

## **On Military Service and Status of Military Servants**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 16 February 2012 № 561-IV.

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Footnote. Through the whole text, the words “auls (villages)” are substituted respectively by the words “villages” by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 № 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Throughout the text, the words "in higher educational institutions," "of higher educational institutions," "of a higher educational institution," "of higher educational institutions" shall be replaced by the words "organization of higher education and (or) postgraduate education," "in organizations of higher and (or) postgraduate education," "organizations of higher and (or) postgraduate education," "organizations of higher and (or) postgraduate education" by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

This Law regulates public relations in the scope of performance of military service by citizens of the Republic of Kazakhstan and determines the basis of state policy on social security of military servants.

## **Chapter 1. GENERAL PROVISIONS**

### **Article 1. Basic definitions used in this Law**

The following basic definitions are used in this Law:

1) adjunct - a military of officers and sergeants studying at a foreign military educational institution implementing educational programs of postgraduate education;

1-1) individuals of civilian personnel (employees) - citizens of the Republic of Kazakhstan who are in public service or are in labor relations in the Armed Forces of the Republic of Kazakhstan, other troops and military formations (hereinafter referred to as the Armed Forces, other troops and military formations);

2) variable composition - a category of military personnel of the Armed Forces, other troops and military formations studying in military, special educational institutions that are not part of the staff of the Armed Forces, other troops and military formations;

3) military personnel serving on conscription - citizens of the Republic of Kazakhstan called up for military service in the Armed Forces, other troops and military formations for the period provided for by this Law;

4) deferral – transfer of the period of the citizens’ calling to military service on the grounds, provided by this Law;

5) prospective conscripts – citizens of the Republic of Kazakhstan of male sex, undergoing training for military service before military registration;

6) conscripts – citizens of the Republic of Kazakhstan of male sex, assigned to draft offices of local bodies of military administration of districts (cities of oblast significance) and being subject to call to Armed Forces;

7) military rank – a rank of military differences, awarded to a military servant and draftee;

8) military card – single unlimited personal accounting military document of a citizen, determining his (her) accessory to military service and regard to military obligation;

9) staff of a military unit (institution) - a document determining the composition, organizational and staffing structure, the number of personnel and the number of fixed main weapons and military equipment in accordance with the cadaster of weapons and military equipment of the Armed Forces, other troops and military formations;

10) military registration – recording and analysis system of quantitative and qualitative data on conscripts, military servants and mobilization resources;

11) military trainings – measures, conducted by bodies of military administration on military education, acquisition and improvement of military knowledge of draftees with their calling to their military units for the purpose of increase of military battle and mobilization readiness of Armed Forces.

Military trainings are divided into:

active duty trainings – type of military trainings, conducted for the purpose of training and retraining of draftees, conscripts upon entering into military educational institutes (on military faculties) and students of senior divisions of higher educational institutes;

verifying trainings – type of military trainings, conducted for the purpose of verifying the readiness of military units, intended for performance of tasks in organizational and staff structure of wartime;

special trainings – type of military trainings, conducted for the purpose of performing measures on liquidation of emergency situations and their consequences and in other cases, determined by the President of the Republic of Kazakhstan;

12) the military intern – the serviceman studying in a military internship;

13) a military internship – the form of training of the military personnel on clinical specialties within basic higher medical education for receiving admission to clinical practice which is carried out by structural division of the highest military educational institution;

14) military department – a department at the organization of higher and (or) postgraduate education of the Republic of Kazakhstan, which carries out military training of citizens according to the programs of reserve officers and reserve sergeants;

15) military uniform – official uniform with badges of ranks (issue clothing) and equipment, approved by the President of the Republic of Kazakhstan, determining accessory of military servants to Armed Forces;

16) military service – special type of state service of military servants of Armed Forces, oriented to immediate ensuring of military security, linked with armed protection of sovereignty, territorial integrity and inviolability of borders of the Republic of Kazakhstan;

17) dismissal from military service – exclusion of a military servant from the lists of military unit (institution) with admission to stock or resignation on the grounds, provided by this Law;

18) contract on performance of military service – the agreement between the authorized body and a citizen of the Republic of Kazakhstan on performance of military service in voluntary basis, establishing the rights, obligations and responsibility of parties for the period of performing the military service by a citizen;

19) dismissal from military service - exclusion of a military personnel from the lists of a military unit (institution) with admission to the reserve or resignation on the grounds provided for by this Law;

20) military servants – citizens of the Republic of Kazakhstan being at military service in Armed Forces;

21) military position - a regular unit of the Armed Forces, other troops and military formations, which is entrusted with official powers, official and special duties to perform the functions of military service;

22) draftees – citizens of the Republic of Kazakhstan, being on military registration and in stock until the age of retirement to be on military registration;

23) military reserve (hereinafter referred to as the reserve) - military personnel of the age established by this Law, who are registered with local military administration bodies of districts, cities of regional significance, used for the purpose of understaffing, mobilization and replenishment of losses of the Armed Forces, other troops and military formations during the period of mobilization, military situation and in wartime;

24) military obligation – constitutional obligation of citizens of the Republic of Kazakhstan on protection of the Republic of Kazakhstan;

25) military educational institution - an educational organization subordinate to the Ministry of Defense, the Committee of National Security and the National Guard of the Republic of Kazakhstan and implementing educational programs at various levels;

25-1) higher-education teaching personnel of military educational institutions - military servants and members of civilian staff of the Armed Forces engaged in educational, scientific, methodological activities;

25-2) military resident doctor – a military serviceman studying within the framework of the residency educational program under the supervision of a mentor of a medical organization;

26) basic military training – mandatory subject of study (educational subject) on military fundamentals to robotics and IT technologies in the organizations of secondary, technical and professional education determined by authorized body in the field of education;

27) a field day – classes in programs of combat, mobilization and expeditious training in field conditions and also performance of special field works for the benefit of Armed Forces, other troops and military formations;

28) the doctoral candidate – the serviceman studying in doctoral studies;

29) years of service – duration of the military servant's being at military service, to service in special public and law enforcement agencies, courier service and also in other cases provided by laws of the Republic of Kazakhstan, calculated as both in calendar and concessional calculation;

30) general military education – compulsory education of citizens of the Republic of Kazakhstan of military education for the period of imposing martial law;

31) personnel - military personnel and persons of civilian personnel (employees);

32) cadets – military servants, not having a military rank of officer studying in educational centres, military faculties of educational institutes (hereinafter - military faculties) , military educational institutions implementing the programs of secondary technical and professional, post-secondary and higher education;

33) military servants performing military service under the contract – citizens of the Republic of Kazakhstan, voluntarily entered into military service in Armed Forces for the term, determined by this Law;

34) the cadet – the serviceman studying in the military educational institution implementing educational programs of the higher education or in foreign military educational institution after which termination the first military rank of officers is given;

35) course training – the form of professional education of military servants, including increase of professional level, qualification and retraining, oriented to improvement of their military ranks, practical skills;

35-1) Presidential Reserve of the High Command of the Armed Forces - a list of military servants of the Armed Forces underwent a special selection procedure, defined by the Rules of Military Service in the Armed Forces, other troops and military formations approved by the President of the Republic of Kazakhstan (hereinafter referred to as - the Rules of performing the military service), promotion to the posts of High Command of the Armed Forces;

36) active reserve – military servants, performing imposed operating tasks within intelligence activity;

37) the specialized organization of the Ministry of Defence – the organization which is carrying out preparation, retraining of citizens on military and technical and other specialties

for training of recruits, persons liable for call-up at gratuitous, paid bases and also in control of vehicles on the basis of economic activity and according to educational programs of technical and professional education;

38) the undergraduate – the serviceman studying in a magistracy;

39) compulsory military service – military service of citizens of male sex, based on their calling to Armed Forces to military positions of private and non-commissioned personnel in the manner, determined by this Law;

40) resignation – status of persons, dismissed from military service or excluded from military registration, attained the age of retirement of being in stock, or persons, condemned as unserviceable for military service with the exclusion from military registration;

41) officers – military servants awarded by the relevant military ranks of officer personnel ;

42) psychophysiological and polygraphological researches – the set of test measures, oriented to overall assessment of individual and psychological and psychophysiological qualities of military servants and citizens of the Republic of Kazakhstan, carrying out upon selection for performing military service in military intelligence bodies of the Ministry of Defence, as well as on positions, which is approved by the head of authorized body;

43) rotation – transfer of military servants on equal and other positions in Armed Forces;

44) soldiers (sailors) - military personnel who are assigned the corresponding military ranks of ordinary personnel;

45) sergeants (foremen) - military personnel who are awarded the corresponding military ranks of sergeant personnel;

46) educates – citizens of the Republic of Kazakhstan, studied in organizations of general secondary, post-secondary education with additional educational programs on military education;

47) going to sea - going out to the crews of ships, boats and ships, military personnel at sea to perform tasks;

48) authorized official – an official provided by the right to conclude the contract of performing the military service in the manner, determined by the Rules of performing the military service;

49) the authorized body – state body, in structure of which the performance of military service is provided;

50) organizational and regular actions are the events held in Armed Forces, other troops and military formations on creation, elimination, reorganization, a re-deployment, resubmission, change of states of public institutions and their structural divisions and also for change of structure and number of staff of Armed Forces, other troops and military formations;

51) the uhlan – the person studying at the first or second year in the military educational institution implementing educational programs of technical and professional education on the basis of the main secondary education.

Footnote. The article 1 n the wording of the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 165-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2018 № 171-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.06.2020 № 344-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); or 16.11.2020 № 375-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 19.04.2024 № 74-VIII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

## **Article 2. Legal basis of military service in Armed Forces**

1. Legal basis of military service in Armed Forces are the Constitution of the Republic of Kazakhstan, Labour Code of the Republic of Kazakhstan with special aspects, provided by this Law, Laws of the Republic of Kazakhstan, regulating the activity of law enforcement bodies and other regulatory legal acts of the Republic of Kazakhstan.

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

Footnote. The article 2 with the amendments made by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

## **Article 3. Principles of military service and status of military servants**

Principles of military service and status of military servants are:

- 1) legality;
- 2) complete, sufficient and well-timed ensuring of military servants in recognition of conditions of performing the military service for performance of the assigned task;
- 3) protection of rights and freedom of military servant from criminal and other illegal infringements, its inviolability upon fulfillment of obligations of military service;
- 4) individual responsibility and succession;
- 5) independence from the activity of political parties and other public associations.

