COUNTRY PROFILE
The Kyrgyz Republic

<table>
<thead>
<tr>
<th>I. BACKGROUND</th>
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<tbody>
<tr>
<td>Area: 198,5 sq. km (86th in world ranking)</td>
</tr>
<tr>
<td>Population: 5,928,66 people</td>
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<tr>
<td>GDP: USD 18,001 billion (2012) (135 in world ranking)</td>
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<tr>
<td>GDP per capita: USD 2,409</td>
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<td>HDI: 0.655; ranked 120 out of 188 countries (2015)</td>
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<tr>
<td>Life expectancy at birth: 70.6 years (2015)</td>
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<td>Mean years of schooling: 10.6 (2015)</td>
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Source: UNDP HDI; World Bank (2015)

a. Indicators on Quality of Public Service:

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<tbody>
<tr>
<td>Government effectiveness</td>
<td>33.17</td>
<td>22.93</td>
<td>31.58</td>
<td>28.71</td>
<td>18.75</td>
</tr>
<tr>
<td>Regulatory quality</td>
<td>50.49</td>
<td>19.61</td>
<td>43.54</td>
<td>41.15</td>
<td>36.06</td>
</tr>
<tr>
<td>Rule of Law</td>
<td>24.88</td>
<td>12.92</td>
<td>8.06</td>
<td>12.80</td>
<td>15.87</td>
</tr>
<tr>
<td>Control of corruption</td>
<td>28.63</td>
<td>10.73</td>
<td>11.90</td>
<td>11.48</td>
<td>11.54</td>
</tr>
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b. Political and Administrative Structure

In the words of its Constitution, the Kyrgyz Republic is a democratic state. The current Constitution, adopted in 2010, replaced that of 1993. It marked a shift away from a presidential toward a parliamentary system of government, which reduced the power of the president. In legal terms, the Parliament and the Prime Minister have more power than the President though in substance the system of governance is really presidential-parliamentary. The President has no right to initiate legislation but he/she has veto powers and he/she appoints the heads of state bodies. The Parliament - Zhogorku Kenesh – is primarily responsible for policy making and the determination of the most important decisions of the state. The Parliament is unicameral consisting of 120 members elected for a five-year term.
The President is elected every 6 years, for one term only. The Head of Government is the Prime Minister. He is appointed by Parliament, following a nomination by a simple parliamentary majority. This is to say he must obtain at least 50% of the votes.

II. CIVIL SERVICE PROFILE

a. Legal basis of the civil service

The legal basis of the civil service in Kyrgyzstan encompasses the following regulations:

- The Law “On Civil and Municipal Service”¹, adopted on 30 May 2016; and entered into force on 7 June 2016;
- The Labour Code, adopted in 2004;
- The Law of the Kyrgyz Republic “On declaring and publishing information relating to incomes, liabilities and property of individuals holding political and other special civil service positions, as well as their close relatives”, adopted in 2004;
- The Law of the Kyrgyz Republic “On the Order of Consideration of Citizens’ Appeals”, adopted in 2007; and

Previous Laws “On the Civil Service” and “On the Municipal Service” adopted in 2004 in the framework of the World Bank-designed governance reforms, were recently repealed and replaced by the new Law of 2016. This new Law seeks to strengthen the capacities of HR management departments of central government and local self-government agencies, particularly in the areas of staff training, performance assessment and career planning. It closely links together staff training, performance assessment, actual achievements, career growth, as well as motivation, both financial and non-financial.

Furthermore, the concept of career planning is introduced. This implies the establishment of a stable system of job promotion based on personal performance, level of professionalism and achievements. A special provision is introduced pursuant to which training is a prerequisite for promotion and career advancement. It must take place either prior to appointment or within three months following an appointment to a new position. The provision on performance assessment is also introduced at the legislative level, defining target performance levels in relation to the goals and objectives of the central government or local self-government agency in which they serve. Incentives for civil servants are also introduced. A distinction is established between material and non-material ones.

