

Transparency International Kyrgyzstan

**ADVOCACY AND LEGAL ADVICE CENTRES IN
KYRGYZSTAN.**

Report

November, 2010

I. INTRODUCTION

This year marked the second blood revolution and rigid inter-ethnic conflicts in the south of the country. The nature of former power and level of intelligence was not able to conduct broad political and socio-economic transformation in the interests of the people and state, and on the contrary tried to retain power and strengthen. In violation of the Constitution, various state agencies and bodies, Secretariat of the President of the Kyrgyz Republic, Development Funds were under the direct supervision of the youngest son of ex - President Maxim Bakiyev.

Parliament, prosecutors, courts, national security service, police and local authorities have become accomplices' government agencies who made unreservedly orders from above and the will of family members of ex President Bakiev. Bakiev's regime was defended by the structure of state bodies, parliament, courts and prosecutors who have stopped working for the people and state. Parliament passed the necessary legislation for the protection of Bakiyev's regime. The Prosecutor's Office dealt with the persecution of opposition leaders, the courts handed down a verdict in favor of the authorities in criminal cases brought against citizens of protesters and opposition leaders.

The country was rolling slowly to the lawlessness, have not been respected by constitutional norms, laws were not working, and everywhere there was a violation of human rights. It was established rigid monopoly on the media, virtually all of the key, both public and private media were to seize the family of ex president and his inner circle.

Constant persecution, harassment and intimidation of political opponents, human rights defenders, journalists, removing unwanted politicians led the gradual demoralization and degradation of society. Authorities forced their citizens to speak in its interests, bullying and manipulation of them.

Authorities merged with criminals and drug representatives. As a result, there were dismissed the Agency to combat drug trafficking. Individual family members of the former President and the government were involved in the flourishing drug trade, it was approved when in some banks cells and accounts were found out the large income of family members, about 20millions USD and gold bullions and of course this is only top of iceberg.

From the first days in power, Bakiev has started the redistribution of property belonging to the family members of former Kyrgyz President Askar Akaev and his inner circle. Much of this property went to the youngest son of President Bakiev. This process culminated in the prosperity raider grabs, headed by the son of former president M. Bakiev. He took with a force selected the most profitable businesses and resorts, lands on the famous lake in Issyk-Kul, owned by private capital and local authorities. Businessmen had to leave the country.

Ex President and his people led policy of privatization and sale of strategic assets such as telecom, some strategic energy companies for very small sum and therefore population was very angry. People looked at this policy with doubt, considering its next trick, and another source of enrichment for power.

A law was passed allowing wiretapping to politicians and citizens. People's patience snapped that became as result of the April revolution. During the April events the General Prosecutor's

Office and Tax office building were burned. According to information received it was in the archives of the prosecutor's office a lot of criminal cases against government officials who were in power during the regime of Askar Akayev. In the tax office was investigating criminal cases involving financial irregularities in a large scale of the son of the ex President Bakiev K.

After the April revolution it was formed provisional government that was weak and incompetent. On the background of a weak government and many other reasons in June 2010 the scene of bloody ethnic clashes in southern Kyrgyzstan. Fergana value was always instable in the region of the Central Asia as in Fergana value there are three countries: Kyrgyzstan, Uzbekistan and Tajikistan where currently there are a lot of conflicts near of borders and between different groups of population.

Corruption destroys the fundamental values of human dignity and political equality, making it impossible to guarantee the human rights. According to Transparency International's 2010 Corruption Perceptions Index (CPI), Kyrgyzstan has 2.1 score of 10. When corruption is widespread, people do not have access to justice, are not secure and can not protect their livelihoods. Most disturbing is the laissez-faire attitude that such high levels of perceived corruption have encouraged. With little information about their rights, few channels available to protest against abuses and weak government complaint mechanisms, many people living in Kyrgyzstan have come to accept human right abuses and corruption as a "fact of life". This leads to violation of human rights on any ground, lack of political representation and participation of civil society, especially from rural areas and marginalized groups. Corruption encourages discrimination, deprives vulnerable people of income, and prevents people from fulfilling their political, civil, social, cultural and economic rights.

In order to respond to these challenges and opportunities, Transparency International Kyrgyzstan is established ALACs centers Bishkek and Osh. These ALACs are based on tried and tested methodologies and will (a) empower ordinary citizens to take a more active role in the struggle against of violation of human rights and corruption and (b) provide a powerful mechanism for utilizing real corruption and human rights cases to advocate for structural/ legislative/ administrative reforms. TI maintains that ALACs are an extremely cost-effective and high impact intervention and on the basis of complaints, advocacy approach is that the issues will not be based only on the opinion of 'experts' or of studies, the methodology of which can be challenged in order to divert attention from the findings.

The rationales for the ALAC are that:

- The fight against corruption will be more effective if citizen are involved are involved (anti-corruption work not limited to experts')
- Engaging directly with citizens provides a deeper understanding as to how corruption works in practice (information not always available from surveys)
- Reflecting the real experience of people enhances the legitimacy of advocacy campaigns (grounded in the concerns of the population)
- Bring about systematic improvements (legal, administrative and institutional) in the fight against corruption.

In the ALACs the basic age percent of the addressed citizens are from 17 till 78 years. As to a gender also as before, women address to us for the help more often, than a man's part of the population.

Many citizens have addressed to us with the complaint to unsatisfactory work of lawyers, officials, civil servants, courts and policy. It speaks about presence in Kyrgyzstan of a significant amount of unfair workers which is doing not wish or not able to the legal illiteracy, to render a qualitative legal aid to the population. Services of legal clinics where really qualified lawyers work are expensive and represent «inadmissible luxury» even for citizens with an average level of prosperity and certainly socially not protected levels of population. According to UNDP about 31,7% of the population lives below the poverty line and 6 % in extreme poverty. More than 65% of Kyrgyzstan's population lives in rural areas, 51 % of the rural population lives in poverty, in five out of seven provinces in Kyrgyzstan, the poverty rate is over 50 %.¹

Today it is possible to tell with confidence that population knows enough about Centers activity. This year to the methods of illumination of work of our Center used already earlier we have included placing of the information announcement on the various radio stations broadcasting in all territory of country; besides the posters was put on public transport on Bishkek and Osh (in buses, trolley buses). Also as well as last year, volunteers of our Center become unstuck and information posters with numbers of a hot line are monthly updated and in villages. For the purpose of rendering assistance not only to people of cities, but also villagers who in most cases cannot contact us in the absence of phones or possibility to arrive to a city, the staff of Centers visit and consult of citizens in rural areas. Besides, the increase in geography of knowledge of the population about activity of the Centers was the positive moment also.

Source of information about ALAC

- TV running line
- radios
- From friend, neighbour, brother
- Flyers
- Bus stop posters
- Buses and trolleybuses
- Meetings

From September 2009 till half of November, 2010 have been received 2352 complaints to Bishkek ALAC office and 2489 to Osh ALAC office. Total – 4841

¹ http://www.unpei.org/programmes/country_profiles/kryrgyzstan.asp.

All complaints were applied on following sections: Access to information-432, Judiciary and Law enforcement bodies- 1504 complaints, Land problems-1106, Business sector -1358, education and health -441. To all people were given adequate help and some cases were protected in the courts. Though 824 persons decided not to continue to solve these problems after our legal advices, some of them were afraid to connect with police, some (especially students, pupils and their parents) were afraid to be excluded from universities and schools, some entrepreneurs were afraid to loss own business. Therefore we are carrying out seminars for schools and Universities to raise awareness and protect own rights. The rest of complaints were applied to corresponding government bodies and are monitoring and solving with our help. All applied clients are given the professional legal aid, and even if the client refuses to solve the complaint and apply to state bodies, they thank us as they receive legal aid free of charge (most our clients belong to poor), and knew about own rights to protect in further (entrepreneurs). Therefore we estimate 100% level of the satisfied clients. Below we described some cases as hundreds cases are very similar. Also a lot of training and seminars were carried out in villages.

On the basis of received complaints we analyze all cases and our legislation and subordinate legislation to elaborate the recommendations for legislation changing. Last year according to our initiative jointly with Government we carried out big conference for discussing of our recommendations. In the result 11 corruption points in the Public Procurement law were deleted and we received thanks from World Bank for elaboration of map of corruption in the Public Procurement field and pointed all risks and recommendations (see Report for Netherland Embassy, 2008). In this project we analyzed and made a lot of recommendations in land sphere (annex 2), in education sphere, where we were planning to discuss with Parliament and Government bodies on the round tables our recommendations in the following spheres where there are the greatest infringements: land, education and law enforcement bodies but blood revolution and ethnic war became impossible for discussions and amendments to the Parliament as only on October 10, 2010 were carried out the election and only through 3 weeks it was announced the results. But near future this work will be continue with new Parliament and the Government.

