

# Kyrgyz Republic

## Law

### On Ombudsman (Akyikatchy) of the Kyrgyz Republic

#### Chapter I. General provisions:

Article 1. Control by the Ombudsman (Akyikatchy) over execution of the constitutional human and civil rights and freedoms.

Article 2. Area of application of this law.

Article 3. Goals of the control by the Ombudsman (Akyikatchy) over execution of the constitutional human and civil rights and freedoms.

#### Chapter II. Principles for the election and dismissal of the Ombudsman (Akyikatchy):

Article 4. Requirements for a candidate for the position of Ombudsman (Akyikatchy) and election of the Ombudsman (Akyikatchy).

Article 5. The oath.

Article 6. Legal status of the Ombudsman (Akyikatchy).

Article 7. Early termination of powers of the Ombudsman (Akyikatchy).

#### Chapter III. Powers of the Ombudsman (Akyikatchy):

Article 8. Rights of the Ombudsman (Akyikatchy).

Article 9. Duties of the Ombudsman (Akyikatchy).

Article 10. Procedure for consideration of petitions and grievances.

Article 11. Reports by the Ombudsman (Akyikatchy).

#### Chapter IV. Responsibility of bodies of the state power and their officials:

Article 12. The obligation of agencies concerned to facilitate.

Article 13. Responsibility of bodies of the state power and respective staff.

#### Chapter V. Arrangements for activities of the Ombudsman (Akyikatchy):

Article 14. Office of the Ombudsman (Akyikatchy).

Article 15. Remuneration.

Article 16. Funding for activities of the Ombudsman (Akyikatchy).

Article 17. On effectiveness of this Law.

Passed by the Legislative Assembly of the  
Jogorku Kenesh of the Kyrgyz Republic on June 25, 2002

This Law shall determine the area of competence, the format and the mode of conducting activities, as well as the procedure for election and dismissal of the Ombudsman (Akyikatchy) of the Kyrgyz Republic.

#### Chapter I. General provisions

Article 1. Control by the Ombudsman (Akyikatchy) over execution of the constitutional human and civil rights and freedoms.

Control over execution of the constitutional human and civil rights and freedoms in the territory of the Kyrgyz Republic to the extent of its jurisdiction shall be exercised by the Ombudsman (Akyikatchy) of the Kyrgyz Republic who shall be guided in her/his activities by the Constitution, this law as well as other laws of the Kyrgyz Republic, international agreements and treaties ratified by the Kyrgyz Republic, as well as universally recognized principles and standards of the international law.

## Article 2. Area of application of this law

This law shall apply to the relations arising through the implementation of human and civil rights and freedoms only between a citizen of the Kyrgyz Republic, regardless of his/her location, a foreign citizen or a stateless person in the territory of the Kyrgyz Republic and bodies of the public administration, local government and officials thereof.

Article 3. Goals of the control by the Ombudsman (Akyikatchy) over execution of the constitutional human and civil rights and freedoms.

The goal for the control by the Ombudsman (Akyikatchy) is as follows:

- 1) protection of human and civil rights and freedoms, pronounced in the Constitution of the Kyrgyz Republic and laws of the Kyrgyz Republic, international agreements and treaties ratified by the Kyrgyz Republic;
- 2) compliance with and respect to the human and civil rights and freedoms on the part of entities, mentioned in the article 2 of this law;
- 3) prevention of violations of human and civil rights and freedoms or assistance in the recovery of rights and freedoms;
- 4) assistance in harmonizing the legislation of the Kyrgyz Republic on the human and civil rights and freedoms with the Constitution of the Kyrgyz Republic and international standards in this area;
- 5) improvement and further development of the international cooperation in the area of protection of human and civil rights and freedoms;
- 6) prevention of any forms of discrimination against execution of rights and freedoms by an individual;
- 7) promotion of legal information among the population and protection of the confidential information about private persons.