To improve the merit-based recruitment system and job promotion but also to reduce the risk of arbitrariness, a new Law “On Civil Service and Municipal Service” establishes new procedures for building both national and internal staff rosters².

b. Definition of civil servant

According to Article 1 of the Law “On Civil and Municipal Service”, the public service is a professional service consisting of Kyrgyz citizens in state administration. It includes civil, military, law enforcement and diplomatic services. According to this Law, there are two categories of public servants: civil servants and municipal servants. A civil servant is a citizen of the country, who holds an administrative post in a state government body and exercises professional responsibilities on a regular basis, stemming from authority vested in the position for the

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execution of prescribed activities paid for from the state budget. A municipal servant is a citizen of the country, who holds an administrative post in a local government body. He/she exercises professional activities on a regular basis, stemming from authority vested in the position for the execution of prescribed activities. He/she and receives monetary compensation from the state budget (Article 1).

The Law establishes three types of public service posts: [i] political civil service posts; [ii] special civil service posts; and [iii] administrative civil service posts. It also establishes two types of municipal service posts: [i] political municipal posts; and [ii] administrative municipal posts. Administrative posts are further subdivided into: [i] top-level positions; [ii] leadership positions; [iii] senior positions; and [iv] junior positions. Qualification ranks are established, in accordance with the classification of administrative positions. The professional rank of civil servants indicates their professional level and it provides them the right to hold an administrative position and receive a bonus in addition to their official salary, as well as to enjoy some social benefits.

Civil servants may be assigned to one of the following ranks: [a] Junior inspector of the civil service; [b] Inspector of the 1st, 2nd and 3rd classes of civil service; [c] Advisor of the 1st, 2nd and 3rd classes of civil service; and [d] State Counsellor of the 1st, 2nd and 3rd classes of civil service. Municipal officials may be assigned the following ranks: [a] Junior inspector of the municipal service; [b] Inspector of municipal services of the 1st, 2nd and 3rd classes; [c] Municipal Service Advisor of the 1st, 2nd and 3rd classes; and [d] Municipal Counsellor of municipal services of the 1st, 2nd and 3rd classes.

C. Civil servants’ profile

Eligibility criteria

According to Article 20 of the new Law, the minimum age for entering the state civil service is 21 years of age and, for municipal servants, 18. Retirement is set at the age of 65. According to Article 14 of the Law on Civil and Municipal Service, qualification requirements for administrative posts include certain levels of professional experience, education and language knowledge. For junior positions, no professional experience is required. For other positions, a higher education is required, while for municipal servants, either secondary or higher education is required. For senior positions, a higher education and service experience in the civil and/or municipal service of no less than 1 year or, alternatively, experience in a relevant field of activity of no less than 3 years are required. For leadership positions, a higher education and experience in the civil service and/or the municipal service of no less than 3 years or experience in a relevant field of no less than 5 years are required. For top-level positions, a higher education and experience in the civil and/or municipal service of no less than 5 years or experience in a relevant field of no less than 7 years are required. Heads of state and local authority bodies, in coordination with a duly authorized state body, define qualification requirements for each administrative position on the basis of standard requirements approved by the Government.

Total number of civil servants

In 2014, there were 14,653 civil servants (57% male and 43% female) and 8,391 municipal servants (64% male and 36% female). This represents 0.39% of the total population. In 2013, by comparison, the proportion of public servants to the total work force was 4.8%.

Gender and age distribution of civil service
### Table 30: Gender and Age Distribution of the Kyrgyz Civil Service

<table>
<thead>
<tr>
<th>Total number / female</th>
<th>Up to 28 years / female</th>
<th>29-34 / female</th>
<th>35-44 / female</th>
<th>45-54 / female</th>
<th>55-64 / female</th>
<th>65 and older / female</th>
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<tbody>
<tr>
<td>Total number / Female</td>
<td>14,653</td>
<td>2,186</td>
<td>2,924</td>
<td>3,441</td>
<td>3,600</td>
<td>2,321</td>
</tr>
<tr>
<td>Female</td>
<td>6,338</td>
<td>1,014</td>
<td>1,243</td>
<td>1,548</td>
<td>1,602</td>
<td>875</td>
</tr>
</tbody>
</table>

**d. Civil servants’ remuneration structure**

Salary levels of public sector employees are not adjusted annually for inflation but are subject to ad-hoc increases. The OECD\(^3\) indicates that the remuneration system was reformed for 15 ministries, resulting in pay increases barely covering inflation. Some information on salaries and allowances is available but, in some agencies, remains confidential. A comprehensive reform in public sector remuneration policy is scheduled for 2017.

