



## MEMORANDUM OF UNDERSTANDING

**The Akyikatchy (Ombudsman) of the Kyrgyz Republic**  
(120, Tynystanov str., Bishkek, 720040, Kyrgyz Republic  
Phone: +996 312 66 31 41)

**The OSCE Centre in Bishkek**  
(139, Toktogul Street 720001 Bishkek, Kyrgyz Republic  
Phone: +996 312 66 50 15 / Fax: +996 312 66 31 69)

**The NGO “Kylim Shamy”**  
(27, Molodaya Gvardiya, room 418, Bishkek, 720010, Kyrgyz Republic  
Phone: +996 312 64 40 19 / fax: +996 312 64 40 08)

*(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 Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 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 and of nongovernmental organizations to cooperate with a view to improve the human rights situation in the Kyrgyz Republic including in the area of torture prevention, with assistance by the OSCE Centre in Bishkek;*

**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 its mandate<sup>1</sup>, the Institution of the Ombudsman of the Kyrgyz Republic undertakes to:

1. Establish and maintain cooperation with nongovernmental organizations active in the Kyrgyz Republic on issues related to the protection of human rights and fundamental freedoms.
2. Actively participate in initiatives aimed at building the capacity of the Institution of the Ombudsman of the Kyrgyz Republic (including its regional offices) organized inter alia by local or regional human rights organizations, the OSCE or other international organizations.
3. With a view to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment, actively engage in monitoring places of detention or restriction of liberty jointly with partner civil society organizations, including but not limited to: pre-trial

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<sup>1</sup>Law no. 136 of 31 July 2002.

- detention centres (SIZO), various types of 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 the 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, Ministry for Emergency Situations and any other facility controlled by law enforcement authorities, as well as mental health institutions, medical facilities for compulsory treatment of persons addicted to alcohol or drugs, state-run and other types of medical-social care institutions for elderly (including nursing homes), minors (including orphanages), persons with disabilities, and specialized institutions for minors that require special care and education (*hereinafter: “places of detention”*);
4. As necessary ensure access to places of detention for partner civil society and international organizations.
  5. Exchange information with and involve in regular monitoring activities - as well as in the preparation of reports and recommendations stemming from regular monitoring, where relevant- partner civil society organizations and relevant international organizations.
  6. Cooperate with partner civil society organizations and with relevant international organizations in developing and implementing effective mechanisms to prevent and combat torture in the Kyrgyz Republic, in line with Kyrgyzstan's international human rights obligations.
  7. Coordinate and cooperate with partner civil society organizations and when necessary with relevant international and nongovernmental organizations in promoting human rights and fundamental freedoms, as well as early warning, conflict prevention, conflict resolution and peace building.

## **Article 2**

The NGO “Kylym Shamy” undertakes to:

1. Actively cooperate with the Institution of the Ombudsman of the Kyrgyz Republic on issues related to the protection of human rights and fundamental freedoms.
2. In cooperation with partner civil society organizations, participate in joint visits to places of detention with the Institution of the Ombudsman of the Kyrgyz Republic 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. Engage where relevant in joint activities with the Institution of the Ombudsman of the Kyrgyz Republic other than monitoring places of detention, as well as promptly inform the Institution of the Ombudsman of the Kyrgyz Republic about reports of alleged violations of human rights and fundamental freedoms with a view to trigger -where relevant- the participation or direct intervention by the Institution of the Ombudsman of the Kyrgyz Republic.
4. Engage as relevant the employees of the Institution of the Ombudsman of the Kyrgyz Republic in joint training sessions and other capacity building activities.
5. Support the Institution of the Ombudsman of the Kyrgyz Republic in the development of a rapid response mechanism to requests and individual complaints concerning alleged violations of human rights and fundamental freedoms.

