

**MEMORANDUM OF UNDERSTANDING
ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS**

MEMORANDUM OF UNDERSTANDING ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The Akyikatchy (Ombudsman) of the Kyrgyz Republic

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Prosecutor General's Office

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Ministry of Health

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Ministry of Justice

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NGO "Ventus"

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NGO “Luch Solomona”

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NGO “Youth Human Rights Defenders Group”

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NGO “Independent Human Rights Group”

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NGO “Soyuz Yedineniya”

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NGO “Spravedlivost”

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NGO “Egl”

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(Hereinafter: “the Signatory Parties”)

- *Being based on the Memorandum of Understanding between the Organization for Security and Co-operation in Europe and the Government of the Kyrgyz Republic on the establishment of the OSCE Centre in Bishkek as of 3 December 1998;*
- *Determined to support the implementation by the Kyrgyz Republic of existing international human rights obligations, including the applicable OSCE human dimension commitments;*
- *Inspired by the provisions of the Constitution of the Kyrgyz Republic approved by national referendum on 27 June 2010, the UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, signed on 10 December 1984, and the Optional Protocol to the Convention, ratified by the Kyrgyz Republic on 29 December 2008 (Law no. 52 of 5 April 2008);*
- *Convinced that the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment can be strengthened by non-judicial means of a preventive nature, based on unannounced regular visits to places of detention;*
- *Welcoming the willingness of the Ombudsman of the Kyrgyz Republic, the Prosecutor General's Office, the Ministry of Interior, the Ministry of Health, the Ministry of Justice (hereinafter "Government Bodies") and of nongovernmental organizations to cooperate in improving the human rights situation in the Kyrgyz Republic, including the area of torture prevention, with assistance of the OSCE Centre in Bishkek, the Freedom House Project "Strengthening Human Rights in Kyrgyzstan", and the Soros Foundation Kyrgyzstan.*

Within the boundaries of their respective mandates, the Parties decide to set out the framework for their future cooperation in the following Memorandum:

Article 1

In line with the mandate provided by the Constitution and Laws of the Kyrgyz Republic, Government Bodies undertake to:

1. Establish and maintain regular cooperation with nongovernmental organizations actively working on issues pertaining to the protection of human rights and fundamental freedoms in the Kyrgyz Republic;
2. Actively participate in initiatives aimed at building their capacity in addressing human rights issues, organized by local or regional human rights organizations, the OSCE, Freedom House, and Soros Foundation Kyrgyzstan or other international organizations;
3. With the aim of strengthening the protection of persons deprived or limited in their freedom from torture and other cruel, inhuman or degrading treatment or punishment, actively engage in monitoring of places of detention or restriction of liberty with partner civil society organizations including but not limited to: pre-trial detention centers (SIZO), various temporary detention facilities,

including temporary detention isolators (IVS), police cells, detention-redistribution centers of the Ministry of Interior, disciplinary military detention facilities of the Ministry of Defense (“Gauptvahty”), administrative detention facilities of border control authorities, temporary reception and lodging facilities for IDPs and asylum-seekers, centers for adaptation and rehabilitation of minors, military facilities under the Ministry of Interior, the Ministry of Defense, the State Committee on National Security, the Ministry for Emergency Situations, the State Service for the Execution of Punishments and any other facility controlled by law enforcement authorities, as well as mental health institutions, medical facilities for compulsory treatment of persons suffering from alcohol or drug addictions, state-run and other types of medical and social care institutions for the elderly (including nursing homes), minors (including orphanages), persons with disabilities, and institutions for minors requiring specialized care and education (*hereinafter: “places of detention”*);

4. As necessary ensure access to places of detention for partner civil society and international organizations, including monitoring groups created by such organizations;
5. Exchange information, including contact information, of relevant government representatives and, as necessary, involve appropriate partner civil society and international organizations in regular monitoring of respect and observance of human rights and fundamental freedoms, including preparation of reports and recommendations stemming from regular monitoring;
6. Cooperate with partner civil society and pertinent international organizations in the development and implementation of effective torture prevention mechanisms in the Kyrgyz Republic in line with applicable international human rights obligations;
7. Cooperate with other civil society and international organizations in the promotion of human rights and fundamental freedoms, as well as in the spheres of early warning, conflict prevention, conflict resolution and peace building;
8. In line with applicable national legislation and international human rights standards, conduct effective, thorough, rigorous and prompt internal investigations of complaints on human rights violations and report results of such investigations to heads of relevant government bodies;
9. Immediately respond to notices of human rights and fundamental freedoms’ violations according to the legislation;
10. Participate in meetings organized by partner civil society and international organizations;
11. Ensure other cooperation, as appropriate and in line with applicable legislation of the Kyrgyz Republic, in the realization of regular monitoring of observance and respect of human rights and fundamental freedoms.