## **Article 4. Scope of application of this Law**

Force of this Law shall apply to all military servants of the Republic of Kazakhstan, as well as to military servants of the Republic of Kazakhstan performing the military service in the structure of joint (allied) armed forces, as well as peace-keeping forces in accordance with international treaties, ratified by the Republic of Kazakhstan and draftees, called to military trainings.

Force of this Law shall apply to political state employees in the part, not contradicting to the legislation of the Republic of Kazakhstan on state service.

Certain provisions and regulations of this Law on social security of military personnel shall apply to members of their families, persons dismissed from military service, as well as members of the families of military personnel who died, went missing during military service or who have a disability as a result of performing military service duties.

Status of citizens of the Republic of Kazakhstan dismissed from military service from Armed Forces and moved to other states for permanent residence shall be determined by international treaties of the Republic of Kazakhstan with the states, elected for permanent residence.

**Footnote.** The article 4 with the amendments made by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 27.06.2022 № 129-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

## **Article 5. Status of a military servant**

1. Status of a military servant includes general rights, freedoms and obligations of a military servant as a citizen of the Republic of Kazakhstan with withdrawals and restrictions, established by the Law, as well as his (her) rights, obligations and responsibility, conditioned by special aspects of military service.

Withdrawal and restrictions of rights and freedoms, special obligations and responsibility of military servants shall be compensated by additional rights and privileges, established by this Law.

Status of a military servant shall be acquired by citizens:

called to military service (trainings) – from the date of issuance of order of the relevant head on departure from local body of military administration to the place of performing the military service (trainings);

entered into military service under the contract – from the date of issuance of order of a command officer (head) of military unit (institution) on enrollment to the lists of the unit's personnel;

entered into military educational institutions (on military faculties), if they are not military servants before – from the date of issuance of order of a head of educational institution on

enrollment to the lists of educational institute's (military faculty) personnel, and upon entering into foreign military educational institution – from the date of issuance of order of a head of the authorized body on referral to study;

the uhlans who finished the second year of training in the military educational institutions implementing educational programs of technical and professional education on the basis of the main secondary education – from the date of the publication of the order of the chief of military educational institution on training continuation, transfer to a third year and appointment to a military position of variable list of the cadet.

The citizen loses the status of the serviceman from the date of an exception of lists of military unit in connection with dismissal from military service (the end of military collecting ) and also in case of transfer to special public and law enforcement agencies of the Republic of Kazakhstan.

2. Upon fulfilling the duties of military service, the military servants are under protection of the state. They shall be subordinated only to persons who are their heads in accordance with general military charters, and no one else shall have the right to interfere in their service activity, with the exception of cases, provided by the Laws of the Republic of Kazakhstan.

3. Military servant shall be upon fulfilling the duties of military service in cases of:

- 1) fulfillment of official duties;
- 2) participating in combat actions, performance of tasks in conditions of emergency or military situation as well as in conditions of armed conflicts;
- 3) participating in peace-keeping operations on maintenance of peace and safety;
- 4) participating in anti-terrorist operations;
- 5) participating in liquidation of emergency situations;
- 6) field days (days in the sea) participating in training exercises or campaigns of ships;
- 7) being in the territory of military unit within official time established by day plan or in other time, if it is caused by needs of the service;
- 8) being in official trip;
- 9) movement to the place of service and back;
- 10) being under treatment, movement to the place of treatment and back;
- 11) performance of military trainings;
- 12) being in captivity, hostageship or being interned;
- 13) rendering of assistance to law enforcement bodies on protection of rights and freedoms of a human and a citizen, protection of legal order and ensuring of public security;
- 14) being in active reserve;
- 15) stays on professional development, retraining, study, an army training;
- 16) carrying out researches, stays on army and other tests.

Status of military servants upon call of officer personnel shall be determined by the status of military servants under the contract.



Military servant of compulsory military service shall be upon fulfilling the obligations of military service within the whole period of performance of compulsory military service, and a draftee – within the whole period of performance of military trainings.

4. Command officers (heads) shall be prohibited to give the orders (commands) and mandates that do not have regard to fulfillment of obligations of military service or oriented to violation of the legislation of the Republic of Kazakhstan.

5. Military servants shall be issued by identity certificates of a military servant (military cards) and tags with personal numbers for satisfying their status in the manner, established by the authorized body.

6. In confirmation of their personality and powers official IDs of bodies of military investigation of the Ministry of Defence of the Republic of Kazakhstan are given by the serviceman of officers of bodies of military investigation of the Ministry of Defence of the Republic of Kazakhstan authorized to carry out operational search and intelligence activities.

The order of delivery, use and the description of the official ID are defined by the Minister of Defence of the Republic of Kazakhstan.

The official ID of the serviceman of body of military investigation of the Ministry of Defence of the Republic of Kazakhstan confirms its right for carrying and storage of weapons , special means, other powers conferred according to laws of the Republic of Kazakhstan.

7. Service certificates and badges are issued to military personnel of the military police, military prosecutor's office and military investigative bodies in order to perform legally prescribed tasks in confirmation of their identity and authority.

The procedure for issuing, using and describing the service certificate and badge are determined by the head of the authorized body.

The service certificate of military personnel of the military police, military prosecutor's office and military investigative bodies confirms their right to carry and store weapons, special equipment, and other powers granted to military personnel and employees in accordance with the laws of the Republic of Kazakhstan.

**Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 11.04.2014 № 189-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 13.11.2015 № 398-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 14.03.2023 № 206-VII (shall be enforced ten calendar days after the date of its first official publication).**

## **Article 6. Rights of military servants**

1. Military servants shall enjoy all the rights and freedoms, provided by the Constitution and legislation of the Republic of Kazakhstan, in recognition of restrictions, determined by the Laws of the Republic of Kazakhstan.

Military servants shall have the rights to:

1) security at the expense of the state by monetary allowance on the basis of unified labour payment system of workers of the bodies of the Republic of Kazakhstan, maintained at the expense of state budget, approved by the President of the Republic of Kazakhstan in the manner, provided by the chief executive officers of the authorized bodies;

2) on providing at the expense of the state ware and other types of property on the norms approved by the first heads of authorized public authorities in coordination with the central authorized body on budget planning;

3) career advancement in recognition of qualification, abilities, fair fulfillment of own official duties;

3-1) to appeal against their decisions and actions (inaction) to higher officials, as well as to the court in the procedure prescribed by the Laws of the Republic of Kazakhstan;

4) in coordination with the authorized official to come to military educational institutions, to have course training, vocational training, retraining and professional development and also to come not on military specialties (except military personnel of conscription service, cadets and cadets) to the organizations of education implementing training programs of technical and professional, postsecondary, higher and postgraduate education in the order established by the legislation of the Republic of Kazakhstan;

5) protection of health and conditions of service, answering requirements of the safety technique and hygiene;

6) compensation for harm, inflicted to life and health or personal property upon fulfilling the obligations of military service in the manner, determined by the legislation of the Republic of Kazakhstan;

7) to provide housing during the period of military service in accordance with this Law;

8) for storage, carrying and use of special means, weapons in the performance of military service duties;

9) to familiarize themselves with the documents defining their rights, official and special duties;

10) to familiarize themselves with feedback on their official activities and other documents before entering them into a personal file, personal file materials (with the exception of special audit materials containing information constituting state secrets), as well as to introduce their written explanations, other documents and materials to the personal file;

11) to protect their personal data and their family members;

12) for medical support and resort treatment;

13) for pensions and social protection;

14) for proper organizational, technical and sanitary conditions, taking into account the peculiarities of military service;

15) for rest;

16) to carry out pedagogical, scientific or other creative activity.

2. Rules of bearing the weapon by military servants shall be determined by general military charters. In the measure of last resort, military servants shall have the right to apply weapon in person or being composed of subdivisions in cases of:

1) holding off the armed attack to protected military and civilian objects, guards, premises and constructions of military units;

2) suppression of an attempt of forcible acquisition of weapon and military equipment;

3) protection of military servants and civil persons from attack, threatening their life or health, as well as from the attack of animals, if it is impossible to protect them by other methods and facilities;

4) detention of a person, committed the crime, rendering armed resistance or caught during commission of a serious crime, as well as armed person, refusing to perform legal requirements on surrender of weapon, if it is impossible to overcome resistance, detain a criminal or take out the weapon by other methods and facilities;

5) release of hostages, taken protected objects, constructions and special (military) cargos;

6) suppression of the persons' escape from custody in respect of which the measure of restraint is the arrest; convicted to deprivation of freedom, as well as for suppression of attempts of their forcible release;

7) raise of alarm signal or call for help;

8) necessary defence and extreme necessity.

Application of weapon shall provide prevention on intention to apply it, with the exception of sudden armed attack, attack with the use of military equipment, transport facilities, marine and river vessels, as well as escape from custody with the weapon.

Upon application and use of weapon, the military servant shall be obliged to take all possible measures for ensuring safety of surrounding citizens, and in case of necessity to render emergency medical care to injured persons.

It shall be prohibited to apply weapon in respect of women and minor children, with the exception of their committing the act of terrorism, armed attack, rendering armed resistance by them or commission of grouped attack by them, constituting a threat to life of a military servant or other persons, if it is impossible to hold off the attack by other methods and facilities.

On each case of applying or use of weapon, the military servant shall report to command officer (head).

3. The Laws of the Republic of Kazakhstan and the acts of the President of Kazakhstan may provide the other rights to military servants.

