

## **On Law Enforcement Service**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 6 January 2011 № 380-IV.

#### **Unofficial translation**

Footnote. Through the whole text, the words "of cadets and attendees", "cadets (attendees)", "to cadets (attendees)", "of cadets (attendees)", "cadets, attendees", "to cadets attendees", "cadets and attendees" are substituted respectively by the words "of cadets", "cadets", "to cadets", "of cadets", "cadets", "to cadets", "cadets" by the Law of the Republic of Kazakhstan dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after its first official publication).

The words "promotion", "promotion", "promote" replaced by words accordingly "nomination", "nomination", "nominate" by the Law of the Republic of Kazakhstan № 180-VI dated 12.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

The Law regulates public relations, linked with entering into the law enforcement service of the Republic of Kazakhstan, its serving and termination, as well as determines legal position (status), financial security and social protection of employees of law enforcement bodies of the Republic of Kazakhstan.

## **Chapter 1. GENERAL PROVISIONS**

### **Article 1. Basic definitions, used in the Law**

The following basic definitions shall be used in the Law:

1) initial vocational training - a form of vocational training for persons entering the service of law enforcement agencies aimed at obtaining professional skills;

1-1) post-certification development - the organization of individual professional self-training of a law enforcement officer based on the results of his certification;

1-2) relocation - a change in the official position and functional duties of an employee;

2) transfer – dismissal from the held office in a law enforcement body with simultaneous appointment to office in other law enforcement body without termination of service in the system of the law enforcement bodies;

2-1) head office - a structural unit of the law enforcement agencies, empowered in organizing activities of the subordinated to him the staff or certain employees;

3) report – written report of special form upon approaching of a servant to direct or authorized heads in the process of employment activity;

3-1) competitiveness index - a formalized numerical expression of the professional potential of a candidate for a service and an employee, based on professional competencies, as well as key performance indexes and objective data on professional achievements;

4) qualifying requirements – requirements, filed to citizens, professing on holding the office in a law enforcement body, for the purpose of determination of their professional qualification, competence and conformity to particular office;

4-1) departmental data bank - information base of the law enforcement agencies, containing details on candidates for the service and employees enlisted in the personnel reserve;

4-2) excluded by the Law of the Republic of Kazakhstan dated December 27, 2019 № 292-VI (the order of enforcement see Article 2);

4-3) is excluded by the Law of the Republic of Kazakhstan dated December 27, 2019 № 292-VI (the order of enforcement see Article 2);

5) personnel reserve - a group of employees formed in accordance with the established procedure, possessing the necessary professional and personal qualities for appointment to head offices;

5-1) personnel forecast - a system of reasoned ideas on directions of development and future state of personnel;

5-2) personnel planning - a process of systematically analyzing personnel needs and providing necessary number of qualified specialists in relevant law enforcement positions;

6) law enforcement service – special type of public service on offices of law enforcement bodies, as well as serving in cases provided by in Article 44 of this Law;

6-1) Presidential reserve of leaders of law enforcement bodies – the list of servants that passed the special procedure for selection, determined by the President of the Republic of Kazakhstan for nomination on vacant superior senior offices of law enforcement bodies;

7) law enforcement body – a state body, securing the observance and protection of rights and freedom of a human and a citizen, legal interests of individuals and legal entities, the state, implementing the state policy on crime prevention and other infractions in accordance with its competence, vested with special authorities on security of legality and maintaining public order, detection, prevention, suppression, investigation of infractions, fulfilling the court decisions on criminal cases;

7-1) a head of a law enforcement body – a chief executive officer of a law enforcement body, under whom the servants and employees of a law enforcement body, authorized heads are subordinate to;

7-2) moral and psychological climate in law enforcement subdivisions - a psychological attitude, characterized by a correct understanding of the tasks facing the law enforcement agencies;

7-3) sociological monitoring of moral and psychological climate in law enforcement units - a systematic study of social processes and phenomena, aimed at obtaining information on the state of moral and psychological climate in law enforcement bodies;

8) being at disposal of a law enforcement body – performing of law enforcement service without holding the full-time office;

9) a law enforcement officer (hereinafter referred to as an employee) - a citizen of the Republic of Kazakhstan from among law enforcement officers who has been awarded a special title or class rank;

10) disciplinary committee of a law enforcement body – permanent collegial body, established in a law enforcement body for consideration of matters of official investigation and research of facts, concerning disciplinary infraction for the purpose of detailed, full and objective establishment of circumstances of its commission and delivery of recommendation on the disciplinary measure to a person, having the right of appointment to office and dismissal from office of a servant, bringing to disciplinary responsibility;

10-1) official investigation – activity on collection and inspection of materials and information on disciplinary infraction of an employee for the purpose of full, detailed and objective explanation of circumstances of its commission;

10-2) Excluded by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136–VII ( shall be enforced sixty calendar days after the date of its first official publication);

11) career growth - promotion of an employee in the service in accordance with the stages of official relocation and professional development;

11-1) other weapon – fire, tubeless, gas spray gun with possibility of firing with bullets of traumatic effect, electric, signal, cold, missile and other kinds of weapon;

11-2) polygraphological research – the examination procedure, consisting in record of several physiological indices of human, arising upon psychophysiological certification by means of special medical detectors;

11-3) psychophysiological certification – the set of procedures, referred to detailed evaluation of individual and psychological as well as psychophysiological features of candidates for law enforcement service and employees;

12) rotation – a planned relocation of employees, holding head offices, carried out in order to optimize use of personal resources in service interests;

12-1) rotation planning - a process focused on determining the stages of a planned career and employee development;

12-2) anti-corruption service - operational and investigative units of the authorized body for combating corruption, carrying out activities aimed at preventing, detecting, suppressing, disclosing and investigating corruption crimes;

12-3) a mentor – an employee of a law enforcement agency assigned to a person entering law enforcement service for the first time and providing him with practical assistance in his professional adaptation;

- 13) disciplinary penalty – measure of disciplinary responsibility, imposed on a servant;
- 14) disciplinary responsibility – type of legal responsibility, borne by servants for commission of disciplinary offences, as well as administrative infractions in cases, provided by the Laws of the Republic of Kazakhstan;
- 15) disciplinary infraction – illegal, culpable non-fulfillment or improper fulfillment of obligations, imposed on an employee, abuse of office, violation of official and labour discipline, breach of the Code of honour of public employees of the Republic of Kazakhstan (the Rules of official ethics of public employees) or codes of honour (the rules of official ethics, being in force in law enforcement bodies), and equally non-conformity to established restrictions, linked with staying on law enforcement service;
- 16) an authorized head – a head of a regional (city of republican significance, capital) or a specialized subdivision of a law enforcement agency equated to it, the head of an institution, department of a law enforcement agency;
- 17) organizational and staff measures - a set of measures to form the staff and structure of a law enforcement agency, a territorial or equivalent specialized subdivision of a law enforcement agency, institution, department of a law enforcement agency (establishment, reorganization, liquidation of a law enforcement agency, increase or decrease in the number or staff of its employees, transformation of the position of a law enforcement officer and (or) structural subdivision);
- 18) nomination – holding the superior offices in a system of a law enforcement body;
- 19) detachment – transfer of a servant for the following serving in other law enforcement bodies of the Republic of Kazakhstan, Armed Forces of the Republic of Kazakhstan, other forces and military units of the Republic of Kazakhstan, as well as in the system of a law enforcement body without suspension of the period of service;
- 20) extraregimental employment – holding the offices in other state bodies and international organizations with abandonment in personnel of a law enforcement body;
- 21) Economic Investigation Service - operational and investigative units of financial monitoring authorities carrying out activities aimed at preventing, detecting, suppressing, disclosing and investigating crimes and offenses referred by the Laws of the Republic of Kazakhstan to these authorities, as well as exercising other powers provided by the legislation of the Republic of Kazakhstan.

**Footnote. Article 1 as amended by the Laws of the Republic of Kazakhstan dated 09.11.2011 № 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 23.04.2014 No 200-V (shall be enforced upon expiry of ten calendar days upon its first official publication); dated 07.11.2014 № 248-V ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.11.2015 № 411-V (shall be enforced from 01.01.2016); dated**

06.04.2016 № 484-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 210-VI dated 28.12.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated December 27, 2019 № 292-VI (the order of enforcement see Article 2); dated 06.10.2020 № 365-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Article 2. Legal basis of service in law enforcement bodies**

1. Legal basis of service in law enforcement bodies shall be the Constitution of the Republic of Kazakhstan, Labor Code of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On Public Service of the Republic of Kazakhstan" with special aspects, provided by the Law, the Laws of the Republic of Kazakhstan, regulating activity of law enforcement bodies, and other regulatory legal acts of the Republic of Kazakhstan.

2. If international treaty, ratified by the Republic of Kazakhstan establishes the other rules than those, provided in the Law, the rules of international treaty shall be applied.

**Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 3. Law enforcement agencies**

Law enforcement agencies include the bodies of the prosecutor's office, internal affairs, the state anti-fire service, the anti-corruption service and the economic investigation service, which carry out their activities in accordance with the legislative acts of the Republic of Kazakhstan.

**Footnote. Article 3 is in the wording of the Law of the Republic of Kazakhstan dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.06.2021 № 58-VII (shall be enforced upon expiration of ten calendar days after the day of its first official publication).**

## **Article 4. The principles of law enforcement service**

1. Service in law enforcement bodies shall be carried out in accordance with the principles of public service in the Republic of Kazakhstan and special principles of law enforcement service.

2. Special principles of law enforcement service shall be:

1) obligation of protection of rights and freedom of a human and a citizen, public and state interests from criminal and other illegal intrusions;

- 2) co-operation with civil society institutions;
- 3) approach of organizing the law enforcement service in law enforcement bodies;
- 4) individual responsibility and subordination (dependence);
- 5) independence from activity of political parties and other public association.

#### **Article 5. Scope of application of the Law**

The force of the Law shall be applied to all servants, with the exception of military servants of law enforcement bodies, doing military service in accordance with the legislation of the Republic of Kazakhstan on military service.

The force of the Law shall be applied to political public servants in the part, not contradicting the legislation of the Republic of Kazakhstan on public service.

#### **Article 5-1. Personal service**

Human Resources within its competence:

- 1) analyzes and plans recruitment needs for law enforcement;
- 2) coordinates the structural subdivisions activities of the law enforcement agencies on execution of the legislation of the Republic of Kazakhstan on law enforcement service;
- 3) enforces the procedures for attestation and competitive selection, promotion, bringing employees to disciplinary responsibility, dismissal of employees;
- 4) organizes a preliminary study and selection of candidates for law enforcement service, the selection of personnel, formalizes documents related to the passing by law enforcement employees;
- 5) enforces the restrictions associated with being in law enforcement service;
- 6) in accordance with the procedure established by the legislation of the Republic of Kazakhstan, organizes internships, mentoring, evaluation of activities, training, retraining and advanced training of employees and candidates for service;
- 7) records the personal data of employees, information on the results of assessment, certification and training;
- 8) Excluded by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII ( shall be enforced sixty calendar days after the date of its first official publication);
- 9) assesses results of staffing and performance quality of personnel policy entities in accordance with methodology approved by a head of the law enforcement agencies;
- 10) holds organizational and staff events;
- 11) exercises other powers established by the legislation of the Republic of Kazakhstan.

**Footnote. Chapter 1 is supplemented by Article 5-1 in accordance with the Law of the Republic of Kazakhstan 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan**

dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Chapter 2. ENTERING INTO LAW ENFORCEMENT SERVICE**

### **Article 6. Conditions of entering into law enforcement service**

1. Citizens of the Republic of Kazakhstan, attained the age of eighteen years, able to fulfill the obligations, imposed on them due to their personal, moral, business, professional qualities, health condition and physical development, educational level shall be accepted to service in law enforcement bodies on the voluntary basis.

2. The following persons may not be accepted to law enforcement service:

1) recognized incapable or partially capable in the manner, established by the Law;  
2) having disease, preventing fulfillment of official powers in accordance with conclusion of military physician board;

2-1) not passed medical or psychophysiological examination, including polygraph examination;

3) refused to accept restrictions, related to staying of an employee in law enforcement service, and anti corruption restrictions established by the Law of the Republic of Kazakhstan "On combating corruption";

4) is excluded by the Law of the Republic of Kazakhstan dated 18.11.2015 № 411-V ( shall be enforced from 01.01.2016);

5) on which, the administrative sanction for intended infraction was imposed in a judicial proceeding within one year before entering into law enforcement service;

6) on which, the administrative sanction for commission of corruptive infraction was imposed in a judicial proceeding within three years before entering into law enforcement service;

6-1) in respect of whom a court conviction was issued within three years before entering the service for commission of a criminal offense or which was released from criminal responsibility for criminal offense within three years before entering the service on the basis of paragraphs 3), 4), 9), 10) and 12) of part one of Article 35 or of Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan;

7) committed corruption criminal act;

8) dismissal from work for commission of corruptive infraction;

**Note!**

Subparagraph 9) as amended by the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (shall be enforced from 01.01.2027).

9) having or having had a criminal record or released from criminal liability on the basis of paragraphs 3), 4), 9), 10) and 12) of part one of article 35 or article 36 of the Criminal Procedure Code of the Republic of Kazakhstan, as well as dismissed for negative reasons

from state, military service, from other law enforcement agencies, special state bodies, as well as having terminated the powers of a judge for negative reasons.

**Note!**

Paragraph 2 is to be supplemented with subparagraph 10) in accordance with the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (shall be enforced from 01.01.2027)

3. Non-presentation or disfiguration of information, mentioned in paragraph 2 of the Article shall be the basis for refusal of entering into law enforcement service.

4. Entering into service in law enforcement bodies shall be carried out on condition of passing the compulsory special inspection by citizens.

5. Citizens recruited to the service of law enforcement agencies without fail to determine suitability for service undergo medical and psychophysiological examinations and polygraph examinations in the appropriate division of the law enforcement agency in military medical commissions.

5-1. The procedure for passing the polygraphological research shall be determined by the Government of the Republic of Kazakhstan.

6. Excluded by the Law of the Republic of Kazakhstan dated 18.11.2015 № 412-V (shall be enforced from 01.01.2021).

7. Testing of citizens entering the law enforcement service is carried out in accordance with the procedure provided for by the Law of the Republic of Kazakhstan "On public service of the Republic of Kazakhstan".

8. The effect of paragraphs 4 and 5 of this article does not apply to employees who were previously officers of the law enforcement agencies, special state bodies, employed by law enforcement agencies within five working days from the date of their dismissal, with the exception of those dismissed for health reasons, due to an official discrepancy revealed by the results of certification, for negative reasons, and also for military personnel who are accepted for law enforcement service in the order of transfer.

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2014 № 233-V (shall be enforced from 01.01.2015); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 18.11.2015 № 411-V (shall be enforced from 01.01.2016); dated 18.11.2015 № 412-V (shall be enforced from 01.01.2021); dated December 27, 2019 № 292-VI (the order of enforcement see Article 2); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

**Article 7. Selection of candidates for law enforcement service**



1. Excluded by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

2. Admission to law enforcement service is carried out on a competitive basis or through initial professional training in law enforcement education organizations, except for the cases established by paragraph 3 of this Article and paragraph 1 of Article 7-1 of this Law.

Selection for the law enforcement service is carried out taking into account the competitiveness of the candidate and the degree of his compliance with professional competencies.

The procedure and methods for determining professional competencies, key indicators and calculating the competitiveness indicator are approved by the head of the law enforcement agency.

Officials who have employed citizens who have not passed the competitive selection or initial professional training are brought to disciplinary responsibility in accordance with the procedure established by the law of the Republic of Kazakhstan.

2-1. Entry into the service of law enforcement agencies for the positions of privates, junior and middle commanding personnel is carried out through initial professional training in educational organizations of law enforcement agencies.

The selection procedure for initial vocational training and the conditions for its passage for persons entering the service of the prosecutor's office, the anti-corruption service and the economic investigation service, as well as the grounds for their deduction from initial vocational training, are determined by a joint regulatory legal act of the heads of law enforcement agencies.

The procedure for selection for initial vocational training and the conditions for its passage for persons entering the internal affairs bodies, as well as the grounds for their deduction from initial vocational training, are determined by the regulatory legal act of the head of the internal affairs bodies.

The procedure for selection for initial professional training and the conditions for its passage for persons entering the state fire service bodies, as well as the grounds for their expulsion from initial professional training are determined by the regulatory legal act of the head of the state fire service bodies.

3. The following may be accepted for service in law enforcement agencies outside the competitive selection:

1) persons who have completed training in law enforcement education organizations – within one year after completion of training;

2) persons who previously served in positions in law enforcement, special state bodies and have at least three years of service in law enforcement, special state bodies;

3) persons who were previously in military service and held military positions in state institutions of the Armed Forces of the Republic of Kazakhstan, other troops and military

formations of the Republic of Kazakhstan, if they have at least three years of military service experience;

4) deputies of the Parliament of the Republic of Kazakhstan, political civil servants, judges who have fulfilled their powers for at least six months and terminated them, with the exception of those who terminated their powers for negative reasons..

4. Holding of vacant office by an employee within the period of law enforcement service in case of his (her) conformity to specified qualifying requirements to the relevant vacant office may be carried on non-competitive basis in the manner of transferring with his (her) agreement or on competitive basis.

5. Human Resources of the law enforcement agencies maintains a departmental data bank of candidates into service with reflection of their competitiveness index.

6. Excluded by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII ( shall be enforced sixty calendar days after the date of its first official publication).

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 23.11.2015 № 417-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 180-VI dated 12.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated December 27, 2019 № 292-VI (the order of enforcement see Article 2); dated 11.07.2022 № 136-VII ( shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 7-1. Competition for positions in law enforcement agencies**

1. Admission to the law enforcement service on a competitive basis is carried out for vacant and temporarily vacant positions of law enforcement agencies, with the exception of positions of ordinary, junior and middle commanding officers and positions to which appointment is made by the President of the Republic of Kazakhstan and (or) in agreement with him, and (or) in agreement with the Chairman of the Security Council of the Republic of Kazakhstan, Secretary of the Security Council of the Republic of Kazakhstan, Administration of the President of the Republic of Kazakhstan.

2. Preliminary examination of candidates entering on a competitive basis is carried out by personnel services and services of their own (internal) security of law enforcement agencies.

3. The preliminary examination includes checking candidates accepted for service in law enforcement agencies for compliance with the requirements of Articles 6 and 10 of this Law.

4. The competition is held subject to the absence of candidates in the reserve for the vacant position of the appropriate category.

5. The selection of candidates on a competitive basis is carried out by the competition commission of the law enforcement agency, created by the decision of the head of the law enforcement agency or the authorized head.

6. The competition for positions in law enforcement agencies includes a number of consecutive stages:

- 1) publication of the announcement of the competition;
- 2) acceptance of documents from persons who have expressed a desire to participate in the competition;
- 3) consideration of the documents of the participants of the competition for compliance with the established qualification requirements and the requirements established by this Law;
- 4) interview with the participants of the competition conducted by the competition commission;
- 5) medical and psychophysiological examination of the participants of the competition;
- 6) polygraph examination of the contest participants;
- 7) opinion of the competition commission.

7. The announcement of the contest is published on the Internet resource of the law enforcement agency, as well as the authorized body for civil service affairs.

If the competition is held for a temporarily vacant position of a law enforcement agency, this condition is indicated in the announcement of the competition.

8. The competition commission has the right to recommend to the head of a law enforcement agency or an authorized head to enroll a candidate in the reserve to occupy a vacant position.

9. The recommendations of the competition commission on enrollment in the reserve for the vacant position are made in respect of no more than three candidates for each vacant position.

The term of the candidate's stay in the reserve for the vacant position is one year from the date of his enrollment.

The candidate's refusal to occupy the proposed position is the basis for excluding him from the reserve for the vacant position.

10. The candidate recommended by the competition commission for appointment to the vacant position undergoes a mandatory special examination.

Until the results of the mandatory special examination are received, the candidate temporarily fulfills the duties provided for by the vacant position, labor relations with him are regulated in accordance with the labor legislation of the Republic of Kazakhstan.

During the period of mandatory special examination, the provisions of this Law apply to the candidate in terms of duties and responsibilities of employees, restrictions related to staying in law enforcement service.

In case of receiving positive results of a mandatory special examination, the period of performance of duties for a vacant position is counted in the length of law enforcement service (length of service).

11. The procedure for the formation and work of the competition commission, the timing of the stages of the competition, as well as the list of documents required for participation in

the competition, are determined by a joint regulatory legal act of the heads of law enforcement agencies.

**Footnote. Chapter 2 is supplemented with Article 7-1 in accordance with the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 7-2. Non-competitive selection for service in law enforcement agencies**

1. By decision of the head of a law enforcement agency, persons specified in paragraph 3 of Article 7 and paragraph 1 of Article 7-1 of this Law may be admitted to the law enforcement service outside the competitive selection.