Article 2

Partner civil society organizations undertake to:

1. Actively cooperate with government bodies of the Kyrgyz Republic on issues related to the protection of human rights and fundamental freedoms;
2. Participate in joint visits to places of detention with a view to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment by way of regular and unannounced monitoring;
3. Inform government bodies about identified instances of violations of human rights and freedoms at places of detention;
4. Inform government bodies of trainings and events on human rights for their staff;
5. Support government bodies in the development of rapid response mechanisms to requests and complaints of violations of human rights and fundamental freedoms.

Article 3

In line with their mandates and available resources, the OSCE Centre in Bishkek¹, the Freedom House Project “Strengthening Human Rights in Kyrgyzstan” and Soros Foundation Kyrgyzstan undertake to:

1. Establish and maintain regular contacts with representatives of civil society and government bodies with the aim of promoting implementation of the OSCE principles and commitments in the Kyrgyz Republic;
2. Support and encourage cooperation among government bodies of the Kyrgyz Republic, representatives of civil society, and human rights and international organizations;
3. Cooperate with government bodies of the Kyrgyz Republic and partner civil society organizations in developing projects aimed at promoting the implementation of the OSCE principles and commitments in Kyrgyzstan;
4. Facilitate an exchange of best practices in the implementation of the OSCE principles and human dimension commitments within the Kyrgyz Republic;
5. Assist in the organization of events among representatives of the government agencies of the Kyrgyz Republic, civil society organizations, and international organizations to discuss the implementation of the OSCE principles and commitments and in Kyrgyzstan.

Article 4

1. This Memorandum shall enter into force on the date of its signing by the Signatory Parties. This Memorandum shall remain in force until 31 December 2012. The Signatory Parties agree to review this Memorandum annually.

¹Cf. OSCE Permanent Council Decision No. 245 of 23 July 1998.

2. With a view to strengthening the observance of human rights and fundamental freedoms, the annual review of the Memorandum shall consider the following:
 - a. whether any revision to the Memorandum is needed;
 - b. whether any changes are needed to the working arrangements, so that this Memorandum is put into practice effectively;
 - c. priorities for working together in the upcoming year;
3. This Memorandum supersedes previous agreements with the same purpose and object between Signatory Parties.
4. This Memorandum may be amended at any time by agreement of the Signatory Parties;
5. Any disagreements over the interpretation and/or application of this Memorandum shall be settled amicably through consultations among the Signatory Parties;
6. This Memorandum does not prevent non-signatory nongovernmental human rights organizations actively working in the Kyrgyz Republic from entering into similar agreements with government bodies;
7. Interested non-governmental organizations actively working in the sphere of human rights protection may request to become signatories to this Memorandum;
8. Non-governmental human rights organizations wishing to become signatories to this Memorandum shall submit a written request to this effect to any partner civil society organization, which then shall duly transmit the requests to other Signatory Parties for approval;
9. If no Signatory Party raises an objection within ten working days from the day of the receipt of a request to become a Signatory of this Memorandum, the requesting nongovernmental human rights organization shall become a signatory party to this Memorandum;
10. No provision of this Memorandum shall be deemed a waiver of any of the privileges and immunities enjoyed by the OSCE and/or its staff.

Article 5

1. The Signatory Parties assign their Special Representatives, who shall be authorized to represent the Parties on issues relating to the implementation of this Memorandum.
2. The Special Representatives of Government Bodies are:
 - a. The Institution of the Akyikatchy (Ombudsman) of the Kyrgyz Republic – **Mr. Niyazaly Bekberdinov**, Head of the Department of Monitoring and Analysis of Human Rights;
 - b. The Prosecutor General's Office – **Mr. Aymambetov Shayloobek** and **Mr. Malayev Almaz**, Deputy Prosecutors for the oversight of legality in the penitentiary institutions of the Kyrgyz Republic;