**Footnote. The article 6 with the amendments made by the of the Republic of Kazakhstan dated 04.07.2017 № 233-V (shall be enforced dated 01.01.2015); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.06.2020 № 351-VI (shall enter into**

force on 01.07.2021); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

## **Article 7. General obligations of military servants**

1. A military servant shall be obliged to:
  - 1) comply with the Constitution and other regulatory legal acts of the Republic of Kazakhstan, as well as comply with requirements of the general military charters;
  - 2) take a military oath in established manner;
  - 3) carry out orders of command officers (heads) precisely and within the term;
    - 3-1) to execute the decision of the head of authorized body on its rotation as it should be and the terms determined by Rules of passing of military service;
  - 4) participate in the structure of military units and subdivisions of the Armed Forces, joint (allied) armed forces in accordance with international treaties in armed conflicts;
  - 5) be disciplined, watchful and not to allow disclosure of state secrets;
  - 6) comply with conditions of the contract on performance of military service;
  - 7) wear military uniform upon fulfilling the obligations of military service in compliance with the rules of its wearing;
  - 8) comply with requirements and perform normative standards on physical training, approved by heads of the authorized bodies;
  - 9) be able to apply a weapon entrusted to him (her), armament and military equipment, ensure its safety and proper operation;
  - 10) comply with the standards of official ethics established by the legislation of the Republic of Kazakhstan;
  - 11) accept the restrictions established by the Laws of the Republic of Kazakhstan;
  - 12) ensure the safety of military property;
  - 13) submit a report in writing and immediately inform the commander (chief) in cases where the private interests of the military personnel overlap or conflict with his official powers;
  - 14) prevent public speeches that harm the interests of military service;
  - 15) immediately inform the commander (chief) in writing about:
    - intention to accept citizenship of a foreign state;
    - application for withdrawal from citizenship of the Republic of Kazakhstan;
    - the intention of the spouse (spouse) or his close relatives to accept the citizenship of a foreign state and (or) to submit by them an application to withdraw from citizenship of the Republic of Kazakhstan, if he has become aware of this;
  - 16) in case of dismissal from military service for negative reasons, service inconsistency revealed by the results of certification, in connection with the termination of citizenship of the Republic of Kazakhstan, reimburse the state in the procedure determined by the first head of the authorized state body:

money spent on his training in a military, special educational institution, including in a foreign country, advanced training, course training, retraining in military-technical and other specialties;

money equivalent to the amount of the concluded agreement between the Republic of Kazakhstan and the country of study.

2. The official and special duties of officials of the Armed Forces, other troops and military formations shall be determined by the general military charters.

3. Military servant under the contract shall be obliged to place the shares of stock (participatory shares in charter capital) of commercial organizations being in ownership of a military servant and other property, the use of which entails receipt of income into trust within one month after entering into military service for the period of performing the military service, with the exception of money, debenture bonds, units of opened and interval mutual investment funds, legally belonged to him (her), as well as other property, transferred in property lease. Property trust agreement shall be subject to notarial certification.

4. The Laws of the Republic of Kazakhstan and the acts of the President of Kazakhstan may provide the other rights to military servants.

**Footnote. The article 7 with the amendments made by the laws of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 8. Restrictions of rights of military servants, linked with performance of military service**

Military servant shall not have the right to:

1) be a deputy of representative bodies and member of local self-government bodies, be in political parties, trade unions, religious associations, speak in favour of any political party;

2) to engage in other paid activities, except for medical, pedagogical, scientific, and other creative activities that do not interfere with the performance of military service duties;

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 its official duties in accordance with the legislation of the Republic of Kazakhstan, and cases of acquisition and (or) the sale of shares of open and interval mutual investment funds, bonds in 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) in the organized securities market;

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

5) use military property and other means of ensuring his (her) official activity, other state property and service information in non-service purposes;

6) organize and participate in strikes, picketings and other protest actions;

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

8) to hold the position which is in direct subordination of the position held by his close relatives (parents (parent), children, adoptive parents (adopters) adopted (adopted), full and half brothers and sisters, grandfathers, grandmothers, grandchildren), the spouse and (or) cousins-in-laws (full and half brothers and sisters, parents and children of the spouse and also to have in direct submission of close relatives, the spouse (spouse) and (or) cousins-in-laws;

9) refuse or evade a medical examination in medical organizations to establish the fact of use of a psychoactive substance and the state of intoxication in the direction of an authorized leader.

The refusal or evasion of passing of survey attracts dismissal from military service.

**Footnote.** The article 8 with the amendments made by the laws of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 06.10.2020 № 365-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 19.04.2024 № 74-VIII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

## **Chapter 2. TRAINING OF CITIZENS TO MILITARY SERVICE Article 9. Training of citizens to military service**

1. Training of citizens to military service – the set of compulsory measures, conducted by the state bodies with citizens of preinduction and conscriptional ages for the purpose of their learning the basics of military service, as well as with draftees for the purpose of training and retraining on military technical and other military specialties for performance of military service.

2. Training of citizens to military service shall include:

- 1) basic military training;
- 2) military training on additional educational programs;
- 3) training on military technical and other specialties
- 4) military training in the programs of reserve officers and reserve sergeants.

3. Preparation of citizens for military service shall be organized and provided by state bodies in accordance with the legislation of the Republic of Kazakhstan.

4. Heads of organizations shall be obliged to ensure possibility of performing the training to military service by prospective conscripts and conscripts.

5. The procedure for military-patriotic education of citizens shall be determined by the Government of the Republic of Kazakhstan.

**Footnote.** The article 9 with the amendments made by the laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days



after the date of its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 10.06.2020 № 344-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

#### **Article 10. Basic military training**

1. Basic military training shall be conducted with citizens in educational organizations, implementing general education training programs of general secondary education and education training programs of technical and professional, post-secondary education.

2. Citizens being subject to call and not undergone basic military training shall conduct it before call to compulsory military service in accordance with the Rules of training the citizens to military service.

3. Procedure for organizing and conducting, as well as forming educational and material resources of basic military training shall be determined by the Government of the Republic of Kazakhstan.

Footnote. The article 10 with the amendments made by the laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

#### **Article 11. Military training of citizens on additional educational programs in educational organizations**

1. Military training of citizens of the Republic of Kazakhstan on additional educational programs shall be performed in educational organizations, implementing general education training programs of general secondary education and education training programs of technical and professional, post-secondary education.

2. Procedure for performance of military training and ensuring of educates by all types of allowances shall be determined by the Rules of training the citizens to military service.

Footnote. Article 11 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).

#### **Article 12. Training of citizens on military and technical and other military specialties**

Footnote. The article 12 in the wording of the laws of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1. Training on military and technical and other military specialties shall be conducted in specialized organizations of the Ministry of Defence on a non-repayable basis in accordance with requirement of Armed Forces and on a remuneration basis with full or partial compensation of expenses for education.

Upon partial compensation of expenses for education at the expense of the Ministry of Defence, the conduct of instructional firings and ensuring of fuel and lubrication materials.

2. On a non-repayable basis, the citizens able-bodied for military service on health condition, at the age from seventeen years and six months up to twenty six years, subject to call to compulsory military service after graduation or enrolled to mobilization reserve shall be engaged in training on military technical and other military specialties. Allotment to training of junior specialists shall be formed by the authorized body.

3. On a remuneration basis, they shall be engaged in training on military technical and other military specialties:

    draftees able-bodied to military service on health condition, for performing the military service under the contract;

    citizens at the age from twenty two and up to twenty seven years, able-bodied or partially able-bodied to military service on health condition, as well as those having an deferment from calling to military service, for study through the training programs of trained reserve.

4. Adjustment and direction of citizens for study through the training programs of trained reserve in specialized organizations of the Ministry of Defence shall be carried out by local bodies of military administration.

5. Mobilization body of the Ministry of Defence shall bring the state order on training of trained reserve on the base of specialized organizations of the Ministry of Defence on training of trained reserve to local bodies of military administration on the basis of applications, represented by the administration of specialized organization of the Ministry of Defence.

6. Beginning of study of a citizen through the training program of trained reserve is the date of order's issuance of a head of specialized organization of the Ministry of Defence on training of trained reserve on his (her) enrollment.

The citizens who are trained in the specialized organizations of the Ministry of Defence during training do not acquire the status of the serviceman.

7. excluded by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

8. excluded by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

9. excluded by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

10. excluded by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication);



11. For the period of undergoing the lessons in specialized organization of the Ministry of Defence, the employers shall be obliged to provide educational leaves to workers undergoing education in mentioned organizations.

12. Work place (position) shall be preserved for citizens during the period of study through the training program of trained reserve. In this period they may not be dismissed at the initiative of an employer, with the exception of cases of liquidating a legal entity, as well as may not be expelled from educational organization at the initiative of a head of educational organization.

**Footnote.** The article 12 with the amendments made by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

### **Article 13. Military training of citizens according to the programs of reserve officers and reserve sergeants in organizations of higher and (or) postgraduate education**

**Footnote.** Title as amended by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

1. Military training of citizens under the reserve officers program shall be carried out on a free and reimbursable basis, the reserve sergeants program - on a reimbursable basis in accordance with the order of the Ministry of Defense based on the mobilization need of the Armed Forces, other troops and military formations, as well as the need to accumulate a military-trained reserve.

2. Citizens who have completed the full course of military training under the programs of reserve officers and reserve sergeants shall be awarded the military rank of "reserve lieutenant" or "junior reserve sergeant," respectively, in the order determined by the Rules for military service.

3. The procedure for military training of citizens under the programs of reserve officers and reserve sergeants shall be determined in accordance with the legislation of the Republic of Kazakhstan.

**Footnote.** Article 13 in the wording of the Law of the RK dated 10.06.2020 № 344-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

### **Article 14. General military training of citizens**

1. For the purpose of attracting a population to measures of civil defence and training of required contingent for bringing up to strength of Armed Forces in war time, the general military training shall be conducted as follows:

1) men – at the age from sixteen up to sixty yeas included;

2) women not having children or having children over ten years, - at the age from eighteen up to forty five years included.

General military training of citizens shall be carried out by local bodies of military administration at the place of work, education and residence of citizens.

2. Program of general military training shall be approved by the Defence Ministry of the Republic of Kazakhstan.

3. Ministry of Defence shall develop the program and carry out control of measures on general military training of citizens.

**Footnote. The article 14 with the amendments made by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

### **Chapter 3. MILITARY REGISTRATION. ASSIGNMENT OF CITIZENS TO DRAFT OFFICES**

#### **Article 15. Military registration**

1. Citizens shall be subject to military registration, with the exception of:

1) women who shall not have a military accounting specialty;

2) persons dismissed from military service or excluded from military service upon reaching the maximum age of being in reserve or recognized as unfit for military service with the exception of military service;

3) persons serving a sentence of imprisonment;

4) persons permanently residing outside the Republic of Kazakhstan;

5) employees, as well as cadets and students of the military, special educational institutions of law enforcement and special state bodies of the Republic of Kazakhstan.

2. Military registration shall be organized and provided by local executive bodies.

Military registration of military personnel and conscripts shall be carried out at their place of residence or place of temporary stay (residence) by local military administration bodies, and in settlements where they don't exist, military registration shall be provided by akims of settlements, villages, rural districts.

3. Rules of military registration of draftees and conscripts shall be approved by the Government of the Republic of Kazakhstan.

4. Military servants, performing the military service in Armed Forces shall be subject to registration in the relevant bodies of military administration (managing bodies), military units (units) and institutions in the manner, established by the authorized body.