II. Educational program.

As it was marked above, level of legal literacy of the population remains still very low. Our Center decided to be more active in the educational activity of citizens.

1. Web site

On the web-site of Transparency International Kyrgyzstan there is information about ALAC where people can send directly letters to employees of our Center.

2. Trainings

Educational problems are closely connected with social development problems. Education about no acceptance of corruption by young generation as the phenomenon that is absolutely incompatible with values of a modern lawful state is the major problem. It brings the

contribution to creation of anticorruption atmosphere to a society, the prevention of corruption behavior of citizens, formation of anticorruption stability of the person. In very corrupted state, the youth absorbs all corruption displays and accepts the corruption facts as the normal phenomenon. This youth in 10-15 years will be already working in the country; therefore the youth is also important target group for us.

In programs the special attention was taken away degrees of passive perception of corruption and to attraction of interest of young generation to concept about the general responsibility.

It is very important that youth understood and realized all importance and necessity of struggle against corruption. It is necessary, that the young generation initially knew about real scales of corruption, about a damage which bears a society and the state as a result of corruption, about its other negative consequences, about the reasons, its generating. It is important to form counteraction to false representations about corruption in public consciousness. A number of trainings in Universities on various aspects of struggle against corruption have been carried out.

On the given trainings for students about corruption history has been spent, in simple and accessible language the general concept about corruption, its reasons and a consequence, the harm caused by corruption, versions of displays of corruption etc. has been given. As counteraction to false representations about corruption have been resulted examples of successful anticorruption affairs in our Center ALAC. It was much spoken about corruption counteraction in higher education system.

With the same purpose seminars at 23 schools in the north and 8 schools in south region were carrying out. Children set their interesting questions and received exhaustive answers. Discussions and round tables were spent - schoolboys competed in oratory, ability to defend the point of view. A point of issue - corruption, its consequences, counteraction to corruption displays. (The detailed program sees in the Annex 1).

3. Public awareness and Mobile workshops.

To cover rural population which is more legal illiterate, vulnerable, poor and most densely occupied, ALAC Center leaves in various villages and suburbs. It was covered 23 villages. Trainings about corruption, about its fatal influence, about human rights and rule of law are carried out. Also all complaints and statements are accepted in villages and suburbs in the place on which work our lawyers. It was planned to visit more villages in the south but because of ethnic conflict it was impossible to visit a lot of villages. But at the present time the centre is working again in villages and also our work is directed for reconciliation between uzbek and kyrgyz groups for stabilization of situation.

Areas of the utmost concern of citizens as per workshops conducted are: municipalities and executive committees (such problems as land distribution; compensation to victims of nature disasters); local infrastructure (utilities, communication and roads), social protection (pensions and allowances) and education; courts (alleged bribes by judges and failure to implement court rulings) and the police (IDs and residential registration, illegal arrest); tax agency; military service, building and reconstruction of the homes and businesses.

4. Background materials

By results of last year's references in our Center the sphere of judicial system was in first place in the list of sectors where corruption was most strongly and negatively makes decomposing impact on all aspects of life of citizens. It is necessary to add that people often addressed and continue to address to us with complaints and questions on judicial system. That is, in the country and the power and citizens yet up to the end don't understand a role of judicial system in a daily life. The reference to the court should be simple and accessible procedure of the resolution of disputes and conflicts. The court should be the tool rendering the real help to citizens in protection of their rights and freedom, however, citizens only in emergency cases address in court, thus, in advance including this reference the unpromising. As a result of mistrust of the population to the judicial power, in the country the quantity so-called out of institutional solution of disputes (household violence, the reference to criminal structures and etc.) has increased. One of key problems in the given situation is the problem of legal education of the population. The majority of citizens practically does not know about means of upholding of the legitimate interests in courts, does not understand legal proceedings procedure, and has no possibility to employ the skilled lawyer which services are very expensive today. Thereof, by the Centre was published the information-legal bulletin «you submit the Claim» in which all procedure of civil legal proceedings (judicial instances, jurisdiction, giving of the statement of claim, definition of the price of the claim, cases of clearing of State Tax payment, an order of the appeal of judgments, terms, etc.) is in detail described . In other words, to the population in easy and accessible language form had been made explanations of all legislatively fixed civil rights. The given bulletin is disseminated for free distribution among the population. Especially this

Also, after the bloody ethnic clashes, there were multiple violations by the police and the military, where our center received a huge number of complaints in relation to the ignorance of their rights, where people were detained without bringing any charges. As a result, our center has developed the “Quick guide to communicating with police”, that is described human rights when dealing with police. The brochure includes the following paragraphs: “The man in police uniform”, “The police officer asks your documents”, “Police officer points out the legal basis for verification of your documents”, “police officer demands to show “registration”, "The police officer wants to search your things”, “The police officer asks you to go with him to the department”, “In the police department”. Also it was developed a brochure entitled "Examination of documents. What should I do? ". These brochures were distributed in the south and the north for free.

5. Methodology of carrying out of anticorruption examination

Corruption develops due to imperfection of the legislation base which consequence is that fact, that applied rules of law any more are not factors of stabilization and the society organization, namely, their deformed application promotes occurrence and corruption distribution. The legal settlements included in legal texts have a generally applicable binding character, meaning that their imperativeness and "legality". Hence, if the legal texts contain loopholes or the elements, allowing its inadequate application and the corresponding parties deal sometimes according to their personal perception and subjective interests.

First of all, it is important for all citizens who in the daily life, professional work, business and etc. are compelled to address in the state bodies or local governments. In all these situations they face the unfair officials openly or by indirection extorting bribes, creating unreasonable barriers in business on the "lawful" bases, so, bravely and impudently. In laws and legal acts are a lot of loopholes, allowing officials not to be afraid. These corruption loopholes create a favorable nutrient medium for high level of corruption in the country. In this connection a problem of clarification of the legislation from those positions of regulatory legal acts which facilitate a life of officials and give to corruption transactions visibility of legality which generate temptations to officials of possibility of illegal enrichment and extortion, is one of the major and priority problems. Any regulatory legal act can be source of corruption because of haste in preparation, and sometimes on intention of developers happens uncertain, superfluous and inconsistent.

In this connection we developed Methodology of carrying out of anticorruption examination on the basis of European Union standard and Russian methodology.

III. Basic sectors

Access to information

Unfortunately, government bodies do not fulfill their duties and are closed to its citizens. This is confirmed by our study in 2005 on the accessibility and openness of government bodies. In our interviewing of government officials, the question "what is main your job?" all government employees answered – "our job is to carry out government orders and work for the government. No one of them said that their duty to work for people as they live on taxpayers money. As a result of their closeness to people to our center come a huge number of citizens to help them draw up the documents for passports, registration of land, military tickets, obtain citizenship by registration of notarial documents, labor disputes and conflicts, etc. This work should be undertaken by relevant government authorities, but - due to incompetence and unwillingness to work with people, red tape and extortion to obtain any document, people are compelled to appeal to our center and to seek support in our centre.

Judiciary

Judicial bodies of the Kyrgyz Republic consist of local courts (rayon, city and oblast) of economic and general jurisdiction and the Supreme Court which includes Military Court and Constitutional Chamber – the Constitutional court was abolished after April revolution. This issue caused a huge amount of controversy, some people said that it is right that Constitutional court was dismissed because it has several times changed the country's constitution and these decisions contributed to strengthen the power of the two Presidents, others expressed the opinion about the threat of human rights. Currently, the General Prosecutor's Office instituted criminal proceedings against former judges of the Constitutional Court for the wrongful decision in favor of the two former Presidents.

Main principles of the organization and activity of the judicial power are stated in the Constitution of the Kyrgyz Republic, in the Constitutional Law «About the status of judges KR», in the Law «About the status of courts KR», and in the Civil Procedural Code of the Kyrgyz Republic.