- c. The Ministry of Interior – **Mr. Shamshybek Mamyrov**, Head of the Scientific and Research Centre under the Ministry of Interior of the Kyrgyz Republic;
 - d. The Ministry of Health – **Ms. Gulmira Ibrayeva**, Chief specialist of the Medical Department;
 - e. The Ministry of Justice – **Ms. Kunduz Amanzholova**, Leading specialist of the Department on Notary and Bar;
3. The Special Representative of the OSCE Centre is **Mr. Fabio Piana**, Senior Human Dimension Officer, OSCE Centre in Bishkek.
4. The Special Representative of the Freedom House project, “Strengthening Human Rights in Kyrgyzstan” is **Mr. Almaz Esengeldiyev**, Deputy Director of the Freedom House office in Kyrgyzstan.
5. The Special Representative of the Soros Foundation Kyrgyzstan is **Mr. Ruslan Hakimov**, Law Program Director of the Soros Foundation Kyrgyzstan.
6. The Special Representatives of the civil society organizations Signatory Parties to this Memorandum are:
 - a. The NGO “Ventus” – **Mr. Kamil Ruziyev**, Director of the NGO;
 - b. The NGO “Voice of Freedom” – **Mr. Abdumomun Mamaraimov**, Director of the NGO;
 - c. The NGO “Golos Svobody” – **Ms. Elmira Esenamanova**, Project coordinator of the NGO;
 - d. The NGO “Citizens against corruption” – **Ms. Evgeniya Krapivina**, Lawyer of the NGO;
 - e. The NGO “Za Drujbu Narodov” – **Mr. Khalimzhan Akhmedov**, Director of the NGO;
 - f. The NGO “Kylym Shamy” – **Ms. Aziza Abdirasulova**, Director of the NGO;
 - g. The NGO “Luch Solomona” – **Mr. Sadykzhan Makhmudov**, Director of the NGO;
 - h. The NGO “Youth Human Rights Defenders Group” – **Ms. Nadira Eshmatova**, Director of the NGO;
 - i. The NGO “Independent Human Rights Group” – **Ms. Dinara Sayakova**, President of the NGO;
 - j. The NGO “Soyuz Yedineniya” – **Ms. Svetlana Bozhkova**, Director of the NGO;
 - k. The NGO “Spravedlivost” – **Ms. Valentina Gritsenko**, Director of the NGO;
 - l. The NGO “Egl” – **Ms. Cholpon Omurkanova**, Director of the NGO.
7. When a nongovernmental human rights organization becomes a signatory to this Memorandum by request, in accordance with Article 4, paragraphs 7 and 8, the joining party shall notify all of the Signatory partner civil society organizations of its Special Representative for the purposes of the

Memorandum. The notification shall be made through the Signatory organization which forwarded the initial request from the newly joined party to become a Signatory to this Memorandum.

Article 6

1. This Memorandum shall be deposited with the Akyikatchy (Ombudsman) of the Kyrgyz Republic. The Akyikatchy (Ombudsman) of the Kyrgyz Republic shall transmit certified copies of this Memorandum to all the Signatory Parties.

Done in Bishkek on 12 June 2012, in three original copies, one in the English language, one in the Russian language, and one in the Kyrgyz language. In case of discrepancy, the English version of the Memorandum shall be authoritative.

Government Bodies:

<p>Akyikatchy (Ombudsman)</p>   <p><u>Tursanbek Akun</u></p>	<p>The Prosecutor General's Office</p>   <p><u>Aida Salyanova</u></p>	<p>The Ministry of Interior</p>   <p><u>Zarilbek Risaliev</u></p>
<p>The Ministry of Justice</p>   <p><u>Almambet Shikmamatov</u></p>	<p>The Ministry of Health</p>   <p><u>Dinara Saginbaeva</u></p>	<p>The State Service for the Execution of Punishments</p>   <p><u>Alikbek Mamyrkulov</u></p>

International organizations:

<p>The OSCE Centre in Bishkek</p>   <p><u>Anders Troedsson</u></p>	<p>The Freedom House Project "Strengthening Human Rights in Kyrgyzstan"</p>   <p><u>Stuart Kahn</u></p>	<p>Soros Foundation Kyrgyzstan</p>   <p><u>Kumar Bekbolotov</u></p>
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Civil Society:



NGO "Ventus"

Kamil Ruziyev



NGO "Voice of Freedom"

Abdumomun Mamaraimov



NGO "Golos Svobody"

Sardarbek Bagishbekov

NGO "Citizens Against Corruption"



Tolekan Ismailova

NGO "Za Druzhu Narodov"



Khalimzhan Akhmedov

NGO "Egl"



Cholpon Omurkanova

NGO "Kylm Shamy"



Aziza Abdirasulova

NGO "Luch Solomona"



Sadyk Makhmudov

NGO "Youth Human Rights Defenders Group"



Nadira Eshmatova

NGO "Independent Human Rights Group"



Dinara Sayakova

NGO "Spravedlivost"



Valentina Gritsenko

NGO "Soyuz Yedineniya"



Svetlana Bozhkova