## Chapter II. Principles for the election and dismissal of the Ombudsman (Akyikatchy)

Article 4. Requirements for a candidate for the position of Ombudsman (Akyikatchy) and election of the Ombudsman (Akyikatchy)

1. Any citizen of the Kyrgyz Republic may be elected as the Ombudsman (Akyikatchy).
2. A person convicted for commitment of a crime may not be elected as the Ombudsman (Akyikatchy) unless such conviction has been discharged or removed in accordance with the law.
3. The President of the Kyrgyz Republic, factions of deputies, groups of deputies of the Legislative Assembly and the Assembly of People's representatives of the Jogorku Kenesh of the Kyrgyz Republic that consist of at least 7 persons who are not members of any faction, as well as political parties and civil associations shall have the right to make nominations for a position of the Ombudsman (Akyikatchy) of the Kyrgyz Republic to the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic.

Committee of the Jogorku Kenesh of the Kyrgyz Republic for human rights shall draw up a reasonable opinion on every nominee for the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic.

4. The Ombudsman (Akyikatchy) shall be elected for the position by the Legislative Assembly of the Kyrgyz Republic by secret vote through submission of bulletins.
5. Deputies shall vote separately for each candidate for a position of the Ombudsman (Akyikatchy).
6. The Ombudsman (Akyikatchy) shall be considered as elected if the candidate has received the simple majority vote of the deputies of the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic.

7. If more than one candidate has received enough votes to be elected but the winner may not be established due to the same number of votes cast for each candidate, the deputies shall vote for several such candidates at the same time whereas the candidate who gets more votes shall be considered as elected. In case of equal distribution of votes the procedure of election shall be repeated until the Ombudsman (Akyikatchy) is elected.

8. If none of the candidates has received enough votes to be elected, then second election is made not earlier than 7 days and not later than 14 days after the time of the original election.

9. One and the same candidate may be nominated only twice within the same round of election.

10. The Ombudsman (Akyikatchy) shall be elected at least 30 days prior to the expiration of the term of the previous Ombudsman (Akyikatchy) in the office.

11. In case of earlier termination of powers of the Ombudsman (Akyikatchy) for reasons stated in the article 7 of this Law, election of a new Ombudsman (Akyikatchy) must be appointed within 1 month.

12. Upon expiration of the term, the Ombudsman (Akyikatchy) shall stay in the office until inauguration of the successor.

13. The Ombudsman (Akyikatchy) of the Kyrgyz Republic shall be elected for a term of five years.

14. One and the same person may not act as the Ombudsman (Akyikatchy) for more than two terms running.

15. The Ombudsman (Akyikatchy) of the Kyrgyz Republic shall not have more than three deputies. Deputies shall be appointed by the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic upon nomination by the Ombudsman (Akyikatchy).

#### Article 5. The oath

1. At the inauguration, the Ombudsman (Akyikatchy) shall take the following oath at the joint session of the Legislative Assembly and the Assembly of People's Representatives of the Jogorku Kenesh of the Kyrgyz Republic:

"I, (name), taking the position of the Ombudsman (Akyikatchy) swear to perform my duties honestly and faithfully, to obey to the Constitution and laws of the Kyrgyz Republic and to be guided by justice and my own conscience. I commit myself to act in the independent, responsible and integral way, in the interest of human and civil rights and freedoms.

2. The Ombudsman (Akyikatchy) shall be considered as the holder of the office after taking the oath.

#### Article 6. Legal status of the Ombudsman (Akyikatchy)

1. The Ombudsman (Akyikatchy) shall be independent from any bodies of the public administration or officials. Interventions into activities of the Ombudsman (Akyikatchy) or any influence upon the Ombudsman (Akyikatchy) shall be prohibited and entail responsibility in accordance with the legislation of the Kyrgyz Republic.

2. Introduction of the martial law or the emergency situation throughout the territory of the Kyrgyz Republic shall not result in the termination, limitation or the suspension of the duties of the Ombudsman (Akyikatchy).

3. The Ombudsman (Akyikatchy) shall have immunity throughout the whole term in the office and within 24 months after expiration of the term in the office. The Ombudsman (Akyikatchy) may not be arrested, may not be subject to legal proceedings, penalty, persecution or trial on account of his/her opinion formulated, or the actions performed in connection with professional duties.