In 2015, a special working group consisting of representatives of the Ministry of Finance, Employment, Migration and Youth and the State Personnel Services conducted an analysis of remuneration schemes for public servants and municipal officers of the Kyrgyz Republic\(^4\). Based on findings of this analysis, as well as other studies, a number of laws and regulations were adopted with a view to improving remuneration schemes of public servants and municipal officers. These included the following:

- Presidential Decree of the Kyrgyz Republic “On the Approval of the Registry of Civil Service Positions of the Kyrgyz Republic and the Registry of Municipal Service Positions of the Kyrgyz Republic”;

**III. Body Responsible for HR Policy and Implementation**

According to Article 5 of the Law “On Civil and Municipal Service”, the civil service management system encompasses the Council on Civil and Municipal Service, the State Personnel Service, State Secretaries of state bodies and Human Resources Departments of state bodies or the person(s) authorised for personnel management. The municipal service management system encompasses the following: the Council on Civil and Municipal Service responsible for policy-making in the municipal services and for ensuring orderly governance by cities administration and by executive secretaries of village settlements (ayil okmotu), as well as for the management of service personnel of local government bodies or person(s) authorised on staff management matters.

The Council on Civil and Municipal Services is a collegial body, which decides on the development strategies for civil and municipal services. The Council’s tasks include the following:

- Development of proposals to increase the efficiency of civil and municipal services;
- Development of proposals towards the implementation of anti-corruption mechanisms in the civil and municipal service;
- Provision of proposals to improve the legal framework on civil and municipal services;

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\(^4\) Ibid.
Implementation and conduct of competitive selection of candidates for appointment to the posts of state secretaries;

- Ranking of state secretaries based on their evaluation results;

- Review of complaints against illegal actions committed by state secretaries, taking decisions following official investigations;

- Granting refusal or consent regarding the rotation or dismissal of state secretaries;

- Initiation of dismissals of state secretaries in cases stipulated by law.

The State Personnel Service is the authorized state body on civil and municipal service affairs. It was established by the President in order to implement a unified state policy in the area of civil service. According to the Law of 2016, the main objectives of the State Personnel Service are:

- Building a unified state human resources policy for the civil and municipal services;

- Building a highly-professionalised system for civil and municipal services management;

- Increasing the prestige of the service in state and municipal bodies;

- Ensuring the rights and interests of civil and municipal servants.

The State Secretary’s position is the highest administrative position in public bodies. The position of state secretary is permanent and its legal status is equal to the position of first deputy head of a public body\(^5\). State Secretaries have the following responsibilities. They: [i] organize the development of strategic long-term plans for the organisation, as well as the plans of their respective departments and personnel; [ii] develop the management structure of the organisation; [iii] support the career planning and growth of employees; [iv] organize the selection and placement of personnel; [v] develop and implement anti-corruption measures; [vi] supervise the introduction of modern management techniques and technologies to carry out support functions, including the management of financial, material and human resources; [vii] organise capacity building activities for employees; [viii] develop mechanisms for the material and non-material motivation of employees; [ix] develop and maintain a system for monitoring activities of the organisation; [x] supervise and control the executive and labour discipline mechanisms; and [xi] organize performance assessments. State Secretaries are also responsible for the development and implementation of a programmatic budget. They are accountable to the Council on Civil and Municipal Services and to the Head of a public body.

\(a.\) **Organisation of the selection and recruitment processes in the civil service**

The selection and recruitment processes in the civil service of Kyrgyzstan are regulated by the Law “On Civil and Municipal Services” and such other legal instruments as the “Temporary Decree on Competition for Vacant Administrative Civil Service Positions” and the “Temporary Decree on the Procedure for Testing Candidates for Vacant Career Civil Service Positions”, both of which were approved by the Government in 2011\(^6\).

The State Personnel Service is the body responsible for monitoring that the competitive selection processes, conducted by central and local government agencies, comply with the regulations in place. The first step in the recruitment process is the vacancy announcement through the mass media and the Internet, well in advance of the competition date.