It makes sense to consider more in detail on judicial responsibility. Judicial responsibility is one of versions of social and legal responsibility as it is shown in specific areas of a human life and is connected with professional work of special subjects - judges. However the question on responsibility of the judicial power is closely connected with their immunity. Inviolability of judges is established in item 80 of the Constitution of the Kyrgyz Republic and item 13 of the Constitutional Law of Kyrgyzstan «About the status of judges of the Kyrgyz Republic» is detailed. A lot of people estimate the system of guarantees of inviolability presented to judges as unprecedented high. A number of norms of the Law of the Kyrgyz Republic «About the status of judges of the Kyrgyz Republic», in particular, regulation of article 13 of the Law give to judges unprecedented guarantees of inviolability: impossibility of attraction to a disciplinary responsibility without the Judicial council consent; Impossibility of attraction to criminal and administrative judicial responsibility of all courts of the Kyrgyz Republic imposed in a judicial order, without the National board consent on justice affairs; carrying out of some operatively-search actions concerning the judge can be carried out only on its criminal case raised in the relation etc.

Further, according to item 2 of Regulation about a disciplinary responsibility of judges of the Kyrgyz Republic for attraction of judges to a disciplinary responsibility such bases, as legality infringement are provided by consideration of actions of proceeding, infringement of norms material or a procedural right, led to acceptance of obviously illegal sentence, the decision or the decision breaking the rights, freedom and legitimate interests of the citizen, or entailed essential consequences. These bases should be excluded, as they should attract attraction not to disciplinary, and to the criminal liability according to item 328 Criminal Code of the Kyrgyz Republic providing responsibility for removal obviously of an illegal sentence, the decision or other judicial decision.

As well as in the past the leader by quantity of references is the sphere of judicial system and law enforcement bodies. The most frequent and widespread complaints of citizens are all same complaints about which it was spoken earlier. It is red tape that is an unreasonable tightening of civil cases, non-observance of legality during legal proceedings, abusing judges the positions, acceptance of decisions inappropriate to laws etc. Definitions are decided without any logic motivations, the circumstances of affairs established by court are not specified, the due estimation is not given to proofs, arguments on which the court denies those or other proofs are not put. Laws by which the court was guided at the permission of affairs, references to norms of the right are not always specified.

Example: the woman with the complaint to removal of the decision of the judge of one of regional courts has addressed. In particular, the spouse of this woman has acted as the guarantor of other citizen who has received the sum of a loan at a rate of 4000\$ USA. Thus any civil-law contracts between three parties have not been concluded. Only the receipt has been given out by the guarantor to the creditor about the obligation to return the above-stated sum, however, the receipt notarially is not assured. Subsequently the citizen, who has received a loan, has disappeared, and the creditor has addressed in the above-stated court with the

claim about recognition of the property right to the house which belonged to the guarantor. Claim requirements of the creditor have been completely satisfied by the court decision. Having registered the property right to the above-stated house, the creditor has sold to its third parties. At the moment of proceeding the guarantor together with the family was on earnings in other country (Russia). Having come back home, he has learnt, that its house is sold. New owners have informed it, that its house under the court decision has been recognized by the property of the creditor.

The centre has assisted in drawing up and giving of the appeal complaint. At the present time the problem was solved.

Other example - a woman with the complaint to wrongful actions of the judge of one of regional courts. The judge has accepted the cassation complaint after the term established by the legislation, that is, after one year after adjudication. Thus, the applicant took part in court of the first instance. But, despite the given fact, the judge has made the decision on acceptance of the cassation complaint. After our intervention court decision was made in favour of our client.

Article 337-2 of the Civil Procedural Code. «An order and terms of giving of the cassation complaint or representation»

2. The cassation complaint or representation to the court decision can be submitted in time, not exceeding six months from the date of the introduction of the judicial act into validity.

3. Remedial term on giving of the cassation complaint is not subject to restoration, except cases when the applicant who was not taking part in judicial session at a legal investigation in the first and-or appeal instances, will prove, that he did not know about the fact of acceptance or the maintenance the judicial act.

Example: Nasirdinova Z.G. Client was dismissed from her job in violation of labor legislation of the Kyrgyz Republic, in particular, have been found: dismissed on the basis of a fictitious order of dismissal. Court refused to satisfy a decision to reinstate her job, as the court examined the evidence on the basis of copies of documents rather than originals.. The client asked our centre with a complaint that the court had not been claimed by the original documents, in particular: the order of dismissal, an act of an official investigation, etc. Our centre submitted an appeal to the District Court. As a result of a court decision second instance, client Nasirdinova Z. was restored at work, in addition it was paid her compensation.

Another huge problem in the judicial system is that people always pay bribes through lawyers or other intermediaries to obtain a solution in their favor, not relying on an objective investigation into the case and not relying on the law. Thus, a large number of people treated at the center over the fact that they bribed the lawyers for the judges and the court was not in their favor, and they wanted to return the money back. This suggests a complete mistrust to the judicial system and

the low legal consciousness of people. For all them we carried out raising awareness companies that for giving bribe they should be prosecuted, and that all hearings must be conducted strictly within the law.

Example: Gulsara M. requested to return the money as she gave a lawyer for an acquittal. The judge ruled against her. For the client was conducted explanation work.

Example: Matkerimiva N. gave money to the judge by counsel for the court decision in its favor on the disputed parcel of land. She lost the court session, and asked our center to return the money. Center was carried out advocacy work, thus she has committed a crime in giving a bribe, to which she replied that the defendant was given more money to court and therefore won the case and that the courts have become commercial, who would give more money and this person wins the court.

Following the results of the analysis of references of citizens, the considerable quantity of complaints to personal interest of separate judges in consideration of concrete affairs by them took place. It occurred for various reasons - related communications, nepotism, the mercenary purposes of the judge that is, in advance carried out arrangement and also the mercenary purposes of claimants, etc. In our recommendations it was repeatedly specified in necessity of introduction of electronic distribution of affairs. This year there is some positive tendency in the given area as the system of casual distribution of affairs between judges is introduced. It, certainly, will lower potential corruption displays in system of judicial bodies.

Law Enforcement Bodies

From the independence and on present time in law-enforcement system of the Kyrgyz Republic a number of the transformations directed on maintenance of conformity of given system to realities and requirements of our society. However, today there are no any qualitative institutional and functional changes in law enforcement bodies.

Law enforcement bodies are the closed system which cooks in own juice. The invariance of work of law enforcement bodies, rudeness and roughness worsen reputation of bodies. Consequences of it are fatal for all system of justice for citizens lose trust to police. For the decision of a problem of mistrust to law enforcement bodies carrying out of the whole complex of measures is necessary:

- The nation-wide program which would change work of law enforcement bodies both from up to below
- The training program for employees of law enforcement bodies
- The explaining program for citizens as sharply there is a problem of ignorance by citizens of the rights and freedom, and also ignorance by employees of law enforcement bodies of the rights and freedom of citizens.

The general lines characterizing modern criminality of employees of law enforcement bodies are adverse qualitative and quantitative changes, increase of degree of the public danger, prevailing mercenary motivation, corruption and organization.

Statistical data about criminality in law-enforcement activity only illustrate its adverse tendencies, but are far from true scales of real criminalization of such activity. Therefore citizens, according to materials of complaints, trust the problems to law enforcement bodies ever less, and prefer to "investigate" with criminals own forces.

Mercenary use by employees of law enforcement bodies of the office position is connected first of all with no acceptance of lawful measures to exposure of criminals: the facts of the illegal termination of criminal cases; acceptance of measures for concealment of the proofs extracted in the course of investigation, their falsifications; distortion of materials of preliminary check, inquiry, investigation. The close connection between the specified structures of crimes and bribe reception is in most cases looked through.

In the Center were applied a lot of complaints to actions of the inspector of the Municipal government of traffic policy. One of interest case was the tenant of a minibus at a certain citizen. Between them there was an arrangement on monthly payment of the certain sum for vehicle rent. Further, there was a dispute because the client-tenant has disagreed to pay the sum for two months as these two months the minibus was at servicing depart on repair and did not bring actually any income. The lesser has threatened, that will address to the relative - to the employee of traffic policy. Subsequently, there was really excitation of criminal case upon road and transport incident a certain inspector though the fact was absent. Thus, the inspector could not give any corresponding materials on road accident: there was no report, the scheme, indications of witnesses etc. The centre addressed in Service of internal security of the Ministry of Internal Affairs with the corresponding statement and this inspector was released and criminal case was stopped.

Irresponsibly and carelessly employees of policy bodies concern norms of the legislation and the rights of applicants. Frequently citizens complain that inspectors do not inform them on results of criminal case. Citizens should pester repeatedly offices of inspectors to learn about destiny of the statements submitted them, despite at requirements of item 156 of the Criminally-remedial code KR, providing, that «... about excitation of criminal case or about refusal in its excitation is informed the citizen, the organization or the official from which the statement or the message on a crime» has arrived.