**Footnote. The article 15 with the amendments made by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

## **Article 16. Assignment of citizens to draft offices**

1. Assignment of citizens to draft offices – the measures of military registration, conducted by the relevant local executive bodies together with local bodies of military administration for military registering of prospective conscripts.

2. Citizens of the Republic of Kazakhstan of male sex that attained seventeen years in the year of assignment shall be subject to assignment to draft offices.

3. Assignment of citizens to draft offices and medical certification shall be organized and ensured by akims of oblasts (cities of republican significance and the capital), districts (cities of oblast significance) in the manner, determined by the Rules of military registration of draftees and conscripts and Rules of conducting military physician expertise, approved by the Government of the Republic of Kazakhstan.

4. For establishing the degree of fitness for military service, upon assignment to draft offices, the citizens shall undergo medical examining board in the manner, determined by the Rules of conducting military physician expertise.

Citizens underwent medical examining board shall be accepted to military registration of conscripts by decision of the assignment commission.

Citizens, recognized ineligible for military service with exclusion from military registration by military physician board shall not be accepted to military registration.

5. Citizens shall be released from work (training) for the period, required for performance of obligations, linked with military registration of prospective conscripts with preservation of work place (study) for them, held position and average salary.

6. For conducting assignment of citizens to draft offices in districts (cities of oblast significance) by decision of local executive bodies (akimats) of a district (city of oblast significance), the assignment commissions shall be established in composition of:

1) a chairman of commission – a deputy of a head of local executive body (akim) of district (city of oblast significance);

2) members of commission:

representative of local body of military management of the area, city of regional value;

representative of the relevant territorial division of law-enforcement bodies;

a deputy of a head of the relevant local body of the state health administration – a chairman of medical examining board;

a secretary.

Personnel composition of district (city) commission on assignment, procedure for conduct and ensuring of this work on an annual basis shall be approved by decision of a head of local executive body (akim) of district (city of oblast significance).

The schedule of an addition of citizens to recruiting stations (sites) is approved by the head of local executive body.

Footnote. The article 16 with the amendments made by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

**Article 17. Obligations of civil servants, state bodies, organizations, draftees and conscripts on performing the Rules of military registration of draftees and conscripts**

1. Akims of regions, village, rural district, as well as heads of organizations, in which draftees and conscripts work within their competence shall:

1) notify draftees and conscripts on their call to local bodies of military administration;

2) Is excluded by the Law of the Republic of Kazakhstan dated 08.01.2013 № 64-V (shall be enforced from 01.01.2013);

3) represent the documents, confirming quantitative and qualitative composition of draftees, conscripts and prospective conscripts to the relevant local bodies of military administration of districts (cities of oblast significance);

4) ensure transportation of citizens from other localities to local bodies of military administration of districts (cities of oblast significance) upon conducting assignment of prospective conscripts and calling the citizens to military service.

2. Is excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

3. Internal affairs bodies shall be obliged to carry out detection of persons within their competence, evading from performance of military obligation.

4. Information on military personnel and conscripts about changing the surname, name, patronymic (if it is indicated in the identity document), date, place of birth; on death registration; recognized persons with disabilities; on registration and removal from the registration register of citizens at the place of residence; on the presence or absence of a criminal offense committed by a person, local military authorities of the district (city of regional significance) shall be obtained from the information systems of authorized bodies operating in these areas by ensuring the interaction of information systems of state bodies.

In the absence of interaction between state information systems, information shall be sent to the local military administration bodies of the district (city of regional significance) within three working days.

5. Inquiry and preliminary investigation bodies shall be obliged to inform local bodies of military administration of districts (cities of oblast significance) on draftees and conscripts in respect of whom the inquiry and preliminary investigation are carried out, and courts – on draftees and conscripts in respect of which the court considers the criminal cases, as well as verdicts entered into force in their regard within seven business days.

6. As excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

7. Upon requests of local bodies of military administration, public health organizations shall be obliged to inform details on draftees and conscripts being under hospital treatment and dispensary recording before beginning of conducting the call.

8. As excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

9. Is excluded by the Law of the Republic of Kazakhstan dated 08.01.2013 № 63-V (shall be enforced from 01.01.2013).

10. As excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 08.01.2013 № 64-V (shall be enforced from 01.01.2013); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 27.06.2022 № 129-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

#### **Chapter 4. PERFORMANCE OF MILITARY SERVICE Article 18. Content of military service**

1. Military service shall include:

- 1) military service upon call;
- 2) military service under the contract.

Military service upon call shall include:

- 1) urgent military service of ordinary and sergeants;
- 2) military service of officers called in accordance with Article 32 of this Law;
- 3) military service upon mobilization, military situation, war time and upon performance of military trainings.

Military service under contract shall include:

- 1) military service of military personnel serving under a contract in military positions of ordinary, sergeant and officer personnel;
- 2) military service and training of cadets, undergraduates, adjuncts, Master's and Doctoral students, military interns, military resident doctors of military educational institutions.

2. Citizens called for military trainings shall fulfill obligations of military service.

3. Training time of citizens on full-time departments of educational organizations of law enforcement and special state bodies shall be equated to performance of compulsory service, as well as time for performance of military education in specialized organizations of the Ministry of Defence through the training program of the trained reserve.

4. Military servants shall take the military oath of fealty to people of the Republic of Kazakhstan.

Military servants previously taken military oath shall take it upon call to military trainings and upon mobilization.

Students of military departments shall take the military oath during the training camp.

5. Citizens shall be provided by deferral or be released from military service in cases and manner determined by this Law.

**Footnote.** The article 18 with the amendments made by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 10.06.2020 № 344-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 19.04.2024 № 74-VIII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

#### **Article 19. Composition of military servants and military servants. Military ranks**

1. Military servants and draftees shall be divided into compositions:

- 1) private;
- 2) sergeant;
- 3) officer.

2. The following military ranks shall be established in Armed Forces:

troops ship-borne

1) enlisted personnel

private seaman

private first class senior seaman

2) sergeant personnel

junior non-commissioned personnel

junior sergeant petty officer II class

sergeant petty officer I class

senior sergeant chief petty officer

senior non-commissioned personnel

sergeant III class petty officer III class

sergeant II class petty officer II class

sergeant I class petty officer I class

supreme non-commissioned personnel

staff sergeant staff petty officer  
master sergeant master petty officer  
3) officer personnel  
junior officer personnel  
lieutenant lieutenant  
senior lieutenant senior lieutenant  
captain captain-lieutenant  
senior officer personnel  
major captain III rank  
half colonel captain II rank  
colonel captain I rank  
supreme officer personnel  
general-major real admiral  
general-lieutenant vice admiral  
general-colonel admiral  
general of the army

3. Military ranks of officers having medical or legal specialties shall be added by the words “of medical service”, “of justice” respectively.

4. Military ranks of supreme officer aviation personnel (flying engineering, having engineering and aviation training) shall be added by the word “of aviation”.

5. Military ranks of citizens being in stock shall be added by the word “retired”, and those being resigned – “resigned”.

**Footnote.** The article 19 with the amendments made by the Law of the Republic of Kazakhstan dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

## **Article 20. Procedure for awarding, reduction, deprivation of military rank and restoration in military rank**

Awarding, including accelerated awarding, deprivation of military ranks of military servants and draftees shall be carried out in accordance with the Rules of performing the military service.

Military rank of a person deprived of military rank, with the exception of supreme officer personnel shall be restored exclusively in cases of rendering of acquitting judgement by court or adoption of decision on termination of criminal act on rehabilitating grounds. Military rank of a person, deprived of military rank of supreme officer personnel shall be restored under decision of the Republic of Kazakhstan.

Military rank of a military servant, reduced in military rank shall be awarded in accordance with the Rules of performing the military service.



Terms for length of service in military ranks shall be established:

1) sergeant personnel:

junior sergeants – one year;

sergeants – two years;

senior sergeants and sergeants III class – four years;

sergeants II class – five years,

sergeants I class – six years;

2) officer personnel:

lieutenants - two years, and with a period of study in a military, special educational institution five years - one year;

senior lieutenants – three years;

captains (captain-lieutenants) – four years;

majors (captains III rank) – seven years;

half colonels (captains II rank) – seven years.

Ordinary, senior sergeants, colonels (captains of the first rank) and senior officers shall not be established terms of service in military ranks.

Military rank of employees of law enforcement and special state bodies, entered into military service in Armed Forces in the manner of transfer shall be awarded in the manner of re-attestation determined by a chief executive officer of authorized body, no lower than available special rank.

**Footnote.** The article 20 with the amendments made by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

## **Article 21. Military positions**

1. Military position shall be determined proceeding from main tasks and functions assigned to the Armed Forces.

2. List of military positions and military ranks relevant to them in Armed Forces shall be approved by the President of the Republic of Kazakhstan.

3. Military offices shall be divided into the positions:

1) private personnel;

2) non-commissioned personnel;

3) officer personnel;

4) supreme officer personnel.

4. Recruiting, appointment to military positions, transfer, release from military positions and dismissal of military servants shall be carried out in accordance with the Rules of performing the military service.



In relation to military personnel and persons of civilian personnel (employees) appointed to positions, the list of which has been approved by the first head of the authorized state body, a verification shall be carried out using psychophysiological and polygraphological research in the procedure determined by the first head of the authorized state body.

4-1. The citizen of the Republic of Kazakhstan and the serviceman enlisted in the military educational institution implementing educational programs of technical and professional, higher education (military faculty) is appointed to a military position of the cadet and cadet respectively.

A contract serviceman enrolled in a military educational institution under a postgraduate education program shall be released from the previously held military position and appointed to a military position as a Master's student, Doctoral student, military resident doctor, or adjunct.

4-2. The uhlan transferred to a third year of training and also the citizen on the basis of the general secondary education or the serviceman enlisted in the military educational institutions implementing educational programs of technical and professional, higher education are appointed to a military position of variable list of the cadet or cadet or military intern of Armed Forces respectively.

A contract serviceman enrolled in a military educational institution implementing postgraduate education programs shall be released from the previously held military position and appointed to a variable military position of a Master's student or Doctoral student, Doctoral student, military resident doctor, or adjunct of the Armed Forces, with the exception of those studying using distance learning.

