyzstan? This question excites many citizens of the Kyrgyz Republic. It is quite natural, that the common opinion on a question of necessity to our state of a death penalty can not be. The bitter truth consists and that criminality will exist still long, our desire to eradicate it angrily as though was not great. For now the society, certainly, can not refuse measures of criminal - legal compulsion. In 2005 to an exclusive measure of punishment in our country are condemned 17 people. In total in investigatory isolators of cities of Bishkek, Osh and Karacol are about 170 punishments sentenced to an exclusive measure.

Supporters of a death penalty use such argument when the person, who has committed a crime, represents for a society the increased danger, and already by virtue of one it, it should be physically destroyed. No, that the person, who has made especially grave crimes, should be deprived opportunities to make them further. But for this purpose it is enough to sentence of it to life imprisonment and by that for ever to isolate from a society.

It is impossible to forget that also such important factor as an opportunity of a fatal miscarriage of justice, as a rule, is ignored. And meanwhile, to ignore him it is inadmissible. There are no that supporters of preservation of a death penalty know, that miscarriages of justice and nowadays in the Kirghiz justice at all exception. Including mistakes tragically as a result of which innocent people were once executed. Miscarriages of justice are not excluded even in those countries where the law provides accused the maximal opportunities for protection. For example, 25 innocent person were executed in USA.

Kyrgyzstan has not cancelled de- uire a death penalty, but by introduction of the appropriate moratorium it de facto is cancelled. Probably, it is correct, in any case our country keeps firm conviction in expediency of a full cancellation of a death penalty and the further humanization measures of criminal - legal compulsion. As acknowledgement to that is served with changes in the criminal Code of the Kyrgyz Republic, initiated by Mr. K.Baibolov, the deputy of Parliament (Jogorku Kenesh), as a result of which the quantity of articles providing a death penalty was reduced up to three.

Besides conditions of consideration of criminal cases in courts have changed also. If earlier criminal cases about crimes for which the death penalty could be appointed, were considered by regional courts after coming into force in 2003 of the Law « About the Supreme court of the Kyrgyz Republic and local courts » and in 2004 of the Law « About changes and additions» in Criminal Procedural of the Kyrgyz Republic, it became already a prerogative of judicial boards on criminal and administrative affairs of regional courts and the Bishkek city court.

There were no without attention and numerous manipulations Akyikatchy to address of both the ex-president, and present heads of the state. December, 29, 2005 Kyrgyz republic K. Bakiev's President,

having supported initiative by Ombudsman (Akyikatchy) of the Kyrgyz Republic, has issued the Decree « About prolongation of term of the moratorium on execution of a death penalty in the Kyrgyz Republic » according to which since January, 1, 2006 term of the moratorium on execution of verdicts of courts is prolonged concerning the persons condemned to an exclusive measure of punishment - a death penalty not for 1 year as it was done earlier, and up to its full cancellation in the legislative way.

Besides the same Decree the Government of the Kyrgyz Republic is entrusted to prepare and bring to bi-monthly term to the President of the Kyrgyz Republic in projects of the laws directed on connection of the Kyrgyz Republic to the Second Optional protocol to the International pact about civil and political rights; a cancellation of a death penalty and her replacement by life imprisonment and - or long imprisonment, including concerning persons to whom action of the moratorium on execution of a death penalty is distributed.

Offers by Ombudsman has brought also to a bill « About modification and additions in some acts of the Kyrgyz Republic», providing in a cancellation of a death penalty in the Kyrgyz Republic, developed by the Government of the Kyrgyz Republic. Akyikatchy has accepted active participation in parliamentary hearings 2005 on this question.

In particular, from ч. 49 bills, Kyrgyz Republic concerning the criminal Code, it is offered to exclude the persons of 4 items who have reached to the moment removal by court of a verdict of 65-years age and to apply to them life imprisonment. It is proved by that the maniacs inclined to fulfillment especially of grave crimes (serial murders, rapes of minors etc.), proceeding from our and global practice, quite often can be people of advanced age. The law should be severe in relation to the persons who have made especially grave crimes.

Under article 3 of a bill concerning the Criminal - executive code of the Kyrgyz Republic, in order to prevent discrimination of the human rights, condemned, leaving life imprisonment, should be involved in the general education. Experience of other countries including brotherly in the Soviet past - Lithuania, supposes the right condemned to an exclusive measure of punishment, коим after acceptance of the given bill will be life imprisonment, on reception of the general education, including the supreme.

The persons condemned to an exclusive measure of punishment, are compelled by virtue of the entered moratorium, years to wait for execution of a verdict, being in investigatory isolators. Some of them would be already glad to the prompt decision of them speed up, as expectation speed up for them - already intolerable torture. While the state thinks, what to make amendments to the law and how to erect walls in a colony for life prisoners, condemned men slowly and painfully die in walls of investigatory isolators. In too time courts are compelled to continue to bear the verdict as for today in the country there are no the legal bases creating alternative of a death penalty.

Supporters of a cancellation of a death penalty have not supported at modification and additions in the Constitution of the Kyrgyz Republic on a public referendum February, 2, 2003. The worker and expert groups have rejected offer Ombudsman (Akyikatchy) of the Kyrgyz Republic on exception of the Constitution of norm on a death penalty. On the other hand, during the Constitutional meeting formed in 2005 for discussion of a bill about entering of amendments in the Constitution of the Kyrgyz Republic, Ombudsman and representatives of civil sector repeatedly lifted a question on exception of the Constitution of the norms, concerning a death penalty.

Special interest to condemned Kyrgyzstan, sentenced to a death penalty was shown the researcher of the international organization of « the International amnesty » over Southern Caucasus and Central Asia by Anna Zunder-Plassman who has addressed to Akyikatchy with the request to assist in realization of conversation with some condemned to death penalty, contained in pre detention center # 1 of Bishkek city. After addressing to Mr. V.Nosov , the Head of MAPE of the Ministry of Justice, with the request to assist employees Ombudsmen in realization of personal meeting between Anna Zunder - Plassman and some condemned, refusal in view of absence of chief MAPE though he was preliminary notified on it February 12, 2005 was received.

With the request to direct representative Akyikatchy for presence at judicial session in the Supreme Court to Ombudsman the citizen of Republic of Kazakhstan Mrs. Z. R has addressed. From the application followed, that her son Mr. D. S. and the brother Mr. V. M. was convicted by a verdict of judicial board on criminal and administrative affairs of the Bishkek city court from July, 21, 2004 on ч.4 an item 129. 2 items 97 Criminal Code of the Kyrgyz Republic to a death penalty.

At the request of prisoner, employee Akyikatchy was present at the closed judicial session at the Supreme Court. The court the decision from March, 3, 2005 has cancelled a verdict of judicial board on criminal cases of the Bishkek city court and business was returned in Office of Public Prosecutor of Sverdlovsk area with Bishkek for completion of blanks of investigation. After the expiration of two months under the request of prisoner employee Ombudsmen has arrived in pre detention center -1 and has met with applicant. In special part establishments it was found out, that after removal of the decision of the Supreme Court from March, 3, 2005 on the basis of which condemned the exclusive measure of punishment is cancelled, that was not transferred from the chamber of condemned men in the chamber under investigation. Only after submitted Ombudsman in special part pre-detention center -1decisions of the Supreme Court this very day In. M-i, was transferred from the chamber of condemned men in the chamber under investigation.

Became often manipulations condemned to a death penalty on a question of rendering of assistance in the pardon. So, the request of relatives condemned And to assist in replacement of a death penalty by imprisonment by the Commission on questions of the pardon at the President of the Kyrgyz Republic it was rejected for the first time. After entering by Ombudsman of the offer on consideration of a question on an opportunity of replacement of a death penalty on imprisonment it became known, that the application on the pardon of the punishment condemned to an exclusive measure And. It was already considered also to him earlier refused in the pardon. However the commission under request Ombudsman has repeatedly considered the application on the pardon And. And because of weight of the act accomplished by him on presentation of the Commission by the decree of the President of the Kyrgyz Republic № 553 from November, 15, 2005 it was rejected.

Manipulations are also such character when to Ombudsman ask to redirect applications, for example, in this or that state body. Condemned by a verdict of Sverdlovsk regional court Bishkek to an exclusive measure of punishment - death penalty R. T-v and R.V-in have addressed with the request to assist in a direction of their complaint Kyrgyz republic F. Kulov, the Prime Minister. According to their complaint were forwarded in the Government of the Kyrgyz Republic.

Certainly, to a question on application of a death penalty always there will be an ambiguous attitude. Ombudsman considers what to cancel a death penalty it is necessary immediately. A public opinion in this question stably enough and radical image for a little short time interval to change him hardly it will be possible. And the best tool in attempt humanization societies is humanization the state.

§16. The facts of prevention to Ombudsman (Akyikatchy)'s activity

In spite of positive impression of activity of Ombudsman (Akyikatchy) of the Kyrgyz Republic practically by all state instances, nevertheless during investigations under references of citizens, at carrying out of inspections and checks under own initiative, it is necessary to collide with the facts when separate officials create obstacles of realization of its constitutional powers. It is expressed in untimely granting and poor quality of the required information, the materials which are a subject studying during investigations, in restriction of the admission of employees Akyikatchy on territory, and at times and an interdiction on access to this or that object.

Refusal in assistance is equivalent to prevention of Ombudsman's activity that in accordance with norms of the Criminal code and the Code about administrative infringements of the Kyrgyz Republic is pursued by punishment. And according to p.17 art. 10 of the Law «On Ombudsman (Akyikatchy) of the Kyrgyz Republic» the actions directed against duties of Ombudsman, immediately are made it public and is informed in main or the special report. The given chapter of the present report also is devoted to it.

After March events of 2005 employees Ombudsman began to suffer from difficulties with visiting prisoners in corrective establishments under their complaints and applications. Probably, that circumstance here has affected that in connection with these events all management of Main Administration of Executive Punishment (MAPE) and its establishments was replaced practically. But nobody cancelled activity of activity of Ombudsman (Akyikatchy) of the Kyrgyz Republic. Even introduction extreme or the martial law in all territory of the country, - according to »2 item 6 of the Law about Akyikatchy, - does not stop, does not limit and does not stop activity of Ombudsman. New heads have been obliged the nobility both the powers, and powers of supervising bodies which, according to item 40 of the Constitution of the Kyrgyz Republic is Ombudsman (Akyikatchy) of the Kyrgyz Republic

On November 1, 2005 at 11-30, in connection with the acted information on application by group of special purpose of the Ministry of Internal Affairs of special means and the weapon in colony (prison) #1, 27, 31 (Moldovanovka village) and colony #3 (Novopokrovka village), entailed destruction of prisoners, employees Ombudsman have left on a place. However, not reaching colonies have been stopped by military posts. Employees of police have explained that Ministry of Internal Affairs gave order do not pass massmedia, legal experts and even employees of Ombudsman.

Later, at 15-00 employees of Ombudsman with his assistant again went to colony # 31 where they met with Mr. B.Mukeev, the Head of MAPE He informed, that condemned have shown resistance, special action during which Mr. B.Mukeev was wounded and three prisoners were killed. «Conditions were stabilized, – he said, - and full information you will know from press conference of President Mr. K.Bakiev». In this situation it is worthy regrets that, publishing the order on restriction of access to establishments of MAPE, Minister of Internal Affairs should know that any force would not stop activity Ombudsman of the Kyrgyz Republic.

For realization of constitutional powers Akyikatchy has directed the letter to Mr. F. Kulov, the Prime minister of the Kyrgyz Republic in which was mentioned to estimate objectively the developed situation in penitentiary jurisdictions of republic and also to specify to the ministries and departments to not interfere with lawful activity of Ombudsman (Akyikatchy) of the Kyrgyz Republic. From the received answer follows, that the situation in colony of republic remained rather complex, together with law-enforcement

bodies and Offices of Public Prosecutor were spent by employees of MAPE of the Ministry of Justice of the Kyrgyz Republic operatively-investigatory actions in this connection access to colony of republic in order to prevent negative consequences, has been extremely limited.

Now the situation in penitentiary establishments was definitely stabilized also employees of Ombudsman, as well as earlier, can freely visit them. The Prime minister has informed Akyikatchy about it.

Unfortunately, Mr. F.Kulov was naive, believing, that his decision will be executed by all chiefs of investigatory insulators and corrective colonies. Akyikatchy himself was naive also, having believed in it.

So, Mrs. G.O. directed statement to Ombudsman, in which was mentioned that on December 15, 2005 employees of special group of police beat prisoners in colony 31. Ombudsman's employees went to there. By arriving in the given colony they have addressed to the chief of colony # 31 with the request to admit them on territory of colony with the purpose of objective finding-out of the circumstances stated in the statement. However, Mr. K. Sharshenbiev, the Head of colony refused them motivating this by that he was given strict order of Mr. K. Mamakeev, the Prosecutor Deputy of the Kyrgyz Republic do not let on territory of establishment of the persons who are not have this corresponding right according to norms the Criminal code-executive of the Kyrgyz Republic.

Also we received information concerning prisoner's suicide in colony # 31. As if he hanged himself in boiler-house. But we got denial in getting of necessary documents concerning death of Mr. O. Petranovski. Nevertheless Ombudsman's employees managed to get declaratory letters from three of prisoners and also conclusion of service investigation concerning death of prisoner. It is astonishing, but conclusion of Mr. A. Kasymov, the officer of the criminal investigation department of colony #31 and declaratory letters of prisoners have almost identical text.

In annual report of 2004 have been informed that during examination of pre-detention center #1 Ombudsman and his employees revealed fact of prevention to Ombudsman' activity from Mr. N. Shalpykov, the employee of pre-detention center #1. He destroyed dying statement of prisoner which was addressed to Ombudsman (Akyikatchy) of the Kyrgyz Republic. About this pre-detention center administration and MAPE administration were informed at ones. Mr. N. Shalpykov openly admitted his guilty and was dismissed.

Having considered the order of MAPE illegal he decided to turn to the military court of Bishkek garrison. According to decision of this court he was restored on work and judicial college on civil cases of Military court of the Kyrgyz Republic did not change the court's decision of first instance.

Ombudsman directed Act of reaction to Ministry of Justice with the request to take into account our arguments concerning that infringer of Laws and rights could not serve in criminal executive system. Having learned materials of civil case on suit of Mr. N. Shalpykov they directed supervisory complaint to the Supreme Court of the Kyrgyz Republic on decisions of 1 and 2 instances was mentioned in the reply.

On 15 April 2005 this case was finished. Judicial college on civil cases of the Supreme Court of the Kyrgyz Republic cancelled the decisions of courts of 1 and 2 instances and accepted new decision, in which Mr. N. Shalpykov was refused in restoration on work.

Criminal Code has article 146-1 which provided the punishment for prevention to Ombudsman's activity. But Ombudsman does not resort to such measures of influence on officials referring on such moral categories as conscience, honesty, duty call of duty or otherwise they become powerful regulators of behavior of the most swaggering officials.

Having considered statements of Mr. B. K. and Mr. B. T. Ombudsman directed letter to Mr. T. Subahbekov, the Prosecutor of October district of Bishkek city many times. He asked to give information about results of consideration of above mentioned citizens' statements concerning illegal action of employees of Internal Affairs Department (IAD) of Bishkek city. The prosecutor did not reply on letter. Ombudsman turned to Mr. U. Karimov, the prosecutor of Bishkek city with the request to investigate given fact and to give reply on his question.

City Prosecutor gave necessary information. He indicated district Prosecutor on denial of infringements of norms of Law "On Ombudsman (Akyikatchy) of the Kyrgyz Republic" and requested punishment of guilty officials who broke legislation in part of unethical behavior.

Ombudsman commissioner in Issyk-Kul region many times directed letter to Mr. N. Sheishenbaev, the Head of Issik-Kul regional state inspection of energy and gas because of statements of Mr. L. E. and Mrs. V. K.. Applicants informed about illegal action of controllers of Karakol energy station of "Vostokelectro" company who changed counter without notification. Ombudsman Commissioner did not get reply on letters.

Ombudsman commissioner had to turn to Ombudsman Deputy and he in his turn directed to state agency in energy and gas for getting of replies on earlier directed letters and on conducting of service investigation of given facts.

Mr. B. Shapar. The Director of State Inspection on energy and gas informed that Mr. N. Sheishenbaev, the Head of Issik-Kul regional state inspection of energy and gas was told off for infringements of consideration terms of letters and statements.