So, for example, the woman applied a statement for excitation of criminal case upon fraud. After the whole year, the inspector of investigatory department of one of regional departments of internal affairs has taken out the decision about refusal in criminal case excitation. Though, in same item 156 of Criminally-remedial code KR it is said, that «... the decision on excitation of criminal case or on refusal in its excitation should be accepted in three-day term, and in unusual cases - in time no more than ten days».

Also our centre received many complaints about illegal criminal cases.

Example: There is evidence of illegal criminal investigation and conviction of a citizen of the so-called "demand" of a competitive party. Thus, Shpuntov Vladimir Ivanovich applied with a complaint of unlawful criminal complaint and subsequently illegal conviction. As a result, Shpuntov was in a prison 2,5 years. He has provided evidence of unlawful criminal liability to our centre. We prepared all documents and evidences and submitted to the General Prosecutor's Office of the Kyrgyz Republic a statement on the resumption of the case of newly discovered circumstances. General Prosecutor office of the Kyrgyz Republic has recognized that a criminal case on tax evasion from taxation instituted illegally. As a result now is going the process on rehabilitation

April revolution and south ethnic war showed to what extent decayed the system of Law enforcement bodies. If before the law enforcement bodies constantly extorted money, during the south war extortion of bribe is strengthened not only by the police but and by military people.

Example: During the curfew the citizens complained about the extortion of bribes, who had been detained. The size of bribes ranged in size from 1000 (about 30 USD) soms to 7000 soms (about 130 USD). Only after our intervention, the people were released.

Especially it was difficult to work with people in the south, who had a gunshot wound. A lot of people have been injured on the streets or hiding in their homes. According to the legislation of Kyrgyzstan, a man who arrives to hospitals with a gunshot or other wounds, physicians are obligated to report it to police. But people like uzbeks and kyrgyz deeply despise the police are not trusted and therefore the mass were treated independently and asked our center to help them, because it was a threat of infection and more serious consequences. They have had numerous examples where their friends were taken to the police and extorted bribes from 3000 till 5000 USD, the people who refused to pay a criminal charge for various offenses without providing any evidence. Our center is assured them that everything will be conducted within the law and if the person is in fact a victim, the criminal proceedings must be initiated not against him but against the man who fired.

Example: Musaev M. T. in June,10, 2010 return to home and the road got wound from the car. The client was afraid to contact the police because he do not trust the objectivity of the police.

Example: Murza Uulu Aspidin, in June, 11, 2010 he was looking for brother and on the road to Osh city falling under fire. The client was afraid to contact the police, because he believes that they will not understand his problem and will continue to put pressure on him and extort bribes.

Such complaints have been several hundred, but all of them had been granted legal aid.

During the south war a lot of women were suffered from sexual violence. Many women are asked to help them protect their rights. Our center has helped them to pass examinations in law enforcement bodies, to obtain expert opinion and take the necessary course of medical treatment.

Also, many women were sent to experienced psychologists. As a result, criminal proceedings were instituted on art.151 Code of Criminal Procedure "Statement of citizens", art.129 Criminal Code, "Rape" and art.130 Criminal Code, "sexual assault".

Another problem that people were faced: the restoration of documents. Thousands of people lost their homes during the fires, where all documents were burned. To obtain passports, documents of the house and other documents people did not know how to restore the documents and government bodies required money. Our center provides legal advice and helped to collect the necessary documents, which demanded a bribe in the State Register, passport offices and registry offices. Also, our center helps to apply to the Directorate of rehabilitation of Osh on the allocation of compensation for house construction. In this case, we will not describe examples as such examples are thousands.

Also we want to point out separately for bribery extortion, where people are afraid to apply to government bodies and stay with their problems alone. A lot of people come and say about extortion of bribes from government officials. But only few of them decide to apply after our advocacy work.

Example: Bekturov A.K. Major of military office in the district of Naryn region, extorted money 5000 soms (about 110USD) for the issuance of military identification card. After our advocacy work and assurances that we will not leave him, criminal case was prosecuted for extortion. Now there is a criminal trial and our client issued military ID.

Example: Mukashev N. Instructor of Medical University extorted money 800 soms (about 20 USD) for test on military medical training. Criminal investigation was begun. This case was reported in the mass media.

But not all people were prepared to fight corruption, in spite of our advocacy work. People are very scared and unfortunately these days are easy to give bribe than fight the bureaucrats. And these people are too much. Below are typical examples.

Example: Sysoeva O.L. Police officer extorted a bribe. She unfortunately refused solve this problem.

Example: Sabina. Official of the passport had been extorting money for the visa but she refused solve this problem.

Example: Lvova U.V. is a representative of Korean citizens. Law enforcement officials extorted money from citizens of Korea visa but she refused solve this problem.

Land sphere

We'd like to pay more attention to this sector as events of last days have been showed how this section is difficult and it is necessary to make fast reforms as in the struggle for land areas it was mass riots in suburbia of Bishkek and in the result several people were killed, dozens wounded

and some homes were burned. Also, the main reason of blood conflict in 1990 in the south between uzbek and kyrgyz people had controversy on land lots and water. And this problem can appear again when we have unstable situation now in the country. The urgency of the questions arising now by consideration of land disputes is connected with active development of the market of the land in the Kyrgyz Republic. With introduction of the new Land Code accepted in 1999, the land became special object civil and law relations and its value was showed that began possible to sell the land. Thus the land became not only a means of production, placing territory, but in the conditions of market relations is actively involved in economic, commodity-money relations. Those offences which arise in sphere of land relations from here are proceeding. If in 2005-2006 people captured the land lots, now the most widespread infringements are: granting of the land areas without the auctions (auction, competition) in infringement of the order provided by the legislation; infringement of terms and an order of granting of the land of the general using; infringement of payment principles; Infringement of an order of transformation of the land for rural purpose; infringement of an order of granting of the land for resort appointment and wood fund; infringement of an order of granting of the land areas in settlement; infringement of an order of granting of the land areas under individual housing construction etc. should be noticed, that the great bulk of infringements is supposed at allocation of the land areas in the property or in using. Character of the revealed infringements shows, that from year to year methods of fulfilment of illegal transactions with the land is becoming refined. So, at first sight it seems, that at allocation of the land areas all documents are perfectly in order, correspond to the validity, that is the order of granting of the land areas provided by the legislation is ostensibly observed. But frequently during checks there are a lot of infringements, including the forging of documents.

For example, officials of Lenin regional administration of the mayoralty of Bishkek in infringement «Positions about the lands of the industry, transport, communication, energy supply and an order of their use», without the permission of the company «National electric network of Kyrgyzstan», from 16.03.2005 have given 41 land areas under building of individual apartment houses in a security zone of high-voltage electric lines БЛ-110 kilovolt in micro district 32 housing estate "Archa-Beshik". On the given fact we addressed with the statement in the State Office of Public Prosecutor. Now the investigation is carrying on.

Other example, the municipal government on land management and registration of the rights to immovable registered the property right to the land areas along street A.Chortekova to 99 citizens on the basis of extracts from the decision of Lenin regional administration of the mayoralty of Bishkek from 12.09.2005 №266. However the specified decision was not published by Lenin regional administration, i.e. in the nature did not exist. Thus it is a question of the facts of forgery of documents and large-scale swindle by workers of Lenin regional administration with the land areas. We applied complain to Prosecutor Office and at the present time is carrying out investigation.

As it is already noted, corruption is widespread because of collision of Laws and subordinate legislation in the field of granting land lots for individual housing construction. There is an impression that the land legislation in the given area is not ordered meaningly. Officials and workers of corresponding structural divisions of local governments do not carry out monitoring of the operating land legislation in the given area. Thanks to collisions, i.e. contradictions in

operating regulatory legal acts there is an abusing the official powers, which ultimate goal illegal enrichment.

Example: 47 families came to the Center with the complaint to actions of employees of regional administration of Bishkek concerning red tape in legalize the land areas given to them for building of individual apartment houses in one of housing estate. The land areas have been given them by other regional administrations and this administration must register their documents. 47 families applied to this regional administration, however from the date of their reference have passed more than 5 months and they have not received any reply. In the meantime, for the prompt decision of the question on legalization of the land areas, it was offered to each families to collect on 10 000 soms that in total sum for 47 families will be 470 000 soms (11 000\$ USA) and give to this administration. All families concern a category of poor families which are not capable to collect and give the specified sum. Our Centre has convinced these families necessity to address in Department on struggle against corruption of the Ministry of Internal Affairs of the Kyrgyz Republic and has assisted on preparation and transfer of the collective statement the Ministry of Internal Affairs of the Kyrgyz Republic upon extortion of money. Under collective statement the Ministry of Internal Affairs of the Kyrgyz Republic is raised criminal case under article «bribe extortion» and the investigatory-operative actions are conducted. Thus the Center is watching o this criminal case. The given case is shined in mass media.