2. The study of candidates entering outside the competitive selection, verification of their compliance with the qualification requirements and the requirements provided for in paragraphs 1 and 2 of Article 6 of this Law, are carried out by personnel services and other law enforcement agencies.

3. Appointment of a person to a position in law enforcement agencies outside of competitive selection is made subject to compliance with the qualification requirements and requirements established by this Law.

**Footnote. Chapter 2 is supplemented with Article 7-2 in accordance with the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 8. Entering into law enforcement service**

1. Entering into law enforcement bodies shall be carried out by appointment to office, as well as by conclusion of the agreement for persons, admitted to full-time course of study in educational organizations of law enforcement bodies.

The recruitment of persons who have completed initial vocational training in educational institutions of law enforcement agencies is carried out by enrollment in the personnel of law enforcement agencies. Appointment to a position is made within a month from the date of enrollment in the personnel of a law enforcement agency.

2. Entering into service in law enforcement bodies shall be executed by orders of heads of law enforcement body or authorized heads. The order shall be announced to private and commanding personnel against signature.

3. Persons of private and commanding personnel shall accept restrictions, established by the Law, other Laws of the Republic of Kazakhstan related to staying of an employee in law enforcement service, and anti corruption restrictions established by the Law of the Republic of Kazakhstan "On combating corruption".

4. Persons liable for military service, appointed to office of private and commanding personnel or admitted to the personnel of law enforcement bodies including cadets of educational organizations of law enforcement bodies shall be removed in established order from the military registration and shall be registered specially in law enforcement bodies.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.11.2015 № 411-V (shall be enforced from 01.01.2016); dated December 27, 2019 № 292-VI (the order of enforcement see Article 2).

## **Article 9. Admission in educational organizations of law enforcement bodies**

1. Persons, having the secondary-level education, attained the age of sixteen years may be admitted in educational organizations of law enforcement bodies.

The procedure for admission in educational organizations of law enforcement agencies shall be determined by a head of law enforcement agencies.

Persons having the higher education may be admitted in educational organizations of law enforcement bodies for studying on professional training modules, providing the decreased term of study.

2. Persons entering to study in the educational organizations of law enforcement agencies of the Republic of Kazakhstan, as well as in educational organizations implementing educational programs of higher and postgraduate education, law enforcement agencies of foreign countries in the areas of law enforcement agencies with tuition fees at the expense of budgetary funds, conclude a contract for the duration of training in an educational organization and simultaneously for service in law enforcement agencies of the Republic of Kazakhstan after graduation from training in an educational organization in the positions of middle and senior commanding staff.

3. Mutual obligations and responsibility of parties (persons, admitting to study, and a civil servant of law enforcement body) shall be established in the contract and terms and conditions of the following service in law enforcement bodies after completion of educational organization shall be provided. The contract shall be concluded after decision of admission board on admission of law enforcement body in educational organization. The form of the contract, procedure for its conclusion, extension, modification, dissolution and termination shall be determined by the regulatory legal acts of law enforcement bodies.

4. In case of conclusion of the contract with persons, not attained the age of eighteen years, the agreement of their parents, adoptive parents or guardian shall be required.

5. Employees who have completed full-time training in law enforcement education organizations implementing educational programs of higher education are required to serve in law enforcement agencies for at least five years, implementing a general education curriculum of general secondary, as well as educational programs of technical and vocational, post-secondary and postgraduate education - for at least three years.

6. In case of refuse of a servant from the following serving in law enforcement body after his (her) graduation of educational organization of law enforcement body or early dissolution of the contract, he (she) shall be obliged to reimburse budgetary funds to the state, expensed

for payment of scholarship, food, clothing allowance in the period of his (her) study. The sum, subject to retention, shall be calculated proportionally for each month that is not served in full before expiration of the contract term.

This duty shall not apply to an employee in case of his dismissal due to health reasons on the basis of the conclusion of military physician board on unsuitability or limited suitability to service or due to staff reductions or reorganization or liquidation of the law enforcement agencies in cases of impossibility to be in another office, and also his transfer to another law enforcement agencies or a special state body.

7. For those who have completed a full course of full-time education in law enforcement educational organizations implementing educational programs of technical and vocational, post-secondary and higher education, the training time is equal to the passage of military service. Graduates of educational organizations of law enforcement agencies of the Republic of Kazakhstan, educational organizations of law enforcement agencies of other states are sent for service according to the distribution.

8. Cadets of full-time departments in educational organizations of law enforcement bodies, as well as studied in the assignment of law enforcement bodies in educational organizations of foreign countries, attained the military age and dismissed due to academic failure, undiscipline, as well as at their own wish shall be assigned to bodies of military leaders at the place of residence for registration. They shall reimburse the budgetary funds to the state, expensed for payment of scholarship, food, clothing allowance within in period of their study and expenses for travel to the place of study and backwards in the period of holidays. The sum, subject to retention shall be calculated proportionally for each full month of staying in educational organization.

9. Reimbursement of budgetary funds in favor of the state shall be carried out in the manner, established by the legislation of the Republic of Kazakhstan.

10. Cadets sent by educational organizations of law enforcement agencies of the Republic of Kazakhstan implementing educational programs of higher education to law enforcement agencies for pre-graduate internship are appointed to a vacant position for the period of internship.

11. Servants, accepted to magistracy and doctorate directly after graduation of higher educational establishments of law enforcement bodies of the Republic of Kazakhstan shall be paid by official salary in amount of seventy percent salary of academician of the relevant subdepartment, as well as supplemental payment for the special rank or class rank.

The official salary in amount of seventy percent from the official salary according to the last (not temporary performed) full-time office, held before student assignment shall be established for the term of study to servants, accepted in magistracy and doctorate of law enforcement bodies of the Republic of Kazakhstan.

12. Cadets of educational organizations of law enforcement bodies of the Republic of Kazakhstan shall be paid by the cost of travel on inter-city automobile (except for taxi),

railway and water transport to the place of permanent residence and backwards in the period of holidays.

12-1. Family members of cadets who are citizens of the Republic of Kazakhstan have the right to visit their close relatives from among the cadets to get acquainted with their life and everyday life in the manner determined by the head of the law enforcement agency.

13. Employees may receive higher and postgraduate education in law enforcement education organizations in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

**Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 23.04.2014 No 200-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication) ; dated 02.10.2023 № 31-VIII (shall be enforced six months after the date of its first official publication).**

#### **Article 10. Requirements on substitution of offices of private and commanding personnel of law enforcement bodies**

1. Citizens at the age of no more than thirty five years shall be accepted into service in law enforcement bodies, that have the relevant education and passed military service or military training in specialized organizations of the Ministry of Defence on preparation of reserve training, as well as citizens, released or having the occupational deferment from active military service in accordance with the legislation of the Republic of Kazakhstan.

A person, the age of whom is more than thirty five years, having the high professional qualification or considerable work experience on certain specialties may be accepted on law enforcement service to the office of secondary and senior commanding personnel in accordance with the Law by decision of a head of law enforcement body.

2. Citizens shall be accepted or servants, having the education no less than secondary-level education may be appointed to the offices of private and associate commanding personnel, depending on qualifying requirements to the categories of offices of law enforcement body.

Citizens or servants having the technical and professional, post-secondary, higher education shall be accepted to offices of secondary commanding personnel, depending on qualifying requirements to the categories of offices of law enforcement body.

3. Citizens of military age, subject to call to active military service may be accepted to offices of secondary and senior commanding personnel only in existence of higher education.

4. Citizens shall be accepted or servants, having the higher education may be appointed to the offices of senior and superior commanding personnel.

Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 16.02.2012 № 562-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2017 № 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 11. Initial professional training for persons entering the law enforcement service**

Footnote. The title of Article 11 as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

1. Persons entering law enforcement agencies for the positions of ordinary, junior and middle commanding personnel undergo initial professional training in law enforcement educational organizations.

2. Initial professional training includes training in law enforcement educational organizations and internships.

Training is carried out according to educational programs, depending on the activities of the law enforcement agency.

The internship of candidates during the initial professional training is carried out by the relevant law enforcement agency.

The need for personnel for initial professional training is determined by each law enforcement agency independently on the basis of personnel forecast.

3. A contract is concluded with persons who entered the initial vocational training in the educational organization of law enforcement agencies.

The contract establishes the mutual obligations and responsibilities of the person entering the initial vocational training, the law enforcement agency and the educational organization of the law enforcement agency, as well as the conditions and terms of further service in the law enforcement agencies after the end of the initial vocational training. The contract is concluded after the decision of the selection committee to enroll in the education organization of the law enforcement agency.

4. Persons undergoing initial vocational training shall be provided with food and accommodation at the expense of budget funds.

Persons entering the service of the prosecutor's office, the anti-corruption service and the economic investigation service are paid a scholarship for the period of initial vocational training, the amount of which is determined by the Government of the Republic of Kazakhstan.

5. Persons who have completed initial vocational training are enrolled in the personnel of the law enforcement agency, in the direction of which the training was completed.



When a person who has completed initial vocational training is appointed to a position in a law enforcement agency, the period for completing initial vocational training is counted in the length of service of the law enforcement service (seniority).

6. Persons who have completed initial vocational training are required to serve in law enforcement agencies for at least three years.

7. In case of refusal of a person who completed initial vocational training, from further service in a law enforcement agency or expulsion from the educational organization of law enforcement agencies due to academic failure and (or) violation of discipline, as well as voluntarily, he is obliged to reimburse the state budgetary funds spent for preparation, payment of scholarships, food and accommodation during the period of its preparation, in accordance with the legislation of the Republic of Kazakhstan.

This obligation does not apply to an employee in the event of his dismissal from service within three years for health reasons on the basis of the conclusion of the military-medical commission on the unsuitability or limited fitness for service, or in connection with the staff reduction, reorganization or liquidation of the law enforcement agency in cases of impossibility of using another position, as well as his transfer to another law enforcement body or a special state body.

8. Persons entering the law enforcement service and being appointed to the positions of senior and higher commanding staff, as well as outside of competitive selection, do not undergo initial professional training.

9. Individuals undergoing initial vocational training are subject to subparagraphs 1), 5), 8), 11), 12), 13), 14) and 15) of paragraph 1 of Article 16, subparagraphs 5), 6), 7) and 8) paragraph 1 and paragraph 3 of Article 17 of this Law.

**Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated December 27, 2019 № 292-VI (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

**Article 12. Probation period and organization of mentoring for persons entering the law enforcement service for the first time**

**Footnote. The title of Article 12 as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

1. For persons entering the law enforcement service for the first time, a probationary period of up to three months is established with the appointment to the corresponding position

If the result of the probationary period is unsatisfactory, the probationary period is extended by three months without repeated subsequent extension by the decision of the head of the law enforcement agency or an authorized head who has the right to appoint to the relevant positions.

2. The probation period is established in order to verify his compliance with the position of the law enforcement service. During the probation period, a special rank or class rank is not assigned.

3. Condition on serving the probation period shall be provided in the order of a head of law enforcement body or authorized head on appointment to office of law enforcement service.

4. If probation period is expired, and a servant carries on service in law enforcement bodies, he (she) shall be considered as standing the probation and probation period shall be counted to the length of employment of service in law enforcement bodies. The following dismissal shall be allowed only on the grounds, provided by the Law.

5. The provisions of the Law and other regulatory legal acts of the Republic of Kazakhstan, regulating the service in law enforcement bodies shall apply to a servant during the probation period. A servant shall fulfill the employment duties, assigned on him (her), exercise the rights, provided to him (her) in full measure, with the exception of the right to bear and possess firearms, special ammunition during probation period.

6. The periods of absence of a servant on service on reasonable excuses shall not be counted to probation period.

7. A trial period is not established for:

1) persons entering the service of law enforcement agencies and appointed to leading positions of senior and higher commanding personnel;

2) graduates of educational institutions of law enforcement agencies;

3) persons who have undergone initial professional training in educational institutions of law enforcement agencies;

4) persons who previously served in law enforcement, special government agencies;

5) judges who have terminated their powers, with the exception of those dismissed or terminated their powers for negative reasons.

8. Persons entering the law enforcement service for the first time receive a mentor from among law enforcement officers with appropriate professional training and significant work experience.

This provision does not apply to persons entering the positions of senior and higher commanding staff for the first time.

The procedure and terms of organization of mentoring for persons entering the law enforcement service for the first time are determined by the regulatory legal acts of the heads of law enforcement agencies.

**Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2017 № 91-VI (shall be**

enforced upon expiry of ten calendar days after its first official publication); dated December 27, 2019 № 292-VI (the order of enforcement see Article 2); dated 11.07.2022 № 136-VII ( shall be enforced sixty calendar days after the date of its first official publication).

### **Article 13. The procedure for taking Oath by servants**

1. Oath shall be taken by:

1) persons entering the service of law enforcement agencies for the first time who have been assigned a special rank or class rank – no later than two months after the assignment of a special rank or class rank;

2) cadets of educational organizations, not taking the Oath previously, - not later than two months after admission to study;

3) servants, not taking the Oath previously by some reasons.

2. Oath shall be taken in law enforcement body in ceremonial atmosphere under the direction of a head of law enforcement body or authorized head.

3. Timeliness of employees' administration of Oath, organization and accounting of taking the Oath by employees shall be assigned on heads of Human Resources of law enforcement bodies.

4. The text of the oath of law enforcement officers and the procedure for taking it are approved by the President of the Republic of Kazakhstan.

**Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

## **Chapter 3. LEGAL STATUS OF SERVANTS**

### **Article 14. Status of servants and their legal safeguard**

1. Servants shall be representatives of the state power and shall be under state protection.

2. The requirements of employees provided for by the laws of the Republic of Kazakhstan (hereinafter – legal requirements) are mandatory for fulfillment by individual and legal entities.

3. Non-fulfillment of legal requirements of servants, insult, resistance, threat of violence or infringement on life, health, honour and dignity, property, other actions, preventing the fulfillment of obligations, assigned on them, as well as infringement on life, health, honour, dignity and property of their family members, close relatives due to fulfillment of employment duties and call of duty by servants shall entail responsibility, established by the Laws.

4. Servants shall be subordinated only to head of law enforcement body and immediate and authorized heads, with the exception of cases, provided by the Laws of the Republic of Kazakhstan upon fulfillment of obligations, assigned on them.

5. No one shall have the right to interfere in activity of servants, except the persons, empowered expressly by the Law. Illegal interference in activity of servants shall entail the responsibility, established by the Laws.

6. A servant shall be obliged to be governed by the Law and be under its protection upon receiving of the order or instruction, contradicting the Law.

7. Employees have the right to appeal against decisions and actions (inaction) made in relation to them to higher officials, in court in the manner prescribed by the laws of the Republic of Kazakhstan.

8. Servants shall not be liable for the harm, incurred due to use of the firearms, special ammunition and physical force, if their actions are carried out in accordance with the Law and other legislative acts of the Republic of Kazakhstan.

**Footnote. Article 14, as amended by the Law of the Republic of Kazakhstan, dated 23.04.2014 No 200-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 15. Rights of servants, linked with law enforcement service**

1. Servants shall have the right to:

1) receive information and materials, required for fulfillment of employment duties in established manner;

2) familiarization with provision, other documents, determining their rights and employment duties, and conditions of nomination;

3) access to public bodies, organizations due to fulfillment of employment duties independently from their legal organizational form in established manner;

4) access to information that is state secrets and other secrecy, protected by the Law in established manner, if fulfillment of employment duties is linked with use of the information;

5) arrangement of conditions by law enforcement bodies, required for fulfillment of employment duties and professional development;

6) promotion at service in recognition of results of employment activity, public service period and level of experience;

7) familiarization with feedbacks on their professional employment activity and other documents before their introduction into personnel record, as well as on entering of their written statement of explanations and other documents and materials upon personnel record;

8) professional retraining, raising of qualification and period of probation in the manner, established by the Law and other regulatory legal acts of the Republic of Kazakhstan;

- 9) state protection of their life, health and property, life, health and property of their family members in accordance with the legislation of the Republic of Kazakhstan;
- 10) protection of their personal information;
- 11) refer to superior civil servants in the manner of subordination, to superior bodies or to the court for protection of their rights and legal interests, as well as for resolution of individual disputes, linked with law enforcement service;
- 12) medical and sanatorium-resort service;
- 13) pension provision in accordance with the legislation of the Republic of Kazakhstan on social protection;
- 14) housing and social security;
- 15) applicable organization and technical and sanitary conditions of service in recognition of special aspects of law enforcement service;
- 16) rest in accordance with the Law and labor legislation of the Republic of Kazakhstan;
- 17) carrying out of teaching, research or other creative activities;
- 18) use of relevant temporary holding facility, pretrial detention facility in the manner provided by the legislation of the Republic of Kazakhstan;
- 19) conveying of detainees and misdemeanant prisoner.

2. Employees shall be provided by the right of bearing, keeping and using the firearms and other arms, special ammunition, with the exception of employees performing the functions of preventing and eliminating of natural and man-made emergencies, response emergency medical and psychological assistance to the population, employees of bodies of the State fire-fighting service. Also they shall have the right to use physical force, including the combat fighting techniques. The procedure for use of firearms and other arms, special ammunition and physical force shall be determined by this Law.

3. Servants shall be provided by other rights, regulating the activity of law enforcement bodies in accordance with objectives, assigned on them within their competence, provided by the Laws of the Republic of Kazakhstan.

4. The procedure for conveying of detainees and misdemeanant prisoner shall be approved by a head of the law enforcement agencies.

**Footnote. Article 15, as amended by the Laws of the Republic of Kazakhstan, dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 23.04.2014 № 200-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).**

## **Article 16. Obligations of servants, linked with law enforcement service**

1. Servants shall be obliged to:

1) comply with the Constitution of the Republic of Kazakhstan and legislation of the Republic of Kazakhstan;

2) ensure compliance and protection of rights and freedom of a human and a citizen, as well as legal interests of individuals and legal entities, the state;

3) consider applications of individuals and legal entities, use reasonable efforts in the manner and terms, established by the Law;

4) exercise powers within the rights, provided to them and in accordance with employment duties;

5) comply with official and labor discipline;

6) accept restrictions, related to an employee staying in law enforcement service, and anti-corruption restrictions established by the Law of the Republic of Kazakhstan "On combating corruption";

7) comply with the requirements of the Code of Ethics of law enforcement officers of the Republic of Kazakhstan, approved by the President of the Republic of Kazakhstan;

8) carry out regular warrants and regulations of heads, decisions and instructions of superior bodies and civil servants, issued within their powers;

9) keep the state secrets and other secrecy, protected by the Law, as well as after termination of law enforcement service within the term, established by the Law, on which the personal recognizance shall be given;

10) keep information, concerning private life, honour and dignity of citizens in secret, received upon fulfillment of employment duties and not to require the provision of such information from them, with the exception of cases, provided by the Law;

11) ensure the safe custody of state property;

12) report in written form and inform immediate and authorized head immediately in cases, when private interests of a servant intercrosses or conflicts with their powers;

13) raise their professional level and improve qualification;

14) not to admit public appearances, damaging the interests of public service;

15) inform the direct head in writing about the fact of the employee's or his spouse's application for renunciation of citizenship of the Republic of Kazakhstan or about the fact of applying for acquisition of foreign citizenship on the day of the application;

16) is excluded by the Law of the Republic of Kazakhstan dated 18.11.2015 № 412-V ( shall be enforced from 01.01.2021).

2. Other obligations, provided by the Laws of the Republic of Kazakhstan, regulating the activity of law enforcement bodies and other legislation of the Republic of Kazakhstan shall be established for servants in accordance with objectives set to them within their competence.

3. Upon violation of rights and freedom of a human and a citizen, as well as legal interests of individuals and legal entities by the employees, law enforcement bodies shall be obliged to restore these rights, reimburse incurred damage, ensure that guilty person are brought to responsibility in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced 01.01.2015); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.11.2015 № 411-V (shall be enforced from 01.01.2016); dated 18.11.2015 № 412-V (shall be enforced from 01.01.2021); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 17. Restrictions, linked with staying of a servant on law enforcement service**

1. A servant shall not have the right to:

1) be a deputy of representative bodies and member of local self-government bodies, be composed of parties, labor unions, speak in favour of any political party, establish public association in the system of law enforcement bodies, pursuing the aims, based on similarity of their professional interests for presentation and protection of labor, as well as other social and economic rights and interests of their members and improvement of working conditions;

2) engage in other paid activity, except educational, scientific and other creative activity;

3) engage in entrepreneurial activities, including participation in the management of a commercial organization, regardless of its organizational and legal form, except for cases when this is his official duties in accordance with the legislation of the Republic of Kazakhstan, and cases of acquisition and (or) sale of shares of open and interval mutual investment funds, bonds on the organized securities market, shares of commercial organizations (common shares in the amount not exceeding five percent of the total number of voting shares of organizations) on the organized securities market;

4) be a representative on affairs of third parties, with the exception of cases, provided by the Laws;

5) use material and technical, financial and information facilities for the non-service purposes of his (her) employment activity, other state property and official information;

6) participate in actions, preventing normal functioning of state bodies and fulfillment of employment duties, including strikes;

7) employ services of individuals and legal entities due to fulfillment of employment powers;

8) use his (her) official position with a mercenary motive, as well as by conspiracy with civil servants and other persons;

9) hold a position that is directly subordinate to a position occupied by his close relatives (parents (parent), children, adoptive parents (adopters), adopted (adopted), full and half brothers and sisters, grandfathers, grandmothers, grandchildren), spouse and (or) relatives (full and half brothers and sisters, parents and children of the spouse), as well as to have close relatives, spouse and (or) relatives in direct subordination.