5. Military servant shall perform military service not in military positions in cases of:

1) being at the disposal of commander (head) upon his (her) appointment to other position – no more than two months;

2) being at the disposal of commander (head) due to conducting staffing measures – no more than three months;

3) being at the disposal of commander (head) due to initiation of criminal case in respect of a military servant – until rendering of decision on criminal case;

4) attachment to state bodies, international and other organizations for the purpose of performing the works in the interests of defence and security of the state in accordance with the Rules of performing the military service;

5) being at the disposal of commander (head) due to appointment to position in Defense Attache Office of the Republic of Kazakhstan – until receipt of permitting documents for leaving beyond the boundaries of the Republic of Kazakhstan;

6) being under the head of the authorized body when staying with the spouse - a military personnel or an employee of law enforcement or special state bodies of the Republic of Kazakhstan, sent (directed) to serve, study abroad;

7) excluded by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon the expiry of ten calendar days after day of its first official publication);

8) stays at the disposal of the first head of authorized body of the military personnel who gave the first military rank of officers "lieutenant" in connection with the termination of the highest military educational institution of the foreign state which program of training according to the legislation of the country of training provides an army training, – before the end of an army training;

9) stays at the disposal of the commander (chief) of the military personnel directed and who came to the organizations of education implementing educational programs of postgraduate education for full-time courses – for the period of training;

10) stays at the disposal of the first head of authorized body during military collecting – for the period of passing of collecting.

6. Stay terms at military positions are defined by Rules of passing of military service.

7. During the period of the state, the order shall not count the periods of the military personnel's stay in the annual main vacations, for treatment in military medical (medical) subdivisions, and in case of their absence at the place of military service or the absence of the corresponding departments in them - in medical organizations.

Footnote. The article 21 with the amendments made by the Law of the Republic of Kazakhstan dated 04.07.2014 № 233-V (shall be enforced dated 01.01.2015) dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 08.01.2021 № 410-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 19.04.2024 № 74-VIII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

## **Article 22. Rotation**

1. Rotation of military servants shall be carried out for the purpose of needs of the service or ensuing of more effective use of their professional potential.

2. Rotation of military servants shall be carried out under decision of a head of authorized body in the manner and terms, determined by the Rules of performing the military service.

3. Rotation related to moving to another area shall not be subject to persons who have a spouse (spouse), who (who) have a disability, have (are guardians) children with disabilities, including adopted (adopted), or whose dependents are elderly parents. These circumstances must be confirmed by an act in the procedure determined by the Rules for military service.

Footnote. The article 22 with the amendments made by the Laws of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days

after the date of its first official publication); dated 27.06.2022 № 129-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

#### **Article 22-1. Attestation of military servants**

1. Attestation of military servants of Armed Forces under contract shall be determined by the Rules of performing the military service.

Military personnel of the Armed Forces and bodies of the military prosecutor's office shall undergo a polygraphological examination during certification by decision of the head of the authorized state body in the procedure and terms determined by the Rules for military service.

2. Unscheduled attestation of military servants of Armed Forces under contract shall be conducted under decision of the President of the Republic of Kazakhstan determining its procedure, terms and categories of attested military servants.

Following the results of unscheduled attestation, the attestation commission shall adopt one of the following decisions:

- 1) conforms to held position and recommended for nomination to superior position;
- 2) conforms to held position;
- 3) not conforms to held position and recommended to reduction in position;
- 4) not conforms to held position and recommended to rotation;
- 5) not conforms to held position and recommended to dismissal.

In case of passing normative standards on determining professional suitability and receiving the grade upon testing lower than threshold value, attestation commission shall take one of the following decisions provided by subparagraphs 3), 4) and 5) of this paragraph.

Military servants that didn't attend the meeting of attestation commission for two times without reasonable excuse shall be recommended to dismissal in the manner established by this Law.

Military servants that didn't undergo unscheduled attestation and (or) refused to continue military service in other, as well as inferior positions shall be subject to dismissal in the manner established by this Law.

**Footnote.** Chapter 4 is supplemented by Article 22-1 in accordance with the Law of the Republic of Kazakhstan dated 16.01.2013 № 71-V (shall be enforced from 01.01.2013); with the amendments made by the Laws of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

#### **Article 23. Military uniform and rank badges of military servants**

1. Military uniform and rank badges of Armed Forces shall be approved by the President of the Republic of Kazakhstan.

Military servant shall be ensured by parade, ordinary dress, battle, special uniform and special equipment items.

Rules of wearing military uniform and rank badges of Armed Forces shall be established by the Ministry of Defence of the Republic of Kazakhstan, and special aspects of wearing separate items of military uniform and rank badges shall be established by the chief executive officers of authorized bodies.

Military personnel who have served in the Armed Forces, other troops and military formations for twenty-five years or more on a calendar basis, upon dismissal to the reserve or resignation, shall be allowed to wear military uniforms, with the exception of persons dismissed from military service on the grounds provided for in subparagraphs 9) and 11) of paragraph 1 of Article 26 of this Law.

2. Wearing of military uniform by persons that do not have the right to it shall be prohibited and shall entail responsibility established by the Law.

**Footnote. The article 23 with the amendments made by the Laws of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 24. Terms of military service. Years of service**

1. Terms of military service in chronological order shall be established:

- 1) for military servants of compulsory service – twelve months;
- 2) for officers performing military service upon call – twenty four months;
- 3) military servants performing military service under contract – for the terms mentioned in contract on performance of military service.

2. Years of service shall be calculated in the manner established by the legislation of the Republic of Kazakhstan for the purposes of calculating the length of military service having the right for pension. Calculation of years of service of military servants shall be performed in the manner determined by the Government of the Republic of Kazakhstan.

Time for performing military service not in military positions shall be counted to years of service. Years of service shall be counted to general labour experience and public service period.

Military-servants women left abroad due to following performance of military service (entering to study) of husband-military servant, the stay period abroad shall be counted to years of service.

Before entering into military service in Armed Forces, the years of service of military servants being at service in law enforcement and special state bodies shall be counted in recognition of their work time in law enforcement and special state bodies in positions providing awarding of military or special ranks, class ranks.

In an experience of public service, including law-enforcement service, time in the period of which the public servant, the employee of law enforcement agency were temporarily appointed to a military position in public authority in which structure passing of military service and also time of their translation from one public authority is provided in other public authority is set off.

For the persons which arrived on public service, time of passing of military service and the period of appointment to a military position are set off in an experience of public service.

Military service shall be considered continuous if no more than three months have passed from the date of dismissal of military personnel from military service, an employee from service from law enforcement and special state bodies, the state courier service of the Republic of Kazakhstan and until the day of his admission to military service, provided that he has no labor relations with other individuals and legal entities during the specified period. In this case, the specified period is not counted when calculating the length of service for determining the official salary and (or) length of service for assigning pension payments for the length of service.

**Footnote.** The article 24 with the amendments made by the Laws of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

## **Article 25. Ages of retirement of military servants at military service**

1. Ages of retirement of military servants at military service shall be established:
  - 1) military personnel of ordinary and junior sergeants - forty-five years;
  - 2) military servants of senior non-commissioned personnel and officer personnel up to half colonel (captain II rank) included – forty seven years;
    - 2-1) to lieutenant colonels – forty eight years;
  - 3) military servants of superior non-commissioned personnel and colonels (captains I rank ) – fifty five years;
  - 4) general-majors (real admirals), general-lieutenants (vice admirals) – sixty years;
  - 5) general-colonel, admirals and generals of the army – sixty three years.
2. Military personnel who have reached the maximum age of their condition in military service shall be subject to dismissal from military service to the reserve or resignation in the procedure established by the Rules for military service.

Military personnel with high professional training, experience in his position, and fit for health reasons for military service, who has reached the age limit of his condition in military

service, according to his report, the first head of the authorized state body can extend the term of military service by concluding a new contract with him on military service for up to five years.

The decision to extend the period of military service shall not exclude the possibility of dismissal of military personnel from the Armed Forces, other troops and military formations on the grounds provided for by this Law.

Military personnel appointed to the post by the President of the Republic of Kazakhstan and who has reached the age limit for military service, if he is fit for health reasons for military service on the basis of a report submitted by him, the term of military service can be extended by the President of the Republic of Kazakhstan to five years.

3. During the period of mobilization, military situation and in wartime, the age limit for military personnel in military service shall be increased in accordance with the age limit for staying in reserve. At the same time, contracts concluded with them for military service shall be recognized as valid until the end of the mobilization period, military situation and wartime.

**Footnote. The article 25 with the amendments made by the Laws of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 26. Dismissal from military service**

1. Dismissal of a military personnel from military service shall be carried out on the following grounds:

- 1) upon reaching the maximum age of the state in military service;
- 2) after the expiration of military service on conscription;
- 3) after the expiration of the contract on military service;
- 4) for health reasons in connection with the conclusion of the military medical commission on recognition as not fit or limited to military service;
- 5) in connection with the reduction in the staff of a military unit (institution) if it is impossible to appoint to other equivalent military positions and the refusal of a military personnel to be appointed to a lower military position;
- 6) in connection with the transfer to the civil service or to state institutions, with the exception of transfer to law enforcement or special state bodies of the Republic of Kazakhstan ;
- 7) in connection with the termination of citizenship of the Republic of Kazakhstan;
- 8) due to the impossibility of further military service based on the results of a special audit of the authorized state body;
- 9) on official nonconformity revealed as a result of certification;
- 10) in connection with expulsion from a military or special educational institution, except for cases of expulsion of graduates of military educational institutions implementing technical

and vocational education programs, as well as military interns, military resident doctors, Master's students, Doctoral students, and adjuncts;

11) for negative reasons;

12) in connection with the abolition of the state of emergency for persons who served the prescribed period.

2. Dismissal of a military personnel from military service for negative reasons shall be carried out in cases of:

1) entry into force of a court conviction for committing a crime;

2) exemption from criminal liability for the commission of a crime on the basis of paragraphs 3), 4), 9), 10) and 12) of the first part of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan;

3) establishing in the performance of military service duties the fact of use of a psychoactive substance or a state of intoxication, confirmed by the results of a medical examination conducted in a medical organization, as well as refusal or evasion of its service;

4) establishing the fact of non-medical use of narcotic drugs, psychotropic substances, their analogues during off-duty hours, confirmed by the results of a medical examination conducted in a medical organization;

5) systematic (two or more times) violation of the terms of the contract on military service ;

6) failure to provide or distort the information specified in paragraph 2 of Article 38 of this Law, regardless of the date of commission;

7) deprivation of military rank in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

8) absence of a military personnel of a special state body or internal affairs body of the Republic of Kazakhstan in service without a valid reason for three or more hours at once;

9) violation of the established requirements for ensuring the secrecy regime, which resulted in the disclosure or loss of information constituting state secrets, secret carriers;

10) defined by the labor legislation of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On combating corruption";

11) committing an offense that discredits military service.