Ombudsmen Representative, being under the statement on judicial session in Lenin regional court of Bishkek city, was admitted on process by Mrs. N.Asanova, the judge. She demanded from representative of Ombudsman the power of attorney on presence though necessity for granting powers of attorney by employees Ombudsman on presence at public trials was not required. Such explanations have not arranged judge.

Ombudsman has directed the Act of reaction to chairman of the Supreme Court of the Kyrgyz Republic. In the received answer was mentioned that on the given fact investigation was lead and to chairman of Lenin regional court the instruction on maintenance of strict observance of requirements of norms of the remedial legislation allowed to discuss and arrange.

During inspection of the Turkish enterprise «Coca-cola Bishkek Botlers» for observance of the citizens' rights who working here, Ombudsman employees was given up in carrying out of check. We directed letter to the director with the request to notify on concrete date of inspection. However administration of enterprise refused in granting materials and access on the enterprise.

Ombudsman (Akyikatchy) directed Act of reaction to State Office of Public Prosecutor of the Kyrgyz Republic. Later we received reply in which was mentioned that results of check the factory Mr. Ezel Agaoglu, the manager of "Coca-cola Bishkek Botlers" company officially, in conformity with article 21 of the Law «On Office of Public Prosecutor of the Kyrgyz Republic» was warned about inadmissibility of infringement of Law and was also warned in the case of reiteration of such facts he will be call to account and then the Director invited Ombudsman employees for examination of enterprise.

CHAPTER II

Ombudsman's (Akyikatchy) activity on adduction of the Kyrgyz Republic legislation on human rights and freedoms of citizen in accordance with the Constitution of the Kyrgyz Republic and international standards in this sphere

In last years rapid growth of normative creative process of independent Kyrgyz Republic has caused the number of problems both in lawmaking and in adduction of Laws on practice. Objective laws of social and economic State development has caused that most of legislative acts are not have time to reflect the course of public development because there are contraventions between them. It is become one of the reasons of non implementation legislation requirements by State authority bodies, local administration and other State organizations and it causes human rights and freedoms breaking. Therefore more intensive process of legislation base perfection is necessary.

Taking into account priority of Parliament, President and Government in the case of legal base perfection Ombudsman (Akyikatchy) has fully assisted adduction of legislation of the country in accordance with the Constitution and international standards in the sphere of human rights and freedoms in accordance with p.4 art. 3 of Law "On Ombudsman (Akyikatchy) of the Kyrgyz Republic".

It is necessary to note that not only normative legal base and legal mechanisms of its realization, but also lawmaking procedure need perfection. As a rule draft laws are worked out by offices which should execute them but they bring their interests to the forefront to the prejudice of interest of person and society.

So, addressing of Ombudsman (Akyikatchy) with the request to give proper official comment of pp. 1 art. 13 of Law "On State pension and social insurance" was directed to the Parliament (Jogorku Kenesh) of the Kyrgyz Republic. Unfortunately, we did not receive the reply for this letter.

In accordance with this norm of the Law: 100% of bonus in the rate of minimum wage are provided for citizens who were repressed by political reasons in 1930-1950, also those who were unfounded arrested and were released and also invalids.

Ombudsman received citizens' complaints concerning work of Social Fund of the Kyrgyz Republic, which did not pay fixed bonus them. According to this issue appeal of Ombudsman (Akyikatchy) were directed to Social Fund and Ministry of Labor and social insurance with request to eliminate these contradictions to legislation. Bases which were indicated in p. 6, p. 1 art. 13 of the Law are transferring and they are not complementary. Lack one of them is not reason for refusal of fixing for pension bonus.

In replies Social Fund (Mr. A. Ryskulov, the first Chairman Deputy) and the Ministry Labor and social insurance of the Kyrgyz Republic (Mr. M. Mambetaliev, the Secretary of State) stated the opposite. They said that above mentioned article provides pension bonus for citizens who were repressed by political reason in 1930-1950 also those who were unfounded arrested and then were released and also invalids i.e. this article is covered on citizens on second complementary bases.

While being member of Legislation Assembly of Parliament (Jogorku Kenesh) Mrs. A. Prokopenko, the Minister had another opinion and informed applicants that "Social Fund understands the Law in own way and do not execute it".

Another important issue which also under Ombudsman (Akyikatchy)'s attention is death penalty, as supreme punishment for commission of grave crime (see: about this was described in 3 paragraph of this report).

Also constant human rights infringement in prisons is serious problem for Kyrgyzstan today

Analysis of courts practice showed that for last years Judges often have chose the punishment as imprisonment, because in most cases Judges have opportunity to give more severe punishment. Almost every court is conducted in accusational way. So, for example in 2000 81.1% person were applied imprisonment, in 2001 - 79.4% persons and in 2003 – 80.7% .The statistics of last years almost is noe changed.

It is caused that penal jurisdiction system offices were overcrowded. In such situation only one prison could not solved appeared problem in full measure. However, weighty political willing of State authority officials need for its solution, which expressed in humanization of criminal legislation.

Accepting duties on ratified international agreements in the sphere of human rights and freedoms observation the Kyrgyz Republic must observe them in full. It is provided by art. 26 of Viennese Convention on right of international agreements from May 23, 1969, in which was mentioned that "every

active agreement is obligatory for its participants and must be conscientiously executed by them". It is related to obligation on further humanization of our criminal legislation.

World practice shows effectiveness of implementation of alternative punishment forms. It allows Western countries at first, to save State costs on maintenance of "big amount of prisoners", at second productively to use labor of convicted in favor of society.

In this connection Ombudsman (Akyikatchy) directed a number of proposals for draft law "On alteration and making additions in Criminal Code of the Kyrgyz Republic, Code of the Kyrgyz Republic on administrative responsibility, criminal procedural Code of the Kyrgyz Republic and Criminal Executive Code of the Kyrgyz Republic" to the President, Parliament of the Kyrgyz Republic with the aim of humanization and liberalization of criminal legislation and also assistance in adduction of the Kyrgyz Republic legislation on human rights and freedoms in accordance with international standards in this sphere.

To reconsider sanctions and exclude imprisonment from crime components of not serious crimes was offered by Ombudsman (Akyikatchy) in separate articles of special part of Criminal Code but having left only punishment of property confiscation or public works. Courts seldom use alternative form of punishment (public work, fines and etc..) which are provided by legislation. At the same time the term of punishment often is not correspond to commission of crime.

The punishment of imprisonment in article 127 and 128 of Criminal Code was also offered to exclude. As practice showed these articles can be used for suppression of freedom of speech and expression of opinion. In world practice the disputes which are connected with calumny and abuse are solved by their participants in civil legal order.

Ombudsman offered in Criminal procedural Code to determine term of imprisonment as preventive punishment from day of criminal case coming to the court until verdict announcement till 4 months and in exceptional cases (the crime which was committed by group of people, organized group or criminal community) till 6 months. At the same time do not admit further extension of imprisonment term and also limit the term of extension of pre detention investigation by General Prosecutor of the Kyrgyz Republic till one year (p.5. art.166) as its absence lead to delaying of cases investigation.

Ombudsman (Akyikatchy) offered to include norm which regulating the terms of imprisonment and order its extension regarding juveniles. It is connected with that during investigation of criminal cases which were committed by juveniles the same norm which were implemented to adult they implement to juveniles because of absence these norms in our criminal legislation. It is direct infringement of conditions of International pact on political and civil rights and also Convention on child's right/

Besides that appeal concerning reform of Main Administration of Punishment Execution (MAPE) system of Ministry Justice was directed to the President of the Kyrgyz Republic. In his reply the President of the Kyrgyz Republic noted that he gave task to the Prime –minister to speed up preparation and adoption of National programme of penal jurisdiction system reform.

In its turn Government adopted decree "On way of execution of Government's decrees concerning work of punishment execution system in the Kyrgyz Republic and on measures of its further development", which Ministry of Justice need to submit for consideration National program of criminal executive system reform for the period till 2010 by Government.

The article 17 of Law "On Ombudsman (Akyikatchy) of the Kyrgyz Republic" is provided Government of the Kyrgyz Republic to present suggestions concerning adduction of active legislation in accordance with this Law for the Parliament (Jogorku Kenesh) within 3 months after adoption of this Law. The law was adopted by Legislative Assembly on June 25 2002. Non execution of this Law will be 4 years!

In this connection according to execution of Government task the Ministry of Justice worked out the project of only one Law - "On making additional in Criminal procedural Code of the Kyrgyz Republic", concerning Ombudsman (Akyikatchy)'s activity and directed to him for agreement. Ombudsman (Akyikatchy) made additions and changes which fully were not accepted by Government of the Kyrgyz Republic.

As the result of second addressing, the head of Prime-Minister Office of the Kyrgyz Republic mentioned in his reply that above mentioned law project was directed to the Ministry of Justice for repeated agreement with new staff of Government of the Kyrgyz Republic and also in accordance suggestions and comments of Ombudsman (Akyikatchy).

The punishment such as arrestment was introduced during collaboration of Criminal Code of the Kyrgyz Republic in 1997. However the arrestment as the punishment form is not implemented in judicial practice because necessary conditions were not created. Government of the Kyrgyz Republic did not allocate any funds for building of detention homes. Courts could not implement this form of punishment because of detention homes absence although it was necessary to build 8 detention homes with the limit no less 50 people and one in regional centers of Bishkek city in accordance with p. art. 4 of law "On consummation of Criminal procedural Code of the Kyrgyz Republic" in 2000 to 2005.

According to this matter Ombudsman (Akyikatchy) directed suggestion concerning exclusion Criminal Code's positions concerning arrestment to the Parliament (Jogorku Kenesh) of the Kyrgyz Republic.

We received reply from Mr. F. Kulov, the Prime –Minister in which he announced about foundation of working group on issues of further humanization, liberalization of criminal policy of the Kyrgyz Republic

with assistance of F. Ebert Fund and Ombudsman (Akyikatchy) was invited for participation in working group including for discussion issue about exclusion arrestment as form of punishment from legislation.

Ombudsman (Akyikatchy) considered law projects "On alteration and making additions in Administrative responsibility Code of the Kyrgyz Republic", which were given by Constitutional Legislation, state structure, legality, judicial legal reform and human rights Committee of the Parliament (Jogorku Kenesh) of the Kyrgyz Republic.

According to these projects it was suggested part 2 of article 36 of Criminal Code to state in next edition: "All people have right on necessary defense independently of professional or other special training and position. This right belongs to person independently of opportunity to avoid public dangerous encroachment or to turn to other person or authority bodies for help". This addition assumes more full and substantial notion of necessary defense that acting edition of Criminal Code of the Kyrgyz Republic.

We directed to Ministry of Justice Ombudsman (Akyikatchy)'s suggestion concerning additions into Criminal –executive Code by of norm regulating prisoners' right to visit social activities and sport measures as encouragement.

Ministry of justice in their reply informed that Ombudsman (Akyikatchy)'s suggestion was adopted for consideration and will be carefully examined. It is necessary to note that the first step for realization of such norm was football out match between prisoners.

Ombudsman (Akyikatchy) supposes that the work under plan action on realization of State policy of struggle against corruption in the Kyrgyz Republic for 2005-2010 is very important. His suggestions were directed for revelation and prevention corruption, organization of effective struggle against corruption, provision and restoration of broken right and interests of citizens.

The suggestions and additions into Law "On struggle against corruption" and Criminal Code of the Kyrgyz Republic were made with the aim of perfection of legislation in considered sphere.

So article 1 of Law "On struggle against corruption" determines that corruption supposes bad activity of official. Meanwhile each State –participant takes measures in accordance with main principles of its domestic legislation on corruption prevention in private sector, strengthening of accounting and audit standards in private sector and in proper cases restoration of effective, proportionate and rendering restrictive effect of civil legal, administrative or criminal sanctions for non-observance of such measures which was provided by article 12 of UN Convention against corruption, which was ratified by Kyrgyzstan in 2005.

Ombudsman (Akyikatchy) directed suggestion to make corresponding addition because of absence of "corruption in private sector" notion in above mentioned law.

In addition there is no norm of "improper influence in selfish ends" i.e. promises, suggestion or presentation of privilege to public official as it was mentioned in article 18 of Convention against corruption. Code has only norm "On abuse of position" (commission of any action or inaction). Therefore Ombudsman (Akyikatchy) offered to add to Criminal Code of the Kyrgyz Republic norm which is provided punishment for "improper influence in selfish ends".

As it is known at present time terrorism, separatism, and extremism constitute a menace for peace and safety prevent development of international cooperation of States and also realization of basic human rights and freedoms. According to this issue Ombudsman (Akyikatchy) turned to the Parliament (Jogorku Kenesh) with the proposal to make addition into Criminal Code of the Kyrgyz Republic which is establishing criminal responsibility for separatism and appeal for separation of the State part or for presentation of any its part autonomy.

It is necessary to note that provision of punishment inevitability for above mentioned crimes which are threatening peace and safety as whole was regulated by Conception of cooperation of State – members of Shanghai Cooperation Organization in the struggle against terrorism, separatism and extremism from July 5, 2005. The same letter was directed to President.

Implacable attitude of Ombudsman (Akyikatchy) concerning abortion is well known. Abortion in 12 or more weeks is not only sinful but also criminal. But article 116 of Criminal Code of the Kyrgyz Republic provides criminal responsibility only for illegal abortion by person who have high medical education of corresponding field or who have not at all. Abortion in the presence of social factor is direct encroachment on life.

In this connection Ombudsman (Akyikatchy) directed to the Parliament (Jogorku Kenesh) and Government proposals concerning fixing of criminal responsibility for abortion of pregnancy in 12 or more weeks. Exception is menace for health and life of women.

However the Ministry of Health supposes that ban of abortion will lead to growth of maternal mortality and women' hard deceases adducting disability.

Social policy Committee of the Parliament (Jogorku Kenesh) (Mr. B. Murzubraimov, Chairman) took decision about conduction of parliamentary hearing of this issue. Unfortunately, parliamentary hearing was not hold.

Features of official crimes, maladministration, corruption and actions which disruptive public order, constitutional structure of the country and which coursed menace national safety and stability in the society can be revealed in activity of State authority bodies during certain conditions. It is all can be basis for conducting of parliamentary investigation.

According to article 246 of Law "On Regulation of the Parliament (Jogorku Kenesh) of the Kyrgyz Republic" parliamentary investigation on any issue which relate to authority of the Parliament (Jogorku Kenesh) can be conducted by initiative of member of the Parliament, committee of the Parliament or group of deputies of the Parliament (Jogorku Kenesh). Besides such norm is in Law "On the status of Deputy of Jogorku Kenesh of the Kyrgyz Republic" (article 15)

Nevertheless there are no norms which are determined the subject-matter and procedure of parliamentary investigation.

As the norms of above mentioned laws give only an opportunity of parliamentary investigation conducting by Deputies of Jogorku Kenesh with the aim of maximal circumstances covering which are necessary to investigate and to solve them on State authority bodies level and it is certainly positively reflected on citizens' rights. Ombudsman (Akyikatchy) offered to elaborate separate draft law which will be regulated subject-matter and procedure of parliamentary investigation. He directed his proposals to Deputies.

Current legislation allows society to take part in the management of state affairs, discussion of important issues assisting, thus, influence upon adoption of political and legal solution. However, the political system of the Kyrgyz Republic has less-developed ways of giving information to State authority bodies because civil society in the making.

The society's right to participate in adoption of legal decisions is provided by the Constitution of the Kyrgyz Republic and Law "On Regulation of the Parliament (Jogorku Kenesh of the Kyrgyz Republic". According to article 94 of this Law - 30 thousand voters realize the right of legislative initiative as a form of making draft law to the Jogorku Kenesh and making changes to draft law.

Thus, although legislative base of the Kyrgyz Republic provides an opportunity of active citizens' participation in the process of adoption and realization of State decision but it has not concrete mechanisms of realization of people initiative. In this connection addressing to the Parliament (Jogorku Kenesh) of the Kyrgyz Republic was directed with suggestion to elaborate and adopt law which is regulated concrete mechanisms of legislative initiative right realization by citizens of the Kyrgyz Republic. Now the last word is after Deputies.

It was not secret that at present time the amount of safety regulations of motion infringements has grown in the republic. However, the punishment for action provided by articles 238 and 146 of Code on administrative responsibility requires toughening.