2. A servant shall be obliged to place the shares (partnership shares in charter capital) of commercial organizations being into his (her) ownership into trust and other property, the use

of which entails acquisition of incomes, with the exception of money, debenture bonds, units of opened and interval mutual investment funds, belonging to him (her) judicially, as well as other property, transferred into property lease in the manner, established by the legislation of the Republic of Kazakhstan, within one month after assumption of office for the period of law enforcement service. The trust management agreement of property shall be subject to notarial certification.

An servant shall have the right to receive income from the property, placed in trust, as well as in the form of remuneration, cash dividends, winnings, incomes from the lease and other legitimate sources.

3. Responsibility for non-compliance with restrictions, provided by the Article shall be established by the Law, other Laws of the Republic of Kazakhstan.

**Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 06.10.2020 № 365-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).**

#### **Article 18. Creation and change of legal relations on law enforcement service in the period of military situation**

Special aspects of creation and change of legal relations on law enforcement service and its continuation in the period of military situation shall be determined by the President of the Republic of Kazakhstan.

#### **Article 19. Responsibility of servants**

1. Servants shall bear criminal, administrative, civil, disciplinary responsibility for non-fulfillment or improper fulfillment of their employment duties in accordance with the Laws of the Republic of Kazakhstan.

2. Fulfillment of designedly illegal order or instruction shall not release a servant from responsibility.

In case of doubts in legality of received regulation for fulfillment, he (she) shall immediately inform about this, his (her) immediate head and head, given the regulation in written form.

In case, if superior head confirms this regulation in written, an servant shall be obliged to fulfill it, if fulfillment doesn't entail actions referring to criminally punishable acts.

Responsibility for consequences of fulfilling illegal regulation by a servant shall be borne by the head, confirming this regulation in written.

3. Actions (omission) of servants may be appealed in the manner, established by the legislation of the Republic of Kazakhstan.



4. In case of material damage to law enforcement body, incurred by illegal actions of a servant, the latter shall bear material responsibility in accordance with the Laws of the Republic of Kazakhstan.

#### **Article 20. Service certificates and badges of servants**

1. Employees shall be issued by service certificates and badges in confirmation of their identity and powers.

Badges shall not be issued to employees of prosecution bodies, operational investigative divisions of anti-corruption service and employees of economic investigation service.

Description of service certificates and samples of badges, as well as its issuance procedure shall be confirmed by a head of law enforcement agencies.

2. Service certificate shall be the document, confirming affiliation of a person to law enforcement body, his (her) office in law enforcement service and special rank or class rank.

The employee's service certificate confirms his right to carry and store firearms and other weapons, special equipment, with the exception of an employee performing the functions of preventing and eliminating natural and man-made emergencies, providing emergency medical and psychological assistance to the population, an employee of the state fire service, etc. powers granted to an employee in accordance with the legislation of the Republic of Kazakhstan.

**Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2017 № 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated December 27, 2019 № 292-VI (the order of enforcement see Article 2).**

#### **Article 21. Official uniform and rank badges of servants**

1. In order to reflect the employee's affiliation to the law enforcement service, uniforms and insignia for special ranks or class ranks of employees are established for him, depending on the law enforcement agency in which the employee serves.

2. Employees who have been assigned special ranks or class ranks are provided with uniforms free of charge.

3. Description, rank badges, procedure for wearing and regulation of ensuring the official uniform shall be determined by the legislation of the Republic of Kazakhstan.

**Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

## **Chapter 4. Special ranks or class ranks**

Footnote. Title of Chapter 4 is in the wording of the Law of the Republic of Kazakhstan dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication)

### **Article 22. Award of special ranks or class ranks**

1. Servants shall be awarded by the following special ranks or class ranks:

1) private personnel:

private;

2) associate commanding personnel:

junior sergeant;

sergeant;

senior sergeant;

color sergeant;

3) secondary commanding personnel:

junior lieutenant;

lieutenant, law officer of the 3 class;

senior lieutenant, law officer of the 2 class;

captain, law officer of the 1 class;

4) senior commanding personnel:

major, junior council;

half colonel, council;

colonel, senior council;

5) superior commanding personnel:

major general, state council of the 3 class;

lieutenant general, state council of the 2 class;

colonel-general, state council of the 1 class;

state council of upper class.

2. Special ranks or class ranks shall be awarded to servants on individual basis in consecutive order in recognition of qualification, education, service attitude, years of service and held full-time office.

3. The following words shall be added to the special ranks or class ranks of servants, specifying on their affiliation:

1) prosecution bodies – “of justice”;

2) internal affairs bodies - "police", "justice";

3) is excluded by the Law of the Republic of Kazakhstan dated 07.11.2014 № 248-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

4) is excluded by the Law dated 18.01.2012 № 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

5) is excluded by the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

6) is excluded by the Law of the Republic of Kazakhstan dated 07.11.2014 № 248-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

7) state courier service – "courier service";

8) bodies of civil protection - "civil protection";

9) anti–corruption service - "of anti-corruption service";

10) economic investigation service – "of economic investigation service".

4. The words – “retired” shall be added to the special ranks or class ranks of servants, dismissed upon attainment of age of retirement on service or having years of service that gives the right to pension.

5. Citizens, enlisted in cadets of full-time course of study of educational organizations of law enforcement bodies in accordance with the legislation of the Republic of Kazakhstan shall be awarded by special ranks.

6. A citizen, being in reserve of the Armed Forces of the Republic of Kazakhstan shall be awarded by the special rank or class rank that is not lower than the military rank that he holds after his (her) appointment to office of commanding personnel in law enforcement bodies.

7. Persons who previously served in law enforcement agencies, when re-enlisted (enrolled for study), persons accepted on secondment from another law enforcement agency, as well as persons who served in special state bodies, military personnel are appointed to positions ( enrolled for study) with their special, military rank or class rank assigned to them at their former place of service, with equating to a special rank or class rank assigned at their new place of service (study).

The special, military rank or class rank of the highest commanding or senior officer assigned to a person, appointed to a law enforcement agency is recognized as corresponding to an equivalent special, military rank or class rank indicating affiliation to the body in which he serves, subject to the provisions of subparagraph 5) of paragraph 1, paragraph 3 of this article.

The period of stay in the former special, military rank or class rank is included in the length of service for the assignment of the next special rank, class rank.

8. The list of positions, the occupation of which gives the right to assign special ranks or class ranks to officials who directly perform the main tasks and functions assigned to law enforcement agencies in accordance with the legislation of the Republic of Kazakhstan, is approved by the President of the Republic of Kazakhstan or the Government of the Republic of Kazakhstan in accordance with their powers.

9. Persons, previously assigned by military or special ranks “senior warrant officer of internal service”, “senior warrant officer of firefighting service”, “warrant officer of internal service”, “warrant officer of firefighting service”, “senior warrant officer of justice”, “warrant officer of justice”, shall have the right to continue service on these ranks upon termination of service by them, on grounds, specified by this Law.

Footnote. Article 22 as amended by the Laws of the Republic of Kazakhstan dated 18.01.2012 № 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication), dated 23.04.2014 No 200-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 248-V ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2017 № 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated November 26, 2019 № 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.06.2021 № 58-VII (shall be enforced from 01.01.2021); dated 11.07.2022 № 136-VII (for the procedure of entry into force, see Article 2).

#### **Article 22-1. Qualification classes of employees of anti-corruption service and economic investigation service**

Footnote. Chapter 4 is supplemented by Article 22-1 in accordance with the Law of the Republic of Kazakhstan dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); is excluded by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 23. The order of assignment of the first and next special ranks or class ranks**

Footnote. The title of Article 23 is as amended by the Law of the Republic of Kazakhstan dated 29.06.2021 № 58-VII (shall be enforced upon expiration of ten calendar days after the day of its first official publication); as amended made on 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

1. The special ranks or class ranks shall be divided into first and next depending on sequence of awarding.

1-1. The first special ranks or class ranks shall be:

- 1) private –for private personnel;
- 2) junior sergeant (sergeant) – for associate commanding personnel;
- 3) junior lieutenant (lieutenant), law officer of the 3 class – for secondary commanding personnel.

2. Special ranks of private and associate commanding personnel (first and next) shall be awarded by an authorized head.

3. The first special ranks or class ranks of middle and senior commanding staff are assigned by the head of a law enforcement agency or an authorized head.

4. The first special ranks of junior lieutenant shall be awarded to:

1) employees who are in the positions of ordinary or junior commanding staff, who are studying at the last courses of educational organizations implementing educational programs of higher education, and appointed to the positions of middle commanding staff;

2) citizens who have graduated from educational organizations that implement educational programs of technical and vocational, post-secondary education, who have completed initial professional training in law enforcement educational organizations and have been appointed to positions of middle commanding staff.

5. Special ranks of lieutenant shall be awarded to:

1) junior lieutenants after the expiration of the term of service in a special rank established by this Law, and those who have graduated from educational organizations implementing educational programs of higher education - regardless of the length of service in this rank;

2) employees who have special ranks of ordinary and junior commanding staff, who have graduated from law enforcement educational organizations implementing educational programs of technical and professional, post-secondary and higher education, and appointed to positions of middle commanding staff;

3) persons with higher education, who have undergone initial professional training in educational organizations of law enforcement agencies and appointed to the posts of middle or senior commanding staff.

5-1. It is excluded by the Law of the Republic of Kazakhstan dated December 27, 2019 № 292-VI (the order of enforcement see Article 2).

6. The next special ranks or class ranks of commanding personnel shall be awarded in consecutive order upon conformity to rank and class rank, provided on held full-time office, and upon expiry of established age in grade in special rank or class rank.

7. The next special ranks or class ranks of secondary and senior commanding personnel shall be awarded by:

1) up to the captain, lawyer of the 1st class inclusive - by the head of a law enforcement agency or an authorized head;

2) a head of law enforcement body – below colonel, senior council included.

8. Special ranks, class ranks of the highest commanding staff are assigned according to the list of positions and in accordance with the procedure established by the President of the Republic of Kazakhstan.

8-1. Special rank, class rank of the highest commanding staff:

a major general, a state adviser of the 3rd class may be assigned to an employee after three years of holding the rank of colonel, a senior adviser in a position preceding the position of the highest commanding staff, and at least one year of service in the position of the highest commanding staff;

lieutenant general, state council of the 2 class;

lieutenant general, state council of the 2 class can be assigned to an employee, being in a special rank, class rank of major general, state council of the 3 class not less than three years; colonel-general, state council of the 1 class can be assigned to an employee, being in a special rank, class rank of lieutenant general, state council of the 2 class not less than three years.

By the decision of the President of the Republic of Kazakhstan, the highest special rank, class rank can be assigned ahead of schedule.

9. A head of law enforcement body or authorized head, suspended unreasonably the recommendation of subordinated to awarding of the next special rank or class rank shall bear disciplinary responsibility.

10. The next special ranks or class ranks of secondary and senior commanding personnel shall be awarded upon expiry of established age in grade in the relevant special ranks or class ranks to undergraduates and a candidate for doctor's degree of educational organizations of law enforcement bodies, as well as those training in educational organizations of law enforcement bodies of foreign states on referral of law enforcement bodies with payment of education at the expense of budgetary funds, in accordance with full-time offices, held by them before admitting to study, without regard to changes of special ranks or class ranks in staff on these offices, introduced after admitting to study; on graduation of educational organization, magistracy, doctorate – upon conformity of the next special or military ranks, class ranks to the ranks of full-time offices, on which employees shall be awarded on graduation of study.

11. Employees attached to state bodies and international organizations shall be assigned special ranks or ranks in a sequential order, with regard of education and years of service upon expiry of established age in grade in a special rank or class rank.

**Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2017 № 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated December 27, 2019 № 292-VI (the order of enforcement see Article 2); dated 29.06.2021 № 58-VII (shall be enforced upon expiration of ten calendar days after the day of its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 24. Age in grade in special ranks or class ranks**

1. Age in grade in special ranks of private and associate commanding personnel: in the rank of private – three months;

in the rank of junior sergeant – one year;  
in the rank of sergeant – two years;  
in the rank of senior sergeant – three years.

Age in grade in the rank of color sergeant shall not be established.

2. Age in grade in special ranks and class ranks of secondary and senior commanding personnel:

in the rank of junior lieutenant – one year;  
in the rank of lieutenant, law officer of the 3 class – one year;  
in the rank of senior lieutenant, law officer of the 2 class – three years;  
in the rank of captain, law officer of the 1 class – four years;  
in the rank of major, junior council – five years;  
in the rank of half colonel, council – seven years.

3. Age in grade in the special rank of colonel, class rank of senior council, as well as in the ranks and class ranks of superior commanding personnel shall not be established.

4. The term of service in a special rank or class rank is calculated from the date of assignment to an employee of the corresponding special or military rank, class rank, while the term of service includes the actual time of service in positions, as well as service in the cases provided for in Article 44 of this Law.

In case of unreasonable suspension of recommending the employee to awarding of the next special rank or class rank, the relevant special rank or class rank shall be awarded from the next day upon expiry of term of staying in the former special rank or class rank.

5. Servants, having the ranks of private and associate commanding personnel, appointed to offices of secondary commanding personnel shall be submitted to nomination of the special rank of secondary commanding personnel independently from age in grade in current rank.

6. Introduction of additional conditions of awarding the next special ranks or class ranks, not provided by the Law shall be prohibited.

**Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 25. Suspension of terms of service in special ranks or class ranks**

**Footnote. The title of Article 25 as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

1. Regular special ranks or class ranks are not assigned to employees, respectively, until they are appointed to a position when they are at their disposal, if there is an outstanding disciplinary penalty, until the issue of compliance with the position held during re-certification is resolved, until the termination of the criminal case on the grounds provided for in sub-paragraphs 1), 2), 5), 6), 7) and 8) of part one of Article 35 of the Criminal

Procedure Code of the Republic of Kazakhstan, the entry into force of the acquittal, the end of the official investigation.

2. In the event of a decision on the illegality of imposing a disciplinary penalty or resolving the issue of compliance with the position held during re-certification, termination of the criminal case on the grounds provided for in the subparagraphs 1), 2), 5), 6), 7) and 8) of part one of Article 35 of the Criminal Procedure Code of the Republic of Kazakhstan, or the entry into force of an acquittal, the next special rank or class rank is assigned to employees from the moment of the date of its assignment, if the next special rank or class rank corresponds to the special rank or class rank of the full-time position.

**Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan dated December 27, 2019 № 292-VI (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 26. Assignment of special ranks or class ranks as a reward**

**Footnote. The title of Article 26 as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

1. For achieving high results in the service and exemplary performance of official duties, as a reward, the next special rank or class rank of the commanding staff up to and including colonel may be assigned ahead of schedule (before the expiration of the established period of service in the existing special rank or class rank) or one step higher than the special rank or class rank provided for by the position held.

Extraordinary special ranks or class ranks are assigned as a reward for long and impeccable service in law enforcement agencies, high results in the service associated with the performance of tasks of particular complexity.

2. Special ranks or class ranks are assigned ahead of schedule after at least half of the established terms of service in a special rank or class rank.

3. Persons of the commanding staff who have an academic or academic degree or academic title, while holding a full-time position in the organization of education of a law enforcement agency, may receive the next special rank or class rank one step higher than the special rank or class rank provided for by the full-time position, after the expiration of the established period of service in a special rank or a class rank.

4. The next special rank or class rank is one step higher than the special rank or class rank provided for by the staff position held, is assigned after the expiration of the established period of service in the existing special rank or class rank.

4-1. Extraordinary special ranks or class ranks are assigned after the expiration of the established period of service in the existing special rank or class rank, but not more than one step higher than the existing special rank or class rank and regardless of the maximum special rank or class rank provided for by the staff position held.



5. Extraordinary, ahead of schedule or one step higher special ranks of the junior commanding staff are assigned by the authorized head, and special ranks or class ranks of the middle and senior commanding staff are assigned by the head of the law enforcement agency.

6. Extraordinary, ahead of schedule or one step higher special ranks or class ranks are not assigned to an employee:

- 1) if he has an outstanding disciplinary penalty;
- 2) during the period of conducting an official or pre-trial investigation against him.

7. Extraordinary or ahead of schedule or one step higher special ranks or class ranks are assigned as a reward no more than twice during the entire period of law enforcement service on all grounds.

**Footnote. Article 26 is in the wording of the Law of the Republic of Kazakhstan dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 27. Demotion in special ranks or class ranks, deprivation of special ranks or class ranks**

1. Demotion in a special rank or class rank by one step is applied as a disciplinary measure to employees who have:

- 1) the ranks of junior and middle commanding staff, – by the authorized head;
- 2) the ranks of senior commanding staff, – by the head of the law enforcement agency.

2. Deprivation of special ranks or class ranks is applied as a disciplinary measure against employees:

- 1) up to and including colonel, senior adviser – by the head of a law enforcement agency;
- 2) the highest commanding staff – by the President of the Republic of Kazakhstan in the manner determined by the President of the Republic of Kazakhstan.

3. The term of service in a special rank or class rank is interrupted from the date of the issuance of the order on bringing to disciplinary responsibility in the form of demotion in a special rank or class rank and is resumed from the date of the issuance of the order on restoration of a special rank or class rank.

Employees who are demoted in a special rank or class rank regardless of their regular position are reinstated to the previous special rank or class rank regardless of their position by the order of the head of the law enforcement agency or the authorized head, but not earlier than six months from the date of demotion in a special rank or class rank.

4. Prior to the reinstatement of the employee in the previous special rank or class rank and the assignment of the next special rank or class rank to him, a re-demotion in the special rank or class rank is not carried out.

**Footnote. Article 27 - as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

**Article 28. Deprivation of special ranks or class ranks by a judge conviction**

1. Execution of a judge conviction, which has entered into legal force, on deprivation of special ranks or class ranks in relation to employees:

- 1) up to the captain, lawyer of the 1st class inclusive is carried out by an authorized head;
- 2) up to and including colonel, senior adviser is carried out by the head of the law enforcement agency;
- 3) the highest commanding staff - carried out in accordance with the legislation of the Republic of Kazakhstan.

2. In case of illegal deprivation of a special rank or class rank, an order for reinstatement in the former special rank or class rank in accordance with a court decision is made by the head of a law enforcement agency or an authorized head.

3. The period of illegal deprivation of a special rank or class rank is included in the period of service in the reinstated special rank or class rank. Persons unlawfully deprived of a special rank or class rank are fully compensated for material damage.

**Footnote. Article 28 - as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

**Chapter 5. APPOINTMENT TO OFFICE, RELOCATION AND PROMOTION AT SERVICE IN LAW ENFORCEMENT BODIES**

**Article 29. General rules of substitution of the offices of private and commanding personnel of law enforcement bodies**

1. Offices, subject to substitution by persons of private, associate, secondary, senior and superior commanding personnel, and special ranks or class ranks corresponding to these offices shall be determined by a head of law enforcement agencies in accordance with the legislation of the Republic of Kazakhstan.

2. Persons appointed to the positions of the middle, senior and higher commanding staff, before assigning them a special rank, class rank or enrollment in the personnel of law enforcement agencies, perform official duties according to their position.

3. Appointment to a position, systematic movement in the service are made by the head of a law enforcement agency or an authorized leader, subject to the strict compliance of the person with the qualification requirements, with the obligatory passage of all stages of career growth.

The qualification requirements for the categories of positions of law enforcement agencies are approved by the head of the law enforcement agency in agreement with the authorized

body for civil service affairs on the basis of standard qualification requirements for the categories of positions of law enforcement agencies.

Typical qualification requirements for the categories of positions of law enforcement agencies are approved by the authorized body for civil service affairs in agreement with law enforcement agencies.

4. Excluded by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII ( shall be enforced sixty calendar days after the date of its first official publication).

5. Use of persons of secondary and senior commanding personnel shall be ensured on their primary special field upon their appointment to the office and relocation at service or in accordance with available experience, and if it is necessary to use in offices on new special field for them, the retraining on the relevant courses (meetings) shall precede the appointment

5-1. By decision of the head of a law enforcement agency, if it is impossible to appoint employees to full-time positions of teaching and scientific staff of law enforcement educational organizations, other persons who meet the qualification requirements for these positions may be appointed to these positions, including temporarily, under an employment contract. At the same time, the official salary of the employee is set according to the full-time position of the teaching and scientific staff.