Offences that discredit military service shall be the actions of a military personnel, including those not related to the performance of the duties of military service, but clearly undermining the authority of military service in the eyes of citizens, namely:

the use of official position for personal selfish purposes;

engaging in any business activity, including commercial mediation, except where it is their official and special duties in accordance with the legislation of the Republic of Kazakhstan;

performance of works and provision of services using the official position and receiving remuneration for this;



the commission of guilty actions by military personnel directly serving budget funds or state property, if these actions give grounds for the loss of confidence in him by an authorized official;

the appearance of a military personnel in military uniform in a public place in a state of alcoholic or other intoxication caused by non-medical use of narcotic drugs, psychotropic substances, their analogues, insulting human dignity and public morality;

participation in gambling of a monetary or other property nature.

3. Military personnel serving in military service under a contract shall have the right to early dismissal from military service:

1) in the event of a significant and (or) systematic (two or more times) violation of the terms of the contract on military service;

2) for family reasons with:

the impossibility of living of a member of his family for medical reasons in the area in which he shall undergo military service, and in the absence of the possibility of his transfer to a new place of military service;

changing the place of military service of the spouse - military personnel (spouse - military personnel) related to the need to move the family to another settlement;

the need for constant care of the spouse, close relatives who shall be in need of health in accordance with the conclusion of the medical organization at their place of residence in constant care or who are persons with disabilities of the first or second group, or persons who have reached the generally established retirement age established by the legislation of the Republic of Kazakhstan or have not reached eighteen years, in the absence of other persons obliged by the Law to support these citizens;

the need to care for a child (children) who has not reached (not reached) eighteen years old, whom (whom) the military personnel bring up without a mother (father);

3) in case of election or appointment to the representative bodies of the Republic of Kazakhstan;

4) in case of election or appointment to the post of judge.

4. Military personnel shall retire from military service on the grounds provided for in sub-paragraphs 2), 4) and 7) of paragraph 1, sub-paragraphs 1) and 2) of paragraph 2, and sub-paragraphs 3) and 4) of paragraph 3 of this Article.

5. Military personnel of military service shall have the right to early dismissal in cases:

1) the right to reprieve due to a change in marital status, with the exception of individuals who applied for a refusal to reprieve in accordance with paragraph 9 of Article 35 of this Law or for exemption from conscription;

2) leaving for permanent residence as part of a family abroad or for reunification with a family permanently residing outside the Republic of Kazakhstan, in the presence of supporting documents granting the right to leave in accordance with the Laws of the Republic of Kazakhstan.



6. Military personnel serving in military service upon conscription of officers shall have the right to early dismissal from military service in the presence of the circumstances provided for by subparagraphs 1) and 2) of paragraph 2 of Article 35 of this Law.

7. The deceased (dead) military personnel shall be excluded from the lists of the military unit (institution) from the day after the documented date of death (death), and the military personnel, recognized by the court as missing or declared dead, from the day the court decision shall enter into force.

8. The dismissal from military service of a military personnel who has served the established terms is suspended in the event of a state of emergency or military situation for the period of its operation.

At the same time, the contract concluded with him on military service shall be recognized as valid during the period of emergency or military situation.

9. Military personnel undergoing military service under a contract, upon dismissal from military service upon reaching the age limit of his condition in military service, for health reasons or in connection with a reduction in the staff of a military unit (institution), a weekend (one-time) allowance shall be paid in the amount that has the length of service:

- less than 10 calendar years, - three-month cash content;
- from 10 to 15 calendar years, - four-month cash content;
- from 15 to 20 calendar years, - five-month cash content;
- from 20 to 25 calendar years, - six-month cash content;
- from 25 to 30 calendar years, - seven-month cash content;
- over 30 calendar years, - eight-month cash content.

At repeated revenues to military service under the contract the amount of a severance (single) pay shall be defined with earlier paid severance (single) pay, except for cases when this severance (single) pay at dismissal from military service or from service from law enforcement and special public authorities of the Republic of Kazakhstan wasn't paid earlier.

Or for health reasons the severance pay is paid to the military personnel of conscription military service at dismissal from military service after the term of military service at a rate of one monthly settlement indicator, and to the specified military personnel from among orphan children and children without parental support, – at a rate of five monthly settlement indicators.

To the military personnel who shall be awarded the order (awards) of the Republic of Kazakhstan or the former Union of Soviet Socialist Republics for participation in fighting, anti-terrorist and (or) peacekeeping operations, the amount of a severance pay increases by two salaries of monetary pay.

To the military personnel of officers passing military service under the contract and dismissed from military service on reaching age limit of a state on military service, for health reasons or in connection with reduction of the staff of military unit (establishment) in the absence of the right for pension long-service bonuses along with payment of a severance (

single) pay within one year from the date of dismissal from military service the payment of a salary for a military rank remains.

At the same time if during the specified term salaries on a military rank the military personnel raise, the sizes of these salaries paid to the military personnel of officers dismissed from military service respectively increase.

10. The military personnel of ordinary and non-commissioned officer's structures who arrived on military service under the contract according to paragraph 6 of Article 37 of the Law, the cadets who didn't serve an established period of conscription military service, didn't reach twenty-six-year age, but aren't younger than eighteen years, the served or studied less than one year and dismissed from military service under the contract or expelled from military, special educational institutions in accordance with the established procedure goes to military units (institutions) for passing of the remained term of conscription military service, but not less than for three months.

Cadets who were earlier not undergoing conscription military service, didn't reach eighteen-year age, studied less than one year and expelled from military, special educational institutions go to local bodies of military management for the residence or the place of temporary stay (accommodation) for setting on military accounting of recruits for an appeal of an established order to military service for passing of the remained term of conscription military service, but not less than for three months.

Training time for the cadets expelled from military, special educational institution shall be set off conscription military service in time.

The cadet expelled from military, special educational institution for poor progress, indiscipline, on the initiative, as a result of dismissal from military service for negative motives, in connection with the termination of citizenship of the Republic of Kazakhstan and also the contract on passing of military service which refused to sign, shall be obliged to compensate to the state the money corresponding to costs of providing with food, payment of a grant and journey during his training in military, special educational institution except for expenses of the first year of training.

The specified obligations don't extend to the cadets and cadets deducted within the first year of training in military, special educational institution and not transferred to the following course, sent in accordance with the established procedure to military units (institutions) for passing of the remained term of conscription military service.

The enforcement proceedings instituted under the judicial acts which took till January 1, 2018 legal effect concerning collecting in income of the state of money from the deducted cadets and cadets stop in the order established by the Law of the Republic of Kazakhstan " About Enforcement Proceeding and the Status of Bailiffs".

Recovery suits in income of the state of the money provided by a part of the fourth of the present point move on the cadets and cadets deducted after January 1, 2018.

Restoration in military, special educational institution or revenues to military service under the contract is the basis for suspension of collecting the money spent for training for training and (or) passing of military service under the contract. After ten years of military service (for flight personnel – fifteen years) under the contract in calendar calculation without the training period in military, special educational institution the collecting the money spent for training stops.

A soldier who graduated from a military, special educational institution, in case of dismissal from military service for negative reasons, in connection with the termination of citizenship of the Republic of Kazakhstan or due to official non-compliance, revealed by the results of certification, is obliged to reimburse the state for money corresponding to the costs of providing food, the payment of scholarships and travel of cadets and cadets during their training in the military, special educational institution, with the exception of the costs of the first year of study, proportionally for each full underserved month before the end of the contract for military service.

Graduate of a military, special educational institution implementing technical and professional education programs (on the basis of basic secondary education), in cases of non-admission to a military, special educational institution implementing higher education programs, and refusal to further military service is sent to military units (institutions) for the remaining period of military service, but for at least three months, without reimbursement of the money spent on his training.

The procedure for reimbursing the state for money spent on training a military man in military, special educational institutions is determined by the first head of the authorized state body, in the structure of which there is a military, special educational institution.

In the event of dismissal of a military personnel of the Armed Forces, other troops and military formations or an employee of law enforcement or special state bodies of the Republic of Kazakhstan who graduated from a military, special educational institution and did not serve ten years after graduation (for flight personnel - fifteen years) for negative reasons, in connection with the termination of citizenship of the Republic of Kazakhstan or due to an official discrepancy revealed as a result of certification, state bodies shall be obliged to notify the state body, which includes a military, special educational institution, within one month.

11. A military personnel who shall undergo military service under a contract in military positions of ordinary and sergeant personnel, who has exercised the right provided for by Article 47 of this Law, upon dismissal from military service for negative reasons, in connection with the termination of citizenship of the Republic of Kazakhstan or due to official inconsistency revealed by the results of certification, shall be obliged to reimburse the money spent on his training in organizations of higher and (or) postgraduate education.

12. A military personnel of military service shall be subject to dismissal before the expiration of the term of military service in the event of a postponement of his conscription in

connection with the introduction of a state of emergency in the procedure prescribed by the legislation of the Republic of Kazakhstan.

13. Individuals dismissed from military service shall have the right to appeal the decision on dismissal in the procedure prescribed by the Laws of the Republic of Kazakhstan.

**Footnote. Article 26 – in the wording of the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 № 129-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 19.04.2024 № 74-VIII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

#### **Article 26-1. Presidential Reserve of the High Command of the Armed Forces**

1. The Presidential Reserve of the High Command of the Armed Forces shall be formed for the purpose of the qualitative selection of military servants for holding the posts of the High Command of the Armed Forces.

2. The order for formation of the Presidential Reserve of the High Command of the Armed Forces shall be determined by the Rules of Military Service.

**Footnote. Chapter 4 is supplemented by Article 26-1 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2018 № 165-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Chapter 5. MILITARY SERVICE UPON CALL Article 27. Call of citizens to military service**

1. Call of citizens to military service – a set of measures conducted by state bodies oriented to recruiting by personnel of Armed Forces on the basis of military obligation.

2. Call of citizens to military service shall include:

- 1) call of citizens to compulsory military service;
- 2) call of retired officers to military service;
- 3) call to military trainings;
- 4) call upon mobilization, upon military situation and in war time.

3. Call of citizens to military service shall be organized and ensured by local executive bodies.

Local executive bodies shall ensure bodies of military administration by equipped conscription (assemble) offices, their maintenance, supply by medication, tools, fire-fighting, medical and economic property, automobile transport, as well as means of communication and protection.

For conducting a call of citizens to military service, draft committees shall be created in the manner established by this Law.