The article 238 of Code on administrative responsibility for driving in alcoholic intoxication state provides administrative fine or driving ban in accordance with court decision. At the same time above mentioned article also provides administrative fine or driving ban for drivers' refusal to examination on fact of alcoholic intoxication.

The infringement of motion safety regulation from the side of drivers who have cars and drunk can harm other citizens – participants of road traffic.

Ombudsman (Akyikatchy) directed to ex – Government and members of the Parliament suggestion concerning alteration in articles 238 and 246 of the Code on administrative responsibility at the same time providing punishment as driving ban in term of 1-2 years and expecting punishment as from of administrative fine. However, Mr. N. Tanaev, the ex- Prime-minister of the Kyrgyz Republic replied that it would be rationally to save current edition of mentioned articles of the Kyrgyz Republic on administrative responsibility.

Today enterprise in the Kyrgyz Republic is in such situation where it is surrounded by misunderstanding. The entrepreneurs have to suffer officials' oppression and they are deprived normal market environment. There was a lot of unsuccessful attempts of entrepreneurs to force state authority to pay attention to infringement their rights and corruption among officials during examination their objects or receiving license.

The Law "On gambling activity in the Kyrgyz Republic" for placement of casino in settlements following quotas was determined: 10 –in Bishkek city; 3 – in Osh city; 4 – in Issyk-Kul and 1 –in the rest of cities.

However, fixed quotas limit the realization of each citizen's right on freedom of economic activity in accordance with pp. 18 and 19 art. 16 of Constitution of the Kyrgyz Republic in accordance of which: "Each citizen has right on economic activity, free usage of ability and properties for any economic activity which is legal. Each has right on freedom of labour and also the right to use their abilities and to choose profession".

Therefore Ombudsman (Akyikatchy) supposes rationally to reconsider above mentioned quotas for casino and we offered to proceed from population amount that give more opportunities for realization of freedom economic activity principle. In this connection, State budget would grow and stop growth of state debts and would be assisted decision of fiscal problems.

The Law "On gambling activity in the Kyrgyz Republic" does not provide regulation of order and specialties of casino visiting. It is necessary legislatively to fix norms which are aimed at provision of safety and protection of public order. These norms ban vaster to bring highly explosive and poisonous substances, all kind of weapons, to visit casino in drunken state.

At the same time the gambling industry development has negative influence upon young people. In many cases it leads to devastation of whole families mainly from category of poor. In order to stop growth of such "gambling pathology", to

protect families from this distress Ombudsman (Akyikatchy) offered to introduce norms which is provided limit of casino places in above mentioned Law. They should be situated in only special halls, halls in special zones far from houses, shops, markets and other place of big amount of people. It is also necessary to limit the time of visit especially regarding juveniles.

The Constitution of the Kyrgyz Republic guarantees human rights and freedoms equality bans any forms of limitation of rights on features of nationality, origin, sex, race, language, religion, political religious convictions (p.3 art. 15). However it does not prevent determination of differences in legal status of person who belongs to different categories on activity and work conditions.

Determining independently sphere of own activity a citizen could realize its individually or collectively using at the same time property and State's support of fair competition. It is provided investment property owner by authorities independently and to be responsible for appointment and to stop labor relationship it is all must be realized with the aim of achievement of maximal effectiveness of economic activity and rational using property.

Owner's right on anticipatory repudiation with the Head of organization give protection guarantee from unfavorable consequences, which could take place after job losing.

As entitlement payment of anticipatory repudiation at the sum of fixed by contract can be such guarantees on Labor Code of the Kyrgyz Republic (art. 327). Legislation of the Kyrgyz Republic does not fix concrete rate of compensation and also its limit. Make agreement only about that it is determined by agreement and in the case of dispute that it would be solved in the court.

In this connection addressing with the suggestion to add to article 327 of Labor Code by norm fixing that payment entitlement payment for anticipatory repudiation with executive body of society at the rate of 2 monthly salaries was directed to the Parliament (Jogorku Kenesh) of the Kyrgyz Republic.

Qualities legal aid and human rights and freedoms protection are guaranteed by the Constitution of the Kyrgyz Republic (p. art. 40). Legal aid should be given free in cases which are provided by law. Besides that article 88 of the Constitution determined that if citizen have not money legal aid and protection would be provided by the State.

However, despite that State guarantees free legal aid in the sphere of advocacy in infringement of norm professional ethics and criminal legislation there are cases when advocates demand money from their help and in some cases they are mediators in giving of bribe between clients and criminal investigator and judge.

The right on protection is one of basic constitutional right of citizen. According to p. 4 -1 art. 40 of Criminal Code of the Kyrgyz Republic, suspected person has right on protector since of first interrogation and at the time of arrest - since factual delivery into pre-detention center. However this requirement often is not implemented. The reason of this is not only infringement of criminal procedural legislation but also lack of finance or absence of that at all.

Ombudsman (Akyikatchy) supposes it is necessary to create new public advocate institution which will provide free legal aid. For support of competition with them at the same private advocate's companies work. These proposals were directed to the Ministry of Justice of the Kyrgyz Republic.

According to Conception on perfection of legal aid system guaranteed by the State which was asserted by the President's Decree from October 12, 2005 the first stage of realization of system perfection is elaboration of draft laws on legal aid which is guaranteed by the State and on adjustment into norm legal acts of the Kyrgyz Republic.

Therefore during elaboration of new Law "On advocate activity" it is necessary to provide norm regulating giving of citizens' right protection free not only for poor population but also for separate category of civil cases and of citizens' addressing to the Constitutional Court of the Kyrgyz Republic, to establish and reveal such notion as "status of advocate" and also provide "insurance of advocate's activity" because advocate must be responsible for quality of given by him legal aid.

According to character of citizens' complaints about "dirty" advocates it necessary to make add to Rule of professional ethic of advocates. Ombudsman (Akyikatchy) offered to include norm which providing duty of the officials and employees of advocate's companies in proper manner follow the norms of these Rules in the part of corresponding their labor responsibilities.

This proposal is connected with that article 13 of Law "On advocate activity" fixes that advocate, advocate assistance, employees of advocate companies are banned to divulge information relating to confidential information and to use them in own interest or in the interest of other person. Article 14 provides that advocate assistance should follow responsibility for confidential information of persons who turned for legal aid.

It was offered to include norm which would except influence on protection clients of unkindly and / or friendly attitude between advocates and provide impartial citizens' rights protection.

Ombudsman (Akyikatchy) also offered to include norm which regulating in what cases advocate should appeal court's decision. Particularly advocate's duty to appeal court's decision regarding juvenile if court gave verdict more severe punishment that advocate asked.

According to p. 7 of General Principles of advocate's ethic of International association jurist, advocate should take into account clients' money which they were given for trustful saving and they should keep them separate from own money.

In this connection it was offered to include norm according to which rendering a legal aid the lawyer has the right to accept the assignment on confidential using of money resources of the client provided that means of the client should be on the bank account (that is necessary for control of the state of monetary operations) in Rules. The lawyer should have the right on behalf of the client or in its interests to carry out payments from means at presence of the written approval of the client (that is necessary for protection of client's the rights).

In Rules of a professional ethics of lawyers it was offered to introduce the separate part adjusting disciplinary proceedings, with inclusion into it, besides the norms established by the Instruction about the order of carrying out of service investigations on the facts of infringements, accomplished by the persons having the license for the right of employment by lawyer activity, but also norms, about the rights and duties of participants of disciplinary proceedings, norms about the circumstances excluding an opportunity of disciplinary proceedings as according to item 28 of Substantive provisions about a role of the lawyers accepted in 1990 by VIII Congress of the United Nations under the prevention of crimes, «all disciplinary proceedings should be carried out according to the code of professional behavior both other recognized standards and ethical standards of a lawyer trade in a view of the present Positions».

The Ministry of Justice informed, that in execution of the Decree of the President from October 12, 2005 «On the assertion of the Concept of system perfection of the legal aid guaranteed by the state», the Plan of measures is worked out according to which elaboration of bills concerning introducing corresponding amendments into norm-legal certificates of the Kyrgyz Republic was stipulated. During elaboration of the given bills, presented Ombudsman's additions and proposals will be taken into consideration.

According to addressing of the Prime Minister Office of the Kyrgyz Republic the conclusion on the project of the Code of the Kyrgyz Republic about children was made and the letter to the Ministry of Justice, with corresponding offers on modification and additions in the given Code was sent.

In particular, «Juvenile justice» notion was offered to state concept in following edition: «Juvenile justice is system of actions concerning children who are being the conflict to the law from 14 till 18 years, including questions of departure of justice and social rehabilitation, and also the persons responsible for their education, sold by the state and non-governmental bodies, the organizations and establishments».

In our opinion offered formulation of juvenile justices' notion is the fullest, because besides the actions, concerning departures of justice and social rehabilitation concerning children, juvenile justice covers also system of the actions which are carried out both state and non - state bodies, the organizations and establishments.

It was offered to add the project of the Code with below-mentioned powers of Ombudsman (Akyikatchy) to the field of protection of children' rights and freedom, besides that which are specified in it: «to receive information on conditions of their maintenance and to check the documentation certifying legality of stay of children in places of the maintenance of arrested persons and imprisonment before trial» and «a direction in corresponding bodies of certificates of reaction for acceptance of corresponding measures by them in case of revealing the broken rights and freedom of children».

The above-named additions regulate right of Ombudsman (Akyikatchy) on access to get information and check of the documentation necessary for realization of high-grade protection of children's rights in conformity with item 8 of the Law «On Ombudsman (Akyikatchy) of the Kirghiz Republic».

The second addition is connected by that acts of reaction of Ombudsman (Akyikatchy) is sending to the corresponding bodies which are breaking human rights and freedoms, for acceptance of the measures directed on restoration of the broken rights, as well as is provided by p. 14 of p. 8 of the Law «On Ombudsman (Akyikatchy) of the Kyrgyz Republic».

Also, in the project of Code Ombudsman (Akyikatchy) suggested to include the item regulating the child's right on the information about the absent parent, having made thus « if it in the further will not damage the clause to its development and well-being». Introducing into the project of the Code of the above-stated right with the clause is directed on protection of mental development of the child, with the purpose of preservation of secret of a biological origin at an artificial reproduction.

Article 46 of the project of the Code, regulating principles on which the juvenile justice is based was offered to expand with inclusion of such not less significant principles, as a priority of the regenerative approach at realization of justice, in maintenance of legitimate interests and at protection of the rights and freedom of children; the exclusive order of application of the measures limiting the rights and freedom of children, being the conflict to the law.

The norm was offered which is regulating special protection of children at confrontations as the given norm is provided by Additional Reports to the Geneva Conventions from the August 12, 1949, ratified by the Kyrgyz Republic in 1999. And also to establish the norm, providing the ban on attraction of children to participation in the armed actions as item 38 of the Convention on the rights of the child provides such interdiction.

Given project of the Code with the brought offers has been directed on consideration of the Parliament (Jogorku Kenesh) of the Kirghiz Republic.

Social importance of development problem and system perfection of a pension's provision problem in the Kyrgyz Republic has predetermined corresponding attention of Ombudsman (Akyikatchy) to it. Addressing about expediency of stage-by-stage decrease in age of an output on pension of men - till 60 years, women - till 55 years, and also consideration of a question of the right of succession of pension was directed to the Parliament (Jogorku Kenesh) and Government of the Kyrgyz Republic.

Social policy Committee of the Parliament (Jogorku Kenesh) informed that on January 20, 2005 the Parliament (Jogorku Kenesh) adopted the Law «On the alteration the Law «On the state pension social insurance» (to men - from 60 years, to women - from 55 years). However the given Law was returned with objections of the President of the Kyrgyz Republic. Now the Committee prepares the new bill providing stage-by-stage decrease of a pension age.

According to the answer given by Mrs. O. Lavrova, the chairman of Social fund of the Kyrgyz Republic the decrease in age of an output on pension can lead to constant deficiency of the budget of system of the state social insurance that will make impossible regular increase of pensions and the further reforming of pension system. However in view of an urgency of the given question, the conciliatory commission under presidency Vice Prime Minister of the Kyrgyz Republic is created.

According to the second part of the answer it is informed, that by preparation of a bill «On alteration and additions in the Law «On the state pension social insurance» the right of succession of pension accumulation in case of death insured persons, and also in case of departure of the pensioner a constant residence abroad is provided.

Also to address of the Parliament (Jogorku Kenesh) and the Governments addressing of Ombudsman (Akyikatchy) in occasion of revision of positions of the Law « About the state pension social insurance », concerning questions of prolongation of terms of payment of pension on the occasion of loss of the supporter has been directed to students of higher educational institutions.

The given offer is brought in connection with that the majority of students which receive pension on the occasion of loss of the supporter, act in high schools in the age of 17-18 years. In sew to the country basically five years' formation is stipulated. Hence, the students receiving pension, finish training in the age of 22-23 years. The pension on the occasion of loss of the supporter which is the basic material support of student's turns out, that, stops to be paid before the termination of high schools by them. Because of it some students not in a condition to continue training and are compelled to stop it.

The answers the Government and the Parliament (Jogorku Kenesh) specify inexpediency of prolongation of terms of payment of pensions on the occasion of loss of the supporter, by virtue of absence of money resources in the republican budget.

However repeated addressing concerning alteration in the Law « On the state pension social insurance » was directed Parliament (Jogorku Kenesh) concerning of Ombudsman (Akyikatchy) in which was offered to provide an opportunity of allocation of additional means for a covering of the charges connected with payment of pension on the occasion of loss of the supporter. While the decision of the given question is not present.

Ombudsman (Akyikatchy) directed to Social policy Committee of the Parliament (Jogorku Kenesh) his suggestion about introducing addition to the Law «On the state pension social insurance». It concerns questions of charge of pensions to citizens of the Kirghiz Republic at absence of the documents (sheets) confirming reception of wages during their labour activity from a place of former work as a result of reorganization of establishments or the enterprises and absence of documents on staff in the Central state archive of the Kyrgyz Republic, but at presence of data on labour activity in a work-record card and the information-acknowledgement (on the basis of a testimony).

It is necessary to note, that Regulations about the order of the account, calculation and acknowledgement of the insurance experience considered at purpose of pensions on the state pension social insurance, № 635 Governments of the Kirghiz Republic from October, 28th, 1997 are provided by the approved decision, that in case of loss of documents (acts of nature, a fire and т. The item), confirming the periods of the insurance experience got before introduction of the personified (individual) account of citizens of the Kyrgyz Republic for the purposes of obligatory state social insurance and in other cases, the insurance experience is established by a testimony in established by the legislation of the Kyrgyz Republic the order.

The law «On the state pension social insurance» does not provide the order of an establishment of average wages for charge of the size of pension to citizens on the basis of a testimony. In this connection citizens of a pension age have complexities at charge of pensions, though it is not their faults in losing of the documents (sheets) necessary for charge of the size of pensions. However the question remains unresolved.

The legislation of republic practically has not restrictions on use of advertising of the unethical maintenance. So, article 8 of the Law «On advertising» provides, that unethical advertising is not supposed. However, in such kind, it appears recently in streets of the city of Bishkek.

Undoubtedly, unique legal mechanism of protection against roughness and platitude in Kyrgyzstan is the appeal to the general principles of the right and the Constitution of the Kyrgyz Republic which

preamble regulates about adherence of people of Kyrgyzstan to universal moral principles and moral values of national traditions.

It is necessary to note, that in the majority of the countries of the European Union to advertise alcoholic and tobacco production on means of the outdoor advertising it is forbidden. In Kyrgyzstan set billboards dazzle with pictures of various alcoholic production and packs of cigarettes.

According to article 2 of Rules of accommodation of the outdoor advertising and the information, approved by the deputies' Decision Bishkek city Parliament from July 5, 2000, to means of the outdoor advertising and the information carriers of the messages differing under the form, to volume and the location concern various type: roof, projective and panel board installations, signboards and etc.

However any norms forbidding accommodation of advertising of alcoholic and tobacco production on means of the outdoor advertising in the above-named Rules, it is not established. In this connection, addressed to chairman Bishkek city Parliament the reference with the request is directed to consider the problem on entering the addition, establishing will lock on accommodation of advertising of alcoholic and tobacco production on means of the outdoor advertising, in the above-stated Rules.

Besides we directed the letter to mayor of Bishkek city concerning inadmissibility of accommodation in streets Bishkek advertising with the unethical maintenance.