Employees temporarily appointed to full-time positions of teaching and scientific staff, when appointing employees to these positions, are dismissed in accordance with the procedure established by the labor legislation of the Republic of Kazakhstan.

6. Information about vacant managerial positions and requirements for candidates to replace them are posted in departmental information and reference systems.

7. For the timely and complete staffing of the law enforcement agencies, the Human Resources carries out personnel forecast in accordance with the methodology approved by a head of the law enforcement agencies.

8. For purpose of achievement optimal degree of streamlining of actions in areas and referrals of law enforcement activities, shall be established work standards (algorithm, rules and requirements for results of an employee's activity in a specific work area) in the manner determined by a head of law enforcement agencies.

9. A probationary period of up to three months may be established for persons of secondary and senior commanding personnel of prosecutor's office appointed to head offices.

Footnote. Article 29 is in the wording of the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated November 26, 2019 № 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Article 30. Transfer at service**

1. Relocation at service of persons of private and associate commanding personnel shall be carried out:

1) to superior offices – in the manner of promotion at service;

2) to equivalent offices – with the agreement of these persons in necessity of substitution of other offices in order to their reasonable use in recognition of business and personal qualities, new speciality training, as well as due to the family commitments, health condition or seniority;

3) due to admitting to study in educational organizations of law enforcement bodies – with dismissal from the held full-time office, as well as upon appointment to office after graduation of educational organization;

4) to inferior offices:

upon staff reduction or reorganization of law enforcement body – in case of impossibility of transferring of these persons to equivalent offices and with their agreement;

due to health condition – on the basis of conclusion (decision) of military physician board and with the agreement of an servant;

due to incompetency, established following the results of attestation;

in the manner of disciplinary penalty;

on their own wish.

2. Relocation at service of persons of secondary, senior and superior commanding personnel shall be carried out:

1) to superior offices – in the manner of promotion at service;

2) to equivalent offices – due to conduct of staffing measures in order to reasonable use on specialization and in recognition of work experience, in the manner of rotation, due to expiration of the term of powers on the held office, as well as on own wish, with the agreement of their immediate and authorized heads;

3) due to admitting to study in educational organizations of law enforcement bodies, study within the frame of state order on training of public servants – with dismissal from the held full-time office, as well as upon appointment to office after graduation of educational organization;

4) to inferior offices:

upon staff reduction or reorganization of law enforcement body in case of impossibility to use these persons on equivalent office and with their agreement;

on health condition – on the basis of conclusion (decision) of military physician board;

on own wish;

on incompetency, established following the results of attestation;

in the manner of disciplinary penalty;

5) in the manner of extraregimental employment to state bodies and international organizations.

3. Upon appointment of persons of secondary, senior and superior commanding personnel to senior and educational work on special subjects in educational organization of law enforcement agencies of the Republic of Kazakhstan, they shall reserve official salaries according to the last main offices before appointment to educational organizations. Decision on reservation of official salary in each separate case shall be adopted by a head of law enforcement agencies on recommendation of a head of educational organization and conclusion of Human Resources of the central administrative office of law enforcement agencies before appointment to office.

Payment of reserved official salary shall be terminated upon reduction.

4. Persons of private and commanding personnel, transferred to inferior offices may promote at service in the following in recognition of requirements of the Law.

4-1. Upon necessity of relocation of persons of secondary, senior and superior commanding personnel to other offices, as well as to another locality, decision of this with their consent shall be adopted by relevant authorized heads, as well as absence of contraindications for health reasons from them and their family members.

5. Decision on transfer at service of persons of private and commanding personnel shall be executed by the order of a head of law enforcement body or authorized head specifying the grounds of transfer.

6. Persons of secondary, senior and superior commanding personnel, transferred at service shall be subject to detachment to the new duty area after delivery of works, but not later than one month from the date of receiving the order, except the cases, when these persons are in annual vacation with pay or under treatment.

7. In case of refuse of a servant to hold suggested office upon staff reduction of law enforcement body, he (she) shall be subject to dismissal in accordance with the Law.

**Footnote. Article 30 as amended by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 31. Rotation**

1. Rotation of head offices of law enforcement agencies shall be carried out for the purpose of ensuring the most effective use of professional potential upon service in law enforcement bodies.

The list of head offices shall be determined by a head of law enforcement agencies.

Rotated employees holding head offices of law enforcement agencies, for the period of their official duties, shall be provided a corporate housing without the right to privatize.

2. Rotation shall be carried out under decision of a head of law enforcement agencies once every five years. Adopted decision shall be executed in the form of order. Rotation to the service in other location shall be allowed with the written agreement of an employee, and in the interests of service – independently from the term of staying on office and without the agreement of an employee.

Rotation shall be performed according to one of the following schemes:

- 1) interlevel("center-region", "region-center");
- 2) interregional ("region-region");
- 3) intersectoral("center-center").

3. Officials who have (are guardians of) children with disabilities, including adopted children, or whose dependents are elderly parents or family members who permanently reside with them and have a disability of the first or second category, are not subject to rotation related to moving to another locality. These circumstances must be documented.

4. The list of head offices to be rotated and the procedure for their relocation shall be determined by a head of law enforcement agencies.

**Footnote. Article 31 is in the wording of the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).**

### **Article 32. Superior, equivalent and subordinate positions of the law enforcement service**

1. A law enforcement service position is considered superior if it has a higher marginal special rank or class rank than the special rank or class rank of the previous law enforcement service position, and if the special ranks or class ranks are equal, a higher salary for the law enforcement service position.

2. The position of the law enforcement service is considered equivalent if a special rank or class rank and salary for the position of the law enforcement service are provided for it, equal to the special rank or class rank and salary for the former position of the law enforcement service.

3. A law enforcement service position is considered subordinate if it has a lower marginal special rank or class rank than the special rank or class rank of the previous law enforcement service position, and if special ranks or class ranks are equal, a lower salary for the law enforcement service position.

**Footnote. Article 32 - as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

### **Article 33. Promotion at service**

1. The promotion of employees is made subject to their compliance with the qualification requirements, as well as taking into account business and personal qualities, the results of official activity.

The employees are promoted to senior positions from among the employees who are in the personnel reserve, or on a competitive basis.

1-1. The list of leadership positions replaced on competitive basis, the conditions and procedure for holding a competition for higher leadership positions shall be determined by head of law enforcement agency.

Employees of the law enforcement agency, its departments, institutions, educational organizations, and territorial or equivalent units shall have the right to participate in competition for a higher leadership position.

In the absence of competitioners among employees of law enforcement agency, its departments, institutions, educational organizations, territorial or equivalent units who have received a positive opinion from competition commission, a competition shall be held in which employees of other law enforcement agencies can participate.

The announcement of competition among all law enforcement employees shall be published on Internet resource of authorized agency for public service affairs.

2. Excluded by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII ( shall be enforced sixty calendar days after the date of its first official publication).

Footnote. Article 33 as amended by the Law of the Republic of Kazakhstan № 180-VI dated 12.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

### **Article 33-1. Presidential reserve of administration of law enforcement agencies**

1. Presidential reserve of administration of law enforcement bodies shall be formed for the purpose of qualitative selection of employees for appointment of vacant superior heads offices of law enforcement agencies.

The procedure for formation and list of offices of Presidential reserve of administration of law enforcement bodies shall be determined by the President of the Republic of Kazakhstan.

2. Employees who are in the Presidential reserve of the management of law enforcement agencies, in order to improve professional skills, managerial competence necessary for appointment to prospective managerial positions, undergo professional retraining and advanced training in the organization of education of the prosecutor's office.

Footnote. Chapter 5 is supplemented by Article 33-1 in accordance with the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); is in the wording of the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan

dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 34. Personnel reserve**

1. Personnel reserve shall be established for the formation of regular personnel of law enforcement body, ensuring of manning of offices of service in law enforcement body.

2. The personnel reserve of the law enforcement agency is formed on a planned basis for the subsequent replacement of vacant senior managerial positions.

3. Personnel reserve shall be established from among of servants, recommended to nomination on senior offices or on work with heavy workload in view of the results of attestation, as well as from among of persons that showed administrative abilities upon fulfillment of employment duties or upon fulfillment of special tasks.

4. Vacant senior office shall be substituted under decision of a head of law enforcement body or authorized head by a person, being in personnel reserve of law enforcement body. Upon refusal of servants, being in personnel reserve from suggested office, the vacant office shall be substituted by another servant in view of the results of attestation or on selection of personnel.

5. Responsibility for formation of personnel reserve and organization of works with it shall be asserted to a head of law enforcement agencies or authorized head and Human Resources. Personnel reserve shall be formed in law enforcement bodies in recognition of qualitative regular personnel and necessity in substituting the relevant offices.

6. Admission to personnel reserve shall be carried out by a head of law enforcement agencies or authorized head in recognition of an employee's competitiveness index.

7. If an employee is brought to disciplinary responsibility for committing a gross disciplinary offense, he is excluded from the personnel reserve. If an employee does not agree with the decision to exclude him from the personnel reserve, he has the right to appeal this decision to higher officials and (or) to the court.

8. The term of staying of a servant in personnel reserve shall not exceed three years. Persons, admitted to personnel reserve, but not appointed to the planned offices for them during staying in personnel reserve may be newly admitted to personnel reserve on the common basis.

9. Personnel subdivisions of law enforcement agencies may maintain the lists and departmental data bank of employees, admitted to personnel reserve.

10. The procedure for formation of personnel reserve, requirements for employees qualification admitted in personnel reserve, and work with departmental data bank of employees admitted in personnel reserve shall be determined by a head of law enforcement agencies.

**Footnote. Article 34 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official**



publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.11.2015 № 411-V (shall be enforced from 01.01.2016); dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

### **Article 35. Objectives for establishment of personnel reserve**

The objectives of establishment of personnel reserve and work with it shall be:

- 1) regulation of planning machinery of servants' promotion at service;
- 2) improvement of the effectiveness of managerial personnel training;
- 3) substitution of offices of managerial personnel by more qualifying servants;
- 4) strengthening and stabilization of managerial personnel, ensuring of their continuity;
- 5) strengthening of democratic principles of deciding the personnel affairs in law enforcement bodies.

### **Article 36. Priority directions of establishing regular personnel of law enforcement bodies**

1. Establishment of regular personnel in law enforcement body shall be ensured on the basis of:

- 1) improvement of professional knowledge and skills of servants;
- 2) appointment of servants to offices of law enforcement service in recognition of level of their professional training, achievements in professional employment activity and business qualities;
- 3) the sequence of law enforcement service and the assignment of special ranks or class ranks.

2. Priority direction of establishing regular personnel of law enforcement body shall be:

- 1) training, raising of qualification and re-training on plan basis for all categories of offices of law enforcement service;
- 2) creation of conditions for professional and official development of servants;
- 3) appraisal of results of professional employment activities of servants by conduct of attestation.

3. Professional official and physical training shall be organized for the purposes of development of professional knowledge and skills of servants that shall be conducted at the place of service in law enforcement bodies by servants.

The content and procedure for organizing the official and physical training shall be established by the regulatory legal acts of law enforcement bodies.

4. Professional retraining, raising of qualification shall be additional vocational education of servants. Receiving additional vocational education shall be allowed with breaking, partially breaking or without breaking from fulfillment of employment duties by servants.

Receiving the additional vocational education by a servant under other equal conditions shall be the primary ground for admitting a servant to personnel reserve or continuation for substitution of the office of law enforcement service by him (her).

5. Professional training, retraining and raising of qualification of employees shall be carried out in educational organizations and scientific institutions of law enforcement agencies, in specialized institutions of law enforcement agencies on retraining and raising of qualification of employees, as well as in other educational organizations and institutions.

The content and procedure for carrying out professional training, retraining and raising of qualification of employees shall be determined by the regulatory legal acts of law enforcement bodies.

6. A servant may receive additional vocational education beyond the boundaries of the Republic of Kazakhstan.

**Footnote. Article 36 as amended by the Law of the Republic of Kazakhstan dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

### **Article 37. Selection of candidates for admission in personnel reserve**

1. Selection of candidates for admission in personnel reserve shall be performed on the basis of research and assessment of personal and professional qualities of employees, results of their employment activity, as well as on the basis of decision of attestation commission.

Assessment of professional qualities of candidates for admission to personnel reserve shall be performed in recognition of competitiveness index.

2. Upon selection of candidates for admission in personnel reserve it shall be considered as follows:

- 1) conformity of available education of a servant on specialization, provided to substitution on estimated office;
- 2) existence of the relevant professional training and work experience on estimated type of activity;
- 3) knowledge of regulatory legal acts, regulating the activity of categories of the relevant heads;
- 4) health condition;
- 5) results of professional retraining and raising of qualification.

3. If nomination suggests the relocation at service to other location, the possibility of a servant and his (her) family members on health condition to reside there shall be considered.

4. Selection of candidates for admission in personnel reserve shall be carried out by Human Resources. The list of the admitted to personnel reserve shall be approved by a head of law enforcement agencies or authorized head and entered into departmental data bank. The

number of employees, admitting to personnel reserve for nomination on the relevant office shall be no less than two persons.

**Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 38. Temporary suspension of a servant from the fulfillment of employment duties**

1. A servant may be temporary suspended from fulfillment of employment duties in the following cases:

1) in the manner, established by the criminal procedure legislation of the Republic of Kazakhstan – by a body, dealing with the criminal procedure, before annulment of necessity of this measure without pay;

2) in case of carrying out of official investigation – by a head of law enforcement body or authorized head before decision of the question on responsibility, but for the term of no more than one month with pay.

2. The order of a head of law enforcement agencies or authorized head shall be issued on temporary suspension of an employee from fulfillment of employment duties. An employee shall be familiarized with the order on temporary suspension from fulfillment of employment duties no later than three business days from the date of its issuance. Familiarization with the order shall be certified by an employee's signature.

In case of impossibility to personally familiarize an employee with the order on temporary suspension from fulfillment of employment duties, Human Resources of law enforcement agencies shall be obliged to send him a copy of the order on temporary suspension from fulfillment of employment duties by a letter of notification at his\her residence.

3. In case of entering into force of condemnatory judgement for committing of a crime or exemption from criminal liability for committing of a crime on the grounds of paragraphs 3), 4), 9), 10) and 12) of part one of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan, an employee shall be dismissed in the manner, established by this Law.

4. In case of termination of a criminal case on rehabilitating grounds, the entry into force of an acquittal verdict, the employee is reinstated in a position, special or military rank, class rank.

Reinstatement of a person in the service (in a position, a special rank or class rank) is carried out no later than one month from the date of his appeal, if it is submitted within three months from the date of the entry into force of the acquittal or the decision to terminate the criminal case on rehabilitating grounds.

5. Monetary allowance shall be compensated for servants, dismissed from law enforcement bodies due to conviction for criminal acts, and after that rehabilitated and

restored respectively in office and special rank or class rank for the period of necessary absence at service in the manner, established by the legislation of the Republic of Kazakhstan.

Footnote. Article 38 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2014 № 233-V (shall be enforced from 01.01.2015); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

### **Article 39. Temporary fulfillment of obligations on office of law enforcement service**

1. Obligations on superior office may be temporary assigned on a servant due to needs of the service without dismissal from the held (main) office.

2. Servants, holding the full-time offices, being assigned by temporary fulfillment of obligations on other offices with release from main duties in established manner, shall be paid in the following order:

1) payment of monetary allowance shall be made to full-time substitutes according to their main performing office, independently from their employment duties on non-vacant offices of their immediate directors;

2) upon temporary fulfillment of obligations, as well as by substitutes, the payment shall be made on vacant office of a head proceeding from the salary, provided according to temporary performed office in recognition of other payments, but no more than two months. Decision on their appointment to this office or release from fulfillment of obligations on vacant office shall be adopted within the mentioned term.

Continuous term of temporary fulfillment of obligations on vacant office shall not exceed two months, and on non-vacant – four months.

Continuous term of temporary fulfillment of obligations on office shall be calculated from the date of appointment to office, but no sooner than the date, specified in the order, and in the absence of mentioned date – no sooner than the date of signing the order till the date of release from fulfillment of obligations.

Appointment of those, fulfilling the obligations on office shall be executed by the order of civil servants, provided by the right to appoint servants to offices and their transfer.

3. Assignment of temporary fulfillment of obligations on a servant and his (her) release from the fulfillment of obligations on main office due to this, in accordance with the Article shall be carried out by the act of a head of law enforcement body or authorized head, with the exception of case, when the fulfillment of obligations on office of immediate head is provided by employment duties of a servant during the period of his (her) absence.

Footnote. Article 39 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 40. Labor hours in law enforcement bodies**

1. Duration of labor hours for servants shall be established in accordance with labor legislation of the Republic of Kazakhstan in recognition of special aspects, provided by the Law.

Strictly regulated order of the day, determined by special aspects of employment activity and operational situation, time of year, local conditions and other separate circumstances shall be established in every law enforcement body.

2. The rules of labor order shall establish the labor hours and rest time, consultation hours for citizens (most comfortable for population), shift-working arrangement at service of separate categories of servants that shall be approved by the act of a head of law enforcement body or authorized head.

2-1. The procedure for determining load standards for an employee of law enforcement bodies shall be established by the Government of the Republic of Kazakhstan.

3. In case of necessity, servants may be brought to fulfillment of employment duties in excess of fixed time, as well as at night time, days of rest and public holidays. The procedure and conditions of payment of the compensations shall be determined by the legislation of the Republic of Kazakhstan.

Footnote. Article 40 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2016 № 484-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 41. Length of law enforcement service (years of service)**

1. Length of law enforcement service shall be estimated in the manner, established by the legislation of the Republic of Kazakhstan, for the purpose of calculation of years of service that gives the right to pension, granting additional vacation for years of service, payment of lump-sum benefit upon dismissal of a servant, as well as recommendation to awarding the titles of honour of the Republic of Kazakhstan and promotion by departmental badges of merit of law enforcement body.

2. Estimation of years of service for servants shall be performed in the manner, determined by the Government of the Republic of Kazakhstan.

By this, the years of service for assignment of pension payments shall be calculated in chronological order, with the exclusion of cases, established by the legislation of the Republic of Kazakhstan.

3. The period of staying of servants at service in law enforcement bodies shall be counted in their total labor experience, as well as to the length of public service in accordance with the legislation of the Republic of Kazakhstan.

4. The period of being of a servant in the possession of law enforcement body shall be counted to the length of service.

5. The length of service of the law enforcement service is considered continuous if no more than three months have passed from the date of dismissal or secondment of the employee from service in special state and law enforcement agencies, bodies of the state courier service, military service and until the day of his admission to service in law enforcement agencies, provided that for the specified period of labor relations with other individuals and legal entities.

**Footnote. Article 41 as amended by the Law of the Republic of Kazakhstan dated December 27, 2019 № 292-VI (the order of enforcement see Article 2).**

#### **Article 42. Management of personal records and documents of records**

1. The personal records, documents of records of servants, containing their personal information, information on employment activity and length of law enforcement service shall be managed in law enforcement body.

2. The following requirements shall be observed upon collection, processing and protection of personal information of a servant in law enforcement body:

1) collection and processing of personal information of a servant shall be carried out for the purposes of assistance to a servant in law enforcement service, study and official development, ensuring the personal protection of a servant and his (her) family members, as well as for the purpose of ensuring of preservation of property, belonging to him (her), accounting of the results of fulfilling the employment duties by him (her);

2) consistency check of personal information, received from a servant in accordance with the Law shall be carried out with participation of state bodies;

3) protection of personal information of a servant from their illegal use or loss shall be ensured at the expense of law enforcement body in the manner, established by the Law and other legislative acts of the Republic of Kazakhstan;

4) transfer of personal information of a servant to the third party shall not be allowed without the agreement of an servant, expressed in written, with the exception of cases, established by the Laws.

3. Personal information and other information, linked with entering into law enforcement service, its record of service and dismissal from law enforcement service, required for ensuring of activity of law enforcement body shall be introduced in personal record of a servant.

4. State bodies or organizations in which a citizen (a servant) did (does) law enforcement and military service shall send the calculation of years of service, copy of record in service,

conclusion on the last attestation and other materials characterizing the employment activity of a servant to the address of law enforcement body at the request of a head of law enforcement body or authorized head upon acceptance (transfer) of a citizen (a servant) that did (doing) law enforcement or military service.

5. Information, contained in personal records and documents of records of a servant shall refer to state secrets in accordance with the legislation of the Republic of Kazakhstan.

6. A servant, guilty in violations of norms, regulating receiving, storage, processing, use and transfer of personal information of another servant, and equally guilty in loss or disclosure of such information shall bear responsibility in accordance with the Law and other Laws of the Republic of Kazakhstan.

7. The procedure for management of personal records, contained personal information of a servant shall be approved by a head of law enforcement body.