Example: Maganbetov C.N. State Registration Office has refused long time to register right to land property. We prepared letters and documents and sent several times but Registration Office didn't response and probably was waiting some fee. We applied to court and as results we won this case and our client got the necessary documents.

Example: several families built homes on the land lots and after several years another people showed documents to these land lots and said that land lots belong to them. Our centre studied carefully all documents, had meeting with municipal bodies who gave these documents, we applied to court and in the result we could protect these families. Unfortunately there are a lot of examples of such kind of situation.

Education

One of topical problems in the education sphere was and there is a problem of illegal requisitions in educational institutions. Such «the negative social phenomenon» as at schools has passed for a long time already parental requisitions from the category voluntary in the compulsory. In particular, till now from parents of first-graders for reception of the child in school demand a payment from 2 to 20 thousand soms. Besides in schools do not accept children without a

residence permit. Parents are obliged in a voluntary-compulsory order to arrange with furniture and techniques the empty classes.

About 85 percent of parents give money to the school budget under pressure. At schools requisitions on all existing problems of schools still prosper (beginning from purchase of brooms, protection and finishing payment of cleaning of premises of classes which are by the way cleaned by regular cleaners). At each school there is a head (as a rule, the director of studies on educational work) which in every possible way supervises these requisitions from each class, conducts accounts and plans new themes for requisitions.

It is natural, that people cannot encourage such gathering, but each parent always thinks how it will be reflected in his child. It is impossible to tell, that the similar fear is groundless, as in the complaints our clients always specify in that fact, that frequently on the child there is a psychological pressure in case of failure to deliver of "voluntary" payments.

In the kindergartens corruption is connected mainly with shortage of places. It is a consequence of that many buildings of kindergartens has been sold, privatized or re orientated. The given phenomenon in preschool centers apparently can be eradicated, having returned all buildings of kindergartens and using them on the special-purpose designation.

At the same time corruption in kindergartens is traced and in other moments. We have a lot of complaints, one of them: Alekseeva N. complained that to have place in a municipal children's garden №145 Sverdlovsk areas of Bishkek, she should pay 5000 soms voluntary payment. Other example: the anonymous complained that besides official entering of a payment, she monthly in obligatory order brings 350 soms of "a voluntary payment» in the municipal children's garden located in one of micro districts of Bishkek. Thus for voluntary payments she does not receive neither corresponding receipts, nor checks. After our intervention heads of kindergartens brought apologies and stopped to demand money.

In the legislation of the Kyrgyz Republic in the field of the preschool education the rules of law creating conditions for corruption and promoting corruption displays. Many positions comprise an ambiguity and vagueness.

So, according to item 5 of item 20 of the Law of the Kyrgyz Republic «About a preschool education» from June, 29th, 2009 N 198 preschool educational organizations can independently establish extra charges and surcharges to pedagogical workers from sponsor's means in coordination with a board of guardians or public association according to the legislation of the Kyrgyz Republic.

Undoubtedly, that the given norm has corruption loophole as allows the preschool educational organizations to establish the size of the sponsor's help at own discretion. By the nature the sponsor's help should have voluntary character as one of will forms, however, according to the examples set forth above «a voluntary payment» represent the character of an obligatory payment. So, according to item 23 of the Law of the Kyrgyz Republic «About a preschool education» parents (lawful representatives) are obliged to take part in development (copayment) the preschool educational organization. Otherwise the child or will be not accepted in municipal

preschool educational institution or parents will be compelled to take away the child from a preschool institution.

The most typical kinds of the crimes connected with corruption in an education sphere, the following is:

- Bribe reception for receipt in a higher educational institution, for the device of children in kindergartens and schools. It is the most widespread form of abusing. Here it is covered an order of 80 % from all number of complaints in the given sphere;
- Bribe reception for a passing examinations in establishments of average and higher education;
- Sale of diplomas and certificates to the persons, who don't pass examination in educational institution;
- The obliged gathering of money from parents in kindergartens and schools;
- Tutoring by teachers of high schools and members of examination boards.

Case – study: Parents complained concerning illegal monetary requisitions and increases in cost of training without the conclusions of corresponding contracts from a management of the Bishkek choreographic school (further BCS). Further due to our intervention, the department of expert work of Service of financial police of the Kyrgyz Republic is carrying out economic research of financial activity BCS about financial infringement:

- During 2008-2009 parents of pupils render «the sponsor's help» for a total sum 229 915 soms, this money was used without the State Treasury systems, having broken thereby the governmental order of the Kyrgyz Republic «About special means and the depositary sums of the establishments consisting on the state budget of the Kyrgyz Republic»;

- BCS in infringement of item 9 of the Law of the Kyrgyz Republic «About licensing» to 25.06.2008 carried out educational activity without the license that has led to illegal activity of establishment. The falsification of the report of meeting of employees and parents was made and by results of the conclusion of the judicial expert from 06.08.2009 №4551/01 on the given fact the Office of Public Prosecutor of the city of Bishkek raises criminal case provided by item 350 part 1, Criminal Code the Kyrgyz Republic.

- Galina S. The teacher of University extorted money for examination. It was instituted legal proceedings.

-Raushan M. The teachers of Institute extorted money for examination. It was instituted legal proceedings.

-Magdieva N. A teacher of the University demanded bribe for examination. It was instituted legal proceedings.

But again not all parents and students were agree to solve the problems.

Business sector

Entrepreneurs complained to excessive control over various supervising bodies which purpose was extortion of bribes. Due to our intervention a lot of checks were canceled as according to legislation supervising bodies can check only once per year and with agreement of Prosecutor office.

Second and very big problem in the business sector is capture of business by power. Some entrepreneurs complained that them was offered to sell own business for small sum and if they refused, their offices were captured and sealed by armed people. Some of businesses we could return by helping the Prosecutor offices and others we think will be return soon due to April revolution.

Another huge problem for entrepreneurs was returning of loans. Many entrepreneurs during the revolution in April and bloody inter-ethnic clashes have lost their business. Their houses, shops, cafes and businesses were destroyed or burned. Our center has provided legal assistance, helped to collect all the documents and contact the authorities.

Example: Ishbaeva G. had shop, which was looted during the south war. Unknown people, threatening with a knife, robbed and destroyed the shop. A client has a credit to the two lenders. She can not pay and make own obligations under the loan agreement. The police did not accept the statement several times. After our intervention it has been prosecuted. Based on the decision to institute criminal proceedings have been filed papers on restructuring of accrued interest, penalties and fines and cancellation of.... "According to the Decree of the Provisional Government of the Kyrgyz Republic of 28.07.2010 N133, and obtained exemption from income tax and sales tax, Decree of the Provisional Government of the Kyrgyz Republic "On the fiscal preferences, privileges and delays for business suffered during the riots).

Example: Mamatisakov R. July 11, 2010 Sister of our client was taken hostage in the Osh region and was subsequently murdered. On the same day her house burned down. Only son was survived. The sister had obligations to the bank. Our center has helped to open a criminal investigation on the article 174 of the Criminal Code "Deliberate destruction or damage to property) and the establishment of individuals involved in the crime. We collected the necessary documents and now solved the question of exemption from land tax and property tax, as well as on debt restructuring (Decree of the Provisional Government of the Kyrgyz Republic on the restructuring of accrued interest, penalties, fines and bad debt write-off of businesses).

Example: Jumagulov M. As a result of Osh events, the client has suffered in the following ways: 1) daughter, 8 year old got gunshot wound, 2) house was burned, and 3) coffee and tea-house were burnt. The client has a credit debt to two commercial banks. As a result, criminal proceedings were instituted, where the police didn't want to accept the application client and is currently being negotiated to restructure and delay the loan agreement.

There are hundreds of such examples, each with its own human tragedy where many civil officials wanted to have own benefits in spite of the moral and human values.

Civil Service

Earlier a distinctive sign of corruption was bilateral «the confidential transaction» in which exposure any of the parties is not interested, nowadays it gets the additional signs specified in a following fact.

In 2009 the President of the Kyrgyz Republic reformed President Administration of the Kyrgyz Republic by formation of Institute of the President of the Kyrgyz Republic.