According to the answer of the mayoralty Bishkek city turned to Bishkek municipal administration of National agency on an antimonopoly policy and development of a competition to the request to give an explanation on available facts for infringement of the legislation on advertising. They sent the letter to the State inspection under the control over manufacture, storage and realization of spirit and alcoholic production with the recommendation at the statement and registration of names of vodka production to consider the standard principles of morals and ethics.

Besides in the answer the mayoralty Bishkek specifies, that Constitutional legislation, state system, legality, judicial-legal reform and human rights Committee of the Parliament (Jogorku Kenesh) directed to the Prime minister a bill «On alteration and additions to the Law «On advertising» (Mr. O. Tekebaev was the initiator). After acceptance of additional amendments in the above-stated Law, will be taken measures on dismantle of advertising of tobacco and alcohol in territory Bishkek. Today all elements of the open political system - the President selected on an alternative basis and Parliament, institutions of local government both created numerous political parties and the nongovernmental organizations are presented in Kyrgyzstan. However the last in many respects do not meet the requirements of a modern democratic society as are at a stage of becoming. Every year the quantity of political parties and the noncommercial organizations increases, thus, the sphere of their influence is more and more reduced.

We can speak also about the certain recourse in their development: if their electorate was measured in the beginning of 90th years in hundreds and in thousand citizens of Kyrgyzstan now it, at times does not exceed the number necessary for primary registration, being reduced in the subsequent up to several tens person. It has allowed the international experts to declare weakness of institutes of a civil society in Kyrgyzstan.

In this connection, there is a necessity of reforming of the norm-legal base regulating activity of the nongovernmental organizations in republic.

So, on December 9, 2005 Ombudsman's (Akyikatchy) proposals concerning alteration to the Law «On the noncommercial organizations» was presented to the Parliament (Jogorku Kenesh) and Government. They concern the purposes and principles of creation and activity of the noncommercial organizations, and also an interdiction on creation and realization of activity of the foreign noncommercial organizations, including their representations and branches, and also the noncommercial organizations financed by the foreign states, foreign political parties, legal and physical persons of the foreign states which pursue political ends and cause the activity damage constitutional I build, national safety, the rights and freedom of citizens.

Unfortunately, the answer to this addressing was not followed (during the moment of preparation of the present report it became known about custom-made and provocative performances of the international center of the noncommercial right and the nongovernmental organizations «Citizens against corruption», «Inrerbilim» against initiatives of Ombudsman (Akyikatchy). A thief can't hide his guilty feeling? What has disturbed these leaders of NGO?)

According to ч. 3 items 6 of item 16 of the Constitution of the Kyrgyz Republic each citizen have the right to get acquainted in bodies of the government, institutions of local government, establishments and the organizations with data on, not being state or others the secret protected by the law.

Besides according to item 6 of the Law «About guarantees and freedom of access to the information» the state bodies, institutions of local government, public associations, the enterprises, establishments, the organizations and officials are obliged to provide to everyone access to documents, decisions and other materials mentioning its rights and legitimate interests.

However in practice the given constitutional law of citizens of the Kirghiz Republic is broken everywhere. Access to any information in official bodies is closed for simple citizens. In this connection, there was a necessity of modification and additions for the Law «About guarantees and freedom of access to the information» or development of the new law including the responsibility of bodies of the

government for infringement of a constitutional law of citizens, procedure of reception of the information, etc.

Ombudsman's addressing has been directed to Administration of the President of the Kyrgyz Republic with offers to a bill «On guarantees and freedom of access to the information», which was developed by expert group from among representatives of mass-media, business, NGO, the Governments of the Kyrgyz Republic and passed for general discussion.

Serious problems have arisen at citizens of the Kirghiz Republic in connection with replacement of operating passports with new samples. The significant part of the population of the country cannot realize the constitutional law: freely to leave for its limits by virtue of various circumstances (study, work, treatment, rest, etc.). Besides, absence of passports has created additional difficulties to the citizens living in Osh, Batken, Jalalabat and Talas regions and leaving of one region into another at crossing of frontier by them as the passport of the citizen in the form of a plastic card does not admit the next states.

Within the limits of his powers Ombudsman (Akyikatchy) assisted those who have appeared in a hopeless situation. However to resolve arisen on fault of government officials a problem as a whole it was not possible. Have not conceived action numerous of Ombudsmen's addressing to the former and new country leaders. As they say, a cart and now there.

Many efforts are enclosed to the decision of a question of the state duty on delivery of passports as the total amount for the passport of the new sample has appeared unreasonably high. To address of the Parliament (Jogorku Kenesh) and Governments of the Kyrgyz Republic have been directed addressing concerning alteration to the Law «On State Tax», regulating a canceling of taxation by a State Tax for delivery of passports of the new sample.

The letter of Constitutional legislation, a state system, legality, judicial-legal reform and human rights Committee of the Parliament (Jogorku Kenesh) underlined that new bill «On a State Tax» was worked out and submitted for consideration of Parliament (Jogorku Kenesh) by Mr. O.Tekebaev, the Deputy. In the given bill the norm providing clearing of payment of a State Tax of citizens, for the first time receiving civil passports also is incorporated.

As practice taken place elective campaigns has shown, marks of voters at voting has not justified, but only has brought excessive nervousness and has entailed additional expenses. In circulation to the Parliament (Jogorku Kenesh), to the Government and the Central selective commission of the Kyrgyz Republic it is brought a attention to the question on exception of the Code on elections of the norm regulating this procedure.

For that moment the former management of our state had been supported the given addition in the Code about elections as it was not by hearsay known about numerous falsifications and the roughest facts of infringement of the rights as voters, and candidates for Presidents of the Kyrgyz Republic, deputies of the Parliament (Jogorku Kenesh) of the Kyrgyz Republic and local Parliaments (Keneshs). A considerable role in an innovation populism and game has played democracy of a former management.

Our citizens deeply hoped that measures of similar character (marks) will provide equal participation of citizens in elections of the country and protection of their constitutional laws and the rights of candidates to elective offices. It was repeatedly informed, that such innovation is necessary with a view of avoidance of infringement of the selective legislation, and also constitutional laws and interests of participants of selective process.

But as a result there was that the procedure of marks entered in Kyrgyzstan with the purpose of maintenance of fair and transparent elections, and has not reduced quantity of infringements of the selective legislation of the Kyrgyz Republic during elections and has not strengthened trust of voters to results of voting. Probably being ashamed of it, the governmental and not state American establishments tried to object unpersuasively Ombudsman (Akyikatchy).

In a world practice the accessory to citizenship of this or that country is defined on a birth, by option, repatriation and naturalization. In its turn, purchase of citizenship on a birth is made by a principle of «the right of blood» (on an accessory even one of parents to citizenship of this or that country) and «the rights of ground» (births in territory of the state).

The national legislation provides to be granted civic rights of the Kyrgyz Republic exclusively by «the right of blood». Reception of citizenship by «the right of ground» is widely applied in many countries of the world and already became the conventional norm of international law.

Many citizens repeatedly turned to Ombudsman (Akyikatchy) with complaints that they were not received the passport of the citizen of Kyrgyzstan though they have a birth certificate which has been given out by authorized state bodies of the Kyrgyz Republic. The main obstacle in a way of reception of the passport was that their parents were foreign citizens. According to article 3 of the Law «On citizenship» the document certifying citizenship of the Kyrgyz Republic, the passport of the citizen of the Kyrgyz Republic, the birth certificate and other documents certifying citizenship is. From this follows, that owners of the birth certificate de - jure admit citizens of the Kyrgyz Republic, de facto they those are recognized.

In this connection, there was a necessity to direct Ombudsman's addressing to the President of the Kirghiz Republic with the offer on introducing addition to the Law «On citizenship of the Kyrgyz Republic», a concerning question of granting of

citizenship of the Kyrgyz Republic to children who have born in territory of the Kyrgyz Republic, even in case their parents are citizens of the foreign state.

The given offer was supported by Administration of the President and the corresponding bill was worked out.

The department of legal policy of Administration of the President has directed to Ombudsmen Office for a summer residence of the conclusion to the constitutional law «On a referendum in the Kyrgyz Republic», which was accepted by the Parliament (Jogorku Kenesh) on September 27, 2005

Discrepancy of positions of the given law of the Constitution of the Kyrgyz Republic has been revealed. In particular, clauses 8 and 47 Laws, concerning questions which cannot be born on a referendum, and also power the Parliament (Jogorku Kenesh) on change of the decision accepted on a referendum, mismatch items 3, 4 and 5 items 1 of the Constitution of the Kyrgyz Republic.

According to the above-stated norms of the Constitution of the Kyrgyz Republic «people is the carrier of the sovereignty and a unique source of the government». Changes and additions in the Constitution, laws of the Kyrgyz Republic and other important questions of the state value can be born on a referendum (national voting). The order of carrying out of a referendum is established by the constitutional law.

People of Kyrgyzstan carries out the authority directly through system of the state bodies and institutions of local government by election of the President, members of the Parliament (Jogorku Kenesh) of the Kyrgyz Republic and the representatives in institutions of local government. It assumes also the right of people to expression of mistrust to the President, deputies of the Parliament (Jogorku Kenesh) and local parliaments (keneshs), that are carried out by carrying out of a referendum concerning the termination of their powers, and also by a response of the deputy.

Also, clause 1 of the Law «On normative legal certificates» says that change or a canceling of the law accepted by a referendum, are possible only by a referendum.

According to remarks of Ombudsman (Akyikatchy) the President has put a veto for the given constitutional law.

On January 28, 2003 the Agreement on the simplified order of change of citizenship by citizens of the Kirghiz Republic constantly living in Ukraine, and the citizens of Ukraine constantly living in the Kirghiz Republic, and about prevention of statelessness cases and a dual citizenship has been signed between the Kirghiz Republic and Ukraine.

Besides results of Ombudsman's inspection in Ukraine in August, 2005 speak embassies of the Kyrgyz Republic about available migratory problems of citizens of the Kyrgyz Republic in Ukraine. Deputies of the Parliament (Jogorku Kenesh) constantly raise the issues connected with specified problems.

In this occasion with a view of preservation and strengthening of historically developed friendly communications concerning maintenance of the rights and freedom of citizens of both states in the Parliament (Jogorku Kenesh) addressing of Ombudsman about the prompt ratification of the specified Agreement as it has been ratified by the Supreme Rada of Ukraine on November 20, 2003r has been directed.

The Parliament (Jogorku Kenesh) of the Kyrgyz Republic ratified the above-stated Agreement on November 10, 2005, and has come into force on January 6, 2006.

The administration of the President of the Kyrgyz Republic directed the Law «On introducing additions to Civil remedial code of the Kyrgyz Republic, the Code on elections in the Kyrgyz Republic» and the Law «On the Supreme court and local courts», which were accepted by the Parliament (Jogorku Kenesh) on April 27, 2005 for making conclusion. .

The given Law provides entering additions to the above-named acts on which judicial acts on the decision of the corresponding selective commission on results of voting or results of elections cannot be reconsidered on again opened circumstances.

Conclusion of Ombudsman about that offered additions break a principle of equality of citizens, the rights of citizens to the judicial protection, stipulated have been directed by the Constitution of the Kyrgyz Republic and norms of international law to a department of legal policy of Administration of the President of the Kyrgyz Republic.

In its turn, the President has put a veto for the specified Law, as inappropriate to the Constitution of the Kyrgyz Republic.

The reason to the following addressing to the President was the bill «On alteration and additions to the Constitution of the Kyrgyz Republic», which was worked out by the Constitutional meeting with aim of carrying out of the constitutional reform in the Kyrgyz Republic and passed for national discussion.

Here some of Ombudsman's (Akyikatchy) suggestions to the given bill:

-It was offered to add item 5 of article 1 the paragraph of the following content

«The decision accepted on a referendum, can be cancelled only by a referendum». Substantiation: as people are a unique source of the government the decision accepted by people, can be cancelled only by them.

- It was offered to exclude from powers of the President of the Kyrgyz Republic the right to form and abolish Service of national safety and to transfer this right to the Government of the Kyrgyz Republic as according to the Constitution of the Kyrgyz Republic realization of measures on maintenance of national safety concerns to powers of the Government. Substantiation: Transfer to the Government of the right to form and abolish bodies of national safety will enable to conduct the parliamentary control over their activity, and it will strengthen their responsibility.

According to given question deputies of parliament made their proposals because of presence of contradictions in the Constitution of the Kyrgyz Republic concerning maintenance of national safety and absence of the parliamentary control over activity of bodies of national safety of republic.

Hence, Constitutional legislation, state system, legality, judicial-legal reform and human rights Committee of the Parliament (Jogorku Kenesh) has turned to Mr. K.Bakiev, the Chairman of the Constitutional meeting about possible transfer of Service of national safety to structure of the Government of the Kyrgyz Republic on the basis of sub-item 8 of item 2 of clause 73 of the Constitution of the Kyrgyz Republic.

- Also it was offered to give to Ombudsman (Akyikatchy) the right of the legislative initiative.

Substantiation: carrying out the control over observance of the rights and freedoms of the person and the citizen of the Kyrgyz Republic (art. 40 of the Constitution, the Law «On Ombudsman (Akyikatchy) of the Kirghiz Republic»), Ombudsman (Akyikatchy) is obliged to execute powers on perfection of legislative base in the field of the human rights and freedoms. The world practice shows, that in many countries Ombudsmen have the right to bring in a legislature of the country bills, i.e. they are authorized by the right of the legislative initiative.

-It was offered to pass to a proportional electoral system of elections of the deputies of the Parliament (Jogorku Kenesh), local parliaments (keneshes) and other elective bodies. Substantiation: it will allow to overcome tribalism, regionalism, payoff of voters, and also will enable development of political parties in republic. Such kind of an electoral system is observed in many countries of the world. Besides elections under party lists will essentially cut expenses on elections, as in case of resignation one of the deputy his place will be replaced with the candidate from the list won elections of parties by carrying out of a simple toss-up between these parties.

-It was offered to accept changes and additions in the Constitution of the country in state language as it is considered a basis. Substantiation: the Constitution of the Kyrgyz Republic has been worked out in official language but only then it was translated on state language, therefore between texts of the Constitution in both languages there are some tens discrepancies. For example, p/p. 29 items 1 of art. 58 of operating edition of the Constitution in an official language provide «hearing annual report of Ombudsman (Akyikatchy)» whereas - in state language «hearing annual report of Ombudsman (Akyikatchy)», and besides «report» from Russian was translated into the Kyrgyz language by Russian word «report».

In a world practice ombudsmen present their report about the activity, instead of the statement that it is provision of major principle of its activity - independence. Besides, Ombudsman (Akyikatchy) does not belong to executive authority in order to report. He does not have plan on manufacture. Ombudsman (Akyikatchy) is parliamentary in Kyrgyzstan.

Activity of Ombudsman (Akyikatchy) is aimed at the analysis, elaboration of recommendations on observance of the human and citizens' rights and freedom in the country. His task is to inform the Parliament (Jogorku Kenesh) about a state of affairs in the country in sphere of observance and protection of the human rights and freedoms that last, in turn, has made the corresponding decision with a view of protection of the rights and freedom of citizens. In this connection, p/p. 29 items 1 of item 58 of operating edition of the Constitution in a state language were offered to replace «statement» with a word «bayandama» (from Kyrgyz language means «report»).

During implementation of the Law «On Ombudsman (Akyikatchy) of the Kyrgyz Republic» some difficulties have been revealed. In this connection in 2004 we directed our proposals on alterations and additions to the Law «On Ombudsman (Akyikatchy) of the Kyrgyz Republic» to Legislative assembly of the Parliament (Jogorku Kenesh) of the Kyrgyz Republic. The same bill has been brought by deputies on session of Legislative assembly of the Parliament (Jogorku Kenesh) of the Kyrgyz Republic, but for the unknown reasons has not been considered.

Repeatedly, Ombudsman (Akyikatchy) turned to the Parliament (Jogorku Kenesh) of new convocation with a similar question. The joint working group with Ombudsman (Akyikatchy) on development of a bill «On alteration and additions to the Law «On Ombudsman (Akyikatchy) of the Kyrgyz Republic» was formed by the decision of constitutional legislation, a state system, legality, judicial-legal reform and human rights Committee of the Parliament (Jogorku Kenesh) from May 25, 2005.

