

A COMPARATIVE STUDY OF THE INSTITUTION OF THE COMMISSIONER FOR HUMAN RIGHTS (OMBUDSMAN) IN KAZAKHSTAN, SWEDEN, AND GEORGIA

Turebek*
ZHUNTYRBAYEV

doctoral student, Academy of Public Administration under the President of the Republic of Kazakhstan, Institute of Management, Astana, Kazakhstan, turbeks@mail.ru, ORCID ID: <https://orcid.org/0009-0002-5122-8606>

Aliya
MASSALIMOVA

Doctor of philosophical science, Professor, Academy of Public Administration under the President of the Republic of Kazakhstan, Astana, Kazakhstan; a.masalimova@apa.kz, ORCID ID: <https://orcid.org/0009-0008-7572-9388>

Aleksandras
PATAPAS

Doctor of Philosophy, Professor, Institute of Public Administration, Mykolas Romeris University, Lithuania, patapas@mruni.eu, ORCID ID: <https://orcid.org/0000-0002-5726-8812>

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Abstract. The Institution of the Commissioner for Human Rights (Ombudsman) provides non-judicial protection of citizens, acting as one of the key mechanisms for responding to unlawful actions or inaction by government agencies. The purpose of this article is to compare the practice of the ombudsmen of Kazakhstan, Sweden and Georgia and to identify foreign experience for the development of the national model of this institution. To achieve this goal, comparative legal analysis, analysis of regulations, official reports of ombudsmen and statistics of citizens' appeals were used. The results of the study showed that despite the similarity of the basic functions, the actual influence of the ombudsmen varies significantly and is determined by the scope of the mandate, the instruments of influence, the level of parliamentary participation and the degree of publicity of the activities. Based on the results of the analysis, a number of recommendations were formulated to strengthen the role of the Commissioner for Human Rights in Kazakhstan, including the development of parliamentary control over the implementation of recommendations, the use of publicity potential and the exercise of powers to appeal to the Constitutional Court, which makes it possible to increase the effectiveness of human rights activities.

Keywords: Commissioner for Human Rights, Ombudsman, human rights, powers, complaints

Аңдатпа. Адам құқықтары жөніндегі уәкіл (омбудсмен) институты мемлекеттік органдардың заңсыз әрекеттеріне немесе әрекетсіздігіне ден қоюдың негізгі тетіктерінің бірі бола отырып, азаматтарды соттан тыс қорғауды қамтамасыз етеді. Осы мақаланың мақсаты Қазақстан, Швеция және Грузия омбудсмендері қызметінің тәжірибесін салыстыру және осы институттың ұлттық моделін дамыту үшін шетелдік тәжірибені анықтау болып табылады. Қойылған мақсатқа жету үшін салыстырмалы-құқықтық талдау, нормативтік актілерді, омбудсмендердің ресми баяндамаларын және азаматтардың өтініштерінің статистикасын талдау пайдаланылды. Зерттеу нәтижелері негізгі функциялардың ұқсастығымен омбудсмендердің нақты әсері айтарлықтай өзгеретінін және мандат көлемімен, ықпал ету құралдарымен, парламенттік қатысу деңгейімен және қызметтің жариялылық дәрежесімен анықталатынын көрсетті. Жүргізілген талдау қорытындылары бойынша ұсынымдардың орындалуына парламенттік бақылауды дамытуды, жариялылық әлеуетін пайдалануды және конституциялық сотқа жүгіну жөніндегі өкілеттіктерді іске асыруды қоса алғанда, Қазақстандағы Адам құқықтары жөніндегі уәкілдің рөлін күшейту бойынша бірқатар ұсынымдар тұжырымдалды, бұл құқық қорғау қызметінің нәтижелілігін арттыруға мүмкіндік береді.