The institute of the President of the Kyrgyz Republic is established by the President of the Kyrgyz Republic as system of co-operating bodies and the officials which activity is directed on effective realization of powers of the President of the Kyrgyz Republic and its functioning as the uniform centre of decision-making.

The system of Institute of the President includes state and coordination and advisory bodies, and also officials. In particular, the state bodies of Institute of the President are:

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| - The device of the President of the Kyrgyz Republic; |
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| - Secretary of the President of the Kyrgyz Republic; |
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| - The central agency of the Kyrgyz Republic on development, investments and innovations (CDII); |
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The basic acts, regulating civil service activity are: the Constitution of the Kyrgyz Republic, the Law of the Kyrgyz Republic «About Civil Service» from August, 11th, 2004 N 114, the Law of the Kyrgyz Republic «About struggle against corruption» from March, 6th, 2003 N 51, the Labor code of the Kyrgyz Republic from August, 4th, 2004 N 106 and other standard subordinate legislation of the Kyrgyz Republic.

Despite these features of civil service, labor relations in system of the state bodies are regulated by the Labor code of the Kyrgyz Republic. In a place with that, in civil service sphere was showed and shown corruption, in particular:

The labor code of the Kyrgyz Republic provides restriction of teamwork of relatives in the state organizations, namely: according to item 68 of the Labor code of the Kyrgyz Republic from August, 4th, 2004 N 106 teamwork in the same state organization of the persons consisting among themselves in close relationship is forbidden (parents, spouses, brothers, sisters, sons, daughters and also brothers, sisters, parents and children of spouses) if their work is connected with direct subordination or control one of them to another, behind the exceptions defined by the Government of the Kyrgyz Republic.

The decree of the President of the Kyrgyz Republic K.Bakieva from October, 29th, 2009

VII N 479 on a post of the head of the Central Agency of the Kyrgyz Republic on development, investments and innovations appointed Bakiev Maxim who is the son of the President of the Kyrgyz Republic.

Similar restrictions are provided and in other law of the Kyrgyz Republic, in particular: in item 12 (*the activity not compatible to performance of the state functions*) of the Law of the Kyrgyz Republic «About struggle against corruption» - the civil servant is forbidden to be on the state post in the state bodies, in which their service it is connected with direct subordination or control to the persons who are with them in close related relations (parents, the spouse, brothers, sisters and children).

In the Law of the Kyrgyz Republic «About Civil Service» from August, 11th, 2004 N 114 the restrictions connected with civil service also are provided, namely: according to item 8 of item 11 of the given Law, - the civil servant has not the right to be on the public service connected with direct subordination or control to persons, being with it in close related relations (parents, the spouse, brothers, sisters and children).

It is necessary to notice, that according to item 6 of the Law of the Kyrgyz Republic «About standard legal acts of the Kyrgyz Republic from July, 20th, 2009 N 241 the degree of a validity the Law above the decree of the President, thus the law should not contradict the standard legal acts having in comparison with it higher validity.

The central agency of the Kyrgyz Republic on development, investments and innovations, as the state body of Institute of the President of the Kyrgyz Republic to under control and accountably President of the Kyrgyz Republic.

Besides rough infringement by the Country leaders of the anticorruption legislation of the Kyrgyz Republic, as other vivid example of display of corruption the following acts: *the Russian credit in 300 million US dollars with a condition on 0,75 % annual with a grace period for 40 years was in confidential management of Fund of development KR which is headed also by the son of president Bakiev Maxim. (Actions of Fund of development KR are in confidential management of the Central agency on development, investments and innovations). The fund of development of the Kyrgyz Republic - is the state corporation which activity is directed on development and stimulation of priority and strategic branches of economy. The fund has been created in 2006, but only in 2009 has begun the vigorous activity and already operated state actives in the most profitable enterprises and projects. (the newspaper "Business №" from 17.02.2010 N6 (800)*

Thus, the Decree of the President of the Kyrgyz Republic from October, 29th, 2009 VII N 479 contradicted the anticorruption legislation of the Kyrgyz Republic. Big petty and high level corruption became one of the main reasons of the next blood revolution. Till the present time situation is unstable.

Annex 1.

Detailed Programs of seminars in schools.

1. The PROGRAM of CARRYING out of MINI SEMINARS ON the THEME «TELLS CORRUPTION NO!» At SCHOOLS for 6-7 classes

In modern standards of education are not any words about corruption or struggle against it. The important role in education of the person is carrying out in school education about no acceptance of corruption by young generation as the phenomenon absolutely incompatible with values of a modern lawful state, - the important task of school. Similar programs for schoolboys are necessary for formation at pupils of educational institutions of anticorruption outlook, increase of level of sense of justice and legal culture. The given seminars will undoubtedly bring the contribution to creation of anticorruption atmosphere to a society, the prevention of corruption behavior of citizens, formation of anticorruption stability of the person.

To impart legal culture to children it is necessary from early age, i.e. it is necessary for them to explain about fatal influence of corruption.

THE SEMINAR PURPOSE:

- to open concept of corruption;
- to generate at schoolboys an image of corruption and sphere of its display;
- to develop ability to find corruption examples in a society.

THE SEMINAR PLAN:

• *Disclosing of concept of "corruption"*

- An explanation of an essence of concept of "corruption";
- Bringing of examples of corruption;
- Creation of an image of "corruption" in the form of a spider (*corruption*) with a spider's web (*spheres of life covered by corruption*). On a paper the spider to which separate fragments attach the drawn spider's web is represented. In a spider's web is made windows that each pupil could write in it a corruption case which the person can face in a

daily life. As the trainer together with pupils finds a way out of the developed corruption situations, the spider's web "comes off" a spider (for example, unfastens by means of buttons). By the end of lesson the spider remains without the spider's web! The pupil should understand what to struggle with corruption it is possible as well as with a spider.

- *Carrying out of various competitions*

- On the best composition on a theme «Tell corruption no!»
- On the best picture, the poster on a theme «Tell corruption no!»
- On the best motto, the slogan on anticorruption subjects

EXPECTED RESULT:

Formation negative attitude to corruption.

2. The PROGRAM of CARRYING out of MINI SEMINARS ON the THEME «TELLS CORRUPTION NO! » at SCHOOLS for 9-11 classes

THE SEMINAR PURPOSE:

Advancement of anticorruption standards

THE SEMINAR PLAN:

- *Corruption Definition*
- *Sphere of distribution of corruption*
- *Corruption Reason*
- *Corruption Consequence*
- *What is a bribe*
- *Carrying out of debate*

I. Corruption Definition

Research of various cases for the purpose of definition of limits/borders of corruption. Such task can include cases when, for example, government officials accept gifts. Pupils can consider and discuss each of cases, paying thus attention to following questions:

- ✓ Whether takes in this case a place any dishonorableness?
- ✓ Whether takes in this case a place any injustice?
- ✓ Whether we can consider this example as corruption display?

II. Spheres of distribution of corruption

Where it exists? It is useful for pupils to have accurate idea about scales of distribution of corruption in a society. In the project it is possible to consider and analyse corruption displays in various spheres of a public life and their influence.

III. The Corruption Reasons

- backwardness of legal consciousness of the population, i.e. practical absence of mass resistance of corruption
- backwardness and imperfection of the legislation
- economic decline and political instability

It is possible to consider also situations in the different countries as, comparing corruption levels in the different countries; it is possible to bring up a question on the corruption reasons in various societies.

IV. Corruption Consequences

Here it is necessary to explain in detail how much harmful is corruption for the state and a moral condition of a society. Many consider that bribes always were and always will be. Everyone should make a moral choice. And to choose, it is necessary to have the information. In this view the corresponding information should be presented pupils.

On given subtheme it is necessary to consider following important points:

- *Influence of corruption on the state treasury*

Corruption tends to inflate shadow economy because transactions in which the corrupted officials participate, it is practically impossible to challenge in the state court and they are seldom taxed... The Shadow economy negatively influences tax basis of the country and the official rate of exchange, thus, stimulating leak of capitals.

- *Deterioration of an investment climate in the country*
- *Increase of the prices at the expense of corruption "overhead charge"*
- *Absence of competitive mechanisms*

Children must be explained, that bribes, as a rule are offered government officials to compensate poor quality of the goods or services (under the same prices) during fair competition.

V. What is the bribe?

It is necessary for pupils to explain on concrete examples danger of expansion of sphere of bribery both to a society as a whole, and for the concrete person.

Here it is important to pay attention to certain articles of Criminal Code KR in which punishment measures for concrete cases of bribery are.