### **Article 3**

In line with its mandate<sup>2</sup> and available resources, the OSCE Centre in Bishkek undertakes to:

1. Establish and maintain regular contacts with representatives of civil society and the Institution of the Ombudsman of the Kyrgyz Republic with a view to promote the implementation of OSCE principles and commitments in the Kyrgyz Republic.
2. Support and encourage cooperation between the Institution of the Ombudsman of the Kyrgyz Republic, representatives of civil society, human rights and international organizations.
3. Cooperate with the Institution of the Ombudsman of the Kyrgyz Republic and partner civil society organizations in developing project activities aimed at promoting the implementation of OSCE principles and commitments in Kyrgyzstan.
4. Facilitate exchanges of best practices concerning the implementation of OSCE principles and human dimension commitments for the benefit of governmental and nongovernmental actors within the Kyrgyz Republic.
5. Assist in organizing meetings between representatives of the Institution of the Ombudsman of the Kyrgyz Republic, civil society organizations, government agencies and international organizations to discuss the implementation of OSCE principles and commitments in Kyrgyzstan.

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<sup>2</sup>Cf. OSCE Permanent Council Decision No. 245 of 23 July 1998.

#### Article 4

1. This Memorandum shall enter into force on the date of its signature. This Memorandum shall remain in force until 31 December 2011. The Parties agree to annually review this Memorandum.
2. The annual review will include considering:
  - 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 may be amended at any time by agreement among the Parties.
4. Any disagreement regarding the interpretation and/or application of this Memorandum will be settled amicably through consultations between the Parties.
5. This Memorandum shall be open to accession by interested nongovernmental human rights organizations actively working in the Kyrgyz Republic, subject to approval by the signatory Parties. The nongovernmental human rights organizations wishing to accede to this Memorandum shall submit a written request to this effect to the NGO "Kylym Shamy". The latter shall transmit without delay such a request to the other signatory Parties for approval. In case no objection is raised by any of the signatory Parties within a period of 10 working days, the requesting nongovernmental human rights organization shall become an acceding Party to this Memorandum.
6. Nothing in or relating to this Memorandum shall be deemed a waiver of any of the privileges and immunities enjoyed by the OSCE and/or its staff.

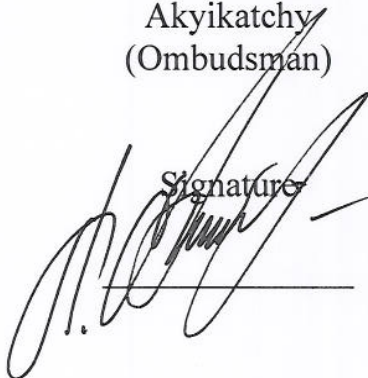
#### Article 5

1. The Parties assign their Special Representatives, who shall be authorized to represent the Parties on issues related to the implementation of this Memorandum.
2. The special representatives of the Institution of the Ombudsman of the Kyrgyz Republic are **Mr. Kamaldin Japarov**, Head of Unit for the Protection of Rights of Persons in Detention, and **Mr Melor Moidunov**, Head of Service for the Protection of Rights for Patients of Mental Health Institutions of the Institution of the Ombudsman of the Kyrgyz Republic.
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 NGO "Kylym Shamy" is **Mrs. Aziza Abdirasulova**, Chairman of the NGO "Kylym Shamy".
5. Upon accession of an interested nongovernmental human rights organization in accordance with Art. 4.5, the acceding Party shall notify, through the NGO

“Kylym Shamy”, the other Parties its Special Representative for the purposes of the Memorandum.

*Done in Bishkek on 7 June 2011 in six identical copies, three in the English language and three in the Russian language, two copies for each Party. In case of discrepancy the English version of the Memorandum shall be authoritative.*

**Tursunbek Akun**  
Akyikatchy  
(Ombudsman)

Signature  


**Lilian Darii**  
Deputy Head  
OSCE Centre in Bishkek

Signature  


**Aziza Abdirasulova**  
Director  
NGO “Kylym Shamy”

Signature  