Түйін сөздер: Адам құқықтары жөніндегі уәкіл, Омбудсмен, адам құқықтары, өкілеттіктер, шағымдар

Аннотация. Институт Уполномоченного по правам человека (омбудсмена) обеспечивает внесудебную защиту граждан, выступая одним из ключевых механизмов реагирования на неправомерные действия или бездействие государственных органов. Целью данной статьи является сопоставление практики деятельности омбудсменов Казахстана, Швеции и Грузии и выявление зарубежного опыта для развития национальной модели этого института. Для достижения поставленной цели использованы сравнительно-правовой анализ, анализ нормативных актов, официальных докладов омбудсменов и статистики обращений граждан. Результаты исследования показали, что при сходстве базовых функций фактическое влияние омбудсменов существенно различается и определяется объемом мандата, инструментами воздействия и уровнем парламентского участия и степенью публичности деятельности. По итогам проведенного анализа сформулирован ряд рекомендаций по усилению роли Уполномоченного по правам человека в Казахстане, включая развитие парламентского контроля за исполнением рекомендаций, использование потенциала публичности и реализацию

* Corresponding author: T.Zhuntyrbayev, turbeks@mail.ru

полномочий по обращению в Конституционный суд, что позволяет повысить результативность правозащитной деятельности.

Ключевые слова: Уполномоченный по правам человека, Омбудсмен, права человека, полномочия, жалобы

Introduction

Existing state mechanisms for the defense of human rights, including law enforcement agencies and courts, play an important role in the promotion of the rule of law. However, they cannot guarantee that these rights are adequately adhered to. As a result, in more than 140 countries (Venice Commission, 2022), the institution of the Ombudsman has been established as an additional independent mechanism to protect human rights. He is named differently across the countries. In Kazakhstan it has a name the Commissioner for Human Rights, in Sweden it has a name the Parliamentary Ombudsman (Justitieombudsmannen), and in Georgia it is named the Public Defender. A globally recognized name is “the Ombudsman”. The International Institute of the Ombudsman (IOI), established in 1978, states that today ombudsmen are meant to safeguard citizens against abuses of administrative and state power to enhance the transparency and accountability of governments (Batalli 2015). This universal process, which some researchers call the “global diffusion” (Dolan & Bennett, 2018, p.370) of the role of the Ombudsman, has created institutions at the national and regional levels around the world.

The Ombudsmen, who consider the complaints against government agencies, can also conduct independent investigations on their own initiative. However, their decision-making and sanctions power are limited. The Ombudsman does have substantial moral but non-binding official authority. It is an additional, extra-judicial counterbalance to the Government which promotes the rule of law and good governance. The Ombudsman has the power to investigate citizens' complaints about the actions of government agencies, publish their findings and recommend changes to the agency's procedures or even new laws (Batalli, 2015; Dolan & Bennett, 2018). The relevance of the functioning of the Ombudsman institution is also verified at the national level. The President of the Republic of Kazakhstan, K.K. Tokayev, during a meeting with the Ombudsmen on August 29, 2023 mentioned the need for the improvement of the efficiency of this institution (Akorda, 2023). The effective functionality of ombudsman institutions is currently one of the main challenges for the states trying to improve the quality of public administration and respect for human rights.

This work aims to carry out a comparative analysis of the ombudsmen practises in Kazakhstan, Sweden and Georgia and to identify applicable practices to the development of the Kazakhstani Ombudsman institution.

The choice of these countries for the comparison was based on the following points. Sweden has the world's longest operating experience with the Ombudsman institution (since 1809), making this classic model of the Ombudsman. Georgia, as a former Soviet republic like Kazakhstan, developed in similar historical conditions and managed to align its institution with international UN standards.

Literature Review

In the scientific literature, the institution of the Ombudsman is considered to be one of the crucial tools to protect human rights, including contributing to the increased openness and accountability of public bodies. Researchers at the same time also assess the role and effectiveness of this institution in different ways, given the legal background and operations of the organization in different states. Thus, Batalli (2015) considers the Ombudsman as a tool for countering maladministration, emphasizing its importance for ensuring legality, transparency and efficiency of state organs. Demina and Sozaev (2021), who conducted a comparative analysis of the institution of the Ombudsman in various countries, illustrate that the degree of the effectiveness of the Ombudsman is closely related to its independent status and scope of authority.

According to the majority of the studies that have been devoted to the institution of the Ombudsman, the classical model of the parliamentary Ombudsman, established in Sweden, is regarded as the starting point of the analysis. The authors note its main features, such as real independence from the executive branch and a wide oversight mandate. As Kumar and Sharma (2022) argue, the transparency of the Swedish Ombudsman's practices and frequent reporting to Parliament allow for detection of weaknesses in terms of the public administration system. These activities protect the rights of citizens from administrative errors and strengthen public trust in state institutions.