4. In other cases and while in the office the Ombudsman (Akyikatchy), without consent of the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic may not be subject to criminal or administrative liability imposed by a court, or retained, arrested, searched, except in case of being caught at the scene of a crime, and may not be subject to a

search or personal examination except in cases stipulated by the legislation of the Kyrgyz Republic for reasons of safety of other people. Immunity of the Ombudsman (Akyikatchy) shall also extend to his/her dwelling and working premises, luggage, personal and official vehicles, correspondence, means of communication and personal documents.

5. In case of arrest of the Ombudsman (Akyikatchy) at the scene of a crime, the arresting official must immediately inform the Office of the General Prosecutor (Procuracy). The Office of the General Prosecutor must notify the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic which must then make a decision and agree with continuation of this procedure of detention. The Ombudsman (Akyikatchy) must be immediately released if the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic has not given its consent with the detention of the Ombudsman (Akyikatchy) within 24 hours.

6. In case the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic has agreed, only the office of the General Prosecutor of the Kyrgyz Republic may start a criminal case in respect of the Ombudsman (Akyikatchy).

7. The status of the Ombudsman (Akyikatchy) shall not be compatible with the mandate of a deputy, political appointment or political activity; with active involvement with bodies of the public administration; membership in a political party or leadership of a political party, membership in a professional union, association or foundation; or employment with such; with legal or fiscal functioning or any kind of professional, commercial or labor activity.

8. In any of the above mentioned cases of incompatibility, the Ombudsman (Akyikatchy) must terminate respective activity or resign within 10 days after being elected as the Ombudsman (Akyikatchy) and prior to taking the office; otherwise, the Ombudsman (Akyikatchy) shall not accept the position.

9. Paragraphs 7 and 8 of this article in respect to the Ombudsman (Akyikatchy) shall also apply to the deputies.

#### Article 7. Early termination of powers of the Ombudsman (Akyikatchy)

Powers of the Ombudsman (Akyikatchy) of the Kyrgyz Republic shall terminate ahead of the schedule in the following cases:

- 1) refusal of the Ombudsman (Akyikatchy) to continue to perform official duties expressed through submission of an application for resignation;
- 2) verdict and conviction of the court in respect to the Ombudsman (Akyikatchy) comes into force;
- 3) decision of the court on recognition of the person that holds the position of the Ombudsman (Akyikatchy) as missing or dead comes into force;
- 4) death of a person that holds the position of the Ombudsman (Akyikatchy);
- 5) breach of the oath by the Ombudsman (Akyikatchy);
- 6) accepting a position or failure to give up activities that are not compatible with the status of the Ombudsman (Akyikatchy) within 10 days after election;
- 7) termination or loss of the citizenship of the Kyrgyz Republic;
- 8) decision of the court on disability of the Ombudsman (Akyikatchy);
- 9) unfaithful, unprofessional or non impartial performance of duties.

The same provisions shall also apply to deputies of the Ombudsman (Akyikatchy).

An ad hoc special commission of the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic must draw up an opinion concerning presence of grounds for an early removal of the Ombudsman (Akyikatchy) from the office which shall be approved by at least two thirds of the total number of members of such commission.

The Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic shall consider the early dismissal of the Ombudsman (Akyikatchy) in presence of grounds as stated in this article and shall make a respective decision by at least 3/4 of votes of the Constitutional number of deputies of the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic.

#### Chapter III. Powers of the Ombudsman (Akyikatchy)

##### Article 8. Rights of the Ombudsman (Akyikatchy)

The Ombudsman (Akyikatchy) of the Kyrgyz Republic shall have the right:

1) to be received without any delay by the President of the Kyrgyz Republic, Toraga (Speaker) of the Legislative Assembly and the Toraga of the Assembly of People's Representatives of the Jogorku Kenesh of the Kyrgyz Republic, the Prime Minister of the Kyrgyz Republic and members of the Government of the Kyrgyz Republic, by Chief Justices of the Constitutional Court, Supreme Court and the Supreme Court of Arbitration of the Kyrgyz Republic, Prosecutor General of the Kyrgyz Republic, commanders of the Military forces of the Kyrgyz Republic, administrations of penitentiary facilities, heads of other bodies of public administration, bodies of the local government, civil associations, enterprises, institutions, organizations regardless of the ownership and respective officials.

