

On formation of the Commission under the President of the Republic of Kazakhstan on anti-corruption issues

Unofficial translation

Decree of the President of the Republic of Kazakhstan dated April 2, 2002 N 839.

Unofficial translation

Footnote. In the heading and text, the words "and observance of official ethics by civil servants" were excluded by Decree of the President of the Republic of Kazakhstan dated July 23, 2007 N 369.

Footnote. The name of the Decree as amended by Decree of the President of the Republic of Kazakhstan dated 09.06.2016 № 275.

To be published
in the republican press
in the statement

In accordance with subparagraph 20) of Article 44 of the Constitution of the Republic of Kazakhstan, hereby I resolve:

1. To form the Commission under the President of the Republic of Kazakhstan on anti-corruption issues.

Footnote. Paragraph 1 as amended by Decree of the President of the Republic of Kazakhstan dated 09.06.2016 № 275.

2. To approve the attached:

1) Regulations on the Commission under the President of the Republic of Kazakhstan on anti-corruption issues;

2) excluded by Decree of the President of the Republic of Kazakhstan dated 13.03.2012 № 284.

Footnote. Paragraph 2 as amended by Decree of the President of the Republic of Kazakhstan dated 09.06.2016 № 275.

3. This Decree shall come into effect from the date of signing.

The President of the Republic of Kazakhstan

Approved by
Decree of the President of the
Republic of Kazakhstan
dated April 2, 2002 N 839

Regulation

**on the Commission under the President of the Republic of Kazakhstan
on anti- corruption issues**

Footnote. In the title and throughout the text of the Regulation on the Commission under the President of the Republic of Kazakhstan on the fight against corruption, approved by the above-mentioned Decree, the words “fight against corruption”, “on fight against corruption” were replaced, respectively, with the words “combating corruption”, “combating corruption” in accordance with Decree of the President of the Republic of Kazakhstan dated 09.06.2016 № 275.

1. General Provisions

1. The Commission under the President of the Republic of Kazakhstan on anti -corruption issues (hereinafter referred to as the Commission) shall be an advisory and consultative body under the Head of State.

2. The tasks of the Commission shall be development and adoption of coordinated measures aimed at strengthening the combating corruption and violations by civil servants of the rules of official ethics, increasing the level of responsibility of civil servants.

3. The Commission shall be guided in its activities by the Constitution, the laws of the Republic of Kazakhstan, acts, and instructions of the Head of State, as well as this Regulation

4. The Commission shall consist of a Chairperson, a Secretary and other members of the Commission. The Commission shall be headed by the State Counselor of the Republic of Kazakhstan. The Secretary of the Commission shall be the Head of the Law Enforcement Division of the Administration of the President of the Republic of Kazakhstan.

The Commission is composed ex officio of the Secretary of the Security Council of the Republic of Kazakhstan, assistants of the President of the Republic of Kazakhstan on legal and economic issues, the Prosecutor General of the Republic of Kazakhstan, and the Chairperson of the National Security Committee of the Republic of Kazakhstan, Chairperson of the Supreme Audit Chamber of the Republic of Kazakhstan, Chairperson of the Agency of the Republic of Kazakhstan on Combating Corruption (Anti-Corruption Service), Chairperson of the Agency of the Republic of Kazakhstan on Financial Monitoring, Chairperson of the Agency of the Republic of Kazakhstan for Civil Service, Minister of Internal Affairs of the Republic of Kazakhstan, Minister of Justice of the Republic of Kazakhstan, Minister of Finance of the Republic of Kazakhstan, as agreed - Chairpersons of the Committees on Constitutional Legislation, Judiciary and Law Enforcement of the Senate of the Parliament of the Republic of Kazakhstan, on Legislation and Judicial and Legal Reform of the Majilis of the Parliament of the Republic of Kazakhstan, Commissioner for the Protection of Entrepreneurs' Rights of Kazakhstan.

Footnote. Paragraph 4 as amended by the Decree of the President of the Republic of Kazakhstan dated 03.01.2024 № 429 (shall be enforced after the date of its first official publication).

5. Excluded by Decree of the President of the Republic of Kazakhstan dated 13.03 2012 № 284.

2. Functions and powers of the Commission

6. The Commission shall perform the following functions:

1) development and submission of proposals to the Head of State on anti-corruption issues, including on improving anti-corruption legislation, forms and methods of anti-corruption;

2) monitoring and analysis of the state of combating corruption, violations by civil servants of the rules of official ethics;

3) consideration of appeals of citizens and legal entities, as well as publications in the mass media about the facts of corruption offenses committed by persons holding responsible public positions, violations of ethics by civil servants and preparation of recommendations on them to persons authorized to impose disciplinary sanctions on the conduct of an official investigation.