The candidates’ suitability and qualifications are assessed through a written examination. Candidates who pass the examination are included in the state personnel reserve. All vacancies are then filled from this roster. The Personnel Reserve is managed by the State Personnel Service. The Reserve is comprised of two parts: national and internal. The national reserve includes recent graduates who have passed a national competition for entry-level government positions, civil servants who wish to be promoted and civil servants who were dismissed due to downsizing or health conditions. The internal reserve of a government agency consists of civil servants, who were recommended for promotion based on their attestation results and who have applied to be

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\(^5\) In public bodies where there is no post of State Secretary, its functions are vested to the Head of Administration.

included in the reserve. To fill an existing vacancy, a ministry initiates a competitive process beginning with candidates, who have been included in the internal personnel reserve. If the position is not filled through the internal reserve, the competition is opened to candidates included in the national personnel reserve.

b. Performance appraisal, training and career development

The performance appraisal of civil and municipal servants is regulated by the “Provisions on the procedure for the evaluation of civil and municipal servants of the Kyrgyz Republic”, approved by the Government (28 June 2013, No 383) and the Regulation "On the conditions of remuneration for civil and municipal servants of the Kyrgyz Republic".

The Law “On Civil and Municipal Services” stipulates that civil servants are subject to a qualifying examination - attestation. According to Article 29 of the Law, this examination assesses the professional knowledge and skills that civil servants possess in order to determine their career development potential. A civil servant cannot be subjected to attestation more than once in every 3 years. Performance appraisal is the process of assessing the employees’ performance in comparison with their job requirements. Performance appraisal results are used to determine any additional compensation or other rewards, to conduct the attestation of civil servants and to base recommendations on rewards or for advanced training.

Each state body conducts its own qualification examinations. These consist of a polygraph test and a computer-based test on knowledge of legislation and administrative procedures. Examinations are administered by Attestation Committees of state or municipal bodies. Depending on results obtained (excellent, good, satisfactory or unsatisfactory), Attestation Committees recommend a civil servant for promotion. The Attestation Committee expresses an opinion on whether civil servants’ qualifications and skills correspond (or do not correspond) to the position they hold.

The training of civil servants is regulated by the Decree “On the State Order for Training of Civil and Municipal Servants”, the “Temporary Provisional Regulations on the Procedure on Training Civil and Municipal Servants” and the “Temporary Provisional Regulations on the Coordination of Training of Civil and Municipal Servants of the Kyrgyz Republic”. According to Article 28 of the Law “On Civil and Municipal Service”, there are two types of training: re-training and advanced training. Re-training is conducted when employees are transferred to a higher position. This is a prerequisite for their promotion. Re-training is also a prerequisite for the position of state secretary. Advanced training takes place while a candidate holds a position within the same group of posts, no less than once every 3 years. Re-training and advanced training records are taken into account in attestation or performance appraisal. They are also considered to be an advantage when applying for a new position.

IV. ETHICS AND ANTI-CORRUPTION STRUCTURES

Transparency International’s Corruption Perception Index placed Kyrgyzstan in the 123rd in the list of a total of 168 countries surveyed, with 28 points out of 1007, in 2015. This ranking shows improvement, by comparison, to those of 2014 and 2013.

Anti-Corruption legislation includes the “Criminal Code of the Kyrgyz Republic”8, the Law “On Combating Corruption”9, the “State Strategy on Anti-Corruption Policy in Kyrgyzstan”10 and other by-laws. According to the Law “On Combating Corruption”, the President is responsible for defining the main directions of the fight against corruption, also included in the State Strategy. This outlines the general priorities and anti-corruption measures that must be undertaken with some provisions for their implementation. The Strategy also includes a critical analysis of previous

7 https://www.transparency.org/country/#KGZ
9 http://finpol.gov.kg/ru/orders/anti-corruption-law
10 Adopted by Presidential Decree (No 26, 2 February 2012).
anti-corruption efforts. It highlights such important challenges as the declarative nature of anti-corruption laws and the weakness of anti-corruption institutional mechanisms (OECD, 2015)\textsuperscript{11}. The State Strategy identifies corruption prevention and the involvement of civil society as its two key priorities. However, the anti-corruption measures outlined in the Strategy are very general. They include the development of awareness raising systems and the eradication of corruption risks. It needs to be remembered that high corruption risks hinder the creation of a proper investment climate.