VI. Carrying out of debate

Debate - the interactive form of the organization of discussions on various themes. Ability to conduct debate is useful in a life of the young man: will help with development of critical thinking will learn to look at things from the different points of view, to call in question the facts and ideas, will learn to build logically the argument and to convince, communicate.

For carrying out of debate pupils can present following themes:

- ✓ In what you see sources of survivability of corruption? What human weaknesses can promote it? How, in your opinion is it possible to struggle?
- ✓ In what you see discrepancy of the relation of the state to corruption displays in management personnel?
- ✓ To which consequences can lead corruption by connivance from the state and a society?

- ✓ Whether bribability of officials influences decomposition of moral and economic system in a society? How?
- ✓ Corruption - a way of a survival in a modern society?
- ✓ Study of the young man depends on the size of a purse of his parents?

Annex 2.

Short analysis concerning land legislation and their problems.

The analysis contains:

- ✓ The current legislation in the field of individual housing construction and their contradiction;
- ✓ Result of consideration of citizens complaints and their consequence;
- ✓ Suggestion

1. Questions of the land areas giving for building of individual apartment houses are regulated by norms of the Land code of the Kyrgyz Republic from June, 2nd, 1999 N 45, Laws of Kyrgyz Republic "About individual housing construction" from December, 21st, 1991 N 689-XII and "About town-planning and architecture" from January, 11th, 1994 N 1372-XII, the governmental order of the Kyrgyz Republic "About an order of granting of the land areas for individual housing construction" from May, 6th, 2005 N 177, the decision of the mayoralty of Bishkek "About State inspection liquidation on supervision of building and operation of individual apartment houses of the mayoralty of the city of Bishkek" from August, 21st, 2000 N 546, regulation "About an order of granting of the land areas for individual housing construction in the city of Bishkek" from July, 9th, 2007 N 339, and regulation "About an order of formation of sequence of citizens on reception of the land areas for individual housing construction in the city of Bishkek" from July, 9th, 2007 N 339, and also other subordinate legislation that regulate the land relations.

It is necessary to notice, that the above-stated regulations and decisions of the mayoralty of Bishkek and the Governments contradict to the Law of Kyrgyz Republic “About individual housing construction” from December, 21st, 1991 N 689-XII which is in turn obsolete and contradicts the Land code of the Kyrgyz Republic, in particular:

| № | <p>The law of the Kyrgyz Republic “About individual housing construction in Kyrgyz Republic ” from December, 21st, 1991 N 689-XII</p> | <p>Regulation About an order of the land areas granting under individual housing construction, it is confirmed by the Government order of the Kyrgyz Republic from May, 6th, 2005 N 177</p> |
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| 1. | <p>Item 5. Land areas granting for individual housing construction</p> <p>Citizens having an individual apartment house, apartment on the personal property right, or apartments in houses of the state and public available housing under the hiring contract are not the basis for refusal in land area allocation.</p> <p>Items 8. Citizens of Kyrgyz Republic have the right to building of an individual apartment house on taken away for these purposes in the order established by the land area law.</p> <p>The quantity of the individual apartment houses constructed at the expense of personal labor incomes of citizens, is not limited.</p> | <p>Item 7 of regulation. The right to land area reception for building of an individual apartment house the citizen of the Kyrgyz Republic possesses:</p> <ul style="list-style-type: none"> - Not having the land area, before given under individual housing construction in all territory of the Kyrgyz Republic; - Not having in the property premises (the house, apartment), except for the citizens which space does not answer the established sanitary norms and requirements; <p>Item 1.7. of regulation «About an order of granting of the land areas</p> <p>for individual housing construction</p> <p>in the city of Bishkek », confirmed</p> <p>by the decision Bishkek</p> <p>City local parliament deputies</p> <p>from July, 9th, 2007 N 339</p> <p>The right to land area reception for building of an individual apartment house in the city of Bishkek the citizen of the Kyrgyz Republic</p> |

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| | | <p>possesses:</p> <ul style="list-style-type: none"> - citizen who doesn't have a property for individual housing construction in territory of the city of Bishkek and in other regions of the Kyrgyz Republic; |
| 2. | <p>The Land Code of the Kyrgyz Republic</p> <p>Article 32.</p> <p>1. The land area is given in the property to citizens of the Kyrgyz Republic by the authorized body gratuitously once in all territory of the Kyrgyz Republic: for building and service of an apartment house and conducting a personal part-time farm, cottage on the established norms, and also the citizens of the Kyrgyz Republic having the right to a land share in size, defined by the Government of the Kyrgyz Republic.</p> | <p>The law of the Kyrgyz Republic "About individual housing construction in the Kyrgyz Republic"</p> <p>from December, 21st, 1991 N 689-XII</p> <p>Item 5. The land areas giving for individual housing construction</p> <p>Citizens who have an individual apartment house, apartment on the personal property right, or apartments in houses of the state and public available housing under the hiring contract, is not the basis for refusal in land area allocation.</p> |
| 3. | <p>Item 222 of the Civil code of the Kyrgyz Republic</p> <p>1. The property right is the right of the subject recognized and protected by legislation acts possess according own discretion, use and dispose of property belonging to it.</p> <p>2. The proprietor has the right to make at own discretion concerning property belonging to it any actions not contradicting the legislation both not breaking the rights and protected by the law interests of other persons, including to alienate the property to other persons, to transfer to them, remaining the proprietor, the competences on possession, using and the order property to pawn property and to burden with its other ways, to dispose of property otherwise.</p> <p>Possession, using and the order the land in that measure, in what its turn is supposed by the law (article 23), are carried out by their proprietor freely if it does not break the rights and legitimate interests of</p> | <p>Regulation</p> <p>About an order of granting of the land areas for individual housing construction from May, 6th, 2005 N 177</p> <p>Item 17. The commission decision is made out by the corresponding report which is the basis for preparation of the decision of the authorized body about allocation of the land area and registration of the state certificate about the right of a private property to the land area.</p> <p>Item 19. The citizen of the Kyrgyz Republic who have gratuitously received when due hereunder the land area for building of an individual apartment house, has not the right to conclude within five years civil-law transactions on its alienation.</p> |

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| <p>other persons and does not put a damage to environment.</p> <p>Article 233-1. General provisions on the property right to the land</p> <p>The person having in the property the land area, has the right to sell it, to give, pawn or lease and dispose of it a different way (article 222) so far as the corresponding lands on the basis of the law are not excluded from a turn or are not limited in a turn.</p> | |
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And the above-stated regulations operate at same number and registration date: regulation “About an order of granting of the land areas for individual housing construction in the city of Bishkek” from July, 9th, 2007 N 339, and regulation “About an order of formation of sequence of citizens on reception of the land areas for individual housing construction in the city of Bishkek” from July, 9th, 2007 N 339, in particular:

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| <p style="text-align: center;">Regulation</p> <p style="text-align: center;">About an order <i>of granting of the land areas</i></p> <p style="text-align: center;">for individual housing construction</p> <p style="text-align: center;">in the city of Bishkek</p> <p style="text-align: center;">it is confirmed</p> <p style="text-align: center;">by the decision of Bishkek</p> <p style="text-align: center;">City Local Parliament deputies</p> <p style="text-align: center;">from July, 9th, 2007 N 339</p> <p>It is registered in Justice department of the</p> | <p style="text-align: center;">Regulation</p> <p style="text-align: center;">About an order <i>of formation of sequence of citizens</i></p> <p style="text-align: center;">on reception of the land areas for the individual</p> <p style="text-align: center;">housing construction in the city of Bishkek</p> <p style="text-align: center;">Is confirmed</p> <p style="text-align: center;">by the decision of Bishkek</p> <p style="text-align: center;">City Local parliament deputies</p> <p style="text-align: center;">from July, 9th, 2007 N 339</p> |
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| <p>city of Bishkek on August, 13th, 2007. Registration number 09-1-07</p> | <p>It is registered in Justice department of the city of Bishkek on August, 13th, 2007. Registration number 09-1-07</p> |
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It is difficult to be guided in existing above-stated regulations, so for example: item 2.1. Regulations “About an order of formation of sequence of citizens on reception of the land areas for individual housing construction in the city of Bishkek” it is provided, that reception of statements for the land areas receiving for individual housing construction and their registration is carried out by regional administrations of the mayoralty of the city of Bishkek. Other regulation “About an order of granting of the land areas under individual housing construction in the city of Bishkek” item 4.5. is provided the condition, that the rights to the land areas specified in points 4.1 and 4.4. the present regulation are given on the basis of statements of the citizens directed to Department of individual housing construction of the mayoralty of the city of Bishkek, namely: item 4.1. Citizens who have in the property the land area, given for individual apartment houses under the decision of the Commission of the mayoralty of the city of Bishkek the rights of use on the adjoining land area for satisfaction of economic needs without the capital construction can be given.