2) to attend sessions of the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic and Assembly of People's Representatives of the Jogorku Kenesh of the Kyrgyz Republic, meetings of the Government of the Kyrgyz Republic, sessions of the Constitutional Court, Supreme Court and the Supreme Court of Arbitration of the Kyrgyz Republic, Board of the Office of the Prosecutor General of the Kyrgyz Republic and other boards.

3) to appeal to the Constitutional Court of the Kyrgyz Republic with the statement concerning the compliance of laws of the Kyrgyz Republic, other normative and legislative acts of the Jogorku Kenesh of the Kyrgyz Republic, acts of the President of the Kyrgyz Republic, and the Government of the Kyrgyz Republic concerning the human and civil rights.

4) to appeal to the Legislative Assembly and the Assembly of People's Representatives of the Jogorku Kenesh of the Kyrgyz Republic with a petition concerning the official interpretation of the Constitution and the legislation of the Kyrgyz Republic.

5) to visit without any obstacles the bodies of public administration, bodies of the local government, enterprises, institutions, organizations regardless of their ownership, as well as military units;

6) to inquire and obtain from state bodies, local self - government, enterprises, organizations and institutions, as well as civil associations and political parties any information, materials and documents concerning issues that must be clarified in a course of consideration of an application or a complaint.

7) to have access to information, associated with official, commercial or state secrets (classified information) through the procedure established by the legislation of the Kyrgyz Republic;

8) require that officials of bodies of the state, local government, enterprises and institutions, as well as organizations regardless of their ownership, should facilitate inspections of enterprises, institutions and organizations they control or run, and provide experts to participate in inspections, evaluations in order to make respective experts' opinions.

9) to invite officials, citizens of the Kyrgyz Republic, foreign citizens and stateless persons to provide clarifications orally or in writing concerning any circumstances considered in a case;

10) to visit, at any time, places for detention of people, places of pre-court detention, penitentiary facilities, correction and treatment facilities, psychiatric hospitals, and to interview detainees, as well as to collect information concerning conditions of detention and check documents that provide grounds for detention in such facilities.

11) to attend sessions of courts of any instance, including trials with restricted access provided the party for which the trial has been announced "closed" agrees.

12) to appeal to the court for protection of human and civil rights and freedoms of citizens who are not able to do the same for reasons of health or otherwise, and to attend trials in person or through a representative in cases and through the procedure established by law;

13) to study criminal and civil cases in the court, as well as cases of administrative violations, in respect to which decisions of the court have already been made and become effective, as well as cases and materials, rejected by the court.

14) to forward acts of response by the Ombudsman (Akyikatchy) to respective bodies in case of identification of any violations of the human and civil rights and freedoms, which must take appropriate measures;

15) to check how respective bodies of the state, including law enforcement and investigative agencies comply with the established human and civil rights and freedoms.

16) to control any branch of power in respect to cases where final decisions have already been made. To perform the official duties the Ombudsman (Akyikatchy) shall have the access to facilities used by the military forces and state guards service.

17) to hear out officials, responsible for cases under consideration or any staff member of the body that conducts the investigation and may demand an investigation to be conducted by authorities of a body under examination or by the head of the supervisory board and any other body empowered to conduct such investigation by the law.

#### Article 9. Duties of the Ombudsman (Akyikatchy)

1. The Ombudsman (Akyikatchy) must follow the Constitution of the Kyrgyz Republic, this and other laws of the Kyrgyz Republic, other normative and legal acts, human and civil rights and interests protected by law, exercise the functions vested and enjoy the rights granted to the full extent.