**Footnote. Article 42 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 95-V (shall be enforced upon expiry of six months after its first official publication).**

#### **Article 43. Legal relations, linked with law enforcement service, upon staff reduction, reorganization or liquidation of law enforcement body**

1. Legal relations with an employee, substituting reduced office upon staff reduction of law enforcement agencies shall constitute in the following cases:

1) provision of possibility of substituting the other office to a servant in the same or in other law enforcement body;

2) recommendation of a servant to professional retraining, raising of qualification or study in educational organization of law enforcement body.

1-1. In case of reorganization of law enforcement agencies, administration of the newly formed body shall offer office to an employee of reorganized body in accordance with its qualifications.

In case of refuse of an employee from suggested office, he (she) shall be dismissed in the manner, established by this Law.

2. Legal relations with a servant may be continued upon liquidation of law enforcement body in case of provision of possibility of substituting the other office in law enforcement body to a servant that is transferred by the function of liquidated law enforcement body, or in other law enforcement body.

3. In case of refuse of a servant from suggested office, he (she) shall be dismissed from law enforcement service in the manner, established by the Law.

**Footnote. Article 43 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 44. Service not in the offices of law enforcement body**

Servants may do law enforcement service not in the offices with abandonment in personnel of law enforcement body in cases:

- 1) being in the possession of law enforcement body;
- 2) extraregimental employment to state bodies and international organizations;
- 3) study granting leave within the frame of state order on training of public employees;
- 4) being on unpaid leave or vacations provided for in Article 77 of this Law;
- 5) enrollment in the personnel of a law enforcement agency after completion of initial professional training in educational organizations of law enforcement agencies.

**Footnote. Article 44 as amended by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2017 № 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated December 27, 2019 № 292-VI (the order of enforcement see Article 2); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 45. Special aspects of law enforcement service**

1. Length of involvement of servants for protection of public order in other regions of the Republic or for participation in ensuring of legal regime of extraordinary situation and liquidation of emergency situations shall not exceed three months.

2. Servants may be posted to state bodies and international organizations with abandonment in personnel of law enforcement bodies in the manner, determined by the Government of the Republic of Kazakhstan.

#### **Article 45-1. Special conditions of serving in correctional system of the Ministry of Internal Affairs**

1. Special conditions of serving in correctional system means the work of personnel of institutions upon imposition of extraordinary or military situation, escape of supposed, accused and convicted person, taking of hostage, mass disorders, group insubordinations or upon a menace of their creation within the term, required for their elimination.

2. The work of servants of bodies of correctional system in the regime of special conditions of serving shall not exceed three months and shall be compensated by the rest days . The procedure and limiting length of involvement of servants to work in special conditions of service shall be determined by the regulatory legal acts of the Republic of Kazakhstan.

**Footnote. Chapter 5 is supplemented by Article 45-1 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2012 № 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**



## **Article 46. Detachment of a servant**

1. Detachment of a servant shall be carried out by the order of a head of law enforcement body or authorized head having the right to appoint to the relevant offices.

By this, the appointment of a servant to office shall be performed from the date of his (her) detachment.

2. The grounds for detachment shall be report of a servant and written application of law enforcement body, accepting to service.

3. The term for adoption of decision on detachment of a servant shall not exceed one month from the date of receipt of written application of accepting law enforcement body.

**Footnote. Article 46 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 46-1. The procedure and grounds for admission of a servant in the possession of law enforcement body**

1. Servants may be admitted in the possession of law enforcement body with dismissal from the held office for decision of the question on the following law enforcement service in the manner and on the grounds, provided by the Article.

2. The grounds for admission of a servant in the possession of law enforcement body shall be:

1) application of a servant with report on dismissal from the held office and abandonment in the possession of law enforcement body at the own wish;

2) dismissal of a servant from the held office in the manner of disciplinary penalty, provided by subparagraph 5) of paragraph 2 of Article 56 of the Law, or in view of the results of attestation;

3) conduct of staffing measures;

4) expiration of the term of extraregimental employment to other state bodies and international organizations;

5) completion of the term of study in educational organizations within the framework of the state order for the training of civil servants, as well as doctoral programs (PhD, doctor in profile) in leading foreign higher educational institutions determined by the Republican commission for training personnel abroad;

6) conclusion of military physician board;

7) the release of an employee from a temporarily vacant position in connection with the entry into service of the main employee.

3. Dismissal of a servant from the held office and admission in the possession of law enforcement body shall be carried on the basis of order of a head of law enforcement body or authorized head for the term, not exceeding fifteen calendar days.

In exceptional cases, occasioned by special circumstances, this term may be extended by a head of law enforcement body for two months.

A servant, admitted in the possession of law enforcement body shall reserve the salary according to last office.

The period of stay at the disposal of a law enforcement agency does not include the period of stay of ordinary and commanding staff on leave established by this Law, on treatment in health care organizations (including examination at the referral of the military medical commission), the time spent en route from the place of former service to the location of the relevant law enforcement agency; for persons studying online, – time spent at educational and examination sessions of educational organizations; the time of detention in connection with criminal prosecution, in cases of termination of a criminal case on rehabilitating grounds or the issuance of an acquittal from the day of arrest to the day of release inclusive.

4. In case of official necessity, the head of a law enforcement agency or an authorized head has the right to assign official duties to an employee at the disposal of a law enforcement agency to perform tasks and functions assigned to a law enforcement agency, with the assignment of the head of a structural subdivision of a law enforcement agency to him.

The head of the structural subdivision assigned to an employee who is at the disposal of a law enforcement agency requires the latter to properly execute orders within the framework of temporary official duties, to fully comply with the established daily routine of the law enforcement agency.

The head of a structural subdivision of a law enforcement agency is responsible for compliance of the employee, enrolled at the disposal, with official and labor discipline.

4-1. Incentive measures are applied to an employee who is at the disposal of a law enforcement agency and disciplinary penalties are imposed on him in the manner and in the cases provided for by this Law.

5. The term of being of a servant in the possession of law enforcement body shall be counted to the length of law enforcement service, in years of service for awarding of special rank or class rank.

6. Servants dismissed from the held offices and being in the possession of law enforcement body that didn't use the annual vacation with pay, in case of delay of decision of the question on their following use at service shall be provided by the unused vocation. For the period of annual vocation with pay, the salary shall be paid to them in amount, receiving according to the main office to the date of admission in the possession of law enforcement body, independently from the term of being in the possession.

7. A head of law enforcement body or authorized head shall be obliged to offer the office to a servant being in the possession of law enforcement body in written form in compliance with requirements of the Article.

When appointing an employee at the disposal of a law enforcement agency, his qualifications, special rank, class rank, length of service, work experience, previous position should be taken into account.

In case of admission of a servant in the possession of law enforcement body on the grounds, provided by subparagraph 1), 3), 4) and 5) of paragraph 2 of the Article, the office shall be offered in recognition of professional qualities of a servant and under condition of conformity to qualifying requirements, provided for this office.

In case of admission of a servant in the possession of law enforcement body on the ground , provided by subparagraph 2) of paragraph 2 of the Article, the offered office shall be inferior

In case of admission of a servant in the possession of law enforcement body on the ground , provided by subparagraph 6) of paragraph 2 of the Article, the appointment to office shall be performed with the agreement of a servant in accordance with the conclusion of military physician board.

8. In case of refusal of an employee to state disagreement in written form with offered office, the Human Resources of law enforcement agencies shall draw up the act that shall be attached to the personnel record of an employee.

In case of refusal of an employee to hold the offered office, he (she) shall be subject to dismissal.

**Footnote.** Chapter 5 is supplemented by Article 46-1 in accordance with the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2017 № 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication)

#### **Article 46-2. Assessment of activities**

1. To determine the effectiveness and quality of the work of employees, an assessment of their activities is carried out.

2. The assessment of activities is carried out annually at the end of the calendar year.

3. The assessment of the employee's activity is carried out by the direct head.

If the direct head has been in office for less than six months, the assessment is carried out by a higher-level manager.

4. The assessment of activities is not carried out in relation to:

1) persons during the period of his stay on probation;

2) employees who are not serving in the positions of a law enforcement agency in accordance with Article 44 of this Law;

3) employees who have been in office for less than six months, if the appointment to a new position entailed a change in job responsibilities;

4) employees who have at least twenty years of service in law enforcement agencies.

The assessment of the activities of the head of the law enforcement agency and his deputies is carried out by an authorized person (body) determined by the President of the Republic of Kazakhstan.

5. The assessment of an employee's activity consists of an assessment of the employee's achievement of official goals and objectives in accordance with official duties.

6. The results of the assessment of the activities of employees are set on a scale with the following values: "highly effective", "effective", "low-efficiency" and "inefficient".

7. The results of the assessment of the activities are entered into the assessment sheet in the form approved by the joint order of the heads of law enforcement agencies.

The assessment sheet contains the name of the activities formed taking into account job responsibilities and indicating the effectiveness of work on a specific site (line of activity).

When evaluating a manager, the average indicator of the results of assessing the activities of employees subordinate to him is taken into account.

8. An individual professional development plan is drawn up for employees with the values of the assessment results "low-efficiency" and "ineffective" by the person who conducted the assessment.

The individual professional development plan of an employee defines priority directions and recommendations aimed at improving the employee's efficiency and his professional and personal growth for a certain period of time (until the next assessment of activity).

9. The results of the assessment of the employee's activities are the basis for certification in the following cases:

1) an employee receives an assessment "ineffective";

2) an employee receives an assessment "low efficiency" two years in a row.

Certification of such employees is carried out within six months from the date of assessment of activity.

At the same time, the certification period is suspended for the period of appealing the results of the assessment of activity.

10. The person who conducted the assessment informs the employee in writing of the assessment results, as well as an individual professional development plan, within three working days from the date of the assessment.

11. The employee has the right to appeal the results of the assessment to the head of the law enforcement agency or the authorized head within ten working days from the date of familiarization and (or) in court.

**Footnote. Chapter 5 is supplemented by Article 46-2 in accordance with the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of**

Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Chapter 6. ATTESTATION**

### **Article 47. Attestation of servants**

1. Attestation of servants shall be periodically realized procedure on determination of level of their professional qualification, legal culture and ability to work with citizens.

2. The main assessment criterion for certification is the compliance of the employee with the position, taking into account the assessment of his personal and professional qualities, the results of official activity.

3. Employees are certified after each subsequent three years of continuous service in the system of law enforcement agencies or based on the results of an assessment of their activities . In this case, the certification must be carried out no later than six months from the date of the specified period or the assessment of the activity.

In cases where employees subject to certification are appointed to new positions, they are certified one year after their appointment, with the exception of employees undergoing certification based on the results of assessment of activity. When appointing to equivalent positions, if this did not entail changes in functional responsibilities, this period is not taken into account.

Upon passing the attestation, being at service in a system of law enforcement bodies shall be considered as permanent, when no more than three months passed from the date of dismissal of a servant from service in a system of law enforcement bodies and to the date of his (her) entering into service in a system of law enforcement bodies, under condition of absence of his (her) labor relations with other legal entities (with the exception of state bodies ) and individuals for the mentioned period.

**3-1. Is excluded by the Law of the Republic of Kazakhstan dated 27.04.2012 № 15-V ( shall be enforced from the date of its first official publication).**

3-2. An employee studying in educational institutions within the framework of a state order for the training of civil servants is certified upon completion of training, but not earlier than one year after being appointed to a position in a law enforcement agency.

Certification of employees seconded to state bodies is carried out in accordance with the procedure established for employees of the relevant state bodies, and employees seconded to international organizations are certified after returning from an international organization, but not earlier than a year after holding a position in a law enforcement agency.

3-3. During the certification period, employees may not be appointed to positions or transferred in the service before the certification is completed, with the exception of transfers in connection with organizational and staff activities, admission to study in law enforcement education organizations, secondment to state bodies and international organizations.

4. The head of a law enforcement agency and his deputies, as well as employees with at least twenty years of service in law enforcement agencies, are not subject to certification.

Employees are not subject to certification during the period of their pregnancy and being on leave provided for in Article 77 of this Law. They are certified after entering the service no earlier than a year later.

5. Attestation shall include the set of successive steps:

- 1) training for conduct of attestation;
- 2) passing established normative standards on determination of professional suitability;
- 3) computer testing of a servant, subject to attestation on knowledge of the legislation of the Republic of Kazakhstan and logical thinking;

3-1) Excluded by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII ( shall be enforced sixty calendar days after the date of its first official publication);

- 4) interview with a servant, conducted by attestation commission;
- 5) delivery of decision of attestation commission.

Footnote. Article 47 as amended by the Laws of the Republic of Kazakhstan dated 09.11.2011 № 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.04.2012 № 15-V (shall be enforced from the date of its first official publication); dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII ( shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 47-1. Unscheduled attestation**

1. Unscheduled attestation shall be conducted by decision of the President of the Republic of Kazakhstan, determining its procedure, terms and categories of attesting servants.

2. One of the following decisions shall be adopted by attestation commission following the results of unscheduled attestation:

- 1) conforms to the held office and recommended for admission to personnel reserve or nomination to superior office;
- 2) conforms to the held office;
- 3) not conforms to the held office and recommended to reduction in office;
- 4) not conforms to the held office and recommended to transfer to other service (office);
- 5) not conforms to the held office and recommended to dismissal.

3. In case of failure to pass normative standards of professional suitability and receiving the grade lower than threshold grade upon testing, the attestation commission shall adopt one of the following decisions, provided by subparagraphs 3), 4) and 5) of paragraph 2 of the Article.

4. Servants, being absent at the meeting of attestation commission for two times without reasonable excuse shall be recommended to dismissal in the manner, established by the Law.

5. Servants of law enforcement bodies, not passed the unscheduled attestation and (or) refused to continue the service in law enforcement bodies in other offices, as well as in inferior offices, shall be subject to dismissal in the manner, established by the Law.

**Footnote. Chapter 6 is supplemented by Article 47-1 in accordance with the Law of the Republic of Kazakhstan dated 27.04.2012 № 15-V (shall be enforced from the date of its first official publication).**

#### **Article 48. Organization of training to conduct of attestation**

1. Upon maturity of conducting the attestation on instruction of a head of law enforcement agencies or authorized head, the relevant Human Resources shall organize the training to conduct the attestation.

2. Training shall include the following:

- 1) development of schedule for conduct of attestation;
- 2) organization of explanatory work on the purposes and procedure for conducting the attestation;
- 3) determination of terms and place for conduct of test;
- 4) preparation of necessary documents on attesting employees.

The procedure and conditions of passing the computer testing of employee, subject to attestation on knowledge of the legislation of the Republic of Kazakhstan and logical thinking , normative standards on determination of professional suitability, as well as threshold grades for the categories of offices (hereinafter – threshold grades) shall be established by the regulatory legal acts of law enforcement bodies.

3. Human Resources of law enforcement agencies shall determine the employees, subject to attestation once every six months in accordance with this Law.

4. A head on recommendation of Human Resources shall approve the list of employees, subject to attestation, and the terms of its conduct.

5. Human Resources shall notify employees in written on the terms of conducting the attestation no later than one month before beginning of its conduct.

6. The character certificate shall be executed for an employee, subject to attestation and shall be sent to Human Resources no later than three weeks before the meeting of attestation commission.

7. Character certificate shall contain objective and validated assessment of professional, personal qualities and results of service activity of a servant, subject to attestation for the period, composed of his (her) three years permanent being at service in a system of law enforcement bodies and term, passed after this before conducted attestation.

8. The direct manager is obliged to familiarize the employee with the service record submitted to him under the signature no later than three weeks before the meeting of the attestation commission.

9. An employee shall have the right to file a complaint on his (her) disagreement with his (her) presented character certificate and provide additional information, characterizing him (her) in Human Resources.

The employee's written statement of disagreement with the service record with the available additional information is submitted to the chairman of the attestation commission and submitted to the personnel service no later than seven working days before the meeting of the attestation commission.

10. Human Resources shall send the collected attestation materials to attestation commission no later than a week before its meeting.

**Footnote. Article 48 as amended by the Laws of the Republic of Kazakhstan dated 27.04.2012 № 15-V (shall be enforced from the date of its first official publication); dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2017 № 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 49. Attestation commission**

1. Head shall approve the composition of attestation commission and its work schedule relying on recommendation of Human Resources.

2. The composition of attestation commission shall contain no less than five members. Substitution of absent members of attestation commission shall not be allowed.

3. Secretary of attestation commission shall be a representative of Human Resources that shall be determined by its head.

Secretary of attestation commission shall carry out organization support of its work and shall not have the right to participate in voting.

4. Several attestation commissions may be established depending on referral of work of law enforcement body, organization of establishment of law enforcement body or state institution of law enforcement body.

5. A head of attestation commission and its members shall hold the same or higher office, than servants, subject to attestation.

6. Heads of structural subdivisions, representatives of Human Resources (or persons, to which these subdivisions are accountable to), as well as other employees of law enforcement agencies, educational organizations of law enforcement agencies or state institutions of law enforcement agencies shall be included to the composition of attestation commission, with the exception of employees, passing the attestation.

7. Meeting of attestation commission shall be legally qualified, if no less than two-thirds of its composition attends it.



8. Decision of attestation commission shall be adopted by open voting and shall be considered as adopted, if majority of votes are given from among attending members of attestation commission at the meeting. In case of equality of votes, the decision shall be considered as adopted for which a chairman of attestation commission voted.

**Footnote. Article 49 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 50. Conduct of attestation**

1. Servants that passed established normative standards on determination of professional suitability upon the first or repeated attestation shall be admitted to interview, with the exception of servants of prosecution bodies, receiving a grade that is higher than threshold grade upon conduct of testing.

2. Servants, not passed the established normative standards on determination of professional suitability or received a grade that is lower than threshold grade upon conduct of testing shall not be admitted to interview and shall be subject to repeated attestation by decision of attestation commission in the manner, determined by the Law.

3. Interview with attesting a servant shall be conducted at the meeting of attestation commission.

3-1. During the meeting, the attestation commission examines the submitted materials, hears the attested employee.

The questions asked to the employee being certified should be aimed at determining the level of his professional training, legal culture and ability to work with citizens.

During the interview, the attestation commission proceeds from the job responsibilities of the certified employee. If necessary, the level of knowledge of strategic and program documents, as well as other documents regulating the official activities of the certified employee is determined.

The interview should take place in an atmosphere of correctness and goodwill.

The interview with each participant is recorded using technical means of recording (audio, video recording).

The materials recorded during the interview with the help of technical recording tools are stored in the personnel service for three years.

4. Servants that were absent at the meeting of attestation commission on the basis of reasonable excuses shall be interviewed after attendance at service.

5. In case of absence of a servant at the meeting of attestation commission without reasonable excuses, the attestation commission shall adopt decision on repeated attestation of a servant in the manner, determined by the Law.

6. Following the results of interview, the attestation commission shall adopt one of the following decisions:

- 1) conforms to the held office and recommended for admission to personnel reserve or nomination to superior office;
- 2) conforms to the held office;
- 3) subject to repeated attestation;
- 4) not conforms to the held office and recommended to reduction in office.

6-1. In relation to employees undergoing certification based on the results of assessment of activities, the certification commission makes one of the following decisions:

- 1) corresponds to the position held;
- 2) does not correspond to the position held and is recommended for demotion;
- 3) does not correspond to the position held and is recommended for dismissal.

7. Decision of attestation commission shall be executed in the minutes within three business days that shall be signed by members of attestation commission, attending at its meeting and secretary.

8. Human Resources shall inscribe decision of attestation commission in appraisal sheet of an employee that shall familiarize with decision against signature within three business days from the date of its adoption.

8-1. In case of detecting the facts of falsification of testing results or passing the normative standards on determination of professional suitability, the decision of attestation commission shall be subject to revocation by superior attestation or superior head of law enforcement body.

9. Appraisal sheet of a servant, passed the attestation and his (her) character certificate shall be kept in personal record.

**Footnote. Article 50 as amended by the Law of the Republic of Kazakhstan dated 27.04.2012 № 15-V (shall be enforced from the date of its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 51. Repeated attestation**

1. Re-attestation shall be conducted no sooner than three months and no later than six months from the date of conduct of the first attestation.

2. Servants, not passed the established normative standards on determination of professional suitability upon re-attestation or received a grade that is lower than threshold grade upon testing, as well as in case of absent at the meeting of attestation commission without reasonable excuses on decision of attestation commission shall be recommended to reduction in office or dismissal in the manner, established by the Law.

3. Attestation commission shall adopt one of the following decisions after re-attestation:

- 1) comply with the held office;
- 2) not comply with the held office and is recommended to reduction in office;

3) not comply with the held office and is recommended to dismissal.

4. Adoption of decision by attestation commission on non-conformity of a servant to the held office with recommendation on dismissal shall be the negative result of attestation.

#### **Article 52. Decision of attestation commission**

Decision of attestation commission may be the one of the grounds for admission of a servant to personnel reserve, nomination of a servant to superior office, reduction of a servant in office or his (her) dismissal.

