



On establishment of the National Human Rights Center

Unofficial translation

Order of the President of the Republic of Kazakhstan dated December 10, 2002 N 992.

Unofficial translation

In order to implement the Order of the President of the Republic of Kazakhstan dated September 19, 2002 N 947 "On establishment of the position of the Commissioner for Human Rights", I hereby order:

1. To create a state institution "National Human Rights Center".
2. To approve the attached Regulation on the National Human Rights Center.
3. Excluded by Decree of the President of the Republic of Kazakhstan No. 948 of 30.06.2022 (shall come into force on 01.07.2022).
4. This Order comes into force from the date of signing.

*President of the
Republic of Kazakhstan*

Approved
by the Order of the President of the
Republic of Kazakhstan
dated December 10, 2002 N 992

REGULATION on the National Human Rights Centre

Footnote. The Regulation - as reworded by Decree of the President of the Republic of Kazakhstan No. 948 dated 30.06.2022 (shall come into force on 01.07.2022).

Chapter 1. General provisions

1. The National Human Rights Centre (hereinafter referred to as the National Centre) shall be the government institution responsible for providing information and analysis, organisational, legal and other support for the activities of the Ombudsman for Human Rights in the Republic of Kazakhstan (hereinafter the Ombudsman) and shall be its working body.

2. The National Centre shall have offices in the regions, cities of national importance and the capital.

3. The National Centre shall operate under the Constitution of the Republic of Kazakhstan, the Constitutional Law of the Republic of Kazakhstan "On the Human Rights Ombudsman of the Republic of Kazakhstan", other normative legal acts of the Republic of Kazakhstan, as well as this Regulation.

Footnote. Paragraph 3 - as reworded by Decree of the President of the Republic of Kazakhstan No. 108 of 23.01.2023.

4. The National Centre shall be a legal entity in the legal form of a public institution, it shall have its seal and letterheads indicating its name both in the national and Russian languages, as well as relevant accounts in banking institutions.

The representative offices of the National Centre shall have letterheads indicating their names both in the national and Russian languages.

Footnote. Paragraph 4 - as reworded by Decree of the President of the Republic of Kazakhstan No. 108 of 23.01.2023.

5. The National Centre shall enter into civil law relations on its own behalf.

6. The National Centre shall be entitled to act as a party to civil-law relations on behalf of the State, if it is entitled to do so under the laws of the Republic of Kazakhstan.

7. Under the procedure laid down by law, the National Centre shall adopt decisions in its competence, drawn up by the orders of the Head of the National Centre.

8. The structure and staffing limit of the National Centre shall be confirmed as per the laws of the Republic of Kazakhstan.

9. Location of the legal entity: 8 Mangilik Yel Avenue, Astana, 010000.

Footnote. Paragraph 9 - as reworded by Decree of the President of the Republic of Kazakhstan No. 108 of 23.01.2023.

10. This Regulation shall be the founding document of the National Centre.

11. The National Centre's activities shall be financed from the national budget under the laws of the Republic of Kazakhstan.

12. The National Centre may not enter into contractual relationships with business entities for the performance of duties that are the mandate of the National Centre.

Should the National Centre be authorised by law to engage in income-generating activities, the income earned shall be transferred to the national budget.

Chapter 2: Objectives and powers of the National Centre and its representative offices

13. The objectives of the National Centre and its representative offices shall be to ensure that the Human Rights Ombudsman is able to assist in the restoration of infringed human and civil rights and freedoms and in the promotion and advancement of human and civil rights and freedoms.

Footnote. Paragraph 13 - as reworded by Decree of the President of the Republic of Kazakhstan No. 108 of 23.01.2023.

14. Powers of the National Centre and its representative offices:

1) rights:

require and obtain documents, materials and information relating to the Ombudsman's activities from public authorities, local government and self-government authorities, other organisations and officials;

arrange receptions for citizens, including by inviting representatives of public authorities, local government and self-government bodies, as well as other organisations (joint receptions) ;

organise work to examine complaints or other applications from natural and legal persons to the Ombudsman and his/her representatives;

handle complaints or other communications from natural or legal persons to the National Centre or its representative offices;

2) responsibilities:

draft recommendations, petitions and proposals by the Ombudsman and his/her representatives concerning the protection of human and civil rights and freedoms and organise their transmission to government bodies, local government and self-government authorities and organisations and to officials;

ensure that the Ombudsman and his/her representative visit organisations and institutions offering special social services, temporary isolation from society or intended for the enforcement of sentences;

ensure that the Ombudsman coordinates the activities of the members of the national preventive mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, adopts measures to ensure their necessary capacity and professional expertise, and exercises other powers under the laws of the Republic of Kazakhstan;

ensure the Ombudsman's activities to promote legal education in the area of human and civil rights and freedoms and interaction with public associations, experts and specialists;

other powers to ensure the Ombudsman's activities under the laws of the Republic of Kazakhstan.