2. The Ombudsman (Akyikatchy) must keep the information confidential. This obligation shall apply also after expiration of the term in the office. In case of disclosure of confidential information the Ombudsman (Akyikatchy) shall be liable in accordance with the law. The Ombudsman (Akyikatchy) shall not have the right to disclose any information concerning the private life of a petitioner and other persons related to the petitioner without their consent.

3. The Ombudsman (Akyikatchy) must inform the petitioner on results of the consideration of his/her petition (complaint) in accordance with the procedure established by the Law "On consideration of proposals, petitions and complaints from citizens".

#### Article 10. Procedure for consideration of petitions and grievances

1. The Ombudsman (Akyikatchy) shall consider petitions and grievances of citizens of the Kyrgyz Republic, foreign citizens in the territory of the Kyrgyz Republic as well as stateless persons or their representatives, NGOs, concerning actions taken by bodies of the state, local self-government, public and non public bodies, institutions, enterprises and their officials, or their acts in violation of rights and freedoms established by the legislation of the Kyrgyz Republic, international agreements and treaties, ratified by the Kyrgyz Republic.

Citizenship, race and nationality, religion or political beliefs, location, gender, age or lack of powers of a person, internment or isolation, or any other special arrangement of subordination or dependence from the administration or state power may serve as an obstacle.

The Ombudsman (Akyikatchy) shall perform duties on the basis of information on violation of human and civil rights and freedoms collected from statements by deputies of the Jogorku Kenesh of the Kyrgyz Republic or through own initiative.

2. The Ombudsman (Akyikatchy) shall consider any petitions and grievances only in case the petitioner questions a decision made by authorities, body of administration or court that has come into force, and in case such petitions or grievances concern the breaches of human and civil rights and freedoms.

3. The Ombudsman (Akyikatchy) shall have the right to refuse to consider petitions or grievances in respect to which the Ombudsman (Akyikatchy) has already made a decision before, unless new circumstances arise.

4. The Ombudsman (Akyikatchy) shall not consider cases under complaints which already are subject to legal proceedings and shall terminate any actions if petitioner submits the complaint or appeal to the court of the Constitutional court. In any case the Ombudsman (Akyikatchy) shall make sure the respective administrative body considers properly submitted petitions and appeals within certain period of time.

5. Bodies of the state power may not submit complaints to the Ombudsman (Akyikatchy) concerning cases under their competence.

6. Consideration of a petition or a grievance by the Ombudsman (Akyikatchy) may not be an obstacle to the consideration of similar petition or complaints by a respective international agency.
7. Petitions, grievances and letters sent to the Ombudsman (Akyikatchy) by persons detained in the penitentiary facilities, pre-trial detention facilities and in other places of restricted freedom shall be kept confidential and may not be previewed or censored; such messages must be immediately delivered to the Ombudsman (Akyikatchy).
8. Conversations between the Ombudsman (Akyikatchy) or representatives of the Ombudsman (Akyikatchy) and persons mentioned in the previous paragraph may not be monitored or subject to interference.
9. Petitions shall be submitted to the Ombudsman (Akyikatchy) in writing within one year after discovery of a breach of human and civil rights and freedoms. Under exceptional circumstances this deadline may be prolonged by the Ombudsman (Akyikatchy) for not more than two years.
10. Any grievance must be signed by a party concerned, indicating the name, last name and address of a person and must have a format of a reasonable letter, using ordinary paper and must be submitted within a period of time, indicated in the previous paragraph of this article.
11. No state duty shall be imposed upon petitions or complaints.
12. Services by the Ombudsman (Akyikatchy) shall be delivered to parties concerned free of charge.
13. The Ombudsman (Akyikatchy) shall register collected grievances and issue receipts against grievances that may be then accepted for consideration or rejected. In case of rejection, the Ombudsman (Akyikatchy) provides grounds for rejection in a letter, informing the party concerned about better options for consideration of a case, if there are any to the belief of the Ombudsman (Akyikatchy), without preventing the party concerned from taking any actions deemed optimal.
14. The Ombudsman (Akyikatchy) shall not consider anonymous grievances and shall have the right to reject those grievances in which he/she finds lack of conscientiousness, reason, claims, or other complaints, consideration of which may damage lawful rights of third parties. Decisions of the Ombudsman (Akyikatchy) may not be appealed.
15. Upon receipt of a petition or complaint the Ombudsman (Akyikatchy) shall make a decision to start an investigation.
16. The Ombudsman (Akyikatchy) shall inform the state body, official or a legal entity, the action or act of which has been subject to a complaint, on such a decision to allow them to submit a written report within 15 days. This deadline may be extended if the Ombudsman (Akyikatchy) believes there are circumstances that make it reasonable.
17. Refusal or negligence on the part of a public official or authorities in relation to submission of a report required may be considered by the Ombudsman (Akyikatchy) as actions aimed against performance of duties of the Ombudsman (Akyikatchy). This fact shall be immediately publicized and mentioned in the annual or special report.
18. Rejection of consideration of a petition must be well grounded.