#### **Article 53. Appeal against the decision of the attestation commission**

The decision of the attestation commission may be appealed by an employee to the head of a law enforcement agency or an authorized head within a month in the manner prescribed by the laws of the Republic of Kazakhstan.

**Footnote. Article 53 as amended by the Law of the Republic of Kazakhstan dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021).**

#### **Article 53-1. Employee development in post attestation period**

1. A program of post attestation development shall be composed in respect of an employee who has passed attestation, aimed to improving professional competence of an employee.

2. The program shall be effect until the next attestation of an employee in accordance with the terms determined by this Law, and shall be approved by a head or authorized head of law enforcement agencies.

**Footnote. Chapter 6 is supplemented by Article 53-1 in accordance with the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Chapter 7. Official discipline and moral and psychological climate in subdivisions of law enforcement agencies**

**Footnote. Title of Chapter 7 is in the wording of the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 54. Official disciplinary in law enforcement bodies**

1. Official disciplinary at law enforcement service shall be compulsory compliance with norms and rules, established by the legislation of the Republic of Kazakhstan, acts of heads of law enforcement bodies and authorized heads.

2. A head of law enforcement body and authorized head shall bear responsibility for the state of official discipline among the subordinated persons.

3. In order to ensure and strengthen official discipline, the head of a law enforcement agency or an authorized head may apply incentive measures to employees, cadets, undergraduates and doctoral students of a law enforcement education organization and disciplinary penalties may be imposed on them, provided for by this Law.

4. Excluded by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII ( shall be enforced sixty calendar days after the date of its first official publication).

Footnote. Article 54 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 54-1. Educational, socio-legal, psychological and ideological work in law enforcement agencies**

1. Educational, socio-legal, psychological and ideological work with personnel is organized in law enforcement agencies.

2. Educational work is aimed at:

- 1) increasing the degree of legal awareness, literacy, culture and morality of personnel;
- 2) teaching the employees to understand the purpose of law enforcement agencies, the specifics of their functioning and fulfillment of their tasks;

3) development in employees and their readiness to protect the interests of the state in accordance with the fundamentals of state policy, responsibility for belonging to law enforcement agencies.

3. Social and legal work is aimed at implementing measures to ensure the social protection of law enforcement officers and their family members.

4. Psychological work is aimed at:

1) maintaining the psychological readiness of personnel to perform the tasks of a law enforcement agency, including during a state of war and emergency, conducting anti-terrorist operations;

2) determination of the conformity of psychological and psychophysiological qualities of the employee to the position held;

3) study of the state of the moral and psychological climate in law enforcement units by conducting annual sociological monitoring.

5. Ideological work is aimed at:

1) the formation of patriotic consciousness among law enforcement officers, love for the Motherland, their people, loyalty to the oath, striving for the impeccable performance of official duties;

2) formation of loyalty among law enforcement officers to the constitutional principles and national interests of the Republic of Kazakhstan;

3) formation of a positive image of law enforcement agencies through the mass media;

4) interaction with state bodies, mass media on the organization and conduct of ideological work.

6. The order of organization of educational, psychological and ideological work with personnel is determined by the head of the law enforcement agency.

The procedure and methodology for conducting annual sociological monitoring of the state of the moral and psychological climate in law enforcement units are determined by the head of the law enforcement agency.

Employees holding managerial positions are responsible for the state of the moral and psychological climate in the entrusted units.

**Footnote. Chapter 7 is supplemented by Article 54-1 in accordance with the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 55. The procedure for applying incentives to employees**

1. The following types of incentives are provided for employees and cadets of the law enforcement education organization for exemplary performance of duties and achievement of high results in official activities:

1) declaration of gratitude;

2) one-time monetary remuneration;

3) rewarding with a valuable gift;

4) awarding with a diploma;

5) awarding with a certificate of honor;

6) awarding with a departmental award and a badge of distinction of a law enforcement agency;

7) assignment of special ranks or class ranks ahead of schedule or one step above the special rank or class rank provided for by the staff position held, as well as extraordinary special ranks or class ranks;

8) entry on the honor board;

9) conferring an honorary title;

10) an extraordinary dismissal from the organization of education of the law enforcement agency;

11) early removal of a previously imposed disciplinary penalty;

12) other types of incentives provided for by the legislation of the Republic of Kazakhstan

The head of the law enforcement education organization may apply the types of incentives provided for in sub-paragraphs 1), 3), 4), 5), 8) and 11) of part one of this paragraph to employees studying for a master's degree and a doctoral degree in full-time mode of study.

2. An employee who has a disciplinary penalty is encouraged by the removal of a previously imposed penalty. The right to remove a disciplinary penalty belongs to the head of a law enforcement agency or an authorized head. Disciplinary penalties for committing significant misconduct by an employee may be lifted no earlier than three months from the date of their imposition.

Disciplinary penalties for committing gross disciplinary offenses are not subject to early removal by way of encouragement.

The term of early removal of disciplinary penalty for minor disciplinary offenses is not established.

In agreement with the head of the law enforcement agency, when encouraging employees for special merits involving a risk to the life and health of an employee, saving a person's life, as well as for the disclosure and investigation of particularly serious crimes that had a public resonance, the term of early removal of disciplinary penalty is not taken into account.

3. At the same time, only one disciplinary penalty may be lifted in the form of an incentive, while other types of incentives are not applied to this type of incentive.

4. The idea of encouraging an employee is initiated by the direct manager and submitted to the personnel service for consideration by the commission.

5. The commission is established by the head of a law enforcement agency or an authorized head on a permanent basis to ensure an objective approach when encouraging employees.

The commission must include at least five members.

6. The commission makes a decision by a collegially open vote. A decision is considered adopted if a majority of votes from the total number of votes of the commission members are cast for it. The commission's decisions are formalized by the protocol. In case of equality of votes, the decision for which the chairman of the commission voted is considered adopted.

7. The commission makes one of the following decisions:

1) satisfy the recommendation for incentive;

2) reject the recommendation for incentive.

8. By the decision of the head of the law enforcement agency or the authorized head, the incentive for an employee may be made without consideration by the commission on the basis of the recommendation of the direct manager.

9. Incentives are issued by orders of the head of a law enforcement agency or an authorized head.

Footnote. Article 55 - as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

**Article 56. Disciplinary penalties applied to employees and types of disciplinary offenses**

Footnote. The title of Article 56 as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

1. Disciplinary penalties in law enforcement bodies shall be a measure of disciplinary responsibility.

2. The following types of penalties may be imposed on servants for non-fulfillment or improper fulfillment of employment duties:

- 1) comment;
- 2) reprimand;
- 3) severe reprimand;
- 4) prevention on incomplete official conformity;
- 5) dismissal from the held office;
- 6) demotion in a special rank or class rank by one step;
- 7) dismissal from law enforcement body;
- 8) dismissal from law enforcement body with deprivation of titles of honour, lapel badges, awarded or promoted by heads of law enforcement body or authorized heads;
- 9) dismissal from a law enforcement agency with deprivation of a special rank or class rank. Disciplinary penalty provided for in subparagraph 9) of this paragraph is applied when an employee is dismissed for negative reasons provided for in subparagraphs 13) and 14) of paragraph 1 of Article 80 of this Law.

3. The following disciplinary penalties may be imposed on cadets in educational organizations of law enforcement agencies, besides disciplinary penalties, provided by this Article:

- 1) appointment on duty out of turn (with the exception of appointment on duty on security of subdivision's protection);
- 2) deprivation of the next dismissal from location of educational organization of law enforcement body;
- 3) expulsion from educational organization of law enforcement body.

4. The head of the law enforcement education organization may impose the following types of disciplinary penalties on employees studying for a master's degree and doctoral degree in full-time mode of study:

- 1) remark;
- 2) reprimand;
- 3) severe reprimand;
- 4) expulsion from the organization of education of a law enforcement agency.

5. The imposition of a disciplinary penalty in the form of expulsion from the organization of education of a law enforcement agency for gross violation of official discipline by an employee or commission of misconduct discrediting a law enforcement agency is the basis for dismissal of an employee for negative reasons provided for in subparagraphs 12) and 13) of paragraph 1 of Article 80 of this Law.

6. Disciplinary offenses are divided into the following types:

minor is a misdemeanor for which a disciplinary penalty is imposed, provided for in sub-paragraphs 1), 2) or 3) of paragraph 2, sub-paragraphs 1), 2) or 3) of paragraph 4 of this article;

significant is a misdemeanor for which a disciplinary penalty is imposed, provided for in subparagraphs 4) or 6) of paragraph 2 of this article;

gross is a misdemeanor for which a disciplinary penalty is imposed, provided for in subparagraphs 5), 7), 8) or 9) of paragraph 2 of this article.

**Footnote. Article 56 as amended by the Laws of the Republic of Kazakhstan dated 09.11.2011 № 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII ( shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 57. Grounds and conditions of imposition of disciplinary penalties**

1. The ground of imposition of a penalty shall be commission of disciplinary infraction by a servant.

2. When imposing a disciplinary penalty and determining its type, the following criteria are taken into account:

- 1) the content and nature of the offense committed;
- 2) the severity and circumstances of the offense committed;
- 3) data characterizing the personality of the employee and his attitude to the service;
- 4) the motive and degree of the employee's guilt (intentional, negligent);
- 5) circumstances mitigating the disciplinary responsibility of the employee;
- 6) circumstances aggravating the disciplinary responsibility of the employee.

2-1. Circumstances mitigating disciplinary responsibility are recognized as:

- 1) repentance of the employee who committed the offense;
- 2) voluntary report of the employee about the commission of a misdemeanor to the manager;
- 3) the commission of a misdemeanor for the first time and the presence of consent with the fact of the commission of a misdemeanor;
- 4) committing a misdemeanor under the prevailing difficult personal or family circumstances;



5) committing a misdemeanor as a result of coercion;

6) absence of negative consequences and damage to the image of the law enforcement agency due to the commission of a disciplinary offense.

The head of a law enforcement agency or an authorized head applying a penalty to an employee, or a disciplinary commission during an internal investigation may recognize other circumstances as mitigating.

2-2. Circumstances aggravating disciplinary responsibility are the following:

1) repeated commission of the same offense, if a penalty has already been applied to the employee for the first offense and it has not been lifted in accordance with the established procedure;

2) involving a subordinate in committing a misdemeanor;

3) committing a misdemeanor during the introduction of a state of emergency or other restrictive measures;

4) committing a misdemeanor in a state of alcoholic and (or) narcotic, and (or) psychotropic, and (or) drug abuse intoxication;

5) the occurrence of negative consequences and damage to the image of a law enforcement agency as a result of a disciplinary offense;

6) the commission of a misdemeanor by influencing an official or his close relatives in connection with the performance of his duties assigned to him.

3. Upon commission of disciplinary infraction by a servant, he (she) shall be requested by written statement of explanation. If a servant is agreed with the fact of his (her) commission of this disciplinary infraction according to written statement of explanation, a head of law enforcement body or authorized body shall have the right to impose penalty without conducting official investigation.

In case if a servant in his (her) written statement of explanation is not agreed with the fact of his (her) commission of disciplinary infraction, the official investigation shall be conducted under the order of a head of law enforcement body or authorized head.

4. A penalty in the form of a warning about incomplete official compliance, dismissal from office, dismissal and expulsion from the law enforcement education organization is imposed based on the results of an internal investigation and the relevant recommendations of the disciplinary commission.

A penalty in the form of a warning about incomplete official compliance, dismissal from office may be imposed without conducting an internal investigation and relevant recommendations of the disciplinary commission on the basis of a decision of the board or an operational meeting with the first head of the law enforcement agency and the presence of a written explanation of the employee's agreement with the fact of the disciplinary offense committed by him, as well as materials confirming the full and objective establishment of the circumstances of its commission.

5. Upon commission of disciplinary infraction, committed jointly by several servants, the penalties shall be imposed on each of guilty servant severally.

6. For each case of violation of official discipline, only one disciplinary infraction may be imposed.

7. Imposition of penalty shall not release a servant, committed disciplinary infraction from fulfillment of the obligation, for non-fulfillment or improper fulfillment of which the penalty was imposed.

8. The order on imposition of disciplinary infraction shall be notified to a servant, subject to disciplinary penalty against signature within three business days from the date of its issuance.

9. Refusal from familiarization with order on imposition of disciplinary penalty shall be executed in the act that shall be drawn up by Human Resources of law enforcement body and shall be registered in the special journal.

In case of impossibility to familiarize an employee with the order on imposition of disciplinary penalty in person, the personnel service of law enforcement body shall be obliged to send a copy of the order on imposition of disciplinary penalty to an employee by letter of notification.

10. Disciplinary penalty shall be imposed no later than one month from the date of detection of disciplinary infraction and six months from the date of commission of disciplinary infraction.

The day of revelation of a disciplinary offense, from which the term begins, is the day when the person to whom the employee is subordinate in the service became aware of the commission of a disciplinary offense, regardless of whether he is entitled to impose disciplinary penalties or not.

Disciplinary penalty for committing an offense discrediting a law enforcement agency and gross violation of official discipline provided for by this Law shall be imposed no later than three months from the date of revelation of the disciplinary offense and may not be imposed later than one year from the date of the commission of the disciplinary offense.

11. In cases of conducting in respect of an employee the official investigation or pretrial investigation or case on administrative offence, considered by court, the disciplinary penalty shall be imposed no later than one month respectively from the date of conclusion of investigation, adoption of procedural decision on termination of criminal case or proceeding on the case on administrative offence, without considering time of absence at work due to disease of a guilty person or his (her) being in vacation, business travel.

12. In case of termination of pretrial investigation, but in existence of constituent elements of disciplinary infraction, administrative offence in actions of an employee, the penalty shall be imposed no later than one month, constituent elements of corruptive infraction – no later than three months from the date of adoption of decision on termination of pretrial investigation.

12-1. In case of imposition by the education organizations of a law enforcement body of a disciplinary penalty provided for in subparagraph 3) of paragraph 3 and subparagraph 4) of paragraph 4 of Article 56 of this Law, an order to impose a penalty within three working days is sent to the law enforcement agency, whose personnel includes an employee who has committed a disciplinary offense.

13. Is excluded by the Law of the Republic of Kazakhstan dated 18.11.2015 № 411-V ( shall be enforced from 01.01.2016).

14. A disciplinary penalty may not be imposed on an employee during the:

1) temporary disability;

2) being on leave, except for the leave provided for in paragraph 9 of Article 75 of this Law;

3) being on a business trip, except in cases when the business trip is connected with bringing him to disciplinary responsibility.

15. The period of temporary disability, being in vacation, business travel, appeal of decisions, acts and recommendations of authorized bodies and officials, acts (conclusions, results) of an official investigation, which shall be grounds for imposition of disciplinary penalty shall suspend validity of term for imposition of penalty, if it comes to knowledge on committed disciplinary infraction during this period or before its maturity. The term of official investigation and imposition of a penalty may be suspended in the absence of the results of pretrial investigation or special research (examinations).

16. A servant shall have the right to familiarize with all materials, linked with his (her) bringing to disciplinary responsibility.

17. The term of disciplinary penalty, imposed on a servant may not exceed six months from the date of its applying. If a servant is not subject to new disciplinary penalty during this period, he (she) will be considered as not having the disciplinary penalty.

18. If it is necessary to apply correction actions that are beyond the scope of the rights of immediate head, he (she) shall apply on this before superior civil servant, authorized to apply correction actions.

19. Superior head shall have the right to cancel disciplinary penalty, imposed by an inferior head, if the previously notified penalty doesn't conform to the gravity of committed disciplinary infraction.

20. A head, overstepped the powers, provided to him (her) on applying, imposition of disciplinary infractions shall bear disciplinary responsibility on this, and the orders on infraction shall be revoked by a civil servant, authorized to apply the corrective actions.

21. An employee has the right to appeal the disciplinary sanction imposed on him to a higher body, court in the manner prescribed by the laws of the Republic of Kazakhstan.

Footnote. Article 57 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 23.04.2014 No 200-V (shall be enforced upon expiry of ten calendar days

after its first official publication); dated 04.07.2014 № 233-V (shall be enforced from 01.01.2015); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.11.2015 № 411-V (shall be enforced from 01.01.2016); dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Article 58. Official investigation**

1. Official investigation shall be conducted by decision of a head or authorized head of law enforcement agencies if it is necessary to detect the reasons, nature and circumstances of committed disciplinary infraction by an employee, confirmation of existence or absence of circumstances, provided by this Law, as well as in accordance with the legislation of the Republic of Kazakhstan, as well as on the basis of written report of employees and notice of law enforcement and judicial agencies.

2. A servant, interested in the results of conduct of official investigation expressly or implicitly may not participate in it. In this case, he (she) shall be obliged to refer to a person that adopted decision on conduct of official investigation with written report on liberation from his (her) participation in conduct of this investigation. In non-compliance of mentioned requirement, the results of official investigation shall be considered invalid.

3. Upon conduct of official investigation, the measures to objective and detailed establishment as follows shall be assumed:

- 1) establishment of the fact of commission of disciplinary infraction by a servant;
- 2) establishment of reasons and conditions, assisting commission of disciplinary infraction by a servant;
- 3) establishment of nature and extent of damage, incurred by a servant in the result of commission of disciplinary infraction;
- 4) establishment of existence or absence of circumstances, preventing the service by a servant.

3-1. In the course of an internal investigation, the authorized official entrusted with its conduct has the right to:

- 1) receive a written explanation from the employee in respect of whom an internal investigation is being conducted, as well as from other persons;
- 2) to collect materials and information concerning the circumstances of the commission of a disciplinary offense;
- 3) to familiarize with the relevant documents, if necessary, to attach copies of them to the materials of the internal investigation;
- 4) to receive opinions, explanations and consultations from specialists on issues requiring special knowledge;

5) to initiate a polygraph examination of employees in respect of whom an internal investigation is being conducted.

4. Official investigation shall be completed no later than after one month from the date of deciding the decision on its conduct. Time of vacation, business travel or being under treatment of a servant, in relation of whom the official investigation is conducted shall not be conducted to the mentioned term, as well as his (her) absence time at service by other reasonable excuses.

5. Results of official investigation shall be presented to a person, adopted decision on conduct of official investigation in the form of conclusion in written that shall be approved by him (her) no later than after three calendar days from the date of completion of investigation.

Polygraph examination is carried out with the consent of the employee.

6. Written statement of explanation on circumstances of conducting the official investigation shall be requested from a servant, in relation of whom the official investigation is conducted.

7. A servant, in relation of whom the official investigation is conducted, shall have the right to:

1) offer written statement of explanation in essence of conducted official investigation;

2) make an application, present evidences and other documents;

3) appeal decisions and actions (omissions) of employees, conducting the official investigation to a head or authorized head of law enforcement agencies, adopted decision on conduct of official investigation;

4) to be familiarized with conclusion and other materials upon completion of official investigation, if it is not in contrary with requirements of confidentiality of information that is state secrets and other secrecy, protected by the Law.

Upon refuse of a servant to offer written statement of explanation, the relevant act shall be drawn.

8. In view of the results of official investigation, in conclusion it shall be established as follows:

1) the facts and circumstances, established by the results of official investigation;

2) conclusions and suggestions on the type of disciplinary penalty.

9. In case of discovery of constituent elements of crime upon conduct of official investigation in actions of an employee, a head or authorized head of law enforcement agencies, adopted decision on conduct of official investigation shall be obliged to send received materials to the relevant law enforcement agencies immediately for adoption of decision.

10. Excluded by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII ( shall be enforced sixty calendar days after the date of its first official publication).

11. In relation to cadets and employees who are trained in law enforcement education organizations, an internal investigation is conducted by the relevant department of the law enforcement education organization..

Footnote. Article 58 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 58-1. Procedure for formation and work of disciplinary commission**

1. The head of the law enforcement agency or the authorized head approves the composition of the disciplinary commission.

2. The disciplinary commission must consist of at least five members.

3. Meetings of the disciplinary commission shall be held as necessary and in the presence of two-thirds of the total number of its members.

4. The meeting of the disciplinary commission shall be held with the participation of the person in respect of whom an internal investigation has been conducted, including via videoconference.

5. It is allowed to consider the materials of an internal investigation without the participation of the person in respect of whom an internal investigation was conducted, if he was duly notified of the time and place of the meeting and did not appear without a valid reason or his written refusal to participate in the meeting of the disciplinary commission.

6. The person in respect of whom an internal investigation has been conducted is notified of the time and place of the meeting of the disciplinary commission, but not later than one working day before the date of the meeting.

7. The disciplinary commission reviews the materials of the internal investigation and investigates the facts concerning the misconduct, hears the speaker (the person who conducted the internal investigation) about the results of the internal investigation, the explanations of the person in respect of whom the internal investigation was conducted, as well as explanations of other persons.