Scientific and analytical works have thoroughly documented the activities of the Ombudsman of Georgia. Doğan (2022) characterizes the Georgian Ombudsman as an autonomous parliamentary and constitutionally established institution. It focuses on the fact that the Ombudsman, without the right to direct coercion, influences the public administration system through the consideration of complaints, the preparation of reports and the development of recommendations.

The Geneva Center for Security Sector Management (Kochlamazashvili & Glušac, 2024) also confirms these provisions. It emphasizes the practice-oriented nature of the activities of the Public Defender of Georgia, the broad mandate and the active application of tools, including monitoring, access to information and public reporting. The research of Kazakhstani writers like M. Bashimov and S. Karzhaubayev, A. Kanatov and M. Shakenov, V. Isabekova, K. Mukhametova, and others examines the issues of the legal status of the Commissioner, the scope of his powers and the directions of institutional progress. The collective work of A. Ashirbekova, O. Anayurt and A. Abikenov (2023) analyzed the institution of the Ombudsman in Kazakhstan and Turkey. The stages of formation, legal status and the statistics of consideration of citizens' appeals are reviewed.

Most of the studies are however focused on the regulatory and historical aspects of the Ombudsman's work. A comparative analysis of the institutional mechanisms and practical tools of its work in comparison with European models is limited. Because of this, it is necessary to perform further comparative study of the Kazakh model of the Commissioner for Human Rights with foreign practices.

Materials and methods

The choice of countries for the study is related to the differences in the models of the Ombudsman institution and the possibility of comparing them.

Sweden was chosen as a classic example for comparison, as it was the first country to establish an ombudsman institution in 1809. Its experience allows us to consider the Swedish model as a guideline for comparative analysis.

Georgia, like Kazakhstan, was a former Soviet state. It was able to show a high level of institutional development of the Ombudsman institution. The Public Defender of Georgia was assigned the "A" status by the accreditation of the Global Alliance of National Human Rights Institutions (Public Defender of Georgia, n.d.). The existence of this status confirms the institute's compliance with the Paris Principles of the United Nations, used in international practice to evaluate the independence and effectiveness of national human rights bodies (Council of Europe, 2018).

The study uses comparative legal and formal legal methods. The latter was used in the study of the following regulatory legal acts regulating the activities of ombudsmen in Kazakhstan, Sweden and Georgia:

- 1) Constitutional Law of the Republic of Kazakhstan "On the Commissioner for Human Rights in the Republic of Kazakhstan" No. 154-VII (November 5, 2022);
- 2) The Act with Instruction for the Parliamentary Ombudsmen, Swedish Code of Statutes No. 2023:499 (June 29, 2023);
- 3) Organic Law of Georgia "On the Public Defender of Georgia" No. 230-IIS (May 16, 1996).

The analysis of regulatory acts identified the specifics of the legal status of ombudsmen, the procedure for their appointment, the scope of their powers and the extent of their institutional independence. Comparative legal analysis was used to compare national ombudsman models by institutional and functional parameters. The institutional aspects involve legal status, place in the system of government and the nature of authority. The functional factors involve the activities of the Ombudsman in reviewing appeals, monitoring, and preparing reports and recommendations.

The study analyzes the citizen appeals using official annual reports and publicly available materials regarding ombudsman institutions in Kazakhstan, Sweden, and Georgia. These sources provide information on the number and structure of complaints, including appeals accepted for consideration, rejected, or referred to other authorities. At the same time, differences in national procedures for recording and classifying complaints limit the direct comparisons. Therefore, the statistical data are used to identify general institutional patterns in the work of an ombudsman rather than precise comparable quantitative results.

Results

The institutions of the Ombudsman in Kazakhstan, Sweden, and Georgia are based on similar principles of human rights protection, but they have some differences in characteristics. For example, in the mechanisms of formation, the period of activities, and the scope of supervision. The general characteristics of the Ombudsmen are shown in Table 1.