#### Article 11. Reports by the Ombudsman (Akyikatchy)

1. Before April the 1st of each year the Ombudsman (Akyikatchy) shall present an annual report to the Legislative Assembly and Assembly of People's Representatives of the Jogorku Kenesh of the Kyrgyz Republic covering the period , of time from January 1 through December 31 of the previous year, concerning the situation of human and civil rights and freedoms in the Kyrgyz Republic, bodies of the state power, local self - government, institutions, enterprises and organizations regardless of their ownership and their officials that have violated human and civil rights and freedoms through their actions (lack of action), as well as draw backs of the legislation on protection of rights and freedoms of a human being and a citizen.
2. In the annual report, the Ombudsman (Akyikatchy) shall indicate the number and the nature of grievances received, including those rejected complaints (indicating reasons for rejection) as well as complaints that have been dealt with.

The report shall contain a description of consideration of individual cases that the Ombudsman (Akyikatchy) may consider to be of common interest and lists those cases which allowed to identify draw backs in the system of legislation, in the administrative regulations or the administrative practices. The Ombudsman (Akyikatchy) may also prepare special reports concerning such cases.

3. In the annual report the Ombudsman (Akyikatchy) shall name the bodies of the state power and local self - government, officials and legal entities that have violated human and civil rights and freedoms, and have not followed recommendations of the Ombudsman (Akyikatchy) for the rehabilitation of such rights.

4. Annual report by the Ombudsman (Akyikatchy) must contain general evaluations, conclusions and recommendations for the protection of human rights and freedoms in the country.

5. If the Ombudsman (Akyikatchy) considers a grievance unreasonable the report shall not include the name of a person who has submitted a complaint or the official against who the complaint has been lodged. If the Ombudsman (Akyikatchy) considers necessary, he/she may not include names from other cases either. This report may not contain any state, commercial or industrial confidential information. The Ombudsman (Akyikatchy) shall also make sure that information that must be kept confidential is not included into the report.

6. Report by the Ombudsman (Akyikatchy) shall be accompanied with an attachment that contains the budget execution statement for a reported period.

7. The Ombudsman (Akyikatchy) shall present the information personally at the sessions of chambers of the Jogorku Kenesh of the Kyrgyz Republic, while factions of deputies may speak to establish their own opinion of the report.

8. If necessary the Ombudsman (Akyikatchy) may present a special report to the Legislative Assembly and Assembly of People's Representatives of the Jogorku Kenesh of the Kyrgyz Republic concerning special issues of the situation with the human and civil rights and freedoms in the Kyrgyz Republic.

9. The Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic shall draw up a resolution concerning the annual report or special report by the Ombudsman (Akyikatchy) that must be approved by the Assembly of People's Representatives of the Jogorku Kenesh of the Kyrgyz Republic through ordinary majority vote.

#### Chapter IV. Responsibility of bodies of the state power and their officials

##### Article 12. The obligation of agencies concerned to facilitate

1. All bodies of the state power shall be obliged to provide assistance to the Ombudsman (Akyikatchy) in the investigations and inspections as matter of emergency and priority.

2. At the stage of verification of a complaint and during investigation, or at the time of taking actions in line with the official duties, the Ombudsman (Akyikatchy), deputies or representatives may personally visit any body of the state, enterprise or an organization and study any information required, interview officials, as necessary and examine any documentation required.