8. Based on the results of consideration of the submitted materials, the disciplinary commission makes one of the following decisions:

1) recommend the head of a law enforcement agency or an authorized head to apply an appropriate measure of disciplinary penalty to a person in respect of whom an internal investigation has been conducted;

2) recommend the head of a law enforcement agency or an authorized head to terminate disciplinary proceedings.

9. The decision of the disciplinary commission is adopted by open vote and is considered adopted if a majority of votes from among the members of the disciplinary commission present at the meeting are cast for it.

In case of equality of votes, the decision for which the chairman of the disciplinary commission voted is considered adopted.

10. The decision to impose a disciplinary penalty is issued by the order of the head of the law enforcement agency or the authorized head.

11. An employee has the right to appeal the disciplinary penalty imposed on him to a higher official or to a court. An appeal against a decision to impose a disciplinary penalty does not suspend its enforcement.

**Footnote.** Chapter 7 is supplemented with Article 58-1 in accordance with the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Chapter 8. USE OF FIREARMS, SPECIAL AMMUNITION AND PHYSICAL FORCE BY SERVANTS**

**Footnote.** The title of Chapter 8 is in the wording of the Law of the Republic of Kazakhstan, dated 23.04.2014 No 200-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 59. Purpose for use of firearms, special ammunition and physical force**

Fire and other weapon, special ammunition and physical force shall be used for the purpose of termination of socially dangerous acts, detention and bringing of persons, committed them to law enforcement bodies in recognition of nature of infractions and particular situations.

**Footnote.** Article 59 is in the wording of the Law of the Republic of Kazakhstan, dated 23.04.2014 No 200-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 60. Use of special ammunition and physical force**

1. Servants shall have the right to use physical force, including combat fighting techniques, as well as handcuffs, rubber truncheons, lachrymatory agents, sound and light appliances of distractive effect, instruments for opening of premises, compulsory stoppage of transport, water cannons, animals, armored vehicles and other special transport vehicles, the list of which is determined by the Government of the Republic of Kazakhstan for:

1) holding off the attacks against individuals, servants and other persons, doing official or public duty on protection of public order, public security protection and crime prevention;

2) hostages release, putting the end to mass disorders and group violations of public order (group violations of established regime of detention in the institutes of correctional system), as well as unlawful acts upon escape or detention of escaped persons from correctional institutions and detention facilities of convicted, supposed and accused persons;

3) holding off an attack against buildings, premises, constructions, transport vehicles, land plots, belonging to individuals, organizations and state bodies, and equally for their liberation from seizure;

4) detention of wrongful persons (convicted, supposed and accused persons and persons, committed administrative infractions), if they assist insubordination or resistance to servants, other persons, fulfilling obligations on protection of public order, public security protection, imposed on them, for their bringing to law enforcement bodies, convoy and protection of detained persons, persons taken into custody, as well as persons, subject to administrative arrest, convicted, supposed and accused persons if there are reasonable grounds to consider, that they may escape from prison or incur damage to wider public or themselves, as well as in relation to persons, preventing the carrying out of the obligations, imposed on them by the Law intentionally;

5) holding off the attack with the purpose of self-defence by a servant or protection of their family members in justifiable threat of causing of heavy harm to health or life;

6) necessary defence, extreme necessity;

7) bringing of wrongful persons, if it is necessary for the purpose of suppression of infraction, establishment of identity of a wrongful person, as well as drawing up protocol on administrative infraction upon impossibility to draw it up in place, if drawing up of protocol is compulsory;

8) stoppage of transport vehicles by their damaging, if a driver doesn't obey the legal requirements of an employee to stop.

1-1. Employees shall have the right to use physical force, including combat techniques of combat, as well as special ammunition in all cases when this Law allows use of firearms and other weapons.

1-2. The type of special ammunition, time of commencement and the intensity of its application shall be determined with regard of prevailing situation, offense nature and identity of wrongful person.

2. Special features and combat fighting techniques in relation to women, persons with obvious signs of permanent disability and minors, except the cases of their commission of attack, threatening the life and health of wider public, assault in concert or providing armed resistance.

**Footnote. Article 60 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 61. Use of firearms**

1. Servants shall have the right to use firearms for:

1) protection of individuals from criminal infringement in case of threaten to their life and health, and equally in case of hostages release;



2) holding off the attack against servants and their family members, persons, fulfilling official or public duty on protection of public order, public security protection and crime prevention;

2-1) preclusion of attempt taking possession of firearms and weapons, a special vehicle of law enforcement agencies;

3) holding off the attack against housing units of individuals, objects protected by law enforcement bodies, premises of state organizations, holding off the attack against official or military party;

4) detention of persons, providing resistance or caught upon commission of crime, escaping from being under detention (except those, under arrest) for detention of armed persons;

5) stoppage of transport vehicles by their damaging, if a driver doesn't obey the legal requirements of a servant and put life and health of individuals at hazard;

6) protection of the animals' attack;

7) warning citizens of intent to use weapons, setting the alert signal or calling for assistance;

8) in all other cases of necessary defence and extreme necessity.

2. Use of firearms in relation to women, persons with obvious signs of permanent disability, minors, when their age is known or obvious, except the cases of their commission of armed attack, provision of armed resistance, taking of hostages, transport vehicles, including the aerial vehicle, or assault in concert.

**Footnote. Article 61 is in the wording of the Law of the Republic of Kazakhstan, dated 23.04.2014 No 200-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 62. Conditions of using the firearms and weapons, special ammunition, physical force**

1. Firearms and weapon, special ammunition, physical force shall be applied on the basis of prevailing situation in cases provided by this Law.

2. Employees shall be obliged to pass special training, periodic testing for suitability to act in conditions associated with using of firearms and weapons, special ammunition and physical force.

3. In cases of necessary defense and extreme necessity or during detention of a person committed a crime, an employee in the absence of necessary special ammunition or weapons, shall has the right to use any available ammunition, as well as on the grounds and in the manner established by this Law, to use otherwise unarmed weapon.

4. Upon using firearms and weapons, special ammunition, physical force, employees shall be obliged to:

1) warn of intention to use it, giving by this to persons in respect of whom supposed use of firearms and weapons, special ammunition, physical force, ample time to fulfill their requirements, except in cases when delay using of firearms and weapons, special ammunition, physical force creates an immediate danger to the life and health of citizens, employees, may entail other severe consequences or when in the created situation such a warning shall not appropriate or impossible.

In the case of the use of firearms and other weapons, special means and physical force as part of a unit (group), the specified warning is made by the head of the unit (group) or a senior with a special rank, class rank;

2) take necessary measures for ensuring safety of individuals, emergency medical assistance to victims;

3) immediately report on using of firearms and weapons, special ammunition, physical force to an immediate head.

5. A prosecutor shall be immediately informed on every case of using the fire and other weapon, special ammunition, physical force, entailed the death of people or other heavy consequences.

6. Use of firearms and weapons, special ammunition and physical force by employees in excess of their authority entails liability established by law.

**Footnote. Article 62 is in the wording of the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

## **Chapter 9. SOCIAL PROTECTION**

### **Article 63. Social protection of servants**

Servants, their family members and property shall be under protection of the state in accordance with the legislation of the Republic of Kazakhstan.

### **Article 64. Payment of labor, pension benefits and other security of servants**

1. The monetary allowance of employees is established in accordance with the unified system of remuneration of employees for all bodies maintained at the expense of the state budget, approved by the Government of the Republic of Kazakhstan in coordination with the President of the Republic of Kazakhstan, and includes monetary allowance and allowances for special conditions of service, as well as other allowances, bonuses established by the legislation of the Republic of Kazakhstan.

The procedure for establishing allowances for employees for special conditions of service, as well as other allowances, bonuses is approved by the head of the law enforcement agency.

2. The monetary maintenance of employees consists of an official salary and an additional payment for a special title or class rank.

The length of service for calculating official salaries and benefits for health improvement is determined by the legislation of the Republic of Kazakhstan.

3. Pension provision of employees, payment of state social benefits for disability shall be carried out as prescribed by the legislation of the Republic of Kazakhstan on social protection

4. Servants shall have the right to top-priority acquisition of traffic documents to all types of transport and receipt of the place for residence in hotels on presentation of business trip certificate.

5. Children of law enforcement officers, including those who were killed, died or went missing during their service, receive places out of turn in preschool institutions at the place of residence from local executive bodies.

**Note!**

Article 64 is supplemented with paragraph 6 in accordance with the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced from 01.01.2025).

Footnote. Article 64 as amended by the Law of the Republic of Kazakhstan dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated December 27, 2019 № 292-VI (the order of enforcement see Article 2); dated 11.07.2022 № 136-VII (see Article 2 for the procedure for entry into force); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

**Article 65. Special aspects of service during temporary disability**

1. The period of temporary disability of continual being under treatment of a servant shall not exceed four months, except for those cases, when longer terms of being under treatment on separate diseases are provided by the legislation of the Republic of Kazakhstan. Upon expiry of established term of continual being under treatment of a servant, he (she) shall be subject to medical certification of military physician board for solution of the question on his (her) fitness for the following service.

2. The time spent on the treatment of employees in connection with the injuries they received during the performance of official responsibilities and official duty (wounds, contusions, injuries) is not limited to a period. These persons are sent for medical examination after the end of treatment or when the outcome of the disease has been determined.

3. Employees that suffer from diseases often and for long duration shall be referred to medical certification in military physician boards on recommendation of medical and preventive treatment facilities by Human Resources of law enforcement agencies for

determination of fitness for the following service, if number of days of incapability are up to four months on the same disease on a continuous basis for the twelve months or up to five months in the course of year on different diseases.

3-1. In case of disability of an employee from various diseases over the terms, specified in paragraph 3 of this Article, except for diseases for which a longer period of incapability is established, approved by the Government of the Republic of Kazakhstan, the employee appears at the disposal of law enforcement agency.

4. Monetary allowance shall be paid in full measure to servants during their temporary disability.

**Footnote. Article 65, as amended by the Law of the Republic of Kazakhstan, dated 23.04.2014 No 200-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2017 № 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 66. Guarantees in case of death incident (death) or maims of servants**

1. In case of injury (wound, contusion, injury) an employee, during the performance of his official duties, is paid a lump-sum compensation, and in the event of his death - the persons entitled to receive it.

2. The procedure for payment of lump sum compensation shall be established by the Government of the Republic of Kazakhstan.

3. In the event of the death of an employee in the performance of official duties or within a year after dismissal from service due to illness, injury (wound, trauma, contusion) received in the performance of mandatory official duties, dependents or heirs are paid a one-time compensation in the amount of sixty months' salary for the last position held.

4. One-time compensation when an employee is found to be disabled as a result of illness, injury (wound, trauma, contusion) received in the performance of official duties or as a result of illness, injury (wound, trauma, contusion) received in the performance of official duties, before the expiration of one year from the date of dismissal of the employee from law enforcement service, is paid in the amount of:

- 1) to a person with a disability of the first category - a thirty-month monetary allowance;
- 2) to a person with a disability of the second category - an eighteen-month monetary allowance;
- 3) to a person with a disability of the third category - a six-month monetary allowance.

5. In case of receipt of heavy maim (physical injury, injury, contused wound) by servants upon fulfilling official duties that doesn't entail permanent disability, they shall be paid by lump sum compensation in amount of one and half month monetary pay, minor maim – half month monetary pay.

5-1. Employees dismissed from law enforcement agencies for health reasons as a result of injury (wound, trauma, contusion) received in the performance of official duties are paid monthly in the amount and manner determined by the Government of the Republic of Kazakhstan.

6. Lump-sum compensation is not paid if it is proved in accordance with the established procedure that the death, illness, injury (wound, trauma, contusion) of an employee occurred due to circumstances unrelated to the performance of official duties.

7. Children of a servant, died upon fulfillment of official duties shall reserve the right to medical and sanatorium-resort service until their attainment of majority in the manner, established by the Government of the Republic of Kazakhstan.

8. Children of servants, died or received permanent disability upon fulfillment of official duties shall enjoy the right to admission in military boarding-schools and military schools out of competition, as well as those gained the threshold grades on established requirements for those entering therein, shall be admitted to educational organizations of law enforcement body out of competition.

9. In case of death of an employee as a result of injury (wound, trauma, contusion) received during the performance of official duties, the family members of the deceased (dead) employee receive monthly payment in the amount and in the manner determined by the Government of the Republic of Kazakhstan.

Monthly cash payment shall be made to children (including adopted, cohabiting stepchildren) until they reach the age of majority or until they graduate from a full-time educational institution in the system of general secondary, technical and vocational, post-secondary education, in the system of higher and (or) postgraduate education within the limits not exceeding twenty-three years of age, as well as to the spouse for life, regardless of the payment of benefits for the loss of a breadwinner, provided for by the Social Code of the Republic of Kazakhstan.

**Footnote. Article 66 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 11.07.2022 № 136-VII (see Article 2 for the procedure for entry into force); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).**

#### **Article 67. Compensation of expenses on burial**

A lump sum pecuniary recompense shall be paid for burial of decedent or died servants in amount of their three months monetary pay, and for burial of pensioners – in amount of three month pension payment.

#### **Article 68. Housing rights of servants and pensioners of law enforcement bodies**

1. Servants shall enjoy the right to top-priority provision of living space from the state housing fund.

2. Dwelling place, equated to corporate housing, occupied for the permanent residence by servants, being at service more than ten calendar years may be redeemed by them into ownership on depreciated cost at the wish of mentioned servants in the manner and conditions, established by the legislation of the Republic of Kazakhstan.

3. Employees and pensioners of law enforcement agencies, as well as family members of deceased (dead) employees, are not subject to eviction from official housing without providing other equivalent housing.

4. In case of death incident of a servant upon fulfilling official duties, a family of died person shall have the right to receipt of living space from the state housing fund no later than one year from the date of his (her) death incident on conditions and in the manner, established by the legislation of the Republic of Kazakhstan.

**Footnote. Article 68 as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 69. Other measures of social protection of servants and pensioners of law enforcement bodies**

1. Servants shall be subject to compulsory social insurance in accordance with the legislation of the Republic of Kazakhstan.

2. Benefits and priorities, established by the legislation of the Republic of Kazakhstan for military servants and pensioners of the Ministry of defence of the Republic of Kazakhstan shall be applied to servants and pensioners of law enforcement bodies within the ambit, established by the Government of the Republic of Kazakhstan.

3. Servants, serving in antituberculous and other specialized infectious institutions shall enjoy the benefits, established by the legislation of the Republic of Kazakhstan for mentioned servants.

3-1. Benefits, established by the legislation of the Republic of Kazakhstan for the category of medical workers shall be applied to servants of bodies and institutions of correctional system, serving in antituberculous institutions and other specialized stations and institutions of correctional system.

4. Servants shall be paid by money compensation for maintenance of dwelling place and payment of public services in amount, determined by the law on republic budget.

5. Lump sum benefits shall be paid to family members of deceased receivers of pension payments for length of service from among the servants of law enforcement bodies independently from assignment of benefit, on the occasion of loss of wage-earner: wife (

husband) – in amount of three month pension payment of wage earner and for each disabled family member – in amount of monthly pension payment of wage-earner paid to him (her) on the date of death.

When determining the amount of the lump-sum benefit provided for in this paragraph, the number of family members eligible for the benefit includes: spouse (spouse), regardless of age and ability to work; children under the age of eighteen or older, if they have a disability before reaching the age of eighteen or they were full-time students of educational institutions on the day of the breadwinner's death and have not reached the age of twenty - three; dependent parents of the deceased who have reached the retirement age established by the legislation of the Republic of Kazakhstan or are persons with disabilities..

6. Damage caused to the health and property of an employee, as well as damage caused to the health and property of family members and close relatives of an employee in connection with the performance of official duties, shall be reimbursed in full from budgetary funds with subsequent recovery of this amount from the person who caused the damage.

The procedure for compensation of damage is determined by the Government of the Republic of Kazakhstan.

**Footnote. Article 69, as amended by the Laws of the Republic of Kazakhstan, dated 18.01.2012 No 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.05.2013 No 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 23.04.2014 No 200-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 11.07.2022 № 136-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 70. Medical and sanatorium-resort provision of employees and pensioners of law enforcement agencies**

1. Medical support of employees is carried out in medical organizations of the internal affairs bodies in the manner determined by the Government of the Republic of Kazakhstan, at the expense of budgetary funds.

Medical care for certain categories of employees, the list of which is approved by the Office of the President of the Republic of Kazakhstan in agreement with the Administration of the President of the Republic of Kazakhstan, is provided in medical organizations of the Office of the President of the Republic of Kazakhstan:

1) within the guaranteed volume of free medical care in accordance with the Code of the Republic of Kazakhstan "On people's health and the health care system";

2) in the system of compulsory social health insurance in accordance with the Law of the Republic of Kazakhstan "On compulsory social health insurance";

3) at the expense of budgetary funds by type and in amounts determined by the Office of the President of the Republic of Kazakhstan.

2. In the absence at the place of law enforcement or the place of residence of employees of medical organizations of the internal affairs bodies or the relevant departments in them, specialists or special equipment for medical reasons, medical assistance to employees is provided by health subjects:

1) within the guaranteed volume of free medical care in accordance with the Code of the Republic of Kazakhstan "On people's health and the health care system";

2) in the system of compulsory social health insurance in accordance with the Law of the Republic of Kazakhstan "On compulsory social health insurance".

Payment for the services of healthcare entities for the provision of medical care to employees specified in subparagraphs 1) and 2) of part one of this paragraph is carried out by the social health insurance fund.

Reimbursement of the costs of the social health insurance fund for paying for the services of healthcare entities to provide medical care to employees within the guaranteed volume of free medical care and in the system of compulsory social health insurance is carried out at the expense of budget funds provided for by the authorized body in the field of healthcare.

3. Employees are provided with sanatorium-resort treatment in the relevant health care organizations in the manner determined by the Government of the Republic of Kazakhstan.

Employees who have received injuries (wounds, injuries, contusions) in the line of duty are sent for sanatorium treatment at the expense of budget funds.

4. Family members of employees living with them, as well as retirees of law enforcement agencies, have the right to medical assistance in medical organizations of internal affairs bodies.

Payment for the services of medical organizations of the internal affairs bodies for the provision of medical care to the persons specified in part one of this paragraph is carried out by the social health insurance fund:

1) within the guaranteed volume of free medical care in accordance with the Code of the Republic of Kazakhstan "On people's health and the health care system";

2) in the system of compulsory social health insurance in accordance with the Law of the Republic of Kazakhstan "On compulsory social health insurance".

5. Family members of employees living with them, as well as pensioners of law enforcement agencies, use medical and sanatorium services in medical organizations of internal affairs bodies in the manner determined by the Government of the Republic of Kazakhstan.

6. State institutions of internal affairs bodies in the field of medical care within the guaranteed volume of free medical care and in the system of compulsory social health insurance have the right to carry out income-generating activities.



Footnote. Article 70 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2017 № 80-VI (shall be enforced from 01.01.2020).

## **Chapter 10. VACATIONS**

### **Article 71. Types of vacation**

1. For employees, cadets of educational organizations of law enforcement agencies, the following types of vacations shall be established:

- 1) annual vacations with pay;
- 2) special vacations;
- 3) educational vacations (for cadets of educational organizations of law enforcement agencies, for employees on part-time course of study);
- 4) additional payable vacations for years of service and for special conditions of service;
- 5) maternity vacations, vacations for servants, adopted newly-born child (children), vacations on child care until his (her) attainment of the age of three years without pay.

1-1. In cases provided by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan, employees may be granted vacation without pay with release from office and leaving in personnel of law enforcement agencies.

At the end of a vacation without pay, an employee shall be granted office not lower than previous office.

2. Granting, extension of the vacation or transfer and recalling from vacation shall be executed by the relevant order.

Footnote. Article 71 as amended by the Law of the Republic of Kazakhstan dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2017 № 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 72. General order of calculation of the duration of vacations**

1. Duration of vacations shall be calculated in calendar days. Public holidays established by the legislation of the Republic of Kazakhstan as non-work days shall not be considered upon determining the duration of vacations. Upon declaring the day-offs as business days, these days shall be included to the annual vacation with pay in the manner, established by the Law.

2. Upon determining the duration of vacations, time for route of servants to the place of vacation and back shall not be considered.

3. Servants, having the right to leave may use it in parts, but no more than two parts. Time for route shall be granted only for one part of leave.

4. Servants, dismissed from law enforcement bodies shall be granted by the payable annual vacation in the year of dismissal at their wish for the worked time in fact in this year,

or for unutilized payable annual vacation in the year of dismissal they shall be paid by pecuniary compensation proportionally to served time in this year, but no more than forty calendar days.

5. Servants directed to study in educational organization of the system of law enforcement bodies, the payable annual vacations shall be granted to departure in educational organization.

6. Servants shall be paid by the monetary allowance for the time of payable annual, special, additional vacations, including time, granted for travelling to the place of vacation and back, in amount, received by them to the date of departure to the vacation on held office.