According to the Law “On Civil and Municipal Services” and the Law “On Combating Corruption”, public employees are not allowed to accept any gifts of money or services while performing their official duties. However, they may accept certain gifts on official events; still, these gifts must be handed over to the state or municipal organisation in which they work (Article 23, Clause 6 of the Law on Civil and Municipal Service). The Law on Combating Corruption requires all civil servants to avoid instances where there may be conflict of interest and to report any attempted bribery. Furthermore, a Decree (2010) requires polygraph testing for a number of positions in such public institutions as the Financial Police, Customs and the Tax Service, in an effort to curb and eliminate corruption and abuse of office.

The Programme and the Action Plan of the Government of the Kyrgyz Republic on Combating Corruption, in 2012-2014, was adopted on 30 August 2012 by Government Resolution (No 596). They are comprehensive documents, which contain: the main goals; priorities and tasks; assessment of previous anti-corruption efforts results; a monitoring and assessment mechanism complete with qualitative indicators and expected results; and an estimate of budgetary needs.

There are five law enforcement agencies that deal with corruption in Kyrgyzstan: [i] The General Prosecutor’s Office; [ii] the State Customs Committee; [iii] the Financial Police; [iv] the National Security Service; and [v] the Ministry of the Interior. The Ministry of the Interior (the Police) is the principal law enforcement agency responsible for combating administrative corruption. It is mandated to fight corruption in local and national public administration organisations, as well as to investigate economic crimes in the private sector. In addition, public advisory boards are responsible for reporting and monitoring the operations of ministries with a view to enhancing transparency, reducing corruption and eliminating favouritism in the public sector. An Anti-Corruption Service was set up in December 2011, within the State Committee of National Security. It is responsible for fighting corruption in Parliament, the Executive branch of the government and the Supreme Court. However, fragmentation of functions and responsibilities between the various enforcement agencies has been a major obstacle to cooperation and coordination and hence the effective prosecution of corrupt practices\textsuperscript{12}.

All state and municipal government organisations have adopted a Code of Ethics, approved by the President of the Republic. Furthermore, Ethics Commissions are established within each state and municipal body to ensure the civil servants’ compliance with legislation. These Commissions consist of staff members\textsuperscript{13}. Ethics compliance of top management in state bodies is monitored by the State Ethics Commission under the President. In this regard, the OECD recommended the adoption of Codes of Ethics for the Deputies of Zhogorku Kenesh and for members of the Government. It also recommended revision of the Code of Ethics for judges to remove existing incompatibilities and encompass such issues as conflict of interest, receipt of gifts and to ensure its proper implementation\textsuperscript{14}.

\begin{center}
\textbf{V. \hspace{1cm} CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED}
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\textsuperscript{12} \url{http://www.business-anti-corruption.com/country-profiles/europe-central-asia/kyrgyzstan/initiatives/public-anti-corruption-initiatives.aspx}

\textsuperscript{13} \url{http://sti.gov.kg/STSDocuments/PoLOetikeGosSluj.pdf}

\textsuperscript{14} \url{https://www.oecd.org/corruption/acn/Kyrgyzstan-Progress-UpdateOct-2015-ENG.pdf}
a. Past reforms

Since Kyrgyzstan gained independence in 1991, several public administration reforms have been implemented, largely driven by pressure and the support of donor organizations. The measures intended to establish a unified civil service were:

1. Establishment of an organizational framework for civil service management and introduction of mechanisms regulating human resources management policy and coordinating policy implementation in the administration;
2. Creation of a legal framework for civil service, which establishes the principles for the development and implementation of human resources management policies;
3. Establishment of a State Personnel Service of the Kyrgyz Republic assigned to the tasks of designing a unified state human resources policy and building a highly professional civil service system in both the state and municipal administrations;
4. Creation of the Institute of State Secretaries aiming to guarantee the stability and continuity of the state administration, as well as the social and legal protection of civil servants;
5. Introduction of a competitive selection process for the purpose of filling vacant positions in the civil service, in order to ensure that the principles of openness and equal access are observed;
6. The classification (typology) of civil service positions has been systematized; and
7. Introduction of a performance appraisal system for civil and municipal servants focusing on increasing their effectiveness.