Footnote. Paragraph 14 as amended by Decree of the President of the Republic of Kazakhstan No. 108 of 23.01.2023.

15. Functions of the National Centre and its representative offices:

1) preparing the Ombudsman's proposals for drafting laws and perfecting legislation on the promotion and protection of human and civil rights and freedoms for submission to the President of the Republic of Kazakhstan, the Parliament of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan;

2) drafting the annual report of the Ombudsman on his/her activities, as well as special reports, and disseminating them;

3) organising involvement of the Ombudsman and his/her representatives in joint and separate sessions of the Chambers of the Parliament of the Republic of Kazakhstan, meetings of the working bodies of the Parliament of the Republic of Kazakhstan and its Chambers and other events with the participation of deputies of the Parliament of the Republic of Kazakhstan, in plenary sessions of regional maslikhats, cities of national importance or the

capital, in sessions of the Government of the Republic of Kazakhstan, the Constitutional Court of the Republic of Kazakhstan, collegiate state and other bodies established within public authorities;

4) preparing recommendations and proposals for measures aimed at preventing infringements and restoring human and civil rights and freedoms for presentation by the Ombudsman to the Government of Kazakhstan and other public authorities, local authorities and self-government bodies, and other organisations and officials;

5) drafting applications by the Ombudsman to the competent public authorities or officials for disciplinary, administrative or criminal proceedings against a person who has breached human and civil rights and freedoms;

6) preparing the Ombudsman's proposals for submitting to the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, members of Parliament of the Republic of Kazakhstan and public authorities of the Republic of Kazakhstan pursuant to the objectives set out in the Constitutional Law of the Republic of Kazakhstan “On the Human Rights Ombudsman in the Republic of Kazakhstan”;

7) interacting on behalf of the Ombudsman with other actors in the national preventive mechanism;

8) interaction with citizens, public associations, experts, public authorities, local government and self-government bodies, as well as other organisations on behalf of and on instruction of the Ombudsman and his/her representatives;

9) preparation and submission of proposals to the Ombudsman and his/her representatives based on the results of examining complaints or other applications of natural and legal persons;

10) other functions based on the acts of the Ombudsman and the Head of the National Centre.

Footnote. Paragraph 15 as amended by Decree of the President of the Republic of Kazakhstan No. 108 of 23.01.2023.

Chapter 3: Status and powers of the Head of the National Centre and Representatives of the Ombudsman

16. The National Centre shall be managed by the Head, who shall be personally responsible for the implementation of the objectives assigned to the National Centre and the exercise of his/her powers.

The representative office of the National Centre within the respective administrative-territorial unit shall be managed by a representative of the Ombudsman, who shall be personally responsible for the implementation of the objectives assigned to the office of the National Centre and for the exercise of his/her powers.

In the absence of the Head of the National Centre and the representatives of the Ombudsman, the authorities shall be exercised by their deputies, pursuant to the laws in force and the acts of the Ombudsman.

17. The Head of the National Centre and his/her deputies shall be appointed and dismissed by the Ombudsman.

Footnote. Paragraph 17 - as reworded by Decree of the President of the Republic of Kazakhstan No. 108 of 23.01.2023.

18. The Head of the National Centre shall designate the powers of his/her deputies in agreement with the Ombudsman under the legislation of the Republic of Kazakhstan.