### **Article 73. Payable annual vacation**

1. Payable annual vacation shall be granted to servants with the duration of thirty calendar days with payment of benefit for health promotion in amount of two official salaries.

2. Payable annual vacation shall be granted to a servant within calendar year in accordance with the vacation schedule.

3. In case if servants diseased during payable annual vacation, the vacation shall be extended for the number of days of their being under treatment.

4. Calculation of the duration of paid annual leave for an employee in the year of entering the service in law enforcement agencies (dismissal from service), admission to study (completion of studies), as well as going on (from) maternity leave, leave to employees who adopted a newborn child (children), leave unpaid leave to care for a child until he reaches the age of three years is carried out by dividing the duration of the annual labor leave by twelve and multiplying the number of days received by the number of full months of service in the year of admission to law enforcement service (dismissal from service), admission to study (graduation), going on (from) leave.

The number of incomplete days is rounded up.

At the same time, employees who are entitled to a leave of ten calendar days or more are granted time on the way in addition to the leave.

**Footnote. Article 73 as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).**

### **Article 74. Special vacations**

1. Special vacations shall be granted to servants for solution of pressing social and living questions, as well as on other reasonable excuses for ten calendar days without consideration of time for route of servant to the place of vacation and back.

2. Special vacation shall not be counted on account of payable annual vacation.

### **Article 75. Educational vacation**

1. Cadets, undergraduates and doctoral students of full-time education in law enforcement education organizations are granted the following leaves:

- 1) winter holiday vacation – with the duration of fourteen calendar days;
- 2) summer holiday vacation – with the duration of thirty calendar days;
- 3) in connection with the graduation from the education organization, with the exception of master's and doctoral studies, – for a duration of thirty calendar days.

2. Cadets, undergraduates and doctoral students of educational organizations of law enforcement agencies who have educational arrears, vacation leave is granted after its liquidation within the terms of the holidays established by the training programs.

3. Additional vacations, provided by the Law shall not be granted to cadets.

4. Employees who enter full-time law enforcement education organizations, as well as online learning, for the preparation and passing of entrance exams are granted study leave of thirty calendar days with the preservation of monetary maintenance, and those who enter other educational organizations for the entrance exams - up to fifteen calendar days without preservation of monetary maintenance.

5. Employees studying in educational institutions of law enforcement agencies on online learning are granted study leave for the period of exams with a duration equal to the duration of the examination session, but not more than forty-five calendar days within one year, reimbursed for travel expenses by rail to the place of study and back within the Republic of Kazakhstan.

Cadets studying full-time in educational organizations of law enforcement (police) bodies of foreign countries are reimbursed for travel expenses to the place of study and back during the holidays.

6. On the courses of raising of qualification and retraining of personnel, the daily expenses for each day of being at study and expenses on lease of housing unit shall be compensated to servants, studying in educational organizations of law enforcement bodies of the Republic of Kazakhstan and foreign states in the manner and by the rules, established for official business trips.

**7. Excluded by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII ( shall be enforced sixty calendar days after the date of its first official publication).**

8. Issues on payment for labour, scholastic travel, granting of vacations to servants, studying in other educational organizations on part-time (evening) course of study shall be regulated by the labour legislation of the Republic of Kazakhstan.

9. Employees who have entered educational organizations within the framework of a state order for the training of civil servants or doctoral programs (PhD, doctor in profile) in leading foreign higher educational institutions determined by the Republican commission for training personnel abroad, are granted unpaid study leave with dismissal from their positions and remaining as personnel of the law enforcement body.

Upon completion of study, the servant shall be granted by the office not lower than earlier held office.

Footnote. Article 75 as amended by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

#### **Article 76. Additional payable vacation depending on years of service and for special conditions of service**

1. Additional payable vacation depending on years of service (in calendar calculation), considered upon admission to pension shall be granted to servants:

- 1) having the age in grade more than ten years - with the duration of five calendar days;
- 2) having the age in grade more than fifteen years – with the duration of ten calendar days ;
- 3) having the age in grade more than twenty years – with the duration of fifteen calendar days.

2. Servants, serving in high lands (on high of one thousand and five hundred metres and higher), in the places with severe and disadvantaged climatic conditions, the list of which is determined by the Government of the Republic of Kazakhstan, the payable annual vacation shall be granted with the duration of forty five calendar days independently from the years of service.

3. Servants, serving in regions, declared by the legislation of the Republic of Kazakhstan as zones of ecological catastrophe, in antituberculous organizations and public health organizations, carrying out the activity in the sphere of prevention of HIV/AIDS, shall have the right to annual additional vacations, the duration and procedure for granting of which shall be determined in accordance with the legislation of the Republic of Kazakhstan.

4. Additional payable vacation for special nature of service shall be granted with the duration up to ten calendar days, shall be summed up with payable annual vacation and may be granted simultaneously with it or separately at the wish of a servant, by this, the general permanent duration of additional and regular vacations shall not exceed fifty five calendar days.

5. Servants having the right to additional vacations for fulfilling the obligations in harmful conditions and for special nature of service, the additional vacation shall be granted at their choice only by one ground.

#### **Article 77. Maternity vacations, vacations to servants, adopted newly-born child (children), vacations on child care until his (her) attainment of the age of three years without pay**

1. Maternity vacations, vacations to servants, adopted newly-born child (children), vacations on child care until his (her) attainment of the age of three years without pay shall be granted to servants in excess of the payable annual vacation.

2. Duration, conditions of granting and payment of maternity vacations, vacations to servants, adopted newly-born child (children), vacation on child care until his (her) attainment of the age of three years without pay shall be established in the manner, determined by the legislation of the Republic of Kazakhstan.

3. An employee for the period of being on maternity leave, adoption leave for a newborn child (children), unpaid leave to care for a child until he reaches the age of three years is enrolled in the personnel of the relevant body or institution. During maternity leave, adoption leave for a newborn child (children), unpaid leave to care for a child until they reach the age of three years, the employee retains the last place of work (position).

The time spent by an employee on maternity leave, adoption leave for a newborn child (children), unpaid leave to care for a child until they reach the age of three years is counted in the length of law enforcement service, length of service for the assignment of a special title or class rank.

In the case of organizational and staff measures in the law enforcement agency with the reduction or transformation of the position held, the employee is given the opportunity to get another vacant position, but not lower than the previously held one, in the same locality, subject to compliance with the qualification requirements.

**Footnote. Article 77 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2017 № 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (for the procedure of entry into force, see Article 2).**

#### **Article 78. Recalling from leave**

1. Payable annual leave may be interrupted in case of extreme necessity of the service on the basis of written order of the head of law enforcement body or authorized head and only with the written agreement of a servant. By this, the unutilized part of leave shall be granted in current year or next year.

2. If unutilized part of leave is ten calendar days and more, the servants shall be granted by time for route in excess of leave.

3. At the wish of a servant, the unutilized part of leave may be included to the payable annual leave for the next year.

**Footnote. Article 78 as amended by the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Chapter 11. TERMINATION OF SERVICE IN LAW ENFORCEMENT BODIES**

### **Article 79. Grounds for termination of service in law enforcement bodies**

Grounds for termination of service in law enforcement bodies shall be:

- 1) dismissal in the manner, established by the Law;
- 2) death (death incident) or declaring decedent of a servant of law enforcement body in accordance with the court decision, entered in legal force;
- 3) recognition of a servant as missing or incapable, partially capable in the manner, established by the Law.

### **Article 80. Grounds for dismissal**

1. Servants shall be dismissed according to the following grounds:

- 1) on years of service (period of service) and attainment of retirement age of being at service, granting the right to pension;
- 2) on attainment of retirement age of being at service;
- 3) on health condition – on the ground of expertise of military physician board on unsuitability or partially suitability to service;
- 4) due to staff reduction or reorganization of law enforcement body in case of impossibility to use in other office;
- 5) at own wish;
- 6) due to transfer of work in other state bodies and organizations in the established manner;
- 7) due to dissolution or expiration of the contract;
- 8) in case of refuse from the following service due to change of labour conditions;
- 9) according to incompetency, discovered following the results of attestation;
- 10) in case of discovered unsuitability to service within probation period;
- 11) in connection with the termination of citizenship of the Republic of Kazakhstan;
- 12) for gross violation of official discipline;
- 12-1) for non-taking the measures on non-admission - the head of territorial law enforcement agencies:
  - a) concealment of criminal matters from recording;
  - b) commitments of a crime by a subordinate employee related to gross violation of constitutional rights of citizens, provided by Section II of the Constitution of the Republic of Kazakhstan, established judicial acts that entered into force, or decisions of criminal authority on termination of a criminal case on the grounds of paragraphs 3), 4), 9), 10 ), 11) and 12) of part one of Article 35 or of Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan;

- v) systematic disciplinary offenses related to violations of constitutional rights of citizens, provided by the abovementioned section of the Constitution of the Republic of Kazakhstan;
- 13) for commitment of infraction discrediting the law enforcement body;
- 14) due to commitment of corruptive infraction;

**Note!**

Paragraph 1 is to be supplemented with subparagraph 14-1) pursuant to the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (shall be enforced from 01.01.2027).

15) in connection with the entry into force of a court conviction for commission of a crime or intentional criminal offense, termination of a criminal case on the basis of paragraphs 3), 4), 9), 10) and 12) of part one of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan;

15-1) for failure to report in writing to the direct manager about the fact of applying for renunciation of citizenship of the Republic of Kazakhstan or about the fact of applying for acquisition of foreign citizenship on the day of application;"

15-2) for non-compliance with anti-corruption restrictions established by the Law of the Republic of Kazakhstan "On Combating Corruption";

16) for non-presentation or misrepresentation of information, mentioned in paragraph 2 of Article 6 of the Law;

17) due to refuse from holding the proposed office and expiration of being in the possession of law enforcement agencies;

18) due to liquidation of law enforcement agency;

19) due to the absence of an employee on duty without a valid reason for three or more consecutive hours in one working day.

2. Misconduct discrediting a law enforcement agency are actions, including those not related to the performance of official duties, but undermining the dignity and authority of the law enforcement service, namely: the appearance of employees in public places in a state of alcoholic and (or) narcotic, and (or) drug abuse intoxication (belonging to a law enforcement agency obvious to others); non-medical consumption of narcotic drugs, psychotropic substances, their analogues, precursors; driving a vehicle in a state of alcoholic and (or) narcotic, and (or) drug intoxication; refusal of an employee from a medical examination for the state of alcoholic and (or) narcotic, and (or) psychotropic, and (or) drug intoxication; use of official position for personal gain; non-statutory relationships between employees, cadets of educational organizations of law enforcement agencies that caused a negative public response.

2-1. A gross violation of official discipline includes improper performance or non-performance of official duties by an employee, resulting in harm to human life and health , if these actions (inaction) do not entail criminal liability; participation in actions that hinder the normal functioning of state bodies and the performance of official duties, including strikes ; finding an employee on duty in a state of alcoholic and (or) narcotic, and (or) drug

intoxication, including the use of substances that cause such intoxication during the working day; disclosure by an employee of official information that became known to him in connection with the performance of official duties, which caused harm to the interests of the service..

3. Grounds for dismissal of servants, provided by subparagraphs 12) – 16) of paragraph 1 of the Article shall be recognized as negative motives.

In case of dismissal of an employee on the grounds provided for in the sub-paragraphs 9), 10), 12), 12-1), 13), 14), 15) and 16) of paragraph 1 of this article, the submission of an employee's report on his dismissal at his own request does not suspend the dismissal and does not entail a change in the grounds for dismissal.

**Footnote. Article 80 as amended by the Laws of the Republic of Kazakhstan dated 09.11.2011 № 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2014 № 233-V (shall be enforced from 01.01.2015); dated 29.10.2015 № 374-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of sixty calendar days after its first official publication).**

#### **Article 81. Procedure and conditions of dismissal**

1. Dismissal from service of servants shall be performed by civil servants that are afforded by the right to admission and appointment of servants to these offices.

2. Employees who have stopped serving in law enforcement agencies are excluded from the personnel of law enforcement agencies.

3. Servants shall be dismissed to reserve with registering, if dismissed persons don't attain retirement age, established by the legislation of the Republic of Kazakhstan for being in reserve of persons, able for military service.

4. Employees, dismissed from service, as well as cadets, expelled from educational organizations of law enforcement agencies shall return official identification. Employees, retired on a pension shall be issued by certificate of the pensioner of law enforcement agencies.

5. Servants, dismissed from the service at his (her) own wish shall notify the immediate head on their adopted decision no later than one month before the planned date of dismissal, about which they shall report in written.

6. Employees dismissed from service on the grounds provided for in subparagraphs 1), 2, 4) and 18) of paragraph 1 of Article 80 of this Law shall be notified in writing of dismissal or



reaching the age limit for service no later than one month before dismissal or reaching the age limit.

Dismissal of employees while they are on leave and on medical treatment is not allowed, except for the dismissal of an employee on the grounds provided for in sub-paragraphs 1), 2), 4), 5) and 18) of paragraph 1 of Article 80 of this Law.

7. Lump sum benefit shall be paid to employees, dismissed from service (with the exception of customs service) in the following manner and amounts:

having a length of service less than ten calendar years and dismissed according to health condition, due to personnel reduction – three-month financial allowance;

having a length of service more than ten calendar years and dismissed upon reaching the age of retirement of being at service, according to health condition and due to personnel reduction:

from ten to fifteen years – four month financial allowance;

from fifteen to twenty years – five month financial allowance;

from twenty to twenty five years – six month financial allowance;

from twenty five to thirty years – seven month financial allowance;

over thirty years – eight month financial allowance.

8. For determination of lump sum benefit amount, the years of service for assignment of pension payment for years of service in calendar calculation shall be accepted.

The lump-sum allowance is calculated based on the official salary paid for the last full-time position, an additional payment for a special rank or class rank on the day of dismissal from service.

Upon dismissal of a servant of law enforcement body after repeated (the following) admission at service into law enforcement bodies, upon determination of amount of lump-sum benefit, the period of service for which the payment of lump-sum benefit (retirement pay) was not made, shall be accepted.

9. Payments of surcharges for special ranks or class ranks - to persons of middle, senior and higher commanding staff of law enforcement agencies (with the exception of customs authorities) dismissed from service upon reaching the age limit, for health reasons or in connection with the reduction of staff are made in case of dismissal without the right to pension payment for years of service, along with the payment of lump-sum benefits, within one year from the date of dismissal from service. Payments are made by the financial department of the law enforcement agency at the last duty station of the employee.

At the same time, if during the specified period surcharges for special ranks or class ranks are increased to persons of the commanding staff of law enforcement agencies who are in service, the amounts of these surcharges paid to persons of the middle, senior and higher commanding staff of law enforcement agencies (with the exception of customs authorities) who are dismissed without the right to pension payments for years of service are also increased accordingly.

10. For the law enforcement officers awarded during the period of law enforcement service with the state award of the Republic of Kazakhstan, the amount of a one-time allowance upon dismissal increases by two monthly salaries.

Footnote. Article 81 as amended by the Law of the Republic of Kazakhstan, dated 23.04.2014 No 200-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication).

## **Article 82. Retirement age of service in law enforcement bodies**

1. Persons may serve in law enforcement bodies before attainment of the following retirement age:

- 1) major, junior council – forty eight years;
- 2) half colonel, councils – fifty years;
- 3) colonel, senior councils – fifty five years;
- 4) persons of superior commanding personnel – sixty years.

1-1. Excluded by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII ( shall be enforced sixty calendar days after the date of its first official publication).

2. Servants, having high professional training, work experience on the held office and able on health condition for service, the period of service shall be extended from one to five years with their agreement by the head of law enforcement body or authorized head that is afforded by the right of appointment to offices.

In exceptional cases, this term may be extended repeatedly for servants from one to five years in the same manner, and several of them having the academic degrees or ranks – from five to ten years under decision of the head of law enforcement body or authorized head, having the right of appointment to the relevant offices.

Decision on extension of the term of staying at service shall not exclude the possibility of dismissal of a servant from law enforcement bodies on the grounds, provided by the Law.

3. A prosecutor's office servant, who has reached the age limit for serving, fit for health reasons to serve, by decision of the Prosecutor General of the Republic of Kazakhstan or an authorized official, shall have the right to continue serving until reaching the retirement age established by the Social Code of the Republic of Kazakhstan.

By this, the decision on extension of the term of staying at service upon attainment of the pension age shall not exclude the possibility of dismissal of a servant from the prosecution bodies on the grounds, provided by the Law.

Footnote. Article 82 is in the wording of the Law of the Republic of Kazakhstan dated 21.05.2013 № 93-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 07.11.2014 № 248-

V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

## **Chapter 12. FINAL PROVISIONS**

### **Article 83. Financial and logistical support of law enforcement bodies**

Financial and logistical support of law enforcement bodies shall be carried out at the state budget expense in the manner prescribed by the legislative acts of the Republic of Kazakhstan, and (or) the Special State Fund, determined by the legislation of the Republic of Kazakhstan on the return of illegally acquired assets to the state.

**Footnote. Article 83 as amended by the Law of the Republic of Kazakhstan dated 12.07.2023 № 23-VIII (shall be enforced ten calendar days after the date of its first official publication).**

### **Article 84. Transitional provisions**

For servants awarded by special ranks, class ranks before enforcement of the Law, the terms of service in these special ranks, class ranks shall be calculated in accordance with the legislation, being in effect before enforcement of the Law.

Effect of the chapter 9 of the Law in the part of pension benefits, preferential tax treatment, payment of monetary allowance during their temporary disability, pecuniary compensation for the maintenance of dwelling place and payment of public services shall not apply to servants of customs bodies, and shall apply to prosecution bodies from 1 January, 2012.

This Law applies to the State courier service of the Republic of Kazakhstan and its employees, with the exception of articles 3, 4, 5, 9, 33-1, 45-1, sub-paragraphs 2), 3), 4), 7) and 8) of paragraph 1 of article 60, sub-paragraphs 1), 3), 4), 5), 6) and 8) of paragraph 1 of Article 61, subparagraphs 3) and 3-1) of Article 69, paragraph 5 of Article 72, Article 75, subparagraph 12-1) of paragraph 1 of Article 80, Article 83 of this Law.

The effect of Article 59, sub-paragraphs 1), 5) and 6) of paragraph 1, paragraphs 1-1, 1-2 and 2 of Article 60, sub-paragraphs 2), 2-1) and 7) of paragraph 1, paragraph 2 of Article 61 and Article 62 of this Law applies to employees of the State courier service of the Republic of Kazakhstan in connection with the performance of their official duties for the implementation of government courier communications to ensure the protection of state secrets.

This Law applies to civil protection bodies and their employees performing the functions of preventing and eliminating natural and man-made emergencies, providing emergency medical and psychological assistance to the population, with the exception of articles 3, 5, 45-1, 59, 60, 61, 62, paragraphs 3 and 3-1 of article 69, subparagraph 12-1) of paragraph 1 of Article 80, Article 83 of this Law.

The positions of privates, junior and middle commanding personnel on a competitive basis when entering the law enforcement service are held until January 1, 2021.

Clause 5 of Article 41 of this Law also applies to legal relations that arose before its entry into force.

Employees of the prosecutor's office, dismissed from service before January 1, 2012, are entitled to pension payments for long service in accordance with the pension legislation of the Republic of Kazakhstan. The amount of pension payments is established on the date of dismissal from the service, taking into account annual increases made in the manner established by the pension legislation of the Republic of Kazakhstan, payment is made from the date of application for assignment of pension payments for length of service.

Employees of the rank-and-file and junior commanding staff of the internal affairs bodies, the penal enforcement system, the financial police, civil protection, and the state fire service who retired from service in the period from 2003 to 2016, having a total work experience of twenty-five or more years at the date of dismissal, of which at least twelve years and six months constitute continuous military service, service in special state and law enforcement agencies, state courier service, and those who are dismissed upon reaching the age limit for service in law enforcement agencies or for redundancy or health reasons are entitled to pension payments for years of service. The amount of pension payments is established on the date of dismissal from service and payment is made from the date of applying for the appointment of pension payments for years of service, taking into account increases made in accordance with the procedure established by the pension legislation of the Republic of Kazakhstan.

**Footnote.** Article 84, as amended by the Law of the Republic of Kazakhstan, dated 23.04.2014 No 200-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated December 27, 2019 № 292-VI (the order of enforcement see Article 2); dated 29.06.2021 № 58-VII (shall be enforced upon expiration of ten calendar days after the day of its first official publication); dated 12.10.2021 № 67-VII ZRK (shall be enforced upon expiration of ten calendar days after the day of its first official publication); dated 11.07.2022 № 136-VII (for the procedure of entry into force, see Article 2).

## **Article 85. Procedure for enforcement of the Law**

The Law shall enter into force upon expiry of ten calendar days after its first official publication.

*The President  
of the Republic of Kazakhstan*

*N. Nazarbayev*