Table 1. – General information about Ombudsmen

Parameter	Kazakhstan	Sweden	Georgia
The name of the Ombudsmen Institution	The Commissioner for Human Rights in the Republic of Kazakhstan	The Parliamentary Ombudsman	The Public Defender of Georgia
Year of establishment	2002	1809	1996
Who is appointed by	by the Senate of Parliament on the recommendation of the President	Parliament	Parliament
Term of office	5 years	4 years	6 years
Scope of supervision	State and local government bodies	State and municipal authorities, courts, prosecutor's office	State and local government bodies, individuals and legal entities (only in the case of complaints of discrimination)
<i>Note. Data compiled by the author based on: Constitutional Law of the Republic of Kazakhstan No. 154-VII (2022); The Act with Instruction No. 2023:499 (2023); Organic Law of Georgia No. 230-IIS (1996)</i>			

The differences between the models of ombudsmen are evident in the range of subjects that fall within the scope of the Ombudsman's mandate. The most striking difference is evident in Sweden, where the Ombudsman oversees not only state and municipal authorities, but also the court and the prosecutor's office. The considered basic parameters reflect the general information about these institutions. In order to compare them more deeply, their legal status and powers should be studied.

In Kazakhstan, the activities of the Commissioner for Human Rights are currently regulated at the level of the Constitutional Law "On the Commissioner for Human Rights in the Republic of Kazakhstan" (2022). It was adopted in 2022 after the referendum on amendments to the Kazakhstan's Constitution. The previous law with a similar name, adopted in 2021, led to the establishment of the post of representative of the Commissioner and the opening of representative offices in all regions (Law of the Republic of Kazakhstan No. 90-VII, 2021). In 2022, the staff of the National Center for Human Rights, which serves as the Ombudsman's working body, was also increased from 12 to 104 (Presidential Decree No. 948, 2022). The independence of the Commissioner for Human Rights from state authorities and his immunity are shown in article 83-1 of the Constitution of Kazakhstan (Constitution of the Republic of Kazakhstan, 1995). He cannot be arrested or prosecuted without the consent of the Senate of Parliament. The norms on the election of parliamentary ombudsmen of Sweden are prescribed in the Constitution of the country (The Instrument of Government, 1974, Chapter 13, Art. 6). Their constitutional status emphasizes their independence. The Riksdag Act provides for the election of four parliamentary Ombudsmen, including one Chief.

In Georgia, the status of Public Defender and guarantees of independence are also established in the Basic Law of the country (Constitution of Georgia, 1995, Art. 35). The legal regulation of the work of the Georgian Ombudsman is carried out by the Organic Law "On the Public Defender of Georgia" (1996). There are similarities and differences between ombudsmen based on the powers they have (Table 2).

Table – 2. Powers of Ombudsmen

Authorization	Kazakhstan	Sweden	Georgia
Consideration of complaints	+	+	+
Initiating an investigation on their own initiative	+	+	+

Requesting information and documents from government agencies	+	+	+
Requesting information and documents from legal entities and individuals	-	-	+ (only in case of consideration of discrimination issues)
Imposition of a fine for failure to provide information and documents	-	+	-
Making recommendations based on the results of complaints review	+	+	+
Legislative consolidation of the obligation to implement the recommendations of the Ombudsmen	-	-	-
Initiation of disciplinary, administrative, and criminal liability of officials for human rights violations	+	+	+
Independent initiation of criminal prosecution against officials	-	+	-
Implementation of the National Preventive Mechanism Formation	+	+	+
Formation and publication of annual reports/reports	+	+	+
Participation in the improvement of legislation	+	+	+
<i>Note. Data compiled by the author based on: Constitutional Law of the Republic of Kazakhstan No. 154-VII (2022); The Act with Instruction No. 2023:499 (2023); Organic Law of Georgia No. 230-IIS (1996)</i>			

All ombudsmen of the countries under consideration are authorized to consider complaints from citizens about violations of their rights and freedoms by state authorities. However, in Sweden, with the exception of special cases, applications with a limitation period of more than two years are not considered (The Act with Instruction, 2023, Sec. 32). Kazakhstan and Georgia do not set similar time limits for applicants.