b. Current reforms

The newly adopted Law “On Civil and Municipal Service” establishes the basis for further improvements in the civil service. These are:

1. Improvement of the management of the civil and municipal services, with a focus on strategic priorities

To achieve this goal, the Strategy on Development of the State Personnel Services of the Kyrgyz Republic was formulated and approved by Presidential Decree on 30 November 2013. The Strategy identified four main areas for improvements in the activities and performance of the State Personnel Service:

- Enhancement of interactions with the "external environment", e.g. communication with management of civil and municipal services, higher authorities, donors, experts, civil society and citizens;
- Business process re-engineering, new management techniques and working practices introduced in the State Personnel Service organisation;
- Provision of legal support to cope with change; and
- Introduction of a system for monitoring and assessment of change.

2. Optimization and unification of positions in the civil and municipal services

A number of positions with similar functions and authority were unified during the reform process. Positions with comparable levels of authority were aligned vertically and horizontally, resulting in changes for many civil and municipal service positions. The new Registries of civil and municipal services positions were approved by Presidential Decree No 145 (26 June 2013). This development created opportunities for enhanced career motivation and rotation for civil and municipal employees. In fact, unification of

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15 Presidential Decree No 145 "On approval of the Register of the civil service positions of the Kyrgyz Republic and the Register of municipal positions of the Kyrgyz Republic" (2013) approved the Register of civil service positions of the Kyrgyz Republic. The Decree introduced ranks, developed the requirements for ethical conduct of civil servants and announced that evaluation of civil servants will be based on attestation (performance appraisal).

16 The government authority responsible for policy implementation in civil service and municipal service.
positions will facilitate an expansion of the rotation system for promising employees, both vertically and horizontally and between state and municipal government bodies, following the adoption of the new Law “On Civil Service and Municipal Services”.

3. **Development of new qualification requirements for the entire hierarchy of administrative positions and generic job descriptions for central administration and local self-government personnel**

Minimum requirements and job descriptions for administrative positions were developed and approved under the Government Act of the Kyrgyz Republic titled "On Measures for the Improvement of the Remuneration System of Civil and Municipal Servants of the Kyrgyz Republic for 2013-2020" (No 383, 28 June 2013). Based on samples from each central and local government body, qualification requirements were developed and approved by internal order for each position in the ministries, central administration departments, mayoral offices, *aiyl okmotu* and local government departments. In this process, however, the prevalent local and public sector-related specificities were taken into account.

4. **Introduction of a performance appraisal system using key performance indicators for civil and municipal servants**

A performance appraisal system including key performance indicators (KPIs) was developed. The appraisal of personal achievements results will also affect the level of civil servants’ remuneration (Presidential Decree No 383 “On Measures to Improve the Remuneration System of Civil and Municipal Servants of the Kyrgyz Republic for 2013-2020” (2013). According to this Decree, state and municipal bodies started introducing tools for the assessment of civil and municipal servants’ activities during the first quarter of 2014. Annual performance appraisal results have begun to play a role in determining the level of additional compensation / bonuses for civil servants.

5. **Strengthening the institution of state secretaries – executors of civil service state policy**

This initiative is expected to re-focus attention on the activities of state secretaries responsible for the stable and efficient operation of ministries and administrative departments. The State Secretary position is permanent post; unaffected by a resignation or dismissal of the head of a state body. State Secretaries should become top managers of government bodies, responsible for the organisation of the business processes in government departments.

c. **Planned reforms**

**The professionalization of the civil service**

The following initiatives are planned for the professionalization of central and municipal services personnel, through well-coordinated joint actions:
- Clear delineation and separation of political and professional activities in government management bodies, including such changes as the legislated reduction of the number of political appointments and the allocation of positions based on the authority to take political decisions;
- Introduction of mandatory standards for the regular and periodic training of civil servants, at least once every three years. Training should be considered as an advantage in career development and promotion, if all other conditions are equal;
- Improvement in managing the reserve personnel pool, accepting only the best and promising cadres and raising its status to a National Reserve.
References

1. Law on Civil and Municipal Service, adopted on 30 May 2016.
10. Law of the Kyrgyz Republic “On declaring and publishing information on incomes, liabilities and property of individuals holding political and other special civil service positions, as well as their close relatives”, 7 August 2004, No 108.