

How to address your complaints

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Please use this below description to address your complaint. If you have gone through all the internal complaints process and are not satisfied, you can file a complaint to us. If you're not sure - or don't know how to complain - call at Phone 038 223 780 707 or share your complaint with the independent monitors by calling them or approach them while visit prison institutions.

First step: Let us describe the steps that a complaint should follow until it reaches us.

Please mail your completed
complaint form in the Complaints
Post-Box provided for such purpose

You need to do this immediately after the incident, describing the
reason for your complaint

Your are strongly advised to refer the date: dd/mm/year

You will be interviewed by a manager within 24 hours of the complaint being recorded

Can that manager deal with the complaint?

Complaint Closed?

YES

NO

We will pass your complaint to an appropriate level/manager

You are advised also to address your complaint direct to the Prison Director by using the **Form 10**

You will receive a written response within 15 days

Complaint Closed?

YES

NO

Happy with the reply?

Second step: Let us help you with describing the complaint procedure for second level.

Complete the stage II and place the form in the complaints Post-Box within 15 days. **Form 11** serves to address the complaint to the Director of Correctional Service

Your are strongly advised to refer the date: dd/mm/year

We will pass your complaint to an appropriate level/manager for replay

You will receive a written response within 30 days

Complaint Closed?

YES

NO

If you do not receive a response from the Director of Correctional Services or are not satisfied with the response you can contact the complaint to the Minister of Justice.

Answer or decision of the Minister of Justice to your appeal is final and cannot be appealed.

If not satisfy with the reply to your complaint, you can file it in the Ombudsperson Institution compliant box or make a free phone call at the following number: 038 223 780 707; You are also advised to call at the KRCT at: 038 243 707; or CDHRF at: 038 249 006

You can file complaints also to the Assembly's Commission for Human Rights and Petitions, the competent court, independent monitoring bodies (i.e, NGOs), Inspectorate of Ministry of Justice, the CoE Committee for Prevention of Torture (CPT).

When using these complaint alternatives, please mail your complaint in a closed envelope with an address on it **or ask the monitoring team members to deliver it for you.**

The right to complaint

All detainee and prisoners shall be allowed to make a request or file complaint, without censorship, to the central prison administration, the judicial authority or other proper authorities. Unless the request or complaint is evidently groundless, it shall be promptly dealt with in a confidential manner and replied to without undue delay. If the complaint concerns an alleged assault, the person shall be examined medically immediately.

Effective complaints procedures are fundamental safeguards against ill-treatment in prisons. Crucial is it, therefore, that the management of complaints mechanisms are undertaken in a way guarantees the confidentiality of the complainants, as well as ensuring that the complaint was received at the level it is directed to within the correctional system and that a response is given promptly. Any dark area in this field presents the risk of developing the perception of informal and uncontrolled systems.

Complaints can be related to the various aspects of a prisoner's life, including decisions related to conditional release, medical treatment, material conditions, breach of internal regulations and ill-treatment. Filing of complaints is most frequently done by prisoners and detainees, but can also be done family members, legal representative, other detainees and NGOs on behalf of the detainee/prisoner.

The Law on Execution of Penal Sanctions in its provisions under Article 91 recognizes the right of convicted persons **to submit a complaint** for the violation of his/her rights and other malpractices made to him/her within the correctional institution. The provisions of this article also recognize the right of convicted person **to be informed upon the procedures** in place about the complaints.

What does international instruments says:

International Pact on Civil and Political Rights, Art 2 (3)a:

"...any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity"

The set of principles "for the protection of all persons subject to any form of detention or imprisonment" principle 33:

"A detained or imprisoned person or his counsel shall have the right to make a request or complaint regarding his treatment, in particular in case of torture or other cruel, inhuman or degrading treatment, to the authorities responsible for the administration of the place of detention and to higher authorities and, when necessary, to appropriate authorities vested with reviewing or remedial powers"

The set of minimum rules "For the treatment of prisoners" rules 36(3):

"Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels"

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