The existence of a complaint is not the only reason for considering human rights violations. Ombudsmen have been granted the right to independently initiate proceedings on human rights violations. In Kazakhstan, such grounds are strictly defined: the mass and social significance of violations, the protection of persons unable to defend their rights (Constitutional Law No. 154-VII, 2022, Art. 14). In the other two countries, there are no specific grounds for launching an investigation on their own. The legislation of the countries under consideration grants the right to Ombudsmen to receive from government agencies the necessary documentation and information on the complaint under consideration. The only difference is with the Georgian Ombudsman, who can request documents and materials not only from authorities, but also from individuals and legal entities. However, this power is limited to discrimination proceedings. At the same time, the Kazakh and Georgian ombudsmen do not have harsh punishments in relation to bodies that have failed to comply with these requirements. They have the opportunity to reflect on these cases in their annual reports. For example, the Commissioner for Human Rights of Kazakhstan, in his annual report of 2023, reported cases of late responses from the police authorities of certain regions (Commissioner for Human Rights, 2024). In this context, the Swedish model is special. It has the right to impose a fine of up to SEK 10,000 for failure to provide information (The Act with Instruction, 2023, Sec. 36). Following the review of a complaint, the Swedish Ombudsman issues a formal statement, whereas the Ombudsmen in Georgia and Kazakhstan issue recommendations. The subjects receiving these recommendations are required to respond within established timeframes: 15 working days in Kazakhstan (Constitutional Law No. 154-VII, 2022, Art. 16), and 20 days in Georgia (Organic Law of Georgia, Art. 20).

However, there are hardships in their actual implementation. In Kazakhstan, in the Commissioner's annual report for 2024, only 15% of complaints resolved with a positive result in 2024 (Commissioner for Human Rights [CHR], 2025a). In Georgia, according to the European Commission (2023), about 12% of all recommendations of the Public Defender made were implemented in 2022. In addition to making recommendations, ombudsmen have the right, if human rights violations are detected during the consideration of complaints, to initiate the issue of bringing

officials to disciplinary, administrative or criminal responsibility. In this aspect, the Swedish Justitieombudsmannen has a distinct function from the other two countries to initiate criminal prosecution on its own (The Act with Instruction, 2023, Sec. 21). In developed countries, public mention of human rights violations in the Ombudsman's report can lead to the dismissal of a civil servant and reputational losses for the organization (Karamanukyan, 2011). In all countries, reports are published and made available to the public. The peculiarity of Kazakhstan is that the annual report is submitted to the President of the country, whereas in Georgia and Sweden, annual reports are sent to Parliament.

Following the review of the annual report, the Parliament of Georgia adopts a resolution reflecting the recommendations of the Public Defender to be implemented by State bodies. However, a certain part of the recommendations may not be supported and may not be included in the specified resolution. In 2024, Parliament approved only 78% of the Ombudsman's recommendations to be included in the resolution (Public Defender of Georgia [PDG], 2024a).

In Sweden, the institution of the Ombudsman is proclaimed one of the pillars of parliamentary oversight (Parliamentary Ombudsmen, n.d.-a). Because of this, the Ombudsman's annual reports to Parliament act as a powerful tool for influencing the state apparatus to implement subsequent systemic changes in its activities based on the voiced criticism. Due to the fact that ombudsmen in their daily activities are directly confronted with issues of practical application of legislation, they have the opportunity to identify systemic flaws in legislation. In this regard, the Ombudsmen have been given the right to make proposals on improving legislation. In 2024, representatives of the Office of the Commissioner for Human Rights participated in the work of 5 working groups of the Parliament of Kazakhstan on the development of draft laws, and also sent about 20 proposals to the authorized bodies on improving legislation (CHR, 2025a). The Georgian Ombudsman presents his proposals to Parliament on legislative changes in his annual reports. For example, the 2024 report proposes amendments to protect the right of access to public information (PDG, 2024a). In addition to participating in the improvement of legislation in Kazakhstan and Georgia, the Ombudsmen can have a more significant impact on the legal field through the right to appeal to the Constitutional Court. The Kazakh Commissioner was given the right to apply to this body of constitutional control in 2022 (Constitutional Law No. 154-VII, 2022, Art. 7). It still has not been implemented in practice.

The Georgian Ombudsman actively uses this right. In October 2024, the Constitutional Court upheld a lawsuit challenging a regulatory decree of the Tbilisi Legislative Assembly that restricted access to special parking spaces for people with disabilities (Public Defender of Georgia, 2024b).

Sweden represents a distinct model in this context, as it lacks a Constitutional Court, and its role is fulfilled by ordinary courts and other relevant bodies (Rakitskaya, 2024).

It should also be noted that in Kazakhstan, Sweden and Georgia, the Ombudsmen perform the function of the National Preventive Mechanism (hereinafter – NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This mechanism allows to organize visits to places of forced detention to prevent torture and ill-treatment (UNDP Kazakhstan, 2021). This function highlights their core mandate and allows for protection in places where the usual human rights protection mechanisms are limited. In addition to considering the legislative mandate of ombudsman institutions, the statistics of citizens' appeals provide important information about their practical functioning. In 2024, the Commissioner for Human Rights of Kazakhstan received 6,748 complaints. Of these, 1,039 requests were satisfied, 5,075 were clarified, and 634 were sent to the competent authorities (CHR, 2025a).