This working group prepared a bill «On alteration and additions to the Law «On Ombudsman (Akyikatchy) of the Kyrgyz Republic» and it was given for consideration of deputies of the Parliament (Jogorku Kenesh). Ombudsman (Akyikatchy) hopes very much for acceptance of this bill in 2006.

CONCLUSION

The present report sums up the activity of the first Ombudsman (Akyikatchy) of the Kyrgyz Republic for the 2005 year. If the Institute of Ombudsman could occupy the fitting place as the withstanding institutions in other countries, revealed its laid possibilities, if more citizens and other persons, residing in Kyrgyzstan began to entrust to the Ombudsman the defense of their interests and rights - these are the questions, the answers of which are stated in the Report.

The Ombudsman (Akyikatchy) Institution, starting acting functionally as an independent state body, controlling the sphere of human rights and freedoms expanded the system work defining the principles of its interrelation both with the people, needy its defense and the public authorities, public organizations. One has to underline, that the ideological political neutrality – position, propagating the principles of jural state, oriented on the leadership of human and citizen's rights and freedoms assisted it a lot.

In its activity Ombudsman (Akyikatchy) follows not only the Constitution of the Kyrgyz Republic, standard legal acts and the law of "Ombudsman (Akyikatchy) of the Kyrgyz Republic" but also the international conventions, declarations and pacts on human rights, which in due time the Kyrgyz Republic, joined.

Practicing activity of the Ombudsman (Akyikatchy) during the 2005 year revealed the main problems in the sphere of human rights and freedoms, which are concerned with the unwillingness of the authorities to do their functional duties b.f., following the law. Distrust of the citizens to the state and its authorities, antipathy (sometimes even full absence) of legal rules and procedures, ensuring defense of the citizens' rights, are based on the disregard of the rights and interests of the citizens, disrespect and nonobservance of the norms of the country's Main law, which are still real.

Besides, the rights and freedoms of many citizens are violated due to ignorance of their rights and freedoms. The very poor legal culture, law

Latest years the matters regarding rights of women, their participation in administrative structures of the government, gender equality of men and women are being widely discussed. However pushing them aside from the administrative posts of the executive power is the evidence of non-observance of the equality of sexes.

Trafficking women and children for sexual exploitation within and outside the country became a socially dangerous phenomenon.

Forming intolerance in the society to violence, brutality, irrespective regard to rights of women and children, continuous informing of the people on the scopes of the existent problems, rigid reaction of the government bodies (mainly judicial) to these phenomena make an essential part of the process of building a true state.

One should not leave out the political rights of the citizens, too. This year was vital for the Kyrgyzstan people. Passed presidential elections 2004 in Georgia and the Ukraine, where despite the whole administrative resource from the side of government, nevertheless the opposition came to victory, inspired confidence in the Kyrgyz nation.

For guaranteeing just and fair elections by the Ombudsman there was made series of addresses to the international organizations for participation from their side as many number of observers. Those international organizations, which were accredited in the parliamentary and presidential elections of the Kyrgyz Republic, owe to the assistance of the Ombudsman (Akyikatchy) Institution, took an active part in the monitoring of the process of the elections.

It is necessary to mention that the most mass and disputed were the addresses of the citizens on parliamentary election in 2005, especially the actions of the Central election committee on election and holding referendums and also the determination of the judges, particularly Supreme Court of the Kyrgyz Republic. Even ushering the marking could not rescue Kyrgyzstan from violations of suffrages of the citizens. Election appeared to be the main reason of the March events and transfer of power.

As it is seen from the corresponding chapter of the report specific character of the right of each man for legal defense lies in that only the judges can come to obligatory for all authorities and citizens determination.

In accordance with constitutional regulations, any citizen has a right to go to law in an established by law procedure for defense of his or her rights and legal interests and count upon all-round, complete and opportune consideration of his or her matter in essence. Unfortunately, incoming correspondence to Ombudsman demonstrates that the right of citizens is not accomplished in full measure. Appeals to the activity of judicial authorities continue to come in on the same scale as in the preceding years.

The situation, concerned with the insurance appearance of the participants of the legal process from the Office of public prosecutor on a criminal case that serves as the reason retardation and postponement of the matter gives rise to particular censures. Whereas International Pact on civil and political rights provides that every charged on criminal offence has to be convicted without unjustified delay, many charged offenders are not able to gain pronouncement of sentence in their respect even if accusatory.

The following situation has a twofold reason from the one hand the prosecutor does not have enough material and human resources (according to their estimations), on the other hand- the judges, beware of responsibility for breach of periods of consideration of the case, prefer in individual cases to refer the cases to the prosecutor for the insurance of appearance of the witnesses and victims.

Judges owe to their commitment do not often have an opportunity to scheme the procedures. Judicial mechanism works very slowly and not always effectively. Many civil and criminal cases are considered years by years. Corruption is still persisting in the judicial corps.

In order to develop with civilized ways, it is vitally important for the country not only to make reformatations in the judicial brunch, but also make it in this way that the legal defence became very plain and understandable for every person. It is necessary to note that the psychology of distrust to fair court examination (hearing) of the citizens is still persisting in our society. In this relation, one can say about the incoming addresses, where the complainants impeach credibility to judge in this connection they request to turn the Ombudsman's representative to the session.

As for the matter of moral recovery of the society, reduction of criminalization, it is necessary to change the state criminal policy with the expansion of alternative measures of deprivation of liberty. As the world practice shows, application of alternative forms of punishment is effective.

Deprivation of liberty in our conditions turned into the hardest variety of punishment with full isolation from society. As a result instead of enclosing society from criminality and its reduction, the following system assists directly the rise of criminality morally and physically cripples, embitters those people, having passed through the execution of criminal penalty, guides to the expansion of criminal world's negative habits, and also establishes a base for criminals with "new cadres".

At this moment the absolute necessity ripened to taking appropriate measures, directed to raise the prestige of judges, effectiveness of justice, perfection of lawyers' activity. A necessity has ripened appropriating of sufficient financial funds by the government for payment of lawyers' services, summoned to render gratuitous services to a client on government. Nowadays the lawyer "on duty" from the government is a simple formality.

Housing problems remain one of the most actual ones, predominant amount of incoming complaints addressed to Ombudsman speaks of that.

A right to housing, according to the Constitution of the Kyrgyz Republic, has to be ensured by the way of granting living quarters in the houses of state and municipal residential funds, on the terms of agreement of lease and within the limits of norms of dwelling space, or as rent, or by means of acquisition (building) for his/ her own funds without limitation of dimensions of the area. Exactly acquisition at his/her own expense is widely fulfilled. Indefinite category of citizens successfully fulfills this right, acquiring several flats and then renting them.

As regards to municipal housing fund it is observed the tendency of reduction of its volume by privatizing. This means that a constitutional right to acquiring a dwelling space from the municipal fund is hardly assured in the near future.

Housing problems still remains one of the most acute social problems that affects negatively on the stability of the economics and promotes tension in the society. Investment process through absence of sufficient financial sources, constant rise in building prices is in the condition of deep recession. The inflation process conditioned both inaccessibility of credit resources because of high rate percentage and indifference of bank system in giving long-termed credits, so called mortgage lending. Invented by the Government of the Kyrgyz Republic mortgage lending for acquiring house-building is still in embryo (rudimentary state).

Very often internal migration is not at all regarded as an important problem, however it is not merely consequence of many traditional problems for developing countries and states transfer economy, but it brings to appearance of many other problems.

One of the most important problems, which the internal migration carries in it, is unauthorized occupation of lands for the purpose of erecting dwelling houses, which reveals an opportunity for "self-invaders" to solve their problems in a definite urban settlement. Exactly the very problem, elemental and mass process of self-seizure of lands in Bishkek city, shocked our community in the spring of 2006 and hitherto holds in tension not only the governmental and municipal bodies but also the inhabitants of the capital.

Every year the volumes of dilapidated and breakdown housings is increasing. Local government body display indifference to the problem.

The condition of apartment houses on the whole and in individual flats is such that the possibility of further destruction so traumatism of people can not be exclusion. Meanwhile reconstruction works and current repairs are not implemented; measures compensation of losses, injured to owners of the housing (many of them people of declining years can not independently defend their interests) are not taken by the local administrative bodies

Even military men are applying to Ombudsman concerning housing, illegal discharge, irregular calculations of their pensions and other social everyday problems. Problem of providing with housing this

category of people threatens to turn for the state into everlasting and insoluble. The number of military men without housing is increasing day by day in the country.

The problem of health of conscripts for urgent military service is not less serious. There are cases of low-grade functioning of draft board in the regions of the republic. Military medical commission should examine the necessary documents in full measure, condition of health also if the conscripts do not make complaints. There are also cases, when draft board made a decision of drafting young people without appropriate analysis of their family status.

In the same consecution as in the preceding years the activity of Ombudsman in the sphere of defense of our compatriot being abroad is going on. As everybody knows, the basic mass of citizens having left the country makes up working migrants, departing with the purpose of earning to Russia, Kazakhstan, China and other countries. The scopes of labor migration nowadays are incommensurable with the analogical processes in the countries of Western Europe and the USA.

About a million of Kyrgyzstan people are working abroad. One of the great problems of for them is registration at the temporary sojourn. Because of short terms for registration by the Russian legislation, Kyrgyz people, as foreigners, have a lot of difficulties for legalizing their condition thus are obliged to labor illegally. A three day term of realization complex process of registration sojourn in Russia, being engaged of immigrants, absence of money for getting registration documents create neglect towards these rules by the migrants from Kyrgyzstan.

The passed year of working allows draw a general conclusion, which it is necessary to analyze in the upcoming 2006 year.

In 2005 it did not turned out well to engage a very powerful recourse, as it is assistance to bring the legislation of the Kyrgyz Republic in the sphere of human rights and freedoms into accord with the Constitution and international standards in the given sphere. The reason is that realization of the following goal is achieved with great difficulty in connection with that Ombudsman has not the right to initiate a law. Propositions for legislation perfection, sent to Jororku Kenesh (Parliament) and the Government are of recommendation character, their consideration by the state structure is not of obligatory character.

But some positive results of the Ombudsman work with the laws and legislations on criminal, criminal-remedial legislation currently in force, on retiring age, legislation in the sphere of child rights defense, on the matters of giving citizenship to children, born at the territory of the Kyrgyz Republic, even if their parents are foreign citizens (these results are reflected in the corresponding paragraphs of the report) convince Ombudsman (Akyikatchy) to continue in the 2006 year law-create influence on the sphere of human rights and freedoms.

Practice of activity of Ombudsman revealed number of problems, concerned imperfectness of the legislation currently in force. The law "On Ombudsman (Akyikatchy) of the Kyrgyz Republic" also keenly needs reforms and improvements. First of all it is necessary to expand the possibility of influence of Ombudsman on officials, actions (inaction) of whose violate human rights. Previous years of Ombudsman (Akyikatchy) Institution's activity show that human rights protection does not need declaratory and demonstrative actions. Promotion of cases which are connected with human rights and freedom infringements are demanded hard works and efforts.

Ombudsman (Akyikatchy) must play role of "bridge" between Government and civil society. Therefore it is banned to show nihilism to moral prestige and status of Ombudsman (Akyikatchy) which was adopted by Constitution of the Kyrgyz Republic. In this connection it is necessary to eliminate the practice of finance and political influence on Ombudsman (Akyikatchy) Institution ignoring Ombudsman (Akyikatchy)'s inquires.

Besides that in 2006 the main direction of activity of the Ombudsman (Akyikatchy) Institution of the Kyrgyz Republic will be continuation of human rights of poor Kyrgyz people protection. There will be continued inspections of medical and penitentiary institutions, military sections, conditions of street children and women in sex industry, establishments and organizations, independently from the forms of ownership on the item of observance labour rights of our citizens. The research against corruption will be continued in HEIs, municipal administration, departments and ministries of the republic.

Insistent work on appealing to state structure for the name of rights of individual person demands professional. Justice support on each procedure levels is a base establishing virtue of all men's work who works in the Ombudsman Institution of the Kyrgyz Republic.

It is necessary to strive for that all branches of power and mass media in their activity were aware of a specific role of the Ombudsman (Akyikatchy) Institution of the Kyrgyz Republic as a controlling body and a instrument of asserting of the citizens' rights in the face of authoritative institutions, consequently bring information about the particular institution to all citizens of the Kyrgyz Republic.

In conclusion, it is necessary to note that the idea of supreme value of a person, his virtues, rights and freedoms, independently from any differences, an effective job of our government on defense and of human rights and freedoms should become a guaranty of civil society, intrapolitical stability. Rights of every Kyrgyz citizen, work on their observance as elements of the idea of rights of individual can provide

and national security of Kyrgyzstan, its existence itself and development as unique, indivisible, prosperous state.

ANNEX

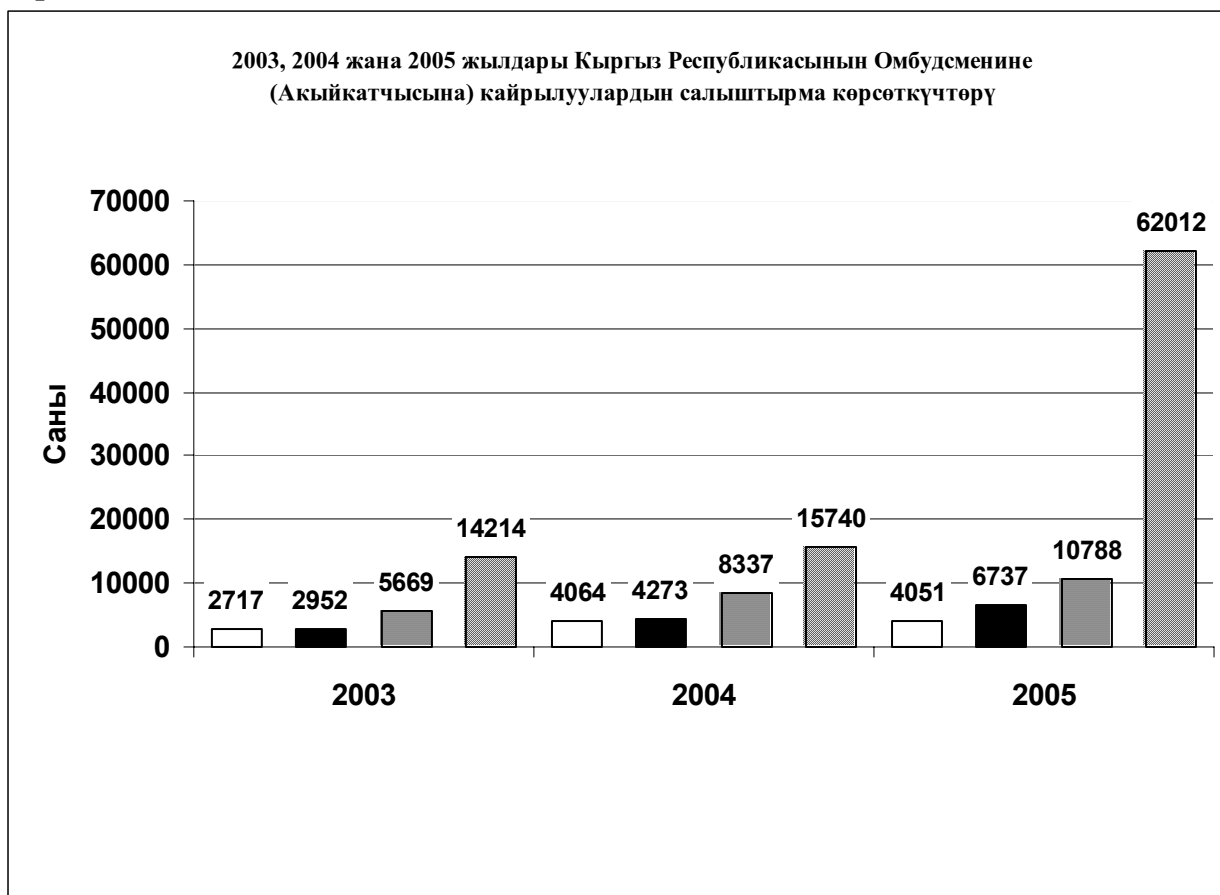
Annex 1

Comparative data of appeals received by Ombudsman (Akyikatchy) of the Kyrgyz Republic in 2003, 2004 and 2005