Procedure for organizing and conducting call of citizens to military service shall be determined by the Government of the Republic of Kazakhstan.

4. Heads of organizations shall be obliged to revoke citizens subject to call from business trips, organize notification and well-timed arrival to conscription office for conduct of medical certification of citizens upon their call to military service.

5. Call to military service of citizens of the Republic of Kazakhstan, temporary residing abroad shall be carried out in the manner established by this Law upon arrival to permanent place of residence in the Republic of Kazakhstan in the absence of the right to deferral or release from call.

6. A citizen shall be recognized as called to military service from the moment of issuing the order of a head of local body of military administration of oblast (city of republican significance or the capital) on his (her) call to military service.

7. Excluded by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Footnote. The article 27 with the amendments made by the Laws of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

## **Article 28. Draft committees**

1. The draft commissions of areas, cities of regional value, areas, cities of republican value, the capital are formed for carrying out an appeal according to the decision of local executive bodies in structure:

1) the chairman of the commission – the deputy head of local executive body (akim) of the area, the city of regional value, the area, the city of republican value, the capital;

2) members of the commission:

chief of local body of military management of the area, city of regional value, area, city of republican value, capital;

representative of the relevant territorial division of law-enforcement bodies;

the deputy chief of the relevant local governing body of health care (chief physician) of the area, the city of regional value, the area, the city of republican value, the capital – the chairman of medical commission;

secretary.

Also other representatives of public authorities and public associations can be a part of the draft commissions. The numerical structure of the draft commission has to be odd.

The structure regional, the cities of republican value, the capital of the draft commission joins the deputy head of territorial authority of Committee of national security of the Republic of Kazakhstan.

The schedule of carrying out an appeal of citizens on military service is approved by local executive body.

Members of the draft commission on conscription military service bear responsibility according to laws of the Republic of Kazakhstan for an illegal appeal of citizens.

2. Oblast (city of republican significance or the capital) draft committee shall:

1) carry out management and control of the activity of district (city of oblast significance) draft committees;

2) verify accuracy of representing deferrals and releases from call to military service to citizens;

3) excluded by the Laws of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

4) excluded dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

5) consider complaints and applications of citizens for decision of district (cities of oblast significance) draft committees;

6) cancel decisions of district (cities of oblast significance) draft committees.

3. According to the results of a medical examination, the district (cities of regional significance) draft commission in relation to the conscript shall make one of the following decisions:

1) shall be called up for military service;

2) grant a deferral from conscription;

3) exempt from conscription for military service;

4) release from military duty.

The decision of the draft commission shall be announced within one day to a citizen subject to conscription for military service, a copy of the decision shall be handed out at his request.

The decision of the draft commission can be appealed by a citizen in the procedure established by the Laws of the Republic of Kazakhstan.

4. Heads of authorized bodies shall recall decision of draft committee on call in respect of persons ineligible for military service according to health condition, and shall return them to draft committees with representation of substitution before taking military oath by them.

**Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 16.01.2013 № 71-V (shall be enforced from 01.01.2013); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.06.2020 № 351-VI (shall enter into force on 01.07.2021).**

## **Article 29. Medical examining board**

1. For definition of degree of the validity of citizens to military service on a constant basis in areas, the cities of republican value, the capital, the cities and areas the decision of local executive bodies creates medical commissions which carry out medical examination:

1) youths of premilitary age;

2) recruits;

3) the persons liable for call-up called on military collecting;

4) the citizens arriving on military service under the contract in military educational institutions, on military departments, in the specialized organizations Ministries of Defence.

2. excluded dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

3. Procedure for medical certification and composition of medical examining boards shall be determined by the Rules of military physician expertise.

Footnote. The article 29 with the amendments made by the Laws of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

### **Article 30. Obligation of citizens subject to call to military service**

Citizens subject to call to military service shall be obliged to appear upon notice of local body of military administration in draft committee. Notice shall be handed to a citizen in person by civil servants of local bodies of military administration or at the place of work (study) by a head of organization against signature.

In case of impossibility to hand a notice to a citizen in person, ensuring of his (her) arrival shall be imposed on the relevant internal affairs body.

### **Article 31. Call of citizens to compulsory military service**

Call of citizens to compulsory military service shall be performed twice a year on the basis of the Decree of the President of the Republic of Kazakhstan and regulation of the Government of the Republic of Kazakhstan.

The citizens aged from eighteen up to twenty seven years who do not have the right for a delay or release from an appeal in the quantity necessary for completing of Armed Forces, other troops and military formations are subject to an appeal on conscription military service.

Citizens with appropriate physical and moral and psychological qualities shall be called up for military service in accordance with the legislation of the Republic of Kazakhstan.

Footnote. The article 31 with the amendments made by the Laws of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

### **Article 32. Call to military service of retired officers**



Reserve officers under the age of twenty-nine years and reserve officers of medical service under thirty-two years old who shall be eligible for military service shall be called up in peacetime on the basis of a decree of the Government of the Republic of Kazakhstan for military service in officer positions at the request of authorized bodies.

**Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

### **Article 33. Conscription of those liable for military training**

Conscripts shall be called up for military training:

1) within the framework of republican measures for mobilization training:

to the military administration bodies, military units (institutions) of the Armed Forces (with the exception of territorial bodies of territorial troops) - on the basis of the order of the Minister of Defense of the Republic of Kazakhstan;

to military administration bodies, military units (institutions) of other troops and military formations - on the basis of the order of the first head of the authorized state body in agreement with the Ministry of Defense;

2) within the framework of measures for mobilization training, preparation of territorial defense to territorial bodies of territorial troops - on the basis of the resolution of the akimat of the region, the city of republican significance, the capital in agreement with the General Staff of the Armed Forces of the Republic of Kazakhstan.

**Footnote. Article 33 – in the wording of the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

### **Article 34. Call of citizens on mobilizing in military situation and in war time**

1. Call of citizens to military service on mobilizing in military situation and in war time shall be conducted on the basis of the Decree of the President of the Republic of Kazakhstan and in the manner established by this Law.

2. With draftees and conscripts called to military service upon mobilizing in military situation and in war time, full calculation shall be conducted at the place of work (service), salary for actual worked period, retirement pay and compensation payments for unutilized leave shall be paid. Citizens called upon mobilizing in military situation and in war time shall be preserved by dwelling place held by them. Social security (benefits, pensions) of families of citizens called to military service upon mobilizing in military situation and in war time shall be conducted in accordance with the legislation of the Republic of Kazakhstan.

3. Upon conduct of mobilizing, upon imposing military situation and in war time local executive bodies, organizations shall be obliged to ensure well-timed notification and delivery of draftees and conscripts to conscription offices or military units.



## **Article 35. Deferral from call to military service**

1. Deferral from call to military service shall be provided to citizens under decision of district (city of oblast significance) draft committee.

Deferral shall be provided on the following grounds:

- 1) on family circumstances;
- 2) for continuation of education;
- 3) on health condition;
- 4) on other reasons.

2. Deferral from call to military service on family circumstances shall be provided to:

1) citizens engaged in care of family members being in need of exterior aid and not being in full social security, in the absence of close relatives or other persons residing in the territory of the Republic of Kazakhstan together with them or separately, obliged to maintain mentioned family members according to the Law.

Family members being in exterior aid and care are:

father, mother, spouse, as well as grandfather and grandmother in the absence of the conscript's parents, if they are dependent on him, have reached retirement age or are persons with disabilities of the first or second group;

brothers, sisters who are persons with disabilities of the first or second group or under the age of eighteen, in the absence of parents;

a mother (father) who, in addition to a conscript, has one or more children who are persons with disabilities of the first or second group or have not reached the age of eighteen, and raises them without a spouse;

a mother (father) who (who) has a dependent of one or more lonely relatives (father, mother, brother, sister) who are disabled due to age or persons with disabilities of the first or second group, and supports them without a spouse;

one of the parents who maintains a second dependent on a person with a disability of the first or second group, and brings up, in addition to the conscript, one or more children under eighteen years old;

one family member with a disability and in which the conscript is the only male child;

2) citizens that have dependents:

a child (children) nurtured without mother;

persons where they were in nurturing and maintenance no less than two years due to death of own parents or deprivation of their parental rights, or conviction to deprivation of freedom by court;

3) citizens who are married and have one or more children - from conscription for military service.

3. Deferral from call to military service for continuation of education shall be provided to:

1) citizens receiving general secondary education in educational organizations for the period of study;

2) citizens who receive technical and vocational, post-secondary or higher education in full-time education in the relevant educational organizations, full-time education in spiritual (religious) educational organizations, as well as in organizations of higher and (or) postgraduate education of other states, until the end of one organization of higher and (or) postgraduate education with the provision of supporting documents training documents;

3) citizens receiving post-graduate professional education for the period of study.

A deferral from conscription for military service to continue education shall not be provided to citizens studying using distance learning.

4. Referral from call to military service on health condition shall be provided to citizens by decision of draft committee for the term up to one year.

5. Referral from call to military service on other reasons shall be provided to:

1) teachers carrying out professional activities in preschool educational organizations, organizations of secondary (primary, basic secondary, general secondary), technical and vocational, post-secondary education, specialized, special educational organizations, educational organizations for orphans and children left without parental care, organizations of additional education for children, as well as in methodological rooms, for the entire period of work;

2) doctors having the relevant education, working permanently on specialty in rural area for the whole working period in public health organizations;

3) deputies of the Parliament of the Republic of Kazakhstan or local representative bodies for the term of their deputative powers;

4) persons in respect of which inquiry, preliminary investigation are carried out or criminal cases are considered by courts, respectively until the end of inquiry, investigation or entering into force of court verdict;

4-1) to the members of flight crews of civil aircrafts, engineers, mechanics and technicians of civil aviation having the corresponding education for the entire period of work in the organizations of civil aviation;

5) ship crew members having the relevant education for the whole working term in organizations of water transport;

6) persons undergoing initial vocational training in educational institutions of law enforcement agencies.

6. Citizens admitted to stock with awarding of military rank of officer personnel shall be provided by deferral from call to military service upon family circumstances, on health condition for continuation of post-graduate professional organization and on other reasons.

7. Deferral from call to military trainings shall not be provided.

8. Deferral of citizens upon call to military service on mobilizing in military situation and in war time shall be suspended with the exception of deferral on health condition.

9. Citizens shall have the right to refuse from deferral, with the exception of deferral on condition of health and may be called to military service upon representing personal application and the relevant notarized document from interested persons and bodies of social protection of population.