In Sweden, the Ombudsman received 11,483 complaints during the same period. Due to insufficient grounds, 82% (9,457) of the appeals were rejected and 14% (1,625) were referred to other authorities. Only 4% (401) were accepted for consideration, of which 336 (3%) were satisfied, and 65 were completed without criticism (Parliamentary Ombudsman, 2025). 3,780 complaints were addressed to the Public Defender of Georgia in 2024. At the same time, 2,390 were accepted for work, and 1,120 were rejected in whole or in part (PDG, 2024a). Information on the effectiveness of complaints accepted for consideration is not reflected in the statistical data of Georgia.

The comparison shows that the ombudsman institutions work under different legal and procedural arrangements in Kazakhstan, Sweden, and Georgia. The differences lie in the scope of supervision, the tools applied in influencing public authorities, and the role the parliament plays in the ombudsman's reports. Variations can also be seen in how complaints are processed, including

the admissibility rules and the rejection rate. These observations provide the basis for discussing how institutional arrangements define the role and impact of ombudsman institutions.

Discussion

The analysis showed that the ombudsmen of the three countries perform similar basic functions aimed at protecting citizens from government misconduct. At the same time, the real influence of the Ombudsmen on the current situation is enhanced through the breadth of the mandate, the level of publicity and close interaction with Parliament. The difference in the time of the establishment of ombudsman positions indicates different accumulated experience. In Sweden, the role of the Ombudsman, established in 1809, has long been defined in the government system and the state apparatus perceives his recommendations as a binding standard. The Ombudsman's decisions are not legally binding, but they are his key lever of influence on government agencies. The Swedish experience shows that only the mere fact of the Ombudsman's criticism can prompt the agency to eliminate the violation (Parliamentary Ombudsmen, n.d.-b).

In Kazakhstan, this institution is still developing and must prove its importance to the executive branch. The real strengthening of the institution of the Commissioner in Kazakhstan began relatively recently, approximately in 2021-2022, when the Law was adopted, and then the Constitutional Law on the Commissioner was adopted to replace it. In the statements of the President of Kazakhstan in 2023, it was emphasized that the constitutional amendments should enhance the status of the Commissioner for Human Rights and promote his inclusion in all consultative and advisory bodies in order to regularly promote the interests of citizens and protect their rights (Akorda, 2023). This approach is in line with the position of the Venice Commission of the Council of Europe, which recommends that the institution of the Ombudsman be consolidated at the constitutional level to ensure its resilience to political change (Venice Commission, 2022). Linda Reif (2004) considers this feature as important for institutional independence because it gives the Ombudsman more protection. Despite the fact that in all the countries under consideration, the Ombudsman is appointed by Parliament, in Kazakhstan the procedure has its own peculiarities due to the participation of the President in the appointment of the Commissioner. Such a scheme enhances the political weight of the Commissioner, reinforcing his status with the support of the Head of State. In all three countries, ombudsmen accept complaints regarding the actions of state authorities. However, in Sweden, the Ombudsman's mandate is broader, encompassing not only executive bodies but also the judiciary and the prosecutor's office. It strengthens the institution's role as an independent arbitrator. In Georgia, the mandate is expanded through the competence to examine discrimination cases, which allows the Public Defender to address violations occurring not only within state institutions but also in relations involving private actors. In comparison, the powers of the Kazakh Ombudsman look more limited because his mandate adheres to the classical framework and does not apply to the judicial system or the private sector. Participation in lawmaking and visits within the framework of the NPM expand the tasks of the Ombudsman. In addition to responding to individual complaints, he gets the opportunity to work with the very causes of violations. The Ombudsman acts as a preventive tool, trying to influence the situation until the moment when citizens' rights are violated. According to Castro Barriga (2019), to implement its recommendations, the Ombudsman, who has no coercive powers, must rely on persuasion and publicity. So, the strength of an ombudsman institution, its individuality, and its ability to impact other state institutions lie in this skill of convincing others. In Kazakhstan, as in Georgia, the Commissioner cannot force the government authorities against whom a complaint has been filed to provide the requested information. In Sweden, the Parliamentary Ombudsman has legislatively established the most tangible levers that come into effect immediately at the beginning of the complaint procedure. He has the right to apply penalties in case of refusal to provide materials, and if signs of a crime are identified, to institute criminal prosecution of an official. In addition, the Swedish Ombudsman's non-binding decisions are typically complied with due to the institution's high reputation and the significant weight of its criticism.