Type of appeals	Number of appeals		Number of applicants	
	2004	2005	2004	2005
1. Written appeals	4064	4051	11467	55275
Including:				
a) Written appeals deflected	269	44	269	77
b) Collective appeals	129	306	7403	51530
2. oral appeals	4273	6737	4273	6737

	2003	2004	2005
written appeals	2717	4064	4051
oral appeals	2952	4273	6737
Number of appeals	5669	8337	10788
Number of applicants	14214	15740	62012

Comparative data of appeals received by Ombudsman (Akyikatchy) of the Kyrgyz Republic in 2003, 2004 and 2005.





writing appeals



the number of appeals



(black) oral appeals



the number of applicants

**Classification of appeals received by Ombudsman (Akyikatchy) of the Kyrgyz Republic
on subject-matter in 2005**

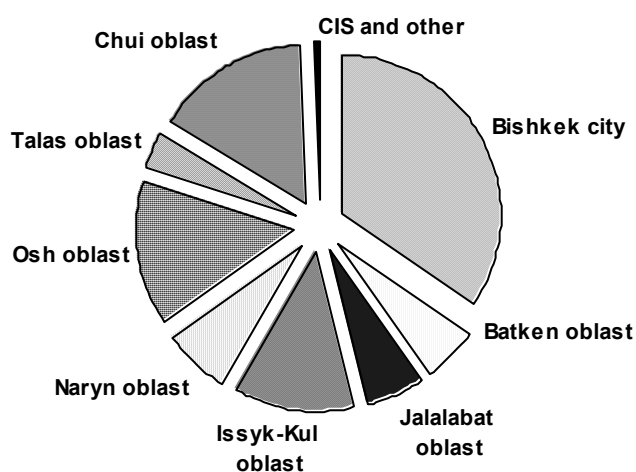
Subject of appeals		Appeals	Applicants	Oral appeals
Criminal, criminal processing and criminal executive laws appeals	Number	1576	10460	1794
	%	38,9	18,9	26,6
including:				
Prisoners appeals	Number	665	1312	637
	%	42,2	12,5	35,5
Death- sentenced prisoners` appeals	Number	111	20	22
	%	7,0	0,2	1,2
House rights appeals	Number	278	1457	530
	%	6,9	2,6	7,9
Land rights appeals	Number	239	1561	500
	%	5,9	2,8	7,4
Estate rights and economic legal relations	Number	400	1925	471
	%	9,9	3,5	7,0
Administrative rights appeals	Number	140	555	576
	%	3,5	1,0	8,5
Legal relations appeals	Number	227	690	574
	%	5,6	1,2	8,5
Family right appeals	Number	67	332	235
	%	1,7	0,6	3,5
Special groups appeals				
Handicapped persons rights, pensions rights, social payments appeals	Number	246	950	440
	%	6,1	1,7	6,5
Health care and health protection appeals	Number	146	1442	357
	%	3,6	2,6	5,3
Consumer rights appeals	Number	39	114	72
	%	1,0	0,2	1,1
Education and culture issues appeals	Number	133	1119	256
	%	3,3	2,0	3,8
Foreigner rights and stateless persons rights` appeals	Number	35	36	48
	%	0,9	0,1	0,7
Servicemen and their family members` protection appeals	Number	47	229	96
	%	1,2	0,4	1,4
Citizenship granting and ID granting appeals	Number	202	265	261
	%	5,0	0,5	3,9
Citizens political rights protection's appeals	Number	106	26420	143
	%	2,6	47,8	2,1
Non resided Kyrgyzstan nationals` appeals	Number	52	92	83
	%	1	0	1
Religion and creed freedoms` appeals	Number	49	7506	110
	%	1,2	13,6	1,6
National minorities protection appeals	Number	6	45	21
	%	0,1	0,1	0,3
Number of appeal - rejected persons	Number	44	77	44
	%	1,1	0,1	0,7
Other rights	Number	19	0	126
	%	0,47	0,00	1,87
Total		4051	55275	6737
Total %		100,0	100,0	100,0

Note:
Exceeding of applicants` number upon written appeals` number is stipulated for collectives appeals` number

Distribution of appeals and applicants in the context of regions in 2005.

Regions	Number of appeals	%	Number of applicants	%
Bishkek city	1391	34,34	8400	15,20
The Batken oblast	242	5,97	1513	2,74
The Jalalabad oblast	231	5,70	8450	15,29
The Issyk-Kul oblast	504	12,44	2957	5,35
The Naryn oblast	281	6,94	16910	30,59
The Osh oblast	587	14,49	2405	4,35
The Talass oblast	151	3,73	11323	20,48
The Chui oblast	640	15,80	3293	5,96
CIS and abroad	24	0,59	24	0,04
Total	4051	100	55275	100

Distribution of appeals and applicants in the context of regions in 2005.



**Inspections of penitentiary houses, mental houses, military units, institutions by the
Ombudsman (Akyikatchy) of the Kyrgyz Republic and staff of the Office in 2005**

%	institution	Address
Pre – trial detention center (PTDC)		
1	PTDC No 1	Bishkek city
2	PTDC No 2	Chui oblast, Panfilov dist, Voznesenovka village
3	PTDC No 3	Naryn oblast, Naryn , town
4	PTDC No 4	Issyk – Kul oblast, Karakol, town
5	Intelligence Service PTDC	Bishkek city
6	PTDC No 5	Osh city
Correctional colonies (CC)		
1	CC 2	Chui oblast, Alamedin dist, Steptoye village
2	CC-14	Chui oblast, Panfilov dist, Voznesenovka village
3	CC-47	Bishkek city
4	CC-1	Chui oblast, Alamedin dist, Moldovanovka village
5	CC-27	Chui oblast, Alamedin dist, Moldovanovka village
6	CC- 8	Chui oblast, Moskovskiy dist, Petrovka village
7	CC-16	Chui oblast, Moskovskiy dist, Belovodskoye village
8	CC-3	Chui oblast, Alamedin dist, Novo – pokrovka village
9	CC-31	Chui oblast, Alamedin dist, Moldovanovka village
Settlement Colonies		
1	SC-29	Tallas oblast, Kara – Burinsky dist, Maimak village.
2	SC -39	Tallas oblast, Bakai- Atinsky dist, Ozgorush village
3	SC -7	Naryn oblast, Naryn town
Cells of Temporary Allowances		
1	CTA	IAA, Bishkek city
2	CTA	IAD Bishkek city, Lenin dist
3	CTA	Kara – Balta city, Jaiyl dist, Chu oblast
4	CTA	IAD Tokmok town, the Chu oblast
5	CTA	IAD Sokuluk dist, Chu oblast
6	CTA	IAA Naryn town, Naryn oblast
7	CTA	IAD Kochkor dist, Naryn oblast
8	CTA	IAD At – Bashinskyi dist, Naryn oblast
9	CTA	IAD Jumgal dist, Naryn oblast
10	CTA	IAD Ak – Talin dist, Naryn Oblast
11	CTA	IAD Jeti- oguz dist, Issyk – Kul oblast .
12	CTA	IAD Karakol town, Issyk – Kul oblast
13	CTA	IAD TYup dist, Issyk – Kul oblast
14	CTA	IAD ton dist, , Issyk – Kul oblast
15	CTA	District's IAD Cholpon – Ata town, Issyk – Kul oblast
16	CTA	IAD Bakykchy town, Issyk – Kul oblast.

%	institution	Address
17	CTA	IAA Tallas oblast
18	CTA	IAD Kara – Burinskyyi dist, Tallas oblast
19	CTA	IAD Manas dist, Tallas oblast
20	CTA	IAD BAKai- Atinsky dist, Tallas oblast.
21	CTA	IAD issyk - Atinsky dist, Chui oblast
22	CTA	IAA Osh oblast
23	CTA	IAD Nookatsky dist
24	CTA	IAD Aravan dist
25	CTA	IAD Karasuu dist
26	CTA	IAD Uzgen dist
27	CTA	IAD Jalal – Abad town
28	CTA	IAD Toguztoroy dist, Jalal – Abad oblast.
29	CTA	IAD Toktogul dist
30	CTA	IAD Suzak dist
31	CTA	IAD Aksy dist
32	CTA	IAD Tash – Kumyr town

33	CTA	IAD Nookan dist
34	CTA	IAD Bazar – Korgon dist
35	CTA	IAD Kyzzyk – Kiya town
36	CTA	IAD Kadamjay dist
37	CTA	IAD Batken dist
Distributional center		
1	IAA`s distributional center	Kenesh village
Military bases		
1	Sverdlovsky district`s military committee	Bishkek city
2	Lenin district`s military committee	Bishkek city
3	Pervomaissky district`s military committee	Bishkek city
4	Oktybrsky district`s military committee	Bishkek city
5	2520th frontier post named after Tailak – Batyr	Naryn town, Naryn oblast
6	The frontier post of the 20205th military unit	Naryn town
7	93546th military unit	Naryn town
8	Oblast`s military commissariat	Naryn town
9	The Torugat customs` post	At – Bashinsky dist, Naryn oblast
10	2043rd frontier post	Kyzyl – Jyldyz village, Manas dist, Talas oblast
11	Osh`s frontier detachment	Osh city
12	Army unit of Internal Affairs Department, Kyrgyz Republic	Osh city

%	institution	Address
13	Army troop of Defense Ministry	Osh city
14	Frontier post and the Dostuk customs` post	Osh city
15	Frontier post and the Yntymak customs` post,	Karasuu dist
16	Frontier detachment	Shamladysai
17	Frontier detachment	Jiyde village, Suzak dist
Child Institutions		
1	Social adaptation and children rehabilitation centre of the Bishkek`s city administrations	Bishkek city
2	The Svetly put social charity fund “	Bishkek city
3	“Child and mother home through their initiatives”	Bishkek city
4	1st children`s specialized house	Bishkek city
5	Republic rehabilitation centre for children	Mayak village, Issyk – Kul dist
6	Republic children`s anti tuberculosis hospital	Cholpon – Ata town, Issyk – Kul dist.
Medical Institutions		
1	Mental health republic center`s 1st subsidiary	Chymkorgon village, Chu oblast
2	District`s hospital	Kara-Balta town, Chu oblast
3	Oblast`s hospital	Naryn town, Naryn oblast
4	Oblast`s hospital	Ak – Talin dist, Naryn oblast
5	Oblast`s hospital	At – Bashinsky dist, Naryn oblast
6	Oblast`s hospital	Kochkor dist, Naryn oblast
7	anti tuberculosis clinic	Naryn town, Naryn oblast
8	Oblast`s hospital	Talas oblast
9	Pokrov`s psycho neurological hostel	Pokrovka village, Manas dist, Talas oblast
10	District`s hospital	Talas dist, Talas oblast.
11	District`s hospital	Kara – Buura dist, Talas oblast .
12	District`s hospital	Manas dist, Talas oblast

13	District's hospital	Bakay – Ata dist, Talas oblast
14	psycho neurological hostel	Ak – Suu dist, Issyk – Kul oblast
15	District's hospital	Toguz – Toru dist, Jalal- Abad oblast
16	District's hospital	Kadamjay town
17	City hospital	Osh city
18	Oblast's hospital	Osh city
19	Republic psycho neurological hospital	Kyzyl – Jar village, Aksy dist
20	Oblast's anti tuberculosis clinic	Osh city
21	District's clinic	Kara – Suu town

%	institution	Address
Schools, lyceums, gymnasiums, high schools and dormitories		
1	High military collage	Bishkek city
2	Kyrgyz agrarian academy under K. Skryabin	Bishkek city
3	Kyrgyz national conservatory	Bishkek city
4	Kyrgyz Russian Slavic University	Bishkek city
5	Kyrgyz state national military lyceum	Bishkek city
6	Kyrgyz national university under J. Balasagyn	Bishkek city
7	Kyrgyz state law academy	Bishkek city
8	Kyrgyz state mining university	Bishkek city
9	Bishkek state university of economics and business	Bishkek city
10	Bishkek humanitarian university under K. Karacaev	Bishkek city
11	Kyrgyz state pedagogic university under I. Arabaev	Bishkek city
12	Kyrgyz state technical university under Razakov	Bishkek city
13	Kyrgyz state medical academy	Bishkek city
14	Academy of Ministry of interior affairs	Bishkek city
15	International university of Kyrgyzstan	Bishkek city
16	Kyrgyz state academy of physical training and sports	Bishkek city
17	Kyrgyz state university of construction, transport and architecture	Bishkek city
18	Bishkek academy of finances and economics under A. Toktonaliev	Bishkek city
19	Kyrgyz state institute of arts under B. Beishenalieva	Bishkek city
20	Naryn state university	Naryn town
21	86th Kyrgyz Turkish lyceum	Naryn town
22	Pedagogic collage	Naryn town
23	Medical collage	Naryn town
24	Osh state university	Osh city
25	Jalal – Abad state university	Jalal – Abad town
26	Jalal – Abad commercial institute	Jalal – Abad town
27	Jalal – Abad technical institute	Jalal – Abad town
28	International university subsidiary	Jalal – Abad town
29	Medical collage	Jalal – Abad town
30	Kyrgyz Turkish lyceum for boys and girls	Jalal – Abad town
31	Batken state university	Bishkek city
32	Dormitory of Kyrgyz national university under J. Balasagyn	Bishkek city
33	Dormitory of medical collage	Bishkek city

%	institution	Address
34	Dormitory of Kyrgyz state technical university under Razzakov	Bishkek city
35	Dormitory of Kyrgyz state pedagogical university under I. Arabaev	Bishkek city
36	68th gymnasium	Bishkek city
37	13th gymnasium	Bishkek city
38	6th gymnasium	Bishkek city

39	61st gymnasium	Bishkek city
40	5th lyceum	Bishkek city
41	School No 1	Bishkek city
42	School No 20	Bishkek city
43	School No 62	Bishkek city
44	School No 23	Bishkek city
45	School No 10	Bishkek city
46	School No 47	Bishkek city
47	School No 40	Bishkek city
48	School No 59	Bishkek city
49	School No 44	Bishkek city
50	School No 7	Bishkek city
51	School No 16	Bishkek city
52	School No 51	Bishkek city
53	School No 46	Bishkek city
54	School No 38	Bishkek city
55	School No 71	Bishkek city
56	School No 9	Bishkek city
57	School No 8	Bishkek city
58	School No 64	Bishkek city
59	School No 12	Bishkek city
60	School No 17	Bishkek city
61	School No 26	Bishkek city
62	School No 67	Bishkek city
63	School No 53	Bishkek city
64	School No 1	Alamedin village
65	Schools	Naryn region, Naryn oblast.
66	Schools	At – Bashi district, Naryn oblast.
67	Boarding school	Naryn city
68	Boarding school No 1	Bishkek city
69	Republic music boarding school under Abdraev	Bishkek city
70	Kindergarten No 163	Bishkek city
71	Altyn Balalyk Kindergarten	Naryn city
72	Cheburashke Kindergarten	Naryn city
73	Intymak Kindergarten	Naryn city

%	institution	Address
Companies and private companies		
1	Gunel PVG	Bishkek city
2	Bihskek syut	Bishkek city
3	Shoro firm	Bishkek city
4	Europolast	Bishkek city
5	Lucy printing house	64 Tolstoi St, Bishkek city
6	Garment factories (4)	34 Den Xiaoping St, Bishkek city
7	Garment factories	22 Panfilov str., Bishkek city
8	Garment factories	207 Almatinskaya Str, Bishkek city
9	Kara balta aragy, Ltd	Kara – Balta town, Chu oblast
10	Guler cafe	Bishkek city
11	Hilal cafe	Bishkek city
12	Aurasia cafe	Bishkek city
13	Sere cafe	Bishkek city
14	Kyrgyzenergoremont auction society	Bishkek city
15	Osh market	Bishkek city
16	Alamedin market	Bishkek city
17	Dordoi market	Bishkek city
18	Orto – Sai market	Bishkek city
19	Issik – Ata resort	Issik – Ata region, Chu oblast
20	Bishkek Agency of passenger transport	Bishkek city
21	Tobacco plantations	Chilik dist, Kazakhstan
22	Mostotrayd Oil company	Bishkek city
23	Kyrgyz rural financial corporation	Naryn city

Territories of apartments		
1	Umetalieva – Chokmorova Str, Bishkek city	
2	Baitik – Baatyr Str, Bishekek city .	
3	Yug – 2, Bishkek city	

