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Law of the Kyrgyz Republic "On the procedure for considering citizens' appeals"

LAW OF THE KYRGYZ REPUBLIC

dated May 4 , 2007 No. 67

On the procedure for considering citizens' appeals

(As amended by the Laws of the Kyrgyz Republic dated
February 26, 2008 No. 16, July 15, 2009 No. 214, May 3, 2011
No. 17, July 15, 2013 No. 144, February 17, 2015 No. 35, July
27, 2016 No. 148, July 27, 2016 No. 151)

This Law is aimed at the legal regulation of relations related to the realization of everyone's right to appeal to state bodies and local self-government bodies, enshrined in the Constitution of the Kyrgyz Republic, as well as the procedure for considering citizens' appeals by state bodies, local self-government bodies and officials.

(As amended by the Law of the Kyrgyz Republic No. 214 of July 15, 2009)

Article 1. The main terms used in this Law

The basic terms used in this Law mean the following:

1) **a citizen's appeal** (hereinafter referred to as an appeal) is a proposal, statement, complaint set out in written, electronic or oral form;

electronic appeal - an applicant's appeal received at the official e-mail address of state bodies, local self-government bodies and officials, considered in accordance with the procedure established by Article 6-1 of this Law;

2) **proposal** - an appeal containing a citizen's recommendation on improving laws and other regulatory legal acts, improving the activities of state authorities of the Kyrgyz Republic and local self-government bodies, solving issues of economic, political, socio-cultural and other spheres of activity of the state and society;

3) **an application** is an appeal containing a citizen's request for assistance in the realization of his constitutional rights and freedoms or the constitutional rights and freedoms of other persons, or a report on violations of laws and other regulatory legal acts, as well as shortcomings in the activities of these bodies and officials;

4) **complaint** - an appeal containing a citizen's request for the restoration of his violated rights and freedoms or legitimate interests or the rights, freedoms or legitimate interests of other persons;

5) **individual appeal** - the appeal of one citizen;

6) **collective appeal** - the appeal of two or more citizens, the appeal of organizations on behalf of citizens, as well as resolutions of rallies and meetings;

7) **official** - a person who permanently, temporarily or by special authority performs the functions of a representative of the government or performs organizational and administrative, administrative and economic functions in a state body or a local self-government body.

(As amended by the Law of the Kyrgyz Republic No. 144 of July 15, 2013)

Article 2. Basic principles of working with citizens' appeals

The basic principles of the work of state authorities, local self-government bodies and their officials on the consideration of citizens' appeals are:

- 1) protection of human and civil rights and freedoms;
- 2) legality, democracy, accessibility;
- 3) mandatory consideration of appeals;
- 4) timeliness, objectivity and completeness of consideration of appeals;
- 5) equality of citizens when considering appeals;
- 6) personal responsibility for the performance of official duties;
- 7) control and accountability in the consideration of appeals.

(As amended by the Law of the Kyrgyz Republic dated February 26, 2008 No. 16)

Article 3. Legislation on citizens' appeals

Legislation on the procedure for considering citizens' appeals consists of the Constitution of the Kyrgyz Republic, this Law, legislative acts of the Kyrgyz Republic and regulatory legal acts of the Kyrgyz Republic.

Article 4. The right of citizens to appeal

1. In the Kyrgyz Republic, every citizen has the right to apply personally or through his representative to state authorities, local self-government bodies and their officials, who are obliged to provide a reasoned response within the time limit established by law.

2. The bodies referred to in paragraph 1 of this Article, their officials shall not have the right to deprive citizens of the right to address proposals, statements and complaints or restrict them in such right.

3. Applications and complaints in the interests of minors or incapacitated persons may be submitted by their legal representatives, as well as guardianship and guardianship authorities.

4. Foreign citizens and stateless persons enjoy the right to appeal in accordance with this Law, unless otherwise provided by the current legislation of the Kyrgyz Republic or international treaties.

5. Appeals of citizens received in accordance with the established procedure from the editorial offices of newspapers, magazines, television, radio and other mass media, via direct telephone communication, are considered in accordance with the procedure and terms provided for by the legislation of the Kyrgyz Republic and this Law.

6. Citizens exercise the right to appeal freely and voluntarily. The exercise by citizens of the right to appeal should not violate the rights and freedoms of others.

7. Consideration of citizens' appeals is free of charge.

(As amended by the Law of the Kyrgyz Republic dated May 3, 2011 No. 17)

Article 5. The limits of this Law

This Law applies to all appeals of citizens, with the exception of:

1) appeals related to inventions, discoveries, innovation proposals, the procedure of which is regulated by the legislation of the Kyrgyz Republic;

- 2) appeals that are considered in criminal and civil proceedings, proceedings in cases of administrative offenses, proceedings in cases of bringing judges to disciplinary responsibility;
- 3) appeals arising from the relations developing within the collectives of commercial organizations and public associations regulated by the norms of the legislation of the Kyrgyz Republic, their charters and regulations;
- 4) appeals for which a different procedure for consideration established by the laws of the Kyrgyz Republic is provided.
- 5) appeals related to the implementation of administrative procedures, the procedure for consideration of which is regulated by the legislation on administrative activities and administrative procedures.