19. Powers of the Head of the National Centre:

1) arranges and coordinates the work of the National Centre, supervises the activities of the representative offices of the National Centre;

2) elaborates and submits draft acts to the Ombudsman for approval:
regulations for the examination of complaints;
regulation on the Coordinating Council of the Ombudsman;
regulation on the Expert Council under the Ombudsman;
regulations for the selection of participants in the National Preventive Mechanism;
regulations for the composition of groups of national preventive mechanism participants for preventive visits;

methodological guidelines for preventive visits;

regulation and description of the Ombudsman's symbol and flag;

the procedure for preparing and distributing the Ombudsman's reports;

functional duties of the Ombudsman's representatives;

3) on behalf of the National Centre, issues binding legal acts within its competence;

3-1) adopts the Standing Orders of the National Centre, the provisions of the representative offices of the National Centre;

4) in the order prescribed by the laws of the Republic of Kazakhstan, appoints and dismisses employees of the National Centre and its representations in regions, cities of national importance, the capital

5) in the manner prescribed by the laws of the Republic of Kazakhstan, imposes disciplinary penalties and applies incentives to the employees of the National Centre and its representative offices;

6) submits for examination by the Ombudsman proposals for the imposition of disciplinary sanctions and incentives on representatives of the Ombudsman in the regions, cities of national importance and the capital;

7) submits to the Ombudsman proposals for awarding employees of the National Centre and its representative offices, as well as awarding representatives of the Ombudsman with state awards;

8) represents the National Centre in relations with public authorities and other organisations under the laws of the Republic of Kazakhstan;

9) confirms the staff schedule of the National Centre and its representative offices under the approved structure and staffing limit;

10) exercises other powers stipulated by the laws of the Republic of Kazakhstan.

Footnote. Paragraph 19 as amended by Decree of the President of the Republic of Kazakhstan No. 108 of 23.01.2023.

20. The Ombudsman shall appoint and dismiss his/her representative under the legislation of the Republic of Kazakhstan on civil service.

The representative of the Ombudsman shall administer the activities of the representative office of the National Centre as per the approved functional responsibilities, this Regulation, the Regulation on the relevant representative office of the National Centre, examine complaints or other applications of natural and legal persons on behalf of the Ombudsman, and exercise other powers under the laws of the Republic of Kazakhstan.

Footnote. Paragraph 20 - as reworded by Decree of the President of the Republic of Kazakhstan No. 108 of 23.01.2023.

Chapter 4: Property of the National Centre

21. The National Centre may have separate property under the right of operating management as prescribed by the laws of the Republic of Kazakhstan.

The property of the National Centre shall be generated at the expense of property transferred to it by the owner, as well as property (including monetary income), acquired as a result of its own activities, and other sources, not prohibited by the laws of the Republic of Kazakhstan.

22. The property assigned to the National Centre shall be the national property.

23. The National Centre may not independently alienate or otherwise dispose of the property assigned to it and the property purchased at the expense of funds, issued to it under the financing plan, if otherwise is not stipulated by the legislation of the Republic of Kazakhstan.

Chapter 5. Reorganisation and liquidation of the National Centre

24. Reorganisation and liquidation of the National Centre shall be performed under the laws of the Republic of Kazakhstan.

List of representative offices in the regions, cities of national importance, the capital administered by the National Centre:

1) Representative Office of the National Human Rights Centre in Abay Region;

2) Representative Office of the National Human Rights Centre in Akmola Region;

3) Representative Office of the National Human Rights Centre in Aktobe Region;

- 4) Representative Office of the National Human Rights Centre in Almaty Region;
 - 5) Representative Office of the National Human Rights Centre in Atyrau Region;
 - 6) Representative Office of the National Human Rights Centre in East Kazakhstan Region
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- 7) Representative Office of the National Human Rights Centre in Zhambyl Region;
 - 8) Representative Office of the National Human Rights Centre in Zhetyssu Region;
 - 9) Representative Office of the National Human Rights Centre in West Kazakhstan Region;
 - 10) Representative Office of the National Human Rights Centre in Karagandy Region;
 - 11) Representative Office of the National Human Rights Centre in Kostanay Region;
 - 12) Representative Office of the National Human Rights Centre in Kyzylorda Region;
 - 13) Representative Office of the National Human Rights Centre in Mangystau Region;
 - 14) Representative Office of the National Human Rights Centre in Pavlodar Region;
 - 15) Representative Office of the National Human Rights Centre in North Kazakhstan Region;
 - 16) Representative Office of the National Human Rights Centre in Turkestan Region;
 - 17) Representative Office of the National Human Rights Centre in Ulytau Region;
 - 18) Representative Office of the National Human Rights Centre in the city of Astana;
 - 19) Representative Office of the National Human Rights Centre in the city of Almaty;
 - 20) Representative Office of the National Human Rights Centre in the city of Shymkent.

Footnote. Paragraph 24 as amended by Decree of the President of the Republic of Kazakhstan No. 108 of 23.01.2023.