No	To who the document sent (name and post)	Date of sending	Current issue	Gist of the matter	Notes
1	Mr. Sydykov, the head of the Administration of the Kyrgyz Republic's President	02.12.2005	21-13/5654	Oldmen of court	Reminder 23.01.2006 No 21-13/254; 24.02.2006 No 21-13/869
2	Mr. Koyenaliev, the secretary general of the Prime – minister's Office	21.11.2005	21-13/5507	Rural economy's crediting	Reminder 18.01.2006 No 21-13/205; 24.02.2006 No 21-13/870
3	Mr. Imanbaev, the chair person of the Central Elections Committee of the Kyrgyz Republic	14.03.2005	21-13/972	Elections law's violations	
4	Mr. Abdraimov, the acting chair person of the Central Elections Committee of the Kyrgyz Republic	31.03.2005	21-13/1171	Rights violations of Mr. Maripov, the candidate to the deputies of Kyrgyz Parliament	Reminder 12.05.2005 No 26-13/1786
5	Mr. Nogoev, the mayor of the Bishkek city	13.10.2005	25-13/4770	House sharing violations	Reminder 28.11.2005 No 26-13/5574; 03.01.2006 No 26-13/19
6	Mr. Baibolov, the chair person of city deputies' congress, Bishkek city	07.12.2005	25-13/5709	Passenger transportation work	
7	Mr. Karababaev, the head of the Pervomai district state administration	26.12.2005	26-13/6009	Land sharing	
8	Mr. Karasarmatov, the head of the rural board, the Chon – Sary – Oi village	21.06.2005	26-16/2629	Sponsors to the complainants	Reminder 19.08.2005 No 25-16/3708
9	Mr. Osmonov, the chair person of the Supreme Court of the Kyrgyz Republic	10.05.2005	24-13/1730	Trial's violations	
10	Mr. Bokoev, the chair person of the Osh oblast's court	11.11.2005	25-18/5240	Providing for applicant proceeding's informations	

11	Mrs. Alieva, the chair person of Pevomaisky district's court	14.02.2005	24-13/636	Hand out of the copy of a judgment	
12	Mr. Turganbekov, the chair person of Lenin district's court	16.12.2005	25-13/5858	The complaint concerning improper behavior of the judge	
13	Sokuluk district's court	23.06.2005	25-20/2716	Information on the concerning applicant's case	Reminder 16.11.2005 No 24-20/5322
14	Mr. Kongantiev, the prosecutor general of the Kyrgyz Republic	13.12.2005	24-13/5802	Statement in the newspaper	
15	Mr. Kutuev, the prosecutor of Bishekek city	30.05.2005	25-13/2129	Ambulance workers' responsibility	Reminder 17.02.2006 No 26-13/754
16	Mr. Appanov, the prosecutor of the Lenin district's court	27.10.2005	25-13/4999	Investigation delay of the applicant's case	
17	Mr. Osmonaliev, the prosecutor of	19.07.2005	25-20/3104	Complaint about IAD staff of	Reminder 23.09.2005

	Pervomay`s district			Pervomay district	No 24-13/4425
18	Mr. Kydyrbaev, the head of Ministry of Internal Affairs, the southern region	08.12.2005	24-13/5722	Abuse of power by Mr. Abakjanov, the head of the town council, Uzgen town	
19	Mr. Nurmambetov, the head of Pervomaysky district's IAD	21.11.2005	26-13/5419	Pickers' complaint about district's IAD staff	Reminder 29.12.2005 No 25-13/6092
20	Mr. Janaliev, the head of the IAD of Lenin's district	23.05.2005	24-13/2005	Complaints concerning violations in law of house property	Reminder 23.08.2005 No 24-13/3755
21	Mr. Kazakov, the head of the IAD of Alamedin's district	25.08.2005	24-20/3786	Neighbor` conflicts	
22	Mr. Davletkeldiev, the head of the state forestry service	06.12.2005	27-13/5690	Abuse of power by the manager of the forestry	Reminder 17.02.2006 No 27-13/759
23	Mr. Kyzmyk, the director general of the Elektrod, Ltd	06.09.2005	27-13/4039	The lease contract	Reminder '0.11.2005 No 27-13/5191
24	Mr. Nurkhaliev, the chairperson the Krasnaya Zarya farms association	31.03.2005	26-20/1176	Land indemnity	Was noted after 4 reminders 08.11.2005

**The "Passport" of Ombudsman (Akyikachy) Institution of the Kyrgyz Republic) at
31.12.2005**

Nationality	Head		Deputies		Secretary general, directors of department, heads of departments		Managers of sectors, inspections		Senior staff members		Servicemen and technical staff		Total	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Kyrgyz	1	0,7	2	1,3	10	6,8	10	6,8	49		51		123	84,3
Russians					2	1,3	1	0,7	1	0,7	7		11	7,5
Uzbek					1	0,7			1	0,7	1	0,7	3	2,1
Korean					1	0,7							1	0,7
Karachais									1	0,7			1	0,7
Lezghins							1	0,7					1	0,7
Dungan									2	1,3	1	0,7	3	2,1
Turkish									1	0,7			1	0,7
Uighur											1	0,7	1	0,7
Kazakhs											1	0,7	1	0,7
Total :	1	0,7	2	1,3	14		12		55		62		146	100

• **Gender of the staff:**

Sex:	Head		Deputies		Secretary general, directors of department, heads of departments		Managers of sections, inspections		Senior servicemen		Technical staff and servicemen		Total	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Male:	1	0,7		1,3	9	6,2	3	2,1	33	22,6	34	23,3	82	56,2
Female					5	3,4	9	6,2	22	15,1	28	19,2	64	43,8
Total:	1	0,7	2	1,3	14	9,6	12	8,3		37,7	62	42,5	146	100

P.S. 1Doctor of Science, 3 candidate of science, 11 child rearing leave

• **Education of the staff:**

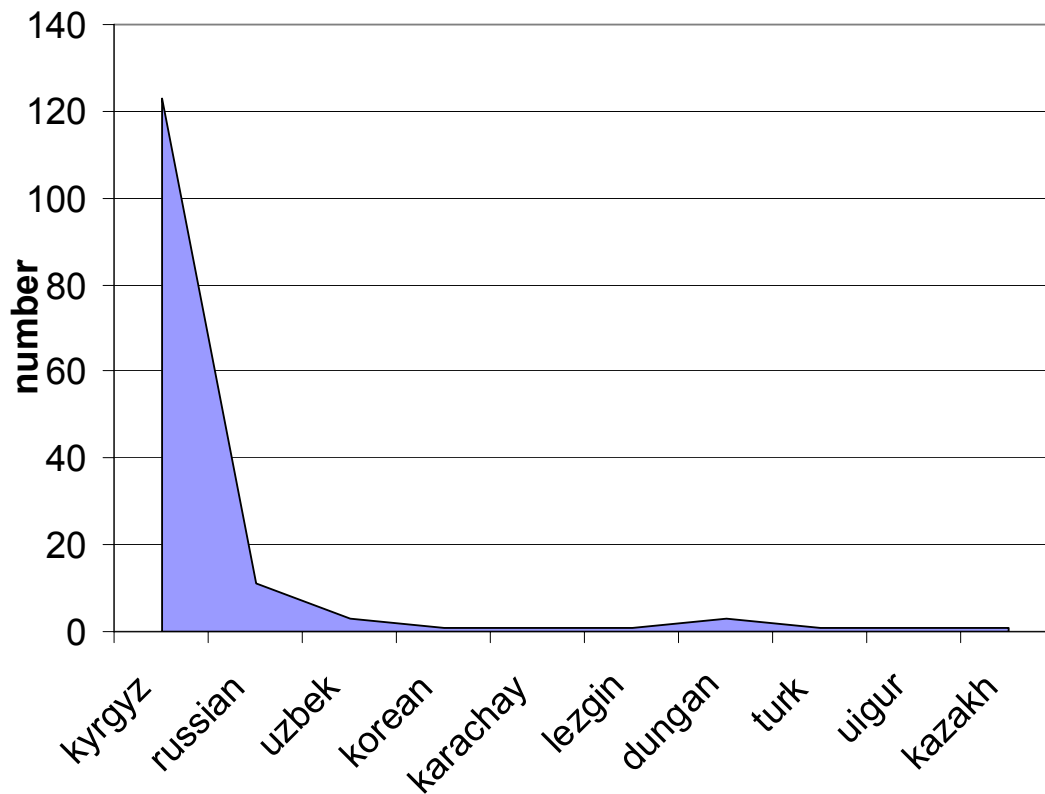
Education	Head		deputies				Managers of sectors, inspections		Senior staff members		Servicemen and technical staff		Total	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
a) higher	1	0,7	2	1,3	14	9,6	12	8,	5	36,	3	23,	11	80
Including lawyers.			2	1,3	5	3,4	8	5,	3	26,	5	3,4	5	40
Engineers					2	1,3			4	2,7	8	5,4	14	9,

scholas					1	0,7	1	0,	1	0,7	1	0,	4	2,
economists					3	2,1			3	2,1	6	4,	1	8,
doctors					1	0,7					1	0,	2	1,
Teachers	1	0,7							2	1,3	3	2,	6	4,
newspersons											2	1,3	2	1,
Internatiomnal relations									1	0,7			1	0,
political scientists									1	0,7			1	0,
State administratona manager									2	1,3			2	1,
municipal board							1	0,	1	0,7			2	1,
Internatiomnal computer network office systems											1	0,7	1	0,
International economic relations											1	0,7	1	0,
Other experts					2	1,3	2	1,			7	4,8	1	7,
A) non university graduated persons											7	4,8	7	4,
B) high education persons											10	6,9	1	6,
specialized secondary education persons									1	0,7	10	6,9	1	7,
Total	1	0,7	2	1,3	14		12		5		62		14	10

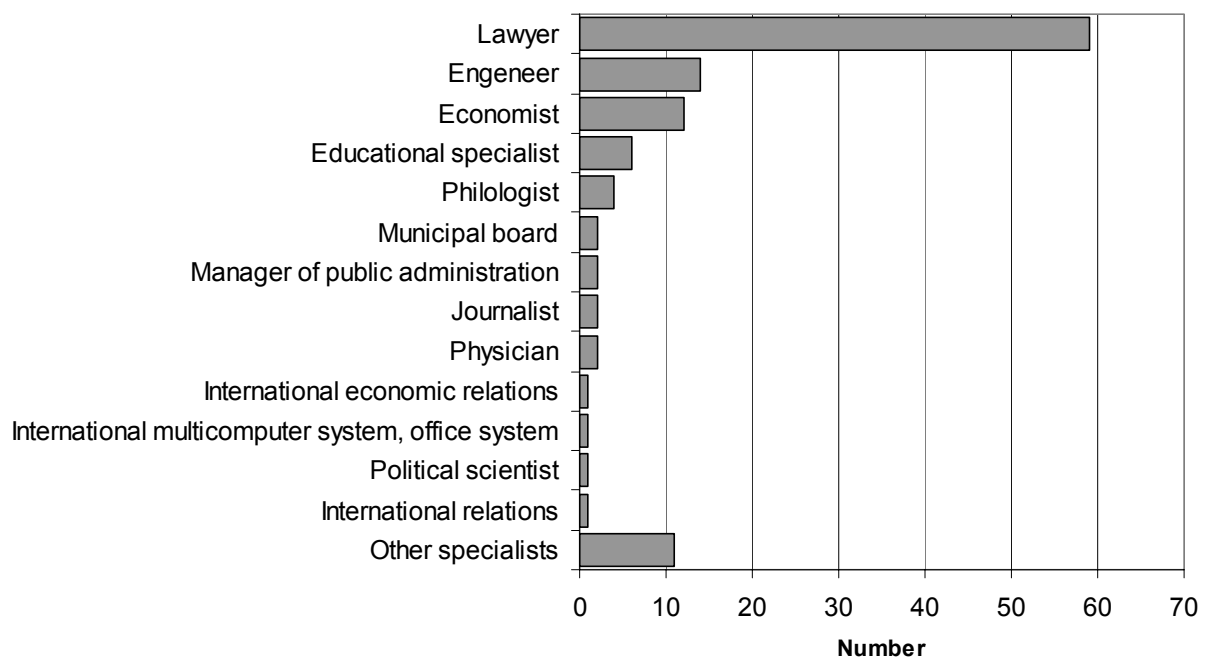
• **Ages of the staff:**

Age :	Head		Deputies		Secretary general, directors of department, heads of departments		Managers of sections, inspections		Senior servicemen		Technical staff and servicemen		Total	
	Number	%	Number	%	Number	%	Number		Number	%	Number	%	Number	%
Till 30 years					3	2,1	4	2,7	36	24,7	32	21,9	75	51,4
31-40 years			2	1,3	6	4,1	3	2,1	4	2,7	10	6,9	25	17,1
41-50 years	1	0,7			4	2,7	3	2,1	8	5,5	15	10,3	31	21,2
51-60 years							2	1,3	6	4,1	3	2,1	11	7,5
Over 60 years					1	0,7			1	0,7	2	1,3	4	2,7
Total:	1	0,7	2	1,3	14	9,6	12	8,2	55	37,7	62	42,5	146	100

Nationalities of the staff



Analysis of Ombudsman's office staff on education



REPORT
on estimate of expenditure in 2005 (thousands of soms)

The number of items	Item of expenses	Estimate	Open credits	Cash expenses	Credits for estimate		Expenses for estimate	
					%%	+,-	%%	+,-
1.1.0.1.	Salary	8352,20	8352,1	8319,9	99,9	-0,1	99,6	-32,3
1.2.1.1.	Deduction to the social fund	2088,0	1762,8	1762,8	84,4	-325,2	84,4	-325,2
1.3.1.1.	Domestic traveling expenses	966,0	514,1	514,1	53,2	-451,9	53,2	-451,9
1.3.1.2.	Traveling expenses overseas	1400,0	1121,6	1121,6	80,1	-278,4	80,1	-278,4
1.3.2.1.	Acquisition of the equipment	2400,0	1569,7	1568,9	65,4	-830,3	65,3	-831,1
1.3.3.4.	Water fees	60,0	17,0	17,0	28,3	-43,0	28,3	-43,0
1.3.3.5.	Electricity fees	230,0	69,1	69,1	30,0	-160,9	30,0	-160,9
1.3.3.6.	Heating fees	200,0	126,8	126,8	63,4	-73,2	63,4	-73,2
1.3.3.8.	Communicational services fees	800,0	680,4	680,4	85,0	-119,6	85,0	-119,6
1.3.3.3.	Renting & maintenance of transport	1200,0	519,6	519,6	43,3	-680,4	43,3	-680,4
1.3.4.1.	Other services	1362,6	961,9	961,9	70,6	-400,7	70,6	-400,7
4.0.0.2.	Principal expenditure	1000,0	-	-	-	-1000,0	-	-1000,0
4.0.0.4	The whole repair	2000,0	2000,0	2000,0	100,0	-	100,0	-
	Total	22058,8	17695,1	17662,1	80,2	-4363,7	80,1	-4396,7

Explanatory note to budget execution of Ombudsman (Akyikatchy) Institution of the Kyrgyz Republic in 2005

1. According to P.3, art.16 of the law "Ombudsman (Akyikatchy) of the Kyrgyz Republic" stipulates that Ombudsman (Akyikatchy) develop and execute the budget of expenditure independently (p.3, art. 16).
2. Approved by the Ministry of Finances the budget of expenditure for 2005 in the sum of 22058,8 thousands soms was financed for 17695,1 thousand soms, i. e. 80,2 % of required sum.
3. Socially protected budget items: salary fund in sum of 8352,1 thousand soms and social fund allocations in sum of 1762,8 thousand soms make up 57,2 % of sum 17695,1 thousand soms of open financing.
4. According the article "Equipment purchase" hi – fi techniques, furniture sets, household equipment were purchased in sum of 1568,9 thousand soms, i. e. 65,3 % to the budget of expenditure.
5. According the article "Other acquisitions and services" financing was opened for sum of 961,9 thousand soms, i. e. 70,6 % of approved budget of expenditure. These funds were spent for stationery goods, mail service, household items, mass media services.
6. According the article "Domestic travel expenses" 514,1 thousand soms were spent, i. e. 53,2 % of sum of 966 thousand soms marked out according budget of expenditure.
7. According the article "Travel expenses abroad" 1121,6 thousand soms were spent, i. e. 80,1 % of required sum. The required sum is 1400 soms according the budget of expenditure.
8. Hiring and transport- maintenance expenses make up 519, 6 thousand soms. 680,4 thousand soms were receive less, i. e. 56,7 %.
9. Public utilities expenses make up 893,3 thousand soms.
10. In 2005 the whole repair expenses of the Ombudsman Institute make up 2000,0 thousand soms.