According to item 4.4. the regulation: under the decision of the Commission of the mayoralty of the city of Bishkek the property rights are given to citizens on the land area under the individual apartment houses constructed after 1999. Besides, in the regulations there are duplications.r the existing house constructed till 1999 and the land area adjoining to the house. Regulation is not stipulated or is not regulated by the relation owners of the individual apartment houses constructed after 1999. Besides, in the regulations there are duplications.

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| <p style="text-align: center;">Regulation</p> <p>About an order of granting of the land areas for individual housing construction in the city of Bishkek</p> | <p style="text-align: center;">Regulation</p> <p>About an order of formation of sequence of citizens on reception of the land areas for the individual housing construction in the city of Bishkek</p> |
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| <p>4.5. The rights to the land areas specified in points 4.1. and 4.4. this regulation are given on the basis of statements of the citizens directed to Department of individual housing construction of the mayoralty of the city of Bishkek.</p> <p>4.7. The question on granting of the rights to the land areas on consideration of the Commission of the mayoralty of the city of Bishkek brings Department of individual housing construction of the mayoralty of the city of Bishkek. The decision of the Commission of the mayoralty of the city of Bishkek is made out by the report.</p> <p>4.8. On the basis of the decision of the Commission of the mayoralty of the city of Bishkek the Department of individual housing construction prepares the decision of the mayoralty of the city of Bishkek about granting of the rights to the land areas.</p> | <p>1.3. For receiving the land area for the individual housing construction, the applying person represents on a residence to regional administrations of the mayoralty of the city of Bishkek</p> <p>2.1. Reception of statements on receiving of the land areas for individual housing construction and their registration is carried out by regional administrations of the mayoralty of the city of Bishkek.</p> |

The mayoralty according to the decision “About State inspection liquidation on supervision of building and operation of individual apartment houses of the mayoralty of the city of Bishkek” from August, 21st, 2000 N 546 has given to regional administrations the power concerning existing individual housing construction and removal of decisions about allocation of the land areas. Whereas, according to Decree of Bishkek local Parliament deputies “About modification and additions in the Decree of Bishkek local Parliament” "About the regulation statement about an order of granting of the land areas for individual housing construction in the city of Bishkek and about an order of formation of sequence of citizens on reception of the land areas for individual housing construction in the city of Bishkek from July, 9th, 2007 N 339 ”from February, 4th, 2009 N 42 already Department of individual housing construction solves a question on granting of the rights to the land areas by removal on consideration of the Commission of the mayoralty of the city of Bishkek and the further preparation of the corresponding decision. Both above-stated documents is operated at the present.

According to position “About an order of formation of sequence of citizens on receiving the land areas for individual housing construction in the city of Bishkek” from July, 9th, 2007 N 339 regional administrarions of the mayoralties of Bishkek consider

documents and form lists of persons included in a waiting list on receiving of the land areas for building of individual apartment houses in the city of Bishkek. The further question on granting of the rights to the land areas on consideration of the Commission of the mayoralty of the city of Bishkek brings already Department of individual housing construction of the mayoralty of the city of Bishkek. The decision of the Commission of the mayoralty of the city of Bishkek is made out by the report. On the basis of the decision of the Commission of the mayoralty of the city of Bishkek the Department of individual housing construction prepares the decision of the mayoralty of the city of Bishkek about granting of the rights to the land areas.

Thus regional administrations any more do not take out the decision about allocation of the land areas for individual housing construction. However according to Decree of the mayoralties of Bishkek from August, 21st, 2000 N 546 the given power, in particular is provided:

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| <p style="text-align: center;">from August, 21st, 2000 N 546</p> <p style="text-align: center;">THE DECREE OF THE MAYORALTY OF THE CITY OF BISHKEK</p> <p style="text-align: center;">About State inspection liquidation on supervision for building and operation of the individual apartment houses of the mayoralty of Bishkek</p> | <p style="text-align: center;">Regulation</p> <p style="text-align: center;">About an order of granting of the land areas for individual housing construction in the city of Bishkek</p> |
| <p>- To heads of regional administrations (Ajtmurzaev N.T., Zhuravlyov O. V, Kakeev B.A., Olejnichenko A.P.) - questions of existing individual housing construction.</p> <p>6. To establish the following order of granting of the land areas:</p> <p>- The mayoralty decree defines borders of an inhabited file under individual housing construction and quantity of the land areas, for their further distribution by regional administrations;</p> <p>- The decision of regional administration makes allocation of the land areas to citizens according to sequence;</p> | <p>4.7. The question on granting of the rights to the land areas on consideration of the Commission of the mayoralty of the city of Bishkek brings Department of individual housing construction of the mayoralty of the city of Bishkek. The decision of the Commission of the mayoralty of the city of Bishkek is made out by the report.</p> <p>4.8. On the basis of the decision of the Commission of the mayoralty of the city of Bishkek the Department of individual housing construction prepares the decision of the mayoralty of the city of Bishkek about granting of the rights to the land areas.</p> |

2. Taking into consideration the number of complaints of citizens concerning actions of local governments on removal of corresponding decisions on allocation of the land areas for building of individual habitation or legalize of already existing individual apartment houses, and also taking into consideration other sources of the information, is determined that regarding allocation or legalisation of the lands areas for individual housing construction appear high level of corruption, more often, expressed in abusing officials the office powers, in imperfection of the legislation, absence of transparency of activity. Corruption in local governments in addition is appeared also by disorganisation of their work and without any control in the mayoralty of Bishkek and also in Bishkek Local Parliament deputies, that as a result has led to unjustified bureaucracy and red tape.

According to the complaints, officials of regional administration, referring to the decision of the mayoralty of from August, 21st, 2000 N 546 continued (and probably and continue) to mislead citizens of complexes of apartment buildings and the new buildings requiring receiving of land areas or legalisation of the land areas under existing individual apartment houses. As argument recent excitation of criminal case by Department on struggle against corruption of the Ministry of Internal Affairs of the Kyrgyz Republic provided by item 313 CC of the Kyrgyz Republic acts, namely: upon extortion by officials of regional administration of the mayoralty of Bishkek of money resources for removal decisions about allocation or legalisation of the land areas.

Problems with the land areas under individual housing construction arise, as is already noted, in complexes of apartment buildings and in new buildings of Bishkek. There is no due information on activity of Department of individual housing construction of the mayoralty of Bishkek, i.e. the majority of citizens don't know about existence of this structural division of the mayoralty of Bishkek.

The citizens living in complexes of apartment buildings and new buildings do not know about procedures of receiving of the land areas under building of individual habitation, than become victims of corruption and swindle.

3. It is necessary to notice, that earlier Bishkek Local Parliament deputies in the decree from November, 23rd, 2005 N 145, has noticed, that regional administrations of the mayoralty of the city of Bishkek by allocation of the land areas suppose the facts of infringement of the legislation of the Kyrgyz Republic and Regulation about an order of granting of the land areas for the individual housing construction, confirmed by the governmental order of the Kyrgyz Republic "About the Regulation statement about an order of granting of the land areas for individual housing construction" from May, 6th, 2005 N 177. In particular: regional administrations of the mayoralty of the city of Bishkek allocate the land areas for individual housing construction in inhabited files of the city of Bishkek on the basis of the powers delegated by the mayoralty of the city of

Bishkek. The mayoralty of the city of Bishkek does not supervise process of formation of sequence of the land areas requiring granting under individual housing construction. There is no uniform account of the citizens requiring improvement of living conditions on the city of Bishkek.

Putting the citizens on turn and sequence observance by granting of the land areas it is not developed. The land areas are given by regional administrations of the mayoralty of the city of Bishkek without sequence observance, at shortage of given documents and with infringement of an order of their registration defined by specified Regulation about an order of granting of the land areas under individual housing construction.

Local Parliament deputies also has noticed, that there are facts of use of doubtful data at a complete set of documents, entering of corrections and changes in reports of the commissions and the decision about granting of the ground areas, allocation of several sites to one citizen and members of one family.

It is necessary to order the operating land legislation in the field of individual housing construction, to provide transparency of work of corresponding structural divisions of the mayoralty of Bishkek and other cities to organise work on informing of the population on an order and procedures of reception of the land area for individual housing building.