(As amended by the Laws of the Kyrgyz Republic dated July 27, 2016 No. 148, July 27, 2016 No. 151)

Article 6. Requirements for a written request

1. A citizen in his written appeal must necessarily indicate the name of the state body or local self-government body to which he sends a written appeal, or the surname, first name, patronymic of the relevant official, or the position of the relevant person, as well as his surname, first name, patronymic (if any), postal address, to which he must a reply should be sent, sets out the essence of the proposal, statement or complaint, puts a personal signature and date.
2. A citizen's application or complaint must be substantiated. If necessary, they are accompanied by documents confirming the arguments of the citizen.

Article 6-1. Procedure for consideration of electronic appeals received by e-mail

1. In order to receive electronic appeals from citizens, a public authority or a local self-government body registers its official e-mail address on the Internet. The e-mail address of the state body or local self-government body must be posted on the official website of the state body or local self-government body, and in its absence - on the official website of the Government of the Kyrgyz Republic.

2. A citizen in his electronic appeal must necessarily indicate the name of the state body or local self-government body to which he sends an electronic appeal, or the surname, first name, patronymic of the relevant official, or the position of the relevant person, as well as his surname, first name, patronymic (if any), contact phone number (home, mobile or work), residential address, sets out the essence of the appeal.

3. It is allowed to attach copies, including scanned copies, of electronic documents, addresses on the Internet where electronic files (electronic documents, photo and video materials) are placed to an electronic appeal.

4. Within 3 working days after receiving an electronic appeal, a state body or a local self-government body sends an electronic message to a citizen-a notification of acceptance of his appeal for consideration, indicating the date and time of receipt, the assigned incoming number and the corresponding reference phones, or refusal to consider with justification of the reasons for refusal. Then the electronic appeal is printed out and further work with it is carried out in accordance with the procedure established by law.

5. During the consideration of an electronic appeal, the official who received the electronic appeal has the right to clarify the essence of the appeal by electronic correspondence or by phone specified in the appeal.

6. In addition to the electronic response, the state body or local self-government body also sends a written response to the

citizen.

7. A state body or a local self-government body has the right not to consider the following electronic appeals:

- 1) containing profanity and offensive statements, as well as calls for the overthrow of the existing state system and inciting ethnic and religious strife;
- 2) in which there is no information specified in part 2 of this article.

(As amended by the Law of the Kyrgyz Republic No. 144 of July 15, 2013)

Article 7. Personal reception of citizens

1. Officials and heads of state authorities and local self-government bodies, who are authorized to make decisions on the merits of appeals, are obliged to conduct a personal reception of citizens at least once a week.
2. Reception of citizens is carried out in accordance with the schedule of reception of citizens published on the official website of the state body or local self-government body and placed on stands in the building of the state body and local self-government body.
3. At a personal reception, a citizen presents a document certifying his identity.
4. If the issue stated in an oral appeal cannot be resolved during a personal reception, the appeal may be presented by a citizen in writing or electronically and is subject to registration and consideration in accordance with the procedure established by this Law.
5. If the appeal contains issues, the solution of which is not within the competence of this state body, local self-government

body or official, the citizen is given an explanation of where and in what order he should apply.

6. During a personal reception, a citizen may be refused further consideration of an appeal if he has been given an answer on the merits of the issues raised in the appeal.

7. Citizens who come from remote regions of the republic have the right to an extraordinary reception. Refusal of admission is not allowed.

(As amended by the Laws of the Kyrgyz Republic dated February 26, 2008 No. 16, July 15, 2009 No. 214, July 15, 2013 No. 144)

Article 8. Terms of consideration of a written (electronic) appeal

1. A written (electronic) appeal is subject to mandatory registration within one working day from the moment of receipt by a state body, a local self-government body or an official whose competence includes solving the issues raised in the appeal.

2. A written (electronic) appeal received by a state body, a local self-government body or an official in accordance with their competence is considered within 14 working days from the date of registration of the written (electronic) appeal.

3. In cases where it is necessary to conduct a special inspection (examination), request additional materials or take other measures to resolve a citizen's appeal, the terms for resolving complaints may be extended by way of exception, but not more than 30 calendar days. The decision on this is made by the head of a state body or a local self-government body, an official or an authorized person and is reported to the applicant in writing (electronically).

4. If the solution of the issues raised in a written (electronic) appeal falls within the competence of several state bodies, local self-government bodies or officials, a copy of the appeal is sent to the relevant state bodies, local self-government bodies or relevant officials within five working days from the date of registration.