Official meetings with the Ombudsman (Akyikatchy) of the Kyrgyz Republic and his deputies in 2005.

Meeting of vice - Ombudsmen with Caroline Hamilton, international expert on law and Mrs. Turusbekova, the project officer of UNICEF	13.01.2005 Bishkek
Meeting of vice – Ombudsmen with Mrs. Makeshova, the WWBI official and students of Bishkek universities and collages/	24.01.2005 Bishkek
Meeting of vice Ombudsmen with representatives of SIDA: Mr. Ronald Penton, the project manager, Mrs. Barbro Zimmerlig – Svan, the project coordinator, Mrs. Usenova, the head of Association of independent social workers	27.01.2005 Bishkek
Signing of memorandum of cooperation and mutual understanding between institution of Ombudsman (Akyikatchy) of the Kyrgyz Republic, the Supreme court of the Kyrgyz Republic and Danish Institute for human rights	27.01.2005 Bishkek
Meeting of Mr. Tursunbay Bakir uulu, Ombudsman (Akyikatchy) with Mr. Karapetyan, the legal analyst of OSCE	01.02.2005 Bishkek
Meeting of Mr. Tursunbay Bakir uulu, Ombudsman (Akyikatchy) with Stephen Young, the Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic	04.02.2005 Bishkek
Meeting of Mr. Tursunbay Bakir uulu, Ombudsman (Akyikatchy) with Mr. Baldynyuk, the chargé d'affaires of Ukraine to the Kyrgyz Republic	04.02.2005 Bishkek
Signing of agreement on cooperation between Institution of the Ombudsman (Akyikatchy) and the Consulting public association	04.02.2005 Bishkek
Meeting of Mr. Tursunbay Bakir uulu, Ombudsman (Akyikatchy) with Mr. Peter Burkhard, the Ambassador extraordinary and plenipotentiary of Switzerland to Republic of Uzbekistan and the Kyrgyz Republic	09.02.2005 Bishkek
Meeting of Mr. Tursunbay Bakir uulu, Ombudsman (Akyikatchy) with Oliver Lewis, the legal director of Mental Disability advocacy Center and Mrs. Makenbaeva, executive director of the Mental health and society public association “	11.02.2005 Bishkek
Meeting of Mr. Tursunbay Bakir uulu, Ombudsman (Akyikatchy) with the counselor of the ambassador extraordinary and plenipotentiary Republic of Kazakhstan to the Kyrgyz Republic and Mr. Orozbaev, the 1st secretary of the embassy of Republic of Kazakhstan to the Kyrgyz Republic	11.02.2005 Bishkek
Meeting of Mr. Tursunbay Bakir uulu, Ombudsman (Akyikatchy) with Anna Sunder-Plassmann, the researcher of Southern Caucasia and Central Asia, Amnesty International	11.02.2005 Bishkek
Signing of the memorandum of mutual understanding and advocacy the mental- illd between Institute of the Ombudsman (Akyikachy) of the Kyrgyz Republic, Mental Disability Advocacy Center and of the Mental health and society public association “	11.02.2005

Meeting of Mr. Sher – Niyaz, Vice - Ombudsman with representatives of the One day of voluntary work youth organization, Mr. Ichkeyeva, the representative of the Children protection center	18.02.2005 Bishkek
Meeting of Mr. Sher – Niyaz, Vice - Ombudsman with Katty Gannon, the reporter of Associated Press	25.02.2005 Bishkek
Meeting of Mr. Sher – Niyaz, Vice - Ombudsman with Mr. Knox Thames, the councilor of Helsinki Commission, OSCE	26.02.2005 Bishkek
Meeting of Mr. Sher – Niyaz, Vice - Ombudsman with Mr. Jerome Sorg, the head of mission of International Red Cross and Mr. Jaminki, the head of prison department, International Red Cross	23.03.2005 Bishkek
Meeting of Mr. Tursunbay Bakir uulu, Ombudsman (Akyikatchy) of the Kyrgyz Republic with Mr. Herbert Herzog, the consultant of project “The legal assistance to rural people”, Swiss office of cooperation.	23.03.2005 Bishkek
Meeting of Mr. Tursunbay Bakir uulu, Ombudsman (Akyikatchy) of the Kyrgyz Republic with Mr. Stephen Young, the Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic	05.04.2005 Bishkek
Meeting of Mr. Tursunbay Bakir uulu, Ombudsman (Akyikatchy) of the Kyrgyz Republic with Mr. Hideto Watanabe, the 2nd secretary of the Embassy of Japan to the Kyrgyz Republic.	11.04.2005 Bishkek
Meeting of Mr. Tursunbay Bakir uulu, Ombudsman (Akyikatchy) of	11.04.2005

the Kyrgyz Republic with Mr. Hansen and Mrs. Theresia Pederson, the representatives of the Danish institute for human rights	Bishkek
Meeting of Mr. Tursunbay Bakir uulu, Ombudsman (Akyikatchy) of the Kyrgyz Republic with Mrs. Acacia Shields, the senior researcher of Central Asia, Human Rights Watch and Mr. Petrov, the Moscow branch manager, Human Rights Watch	12.04.2005 Bishkek
Meeting of Mr. Tursunbay Bakir uulu, Ombudsman (Akyikatchy) of the Kyrgyz Republic with Mrs. Nedergord – Gostischeva, the manager of project, Danish Church Assistance	26.04.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikatchy) of the Kyrgyz Republic with students and teachers of Bishkek's collages: Kyrgyz state pedagogic university under I. Arabaev Kyrgyz state mining university international university of Kyrgyzstan Kyrgyz national university under J. Balasagyn Kyrgyz state institute of physical training Kyrgyz state university of architecture and building Kyrgyz agrarian university under K. Skryabin Bishkek humanitarian university under K. Karasaev Bishkek state university of economics and business Academy of management under the President of the Kyrgyz Republic	28.04.2005 – 30.04.2005 Bishkek

Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic with the delegation of inter-Parliamentary assembly of the CIS at the head of Mr. Torshin, the deputy of chairperson, Federation of the federal assembly of the Russian Federation and Mr. Krotov, the secretary general of inter-Parliamentary assembly of the CIS	13.05.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic with students and teachers of Bishkek's collages: Bishkek academy of finances and economics under A. Toktonaliev Kyrgyz state institute of arts kyrgyz technical university under I. Razakov,	18.05.2005 Bishkek
Ombudsman (Akyikachy) of the Kyrgyz Republic took part at the youth forum "The student's ombudsman in the collages"	23.05.2005 Kyrgyz national university under J. Balasagyn Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic with Mr. Jeffrey Lilley, the country director, International republican institute	23.05.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic with Mr. Tsoi, the representative of the International Atatürk Alatau university	24.05.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic with Mrs.. Pedersen, the programme manager of Central Asian partner programme, Danish institute for human rights	29.05.2005 Bishkek
Meeting of Vice Ombudsmen with Mr. Alojz Peterle, the European minister, OSCE and Mr. Mitja Močnik, the assistant to the personal representative of the OSCE, chairman in – office for Central Asia	31.05.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic with Mr. Franz Eichinger, the ambassador extraordinary and plenipotentiary of the Federative Republic of Germany to the Kyrgyz Republic	02.06.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic with Mr. Heinz Rudolf von Rohr, the long term observer, OSCE/ODIHR	02.06.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic with Mr. Mitchell, the consultant of National democratic institute	04.06.2005 Bishkek
Participation of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic in teachers' republic conference "Access to the general education"	05.06.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic with Mr. Lillian Darii, political officer, OSCE	08.06.2005 Bishkek

Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic with Mr. Jacob Kirkemann Hansen, the coordinator of Central Asian project, Danish institute for human rights	08.06.2005 Bishkek
Participation of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic in round table "Human rights and choices: problems, priorities and initiatives"	10.06.2005 Bishkek
Meeting of Mr. Sher – Niyaz, Vice Ombudsmen with Mr. Kjetil Hestad, the programme expert, police training issues, OSCE	28.06.2005 Bishkek
Participation of Mr. Sher – Niyaz, the Ombudsman's deputy in round table "Legitimacy of election process: judicial, sociological and political aspects"	04.07.2005 Bishkek
Meeting of Mr. Sher – Niyaz, Vice Ombudsman with Mr. Kjetil Hestad, the programme expert, police training issues, OSCE	01.07.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic with Mr. Robert Templer, the manger of Asian programme, International crisis group, Mr. Michael Hall, the manager of Central Asian project, International crisis group	13.07.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic with Mr. Stephen Young, the ambassador extraordinary and plenipotentiary of the United States of America to the Kyrgyz Republic	13.07.2005 Bishkek
Meeting of Mr. Sher – Niyaz, Vice Ombudsman with Mr. Kjetil Hestad, the programme expert, police training issues, OSCE	27.07.2005 Bishkek
Meeting of Mr. Sher – Niyaz, Vice Ombudsman with Mrs. Marjorne Farquharson, the representative Amnesty International	29.07.2005 Bishkek
Meeting of Vice Ombudsmen with Mr. Alexander Gupman, the reppresentive of Freedom House headquarter and Mr. Stuart Kahn, the programme manager for Kyrgyzstan, Freedom House, the Human rights activists' support project	02.08.2005 Bishkek
Participation of Mr. Sher – Niyaz, Vice Ombudsman in the round table in the network of the project " Civilian education for teachers"	03.08.2005 IWPR resource center Bishkek
Meeting of Mr. Momunov, Vice Ombudsman with specialists of democratic development department and humanitarian aid office, USAID/Washington, USAID/Central Asia: Mr. Michael Miklaucic Mrs. Susan Fertig-Dykes, Mr. William Baker Mr. Mark Hannafin	05.08.2005 Bishkek
Participation of Mr. Sher – Niyaz, Vice Ombudsman in the conference "Set-up of police ombudsman in the Kyrgyzstan"	17.08.2005 OSCE academy Bishkek
Meeting of Vice Ombudsman with Mr. Kjetil Hestad, the programme expert, police training issues, OSCE and Mr. Yusupov, the Soros Foundation Kyrgyzstan	22.08.2005 Bishkek

Participation of Mr. Sher – Niyaz, Vice Ombudsman in the conference "Reforms of election process in the Kyrgyz Republic"	25.08.2005 Bishkek
Meeting of Vice Ombudsman with Mr. Michael Knight, independent expert, journalist, USA	29.08.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, the Ombudsman (Akyikachy) of the Kyrgyz Republic, Mr. Sher – Niyaz, Vice Ombudsman with Mr. Luitgard Hammerer, Europe programme director, Global campaign for free expression. Article 19	08.09.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic with Mr. Oliver Lewis, the director of Mental health disability centre and Mrs. Makenbaeva, the executive director, the Mental health and society public association	08.09.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic with Mr. Karsten Schönfeld, the deputy of Bundestag of Germany	14.09.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic with Mr. Gollyam Reza Bageri, the ambassador extraordinary and plenipotentiary of the Islamic Republic of Iran to	19.09.2005 Bishkek

the Kyrgyz Republic	
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikatchy) of the Kyrgyz Republic with Mr. Leandro Despouy, the special rapporteur of the Commission on human rights on the independence of judges and lawyers, office of the High Commissioner for human rights	20.09.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikatchy) of the Kyrgyz Republic with Mrs. Marie L. Yovanovitch, the ambassador extraordinary and plenipotentiary of United States of America to the Kyrgyz Republic	20.09.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikatchy) of the Kyrgyz Republic with Mrs. Charlotte Flindt Pedersen, the programme manager of Central Asian partner programme, Danish institute for human rights	29.09.2005 Bishkek
Signing of memorandum on cooperation and mutual understanding between Institute of Ombudsman of the Kyrgyz Republic and ITCS	30.09.2005 Bishkek
Meeting of Mr. Momunov, Vice Ombudsman with Mrs. Chikunova, the coordinator – in – chief, the Mothers against death penalty and torture non – governmental organization, the Republic of Uzbekistan	11.10.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikatchy) of the Kyrgyz Republic with Mr. Jonathan Littell, the representative of Action against hunger, USA	18.10.2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikatchy) of the Kyrgyz Republic with Mr. Jacob Kirkemann Hansen, the coordinator of Central Asian project, Danish institute for human rights.	18. 10. 2005 Bishkek

Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikatchy) of the Kyrgyz Republic with Mr. David Hunsicker, the religion, state and society expert, USAID	20. 10. 2005 Bishkek
Meeting of Mr Tursunbay Bakir uulu, Ombudsman (Akyikatchy) of the Kyrgyz Republic with Mr. Piet de Klerk, the ambassador at large for human rights, the Netherlands, Mr. Peter van Leeuwen, the ambassador of the Netherlands to the Republic Kazakhstan and the Kyrgyz Republic	11. 11. 2005 Bishkek
Meeting of Mr. Momunov, Vice Ombudsman with Mrs. Acacia Shields, , the senior researcher of Central Asia, Human Rights Watch and Mrs. Jane Buchanan, the consultant for Central Asia, Human Rights Watch	14. 11. 2005 Bishkek
Meeting of Vice Ombudsman with Mrs. Ryskulova, the chair person of the State committee for migration and employment of the Kyrgyz Republic	25.11.2005 Bishkek
Meeting of Mr. Sher – Niyaz, Vice Ombudsman with Mr. Fabrissi Vielmini, the Human dimension officer, OSCE	05.12.2005 Bishkek
Meeting of Mr. Sher – Niyaz, Vice Ombudsman with Mr. Oskar Lehner, the international project manager advisor UNDP project “Support to democratic elections in the Kyrgyz Republic”	12.12.2005 Bishkek
Present of diplomas to the winners of “Me and my rights” competition by Mr Tursunbay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic	14.12.2005 Bishkek
Meeting of the Ombudsman of the Kyrgyz Republic with students and teachers of AUCA	14.12.2005 AUCA Bishkek

Participation in the international and regional human rights conferences and seminars in 2005

Participation of Mr. Sher – Niyaz, Vice Ombudsman in the regional conference "Legal adjustment of freedom of association and peaceful meetings in Central Asia: problems and prospects"	30.03.2005 – 01.04.2005 Almaty Republic of Kazakhstan
Participation of the representative of Ombudsman Institute of the Kyrgyz Republic in the 5th UNDP international roundtable for Ombudsman institutions in the ECIS region	10.05.2005 – 15.05.2005 Karlovy Vary Czech Republic
Participation of Mr. Tursubay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic in the international conference " Human rights monitoring in Russia and CIS in tendency of liberalization and humanization at the beginning of 21st century"	31.05.2005 – 01.06.2005 Moscow Russian Federation
Visit the office of human rights commissioner of Moscow oblast in the network of experience - exchange programme.	01.08.2005 – 10.08.2005 Moscow Russian Federation
Participation of Mr. Momunov, Vice Ombudsman in the human dimension implementation meeting, OSCE/ODIHR	22.09.2005 – 30.09.2005 Warsaw Poland
Participation of Mr. Tursubay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic in the General extraordinary meeting of European Ombudsman Institute.	24.09.2005 – 26.09.2005 Vilnius Republic of Lithuania
Participation of Mr. Sher – Niyaz Vice Ombudsman in the 5th international round table for Ombudsman institutions in Europe and the CIS	28.11.2005 – 30.11.2005 Prague Czech Republic
Participation of Mr. Tursubay Bakir uulu, Ombudsman (Akyikachy) of the Kyrgyz Republic in the 9th Asian ombudsman association conference	28.11.2005 – 01.12.2005 Hong Kong Peoples Republic of China
Participation of the representative of Ombudsman Institute of the Kyrgyz Republic in the Round table meeting on national human rights institutions and economic, social and cultural rights	29.11.2005 – 01.12.2005 New – Delhi Republic of India
Participation of the representatives of Ombudsman Institute of the Kyrgyz Republic in the seminar dedicated to the 55th anniversary of adopting European Convention for human rights	8.12.2005 – 12.12.2005 Baku Republic Azerbaijan