7. The Commission, within its competence, has the right to:

1) request from central and local state bodies information, documents and materials necessary to perform the tasks assigned to it, with the exception of criminal cases and operational-search materials;

2) hear oral and receive written explanations from officials of state bodies, as well as persons authorized to perform state functions, or persons equated to them;

3) send materials to law enforcement and other state bodies for conducting inspections and taking other measures provided for by law on the facts of violations of official ethics and committing corruption offenses;

4) hear at their meetings the information of the heads of law enforcement and other state bodies on the implementation of anti-corruption legislation;

5) submit for consideration to the relevant authorities and state organizations proposals on the disciplinary responsibility of officials who have committed corruption offenses, do not ensure the implementation of the Law of the Republic of Kazakhstan "On Combating Corruption", as well as those who have violated the rules of official ethics, up to their dismissal;

6) excluded by Decree of the President of the Republic of Kazakhstan dated 02.27.2003 N 1032;

7) make proposals to the President of the Republic of Kazakhstan on giving instructions, issuing relevant acts of the President of the Republic on the issues under consideration, as well as bringing to disciplinary responsibility up to the dismissal of akims of regions, cities of republican significance, the capital, heads of state bodies appointed by the President of the Republic of Kazakhstan that do not provide an adequate level of work to combat corruption.

Footnote. Paragraph 7 as amended by Decrees of the President of the Republic of Kazakhstan dated February 27, 2003 N 1032; dated 18.02.2011 № 1157; dated 09.06.2016 № 275; dated 04.08.2018 № 723.

3. Organization of the Commission's activities

8. Meetings of the Commission shall be held as needed, but at least once a quarter, may be open or closed by decision of the Chairperson of the Commission.

9. The meetings of the Commission shall be competent if two thirds of the total number of members of the Commission are present. Members of the Commission participate in its meetings without the right to be replaced.

10. The decisions of the Commission shall be adopted by a majority vote of the total number of those present at the meeting. In case of equality of votes, the vote of Chairperson shall be decisive.

11. Officials who are not members of the Commission, as well as other persons may be invited to meetings of the Commission.

Footnote. Paragraph 11 as amended by the Decree of the President of the Republic of Kazakhstan dated 03.01.2024 № 429 (shall be enforced after the date of its first official publication).

11-1. If at a meeting of the Commission, the facts of violation of legislation in the field of activities of the state body being heard are cited, the heads of state control and supervision bodies who are members of the Commission or invited to the meeting of the Commission, within their competence, shall express the position of the state body on the existing facts of violations.

The heads of the aforementioned bodies of state control and supervision shall have the right to express proposals on the facts of such violations to act appropriately.

Footnote. The regulation was supplemented with paragraph 11-1 in accordance with Decree of the President of the Republic of Kazakhstan dated 18.02.2011 № 1157.

12. Chairperson of the Commission shall:

- 1) manage the activities of the Commission;
- 2) preside over its meetings;
- 3) regularly report on the work of the Commission to the President of the Republic;
- 4) have the right to attend meetings of the collegiums of law enforcement and other state bodies related to the consideration of issues of combating corruption and official ethics of civil servants.

13. Excluded by the Decree of the President of the Republic of Kazakhstan dated 03.01.2024 № 429 (shall be enforced after the date of its first official publication).

14. Secretary of the Commission shall:

- 1) inform the members of the Commission on the time and place of meetings of the Commission;

- 2) organize the preparation of materials for meetings of the Commission;
- 3) keep minutes of the meetings of the Commission;
- 4) organize and control the implementation of the decisions of the Commission;
- 5) perform other functions on behalf of the Chairperson of the Commission.

15. Central and local executive bodies shall be obliged to assist the Commission in the performance of the tasks assigned to it.

16. The working body of the Commission is the Law Enforcement Division of the Administration of the President of the Republic of Kazakhstan.

Footnote. Paragraph 16 as amended by the Decree of the President of the Republic of Kazakhstan dated 03.01.2024 № 429 (shall be enforced after the date of its first official publication).

ANNEX
to Decree of the President of the
Republic of Kazakhstan
dated April 2, 2002 № 839

COMPOSITION of the Commission under the President of the Republic of Kazakhstan on anti-corruption issues

Footnote. The composition as amended by the Decree of the President of the Republic of Kazakhstan dated 03.01.2024 № 429 (shall be enforced upon its first official publication).

State Counselor of the Republic of Kazakhstan, Chairperson of the Commission

Head of the Law Enforcement Department of the Administration of the President of the Republic of Kazakhstan, Secretary of the Commission

Members of the Commission:

Secretary of the Security Council of the Republic of Kazakhstan

Deputy Prime Minister of the Republic of Kazakhstan - Minister of Finance of the Republic of Kazakhstan

Prosecutor General of the Republic of Kazakhstan

Chairperson of the National Security Committee of the Republic of Kazakhstan

Chairperson of the Supreme Audit Chamber of the Republic of Kazakhstan

Assistant to the President of the Republic of Kazakhstan on legal issues

Assistant to the President of the Republic of Kazakhstan on economic issues

Chairperson of the Agency of the Republic of Kazakhstan for Combating Corruption (Anti-Corruption Service)

Chairperson of the Agency of the Republic of Kazakhstan for Civil Service Affairs

Minister of Internal Affairs of the Republic of Kazakhstan

Minister of Justice of the Republic of Kazakhstan

Chairperson of the Committee on Constitutional Legislation, Judicial System and Law Enforcement Agencies of the Senate of the Parliament (as agreed)

Chairperson of the Committee on Legislation and Judicial and Legal Reform of the
Majilis of the Parliament of the Republic of Kazakhstan (as agreed)

Commissioner for the Protection of Entrepreneurs' Rights of Kazakhstan (as agreed).

© 2012. «Institute of legislation and legal information of the Republic of Kazakhstan» of the Ministry of Justice of
the Republic of Kazakhstan