10. Citizens that lost the grounds for deferral provided by this Law shall not be subject to call in the manner established by this Law.

**Footnote.** Article 35 as amended by the Law of the Republic of Kazakhstan dated 04.07.2013 № 132-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.10.2015 № 363-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 03.12.2015 № 433-V (shall be enforced dated 01.01.2016); dated 27.12.2019 № 292-VI (the order of enforcement see Article 2); dated 27.12.2019 № 294-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 10.06.2020 № 344-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 08.01.2021 № 410-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 27.06.2022 № 129-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

### **Article 36. Release from call to military service and military trainings**

1. The following citizens shall be released from call to military service in time of peace:

- 1) recognized ineligible for military service on health condition;
- 2) not called to compulsory military service on a legal basis upon attainment of twenty seven years;
- 3) one of the relatives (father, mother, brother or sister) died, had an accident or was diagnosed with the disability of the first or second group in the line of duty during the period of military service;
- 4) performed military (alternative) service in other state;
  - 4-1) serving in special public authorities of the Republic of Kazakhstan, except for the cases provided by Paragraph 9 of Article 51 of the Law of the Republic of Kazakhstan "About Special Public Authorities of the Republic of Kazakhstan";
- 5) having academic degree;
- 6) ministers of religion of registered religious associations.

2. The following persons shall be released from call to military trainings:

- 1) persons working in state bodies of the Republic of Kazakhstan in positions linked with ensuring of defence, security and legal order;
- 2) aviation personnel of state, civil and experimental aviation;
- 3) persons working in farm economy and in organizations on repair of agricultural equipment for the period of sowing and harvesting operations;

- 4) teachers of educational institutions of full-time training for the period of the academic year;
- 5) those studied in educational organizations of full time of course;
- 6) women-draftees;
- 7) draftees within two years after dismissal in stock;
- 8) persons having three and more children at the age up to eighteen years;
- 9) persons in respect of whom the inquiry, preliminary investigation are carried out or criminal case is considered by court;
- 10) military personnel, elected (appointed) deputies of the Parliament of the Republic of Kazakhstan or local representative bodies, akims of districts, cities of regional significance, cities of district significance, villages, settlements, rural districts.

3. Draftees mentioned in subparagraph 7) of paragraph 2 of this Article shall not be released from performance of special trainings.

4. Citizens recognized ineligible for military service on health condition shall be released from call to military service on mobilizing in military situation and in war time.

5. Citizens having the right to release from call to military service may be called to military service at their will upon representation of the relevant notarized documents from interested persons and applications, except for citizens mentioned in subparagraph 1) of paragraph 1 of this Article.

6. Citizens having records of conviction shall not be subject to call to military service in time of peace.

7. Citizens that lost the grounds for release from call provided by subparagraph 1) of paragraph 1 of this Article shall be subject to call in the manner established by this Law.

**Footnote. The article 36 with the amendments made by the Laws of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 27.12.2019 № 294-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 24.05.2021 № 42-VII (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 27.06.2022 № 129-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 05.11.2022 № 157-VII (shall enter into force from 01.01.2023).**

## **Chapter 6. MILITARY SERVICE UNDER CONTRACT Article 37. Contract on performance of military service**

1. The contract on passing of military service is signed by the citizen of the Republic of Kazakhstan with the authorized official of Armed Forces, other troops and military formations.

2. Contract shall be concluded in written between two parties in voluntary basis in accordance with the legislation of the Republic of Kazakhstan and shall be terminated:

- 1) upon expiry of term;
- 2) due to voluntary dismissal of a military servant;
- 3) from the date of conclusion of other contract on performance of military service by a military servant;
- 4) in other cases established by the legislation of the Republic of Kazakhstan.

3. Contract on performance of military service shall be stated by voluntariness of citizen's entering into military service, term within which a citizen shall be obliged to perform military service and other conditions of contract.

4. Terms of the contract about passing of military service include a duty of the citizen to pass military service in Armed Forces, other troops and military formations during the term established by the contract. Terms of the contract contain the right of the citizen for observance of its rights and the rights of members of his family, including receiving the privileges, guarantees and compensations established by the legislation of the Republic of Kazakhstan.

5. Military servants appointed to position by the President of the Republic of Kazakhstan shall perform military service in the relevant position without conclusion of contract on performance of military service. Requirements of this Law in respect of military servants under contract shall be applied to these military servants.

After release of mentioned military servants from position, they shall conclude new contract on performance of military service or shall be dismissed from military service in the manner determined by the Rules of performing the military service.

6. The military personnel of conscription military service having technical and professional, higher education and who served six months having the right to arrive on military service under the contract in the order determined by Rules of passing of military service.

The uhlán at transfer to a third year of training signs the contract on passing of military service.

7. The military personnel at the call of officers after the expiration of military service has the right to arrive on military service under the contract in the order determined by Rules of passing of military service.

**Footnote. The article 37 with the amendments made by the Laws of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

### **Article 38. Requirements submitted to persons entering into military service under contract**

1. The persons arriving on military service under the contract have to meet the following requirements:

- 1) to have citizenship of the Republic of Kazakhstan;

2) to have necessary personal, moral and professional qualities, education level, suitable for health reasons to military service;

3) be at least eighteen years old, with the exception of cadets and no later than they reach the maximum age of their condition in military service:

for those who first enter military service under a contract - twelve years and six months;

for re-entering military service under a contract and having military ranks of private and junior sergeants - twelve years and six months;

for re-entering military service under a contract and having military ranks of junior officers and senior sergeants - ten years;

for re-entering military service under a contract and having military ranks of senior officers or senior sergeants - five years;

4) to serve military service or to undergo training at a military department or military training in specialized organizations of the Ministry of Defense of the Republic of Kazakhstan for the training of military-technical specialists on a paid basis, with the exception of:

women;

men with medical or pharmaceutical education.

The persons arriving on military service under the contract assume the restrictions set by laws connected with passing of military service and the anti-corruption restrictions set by the Law of the Republic of Kazakhstan "About Anti-corruption" which are fixed in writing.

2. On military service under the contract the person is not accepted:

1) recognized as court incapacitated or it is limited by capable;

2) recognized by the medical (military-medical) commission as not suitable for entry into military service under the contract;

3) deprived by court of the right to hold the state positions during a certain term;

4) the restrictions set by laws, connected with stay of the serviceman on military service and the anti-corruption restrictions set by the Law of the Republic of Kazakhstan "About Anti-corruption" which refused to assume;

5) Excluded by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII ( shall enter into force upon expiry of ten calendar days after the day of its first official publication);

6) previously convicted or exempted from criminal liability for commission of crime on the basis of Paragraphs 3), 4), 9), 10) and 12) of part one of Article 35 or Article 36 of the Code of Criminal Procedure of the Republic of Kazakhstan;

7) on which within three years before revenues to military service the administrative penalty for commission of corruption offense was imposed in a judicial proceeding;

8) Excluded by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII ( shall enter into force upon expiry of ten calendar days after the day of its first official publication);

9) not last psychophysiological or polygraphological research for positions which list is approved by the head of authorized body, or medical examination;

10) concerning which within three years before revenues to service for commission of criminal offense the conviction of court or which within three years before revenues to service is exempted from criminal liability for commission of criminal offense on the basis of Paragraphs 3), 4), 9), 10) and 12) of part one of Article 35 or Article 36 of the Code of Criminal Procedure of the Republic of Kazakhstan is pronounced;

**Note!**

Subparagraph 11) as provided for the amendment by the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (shall enter into force from 01.01.2027).

11) dismissed for negative motives from the public or military service, from special public authorities, law enforcement agencies, vessels and judicial authorities;

**Note!**

Paragraph 2 as provided for by subparagraph 11-1) in accordance with the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (shall enter into force from 01.01.2027)

12) who did not pass special verification and (or) reported deliberately false information about herself or her parents, children, adoptive parents (adopters), adopted (adopted), full-birth and half-siblings or spouse and her (his) parents, children, adoptive parents (adopters), adopted (adopted), full-birth and half brothers and sisters;

13) not executed the standards for physical training approved by the head of authorized body;

14) as excluded by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication);

15) as excluded by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication);

Concerning the person arriving on military service a special inspection is carried out.

Concerning the persons arriving on military service under the contract for positions which list is approved by the head of authorized body an inspection with application of psychophysiological and polygraphological researches in the order determined by the head of authorized body is carried out.

3. To determine the suitability for health reasons for military service under the contract, a medical examination shall be carried out in accordance with the Rules for conducting a military medical examination.

4. The grounds for refuse to person entering into military service under contract are as well:

1) non-presentation or distortion of the data specified in Paragraph 2 of the present article;



2) absence of vacant positions on military occupational specialty of a candidate;

3) negative results of psychophysiological and polygraphological researches.

5. At revenues to military service under the contract the citizen and his spouse (spouse) are obliged to submit data on delivery of the financial disclosure statement according to the Law of the Republic of Kazakhstan "About Anti-corruption".

Footnote. The article 38 with the amendments made by the Laws of the Republic of Kazakhstan dated 04.07.2014 № 233-V (shall be enforced dated 01.01.2015); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 19.04.2024 № 74-VIII ( shall be enforced upon expiry of ten calendar days after the date of its first official publication ).

### **Article 39. Arrival of citizens in military educational institutions and also assignment and restoration. Signing of the contracts about passing of military service with the citizens studying in military educational institutions**

1. In the military educational institutions implementing educational programs of the higher, technical and professional education on the basis of the general secondary education have the right to arrive:

1) the citizens who were not passing military service, reached in a year of receipt of age of seventeen years, but are not more senior than twenty two years;

2) the citizens who passed military service and the military personnel undergoing conscription military service before achievement by them in a year of receipt of age of twenty four years;

3) the military personnel passing military service under the contract before achievement of age of twenty five years by them.

Arrival of citizens in military educational institutions is carried out on a competitive basis according to the Regulations of Admission in military educational institutions approved by authorized body.

In case of identical indicators when holding a competition to transfer in the list of cadets, cadets privilege is had:

orphan children and children without parental support;

graduates of the organizations of education with additional programs for military preparation;

children of the military personnel, the dead, missing persons during service or become disabled during passing of military service;

the persons awarded with the sign "Altyn Belgy";

the winners of the international Olympic Games and competitions of scientific projects ( scientific competitions) in general education objects, republican and international

competitions of performers and sports competitions of the last three years awarded with diplomas of the first – the third degrees which list is defined by authorized body in the field of education, winners presidential, the republican Olympic Games and competitions of scientific projects