Furthermore, the grounds for the Commissioner to initiate independent investigations (without a formal complaint) upon identifying human rights violations are strictly defined. The detailed regulation of proactive inspections narrows the grounds for the Ombudsman to independently identify violations and makes it dependent on the availability of formal complaints. There is a more limited set of influence mechanisms in the Kazakh model. There is no procedure for reviewing and

discussing the Commissioner's annual report in the country's legislature. This makes it impossible to carry out further parliamentary monitoring of the implementation of the recommendations. Whereas in Georgia, the country's Parliament reviews the Ombudsman's annual report and includes his recommendations in a parliamentary resolution for implementation by state authorities.

The difference between the ombudsman institutions is related to how horizontal accountability is structured. Linda Reif defines horizontal accountability as the capacity to monitor and restrain administrative abuse (2004). In the classical model, the ombudsman performs this role with the help of investigations and recommendations to public authorities. However, involvement of the parliament can make a simple recommendation into an instrument of political oversight. In Kazakhstan, there is still no institutionalized link between the ombudsman office and legislature. Therefore, the recommendations of the Ombudsman do not have systematic parliamentary monitoring of their implementation.

A study of complaint statistics in the ombudsman institutions of the countries under consideration reveals differences in the logic of handling appeals. In Kazakhstan, no appeal is formally rejected, even if it ultimately results in consultation or is redirected to another authority. As a result, the official statistics do not include a category of rejected complaints, which reflects the institution's intention to remain accessible to the public.

In Sweden and Georgia, by contrast, applications undergo preliminary screening and may be rejected at the initial stage. For this reason, statistical indicators in these countries are formed according to different procedural rules.

The number of complaints in Kazakhstan is also influenced by the level of public awareness about the Ombudsman's activities. According to survey data, 42% of the population are not aware of the existence of this institution (Commissioner for Human Rights, 2025b). Therefore, the recorded number of appeals does not fully reflect the actual demand for human rights protection. In this context, the higher share of rejected complaints in Sweden and Georgia should be understood as the result of stricter screening procedures rather than limited accessibility of these institutions. The right to appeal to the Constitutional Court is a powerful lever of the Ombudsman's influence on the legal system. However, its role depends on how often it is actually used. In Georgia, the Public Defender actively uses this instrument, while in Kazakhstan it has not yet been applied in practice. A comparison of the considered models allows us to identify several practical conclusions that are important for Kazakhstan. The experience of Sweden and Georgia shows that the actual influence of the Ombudsman is strengthened through the consideration of his reports in Parliament and subsequent monitoring by the legislature of the implementation of recommendations. This approach turns the Ombudsman's conclusions into a real instrument of influence on government agencies. The Swedish experience proves the effectiveness of publicity as an independent means of influence. Government agencies correct violations for fear of reputational losses, even if the Ombudsman's decisions do not have direct legal force. In turn, Georgia's practice highlights the importance of appeals to the Constitutional Court. For Kazakhstan, this tool is necessary as a way to influence legislation, especially since the Commissioner, having such powers, has not yet begun to actively apply them.

Thus, the study shows that the efficiency of the ombudsman depends not only on the formal scope of its powers but also on the operating institutional conditions. The experience of Sweden and Georgia demonstrates that mechanisms of parliamentary oversight, the level of publicity, and the practical application of constitutional review instruments can significantly improve the effectiveness of human rights protection.