3. Due to the above said, bodies of the state power may not deny access to any document of administrative nature which may be related to the activities or services subject to an investigation.

4. If complaint under consideration questions the conduct of public officials in respect to the actions taken, the Ombudsman (Akyikatchy) shall notify on that the persons concerned and their immediate supervisors or authorities.

5. The Ombudsman (Akyikatchy) may want to verify documents presented and suggest to interview involved public officials in order to obtain additional information. If officials refuse to be interviewed, the Ombudsman (Akyikatchy) may require to present their decision in writing, indicating reasons for refusal.

6. Any information obtained from officials or staff of a body of the state power as a result of a personal interview that may entail negative consequences for such person within the course of the investigation shall be kept confidential, which is not in contradiction to the law on legal proceedings concerning establishment of facts that have features of a crime.



#### Article 13. Responsibility of bodies of the state power and respective staff

1. Creating obstacles to performance of duties by the Ombudsman (Akyikatchy) or investigation conducted by the Ombudsman (Akyikatchy) on the part of any body of the state or its officials may be a subject of a special report and may be mentioned in a respective part of the annual report.
2. In case of any obstacles to an investigation conducted by the Ombudsman (Akyikatchy) on the part of an official of a body of the state, or in case of a refusal or neglect to present a report required by the Ombudsman (Akyikatchy), as well as any acts or administrative documents required for purposes of the investigation, the Ombudsman (Akyikatchy) shall appeal to the Prosecutor General to take appropriate measures.

#### Chapter V. Arrangements for activities of the Ombudsman (Akyikatchy)

##### Article 14. Office of the Ombudsman (Akyikatchy)

1. The Ombudsman (Akyikatchy) shall approve the Regulation that describes in detail the arrangements and mode of activities of the Ombudsman (Akyikatchy)
2. Working staff of the Ombudsman (Akyikatchy) shall be established to support performance of duties of the Ombudsman (Akyikatchy) The structure, procedures and arrangements for the staff shall be determined by the Ombudsman (Akyikatchy) of the Kyrgyz Republic.

##### Article 15. Remuneration

A person that holds the position of the Ombudsman (Akyikatchy) shall be paid the same remuneration and funds to cover costs as the Toraga (speaker) of the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic.

##### Article 16. Funding for activities of the Ombudsman (Akyikatchy)

1. Activities of the Ombudsman (Akyikatchy) and office of the Ombudsman (Akyikatchy) shall be financed from the republic budget.
2. The annual budget of the republic shall have a separate line for financing activities of the Ombudsman (Akyikatchy) and the office of the Ombudsman (Akyikatchy). Amount shall be determined by the Jogorku Kenesh of the Kyrgyz Republic upon proposal by the Ombudsman (Akyikatchy).
3. The Ombudsman (Akyikatchy) shall independently develop and execute the budget.
4. Activities of the Ombudsman (Akyikatchy) and his/her office may also be financed at the expense of funding from other states and international organizations under agreements (treaties) made by the Kyrgyz Republic or the Ombudsman (Akyikatchy), or other sources that are not in contradiction to the legislation of the Kyrgyz Republic.
5. Financial statements shall be presented by the Ombudsman (Akyikatchy) in accordance with the procedures set by the legislation of the Kyrgyz Republic.

##### Article 17. On effectiveness of this Law.

1. This law becomes effective as of the day of publication.
2. The Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic must set the date of the election of the first Ombudsman (Akyikatchy) of the Kyrgyz Republic in accordance with the procedure established in the article 4 of this Law, at least one month before expiration of the year during which this law has become effective.
3. The Government shall present the following to the Jogorku Kenesh of the Kyrgyz Republic within three months after approval of this Law:

" Proposals for bringing the current legislation into the line with this Law.

" Solution to organizational and technical issues related to the introduction of the institute of the Ombudsman (Akyikatchy) in the Kyrgyz Republic.

President of the Kyrgyz Republic

A. Akayev