(As amended by the Laws of the Kyrgyz Republic dated July 15, 2009 No. 214, July 15, 2013 No. 144, February 17, 2015 No. 35)

Article 9. Procedure for consideration of citizens' appeals received in writing

1. Citizens' appeals may be sent by mail or in person.
2. Citizens have the right to apply in the state, official or any other language of the peoples of the Kyrgyz Republic. Responses to written appeals of citizens are given in the language of the appeal. If it is impossible to give an answer in the language of the appeal, the state or official language of the Kyrgyz Republic is used.
3. Citizens' appeals are considered by the head of the state body or local self-government body personally. The order of their subsequent consideration is established by the head.
4. Written appeals are considered resolved if they have been considered, the necessary measures have been taken on the issues raised in them and written answers have been given to citizens within the time limits specified in Article 8 of this Law.
5. The response to the collective appeal is sent to the address of the citizen indicated in the appeal first, unless otherwise specified in the text.
6. If the text of the appeal is not readable, the person considering this appeal invites the applicant (if the applicant's surname and postal address are readable) to clarify and clarify the essence and arguments of the appeal. If the person

considering the appeal fails to contact the applicant, further consideration of the appeal is terminated, which is reported to the applicant in writing.

7. An appeal in which a judicial act or the conduct of a judge is appealed is returned to the citizen who sent the appeal, with an explanation of the procedure for appealing this judicial act or the conduct of a judge.

8. A written appeal of a citizen, which does not specify his surname and postal address to which the response should be sent, is recognized as anonymous and is not subject to consideration.

9. In case of refusal of a citizen from his written appeal in accordance with paragraph 6 of part 1 of Article 14 of this Law, the official of the state body, local self-government body considering the appeal, decides to terminate the proceedings on it, except in cases when the appeal contains information about the violation of rights, freedoms and (or) legitimate interests of citizens.

10. The considered appeals with copies of the answers are transferred to the archive for storage with an indication of the terms of their storage.

(As amended by the Laws of the Kyrgyz Republic dated February 26, 2008 No. 16, July 27, 2016 No. 151)

Article 10. Repeated requests

1. Repeated appeals (oral, written or electronic), in which new arguments or newly discovered circumstances are not given, are not subject to consideration if there are exhaustive materials of inspections on them and answers are given to citizens in accordance with the procedure established by this Law. New arguments or newly discovered circumstances are subject to consideration in accordance with the procedure provided for by this Law.

2. If a citizen is not satisfied with the decision received as a result of consideration of the appeal, he has the right to appeal the decision in court.

(As amended by the Law of the Kyrgyz Republic No. 144 of July 15, 2013)

Article 11. Guarantees of the citizen's safety in connection with his appeal

1. It is prohibited to persecute a citizen or his relatives in connection with his appeal to a state body, a local self-government body or an official with criticism of the activities of these bodies or an official or in order to restore or protect his rights, freedoms and legitimate interests or the rights, freedoms and legitimate interests of others.

2. The prosecution of a citizen or his relatives in connection with his appeal to a state body, a local government body or an official entails the responsibility of officials in accordance with the legislation of the Kyrgyz Republic.

3. Disclosure of information, access to which is restricted by laws, as well as information concerning the private life of a citizen, without his consent is not allowed.

(As amended by the Law of the Kyrgyz Republic No. 151 of July 27, 2016)

Article 12. Rights and duties of officials when considering appeals

1. The head of a state authority or a local self-government body or an official whose competence includes the consideration of an appeal shall have the right:

1) when sending a written (electronic) application for consideration to another state body, local self-government body or other official, if necessary, request documents and materials

from these bodies or from an official on the results of consideration of a written (electronic) application;

2) inform the population, labor collectives and mass media about the state of work with citizens' appeals;

3) leave the appeal unanswered on the merits of the questions raised in it if the written (electronic) appeal contains obscene or offensive expressions, threats to the life, health and property of an official, as well as members of his family, and inform the citizen who sent the appeal.

2. Bodies and officials are obliged to:

1) comply with the requirements established by this Law and other legislative acts of the Kyrgyz Republic on citizens' appeals;

2) accept the appeal for consideration or send it by affiliation, or explain to the applicant where he should apply;

3) to consider the appeal on its merits within the time period established by this Law, to objectively assess the facts set out in it, to verify their reliability;

4) immediately take measures to eliminate illegal actions (inaction) that violate the rights, freedom, and legitimate interests of citizens;

5) if necessary, send employees to the places to check the information contained in the appeal;

6) make a reasoned and reasoned decision on the appeal;

7) inform citizens in writing or via electronic communication about the results of consideration of the appeal and the decision taken on it;

8) upon official requests of bodies and officials considering appeals, submit acts, other documents and materials relevant to the consideration of appeals as evidence, with the exception of

those that contain state, official or other secrets protected by law;

9) in case of rejection of appeals, it is mandatory to indicate the reasons for rejection, explain the procedure for appealing;

10) exclude cases of sending a complaint to officials whose actions are being appealed;

11) to prevent infringement of the rights, freedoms and legitimate interests of citizens and their family members in connection with their appeals to state bodies, other organizations, and officials.

(As amended by the Law of the Kyrgyz Republic No. 144 of July 15, 2013)

Article 13. Decision on the appeal

1. Based on the results of the appeal, one of the following decisions is made:

- 1) on full or partial satisfaction of the appeal;
- 2) about the refusal to satisfy the appeal;

President

Kyrgyz Republic

K.Bakiyev

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