Conclusion

The purpose of this article was to compare the practice of ombudsmen in Kazakhstan, Sweden and Georgia with the identification of experience applicable to the development of the national institution. An analysis of their powers, methods of influence and statistics of appeals revealed common legal bases and differences in activities. All Ombudsmen have a certain set of basic powers. These include reviewing complaints, making recommendations to government agencies, participating in improving legislation, preparing annual reports on their activities, and implementing NPMs. However, in practice, the effectiveness of their activities and their impact on the state of human rights protection differ. This largely depends on the scope of the mandate, the legally established instruments of influence, the established authority of the Ombudsman among the

authorities and the availability of parliamentary control. The results obtained are of practical importance for Kazakhstan. Starting in 2021, significant legislative and organizational steps have been taken to strengthen this institution. At the same time, in comparison with similar institutions in Sweden and Georgia, the institution of the Commissioner for Human Rights in Kazakhstan was established relatively recently, in 2002. Therefore, taking into account the reviewed experience of these countries, a number of factors have been identified that hinder the full implementation of the Commissioner's mandate. These include the lack of effective levers to ensure the implementation of recommendations and timely receipt of information, the inability to discuss the Commissioner's annual report in Parliament, and the insufficient level of its recognition among the population.

In this regard, it is proposed to take the following steps to strengthen the institution of the Commissioner.

1. It is necessary to legislate the practice of reviewing the Commissioner's annual report in the Parliament. The outcome of this discussion should be a resolution with specific recommendations to government agencies (the experience of Sweden and Georgia). This will ensure parliamentary control over their implementation, with possible hearings of heads of state bodies.

2. It is necessary to establish constant coverage of the facts of non-compliance with the recommendations of the Commissioner and the late provision of information to him by government agencies. The Swedish experience shows that the publicity of the ombudsman's activities and reputational risks for government agencies can be more effective than formal regulations.

3. It is necessary to pay attention to the practical use of the new powers of the Commissioner, which were granted to him in 2022. This refers to the possibility of applying to the Constitutional Court, which has not yet been implemented. The Georgian experience in this area demonstrates the great human rights potential of this tool, while increasing the recognition of the institute among the population. Taken together, the proposed measures can help strengthen the work of the Commissioner and increase confidence in this institution. Strengthening parliamentary control, the use of new powers and an active information policy will create conditions for more effective protection of human rights in Kazakhstan.

However, this study has some limitations as it focuses primarily on legislative frameworks and official reports. Therefore, the research may overlook the informal practices that affect the daily efficiency of ombudsman offices. Future research should include qualitative empirical methods like expert interviews or case studies to take a deeper look into the practical reality of how ombudsmen institutions work.

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ҚАЗАҚСТАН, ШВЕЦИЯ ЖӘНЕ ГРУЗИЯДАҒЫ АДАМ ҚҰҚЫҚТАРЫ ЖӨНІНДЕГІ УӘКІЛ (ОМБУДСМЕН) ИНСТИТУТЫН САЛЫСТЫРМАЛЫ ЗЕРТТЕУ

Төрбек ЖУНТЫРБАЕВ*, Қазақстан Республикасы Президентінің жанындағы Мемлекеттік басқару академиясының докторанты, Басқару институты, Астана, Қазақстан, turbeks@mail.ru, ORCID ID: <https://orcid.org/0009-0002-5122-8606>

Әлия МАСАЛИМОВА, философия ғылымдарының докторы, профессор, Қазақстан Республикасы Президентінің жанындағы Мемлекеттік басқару академиясы, a.masalimova@apa.kz, ORCID ID: <https://orcid.org/0009-0008-7572-9388>

Aleksandras PATAPAS, философия докторы, профессор, Мемлекеттік басқару институты, Миколас Ромерис университеті, Литва, patapas@mruni.eu, ORCID ID: <https://orcid.org/0000-0002-5726-8812>

СРАВНИТЕЛЬНОЕ ИССЛЕДОВАНИЕ ИНСТИТУТА УПОЛНОМОЧЕННОГО ПО ПРАВАМ ЧЕЛОВЕКА (ОМБУДСМЕНА) В КАЗАХСТАНЕ, ШВЕЦИИ И ГРУЗИИ

Турбек ЖУНТЫРБАЕВ*, докторант, Академия государственного управления при Президенте Республики Казахстан, Институт управления, Астана, Казахстан, turbeks@mail.ru, ORCID ID: <https://orcid.org/0009-0002-5122-8606>

Алия МАСАЛИМОВА, доктор философских наук, профессор, Академия государственного управления при Президенте Республики Казахстан, Астана, Казахстан, a.masalimova@apa.kz, ORCID ID: <https://orcid.org/0009-0008-7572-9388>

Aleksandras PATAPAS, доктор философии, профессор, Институт государственного управления, Университет Миколаса Ромериса, Литва, patapas@mruni.eu, ORCID ID: <https://orcid.org/0000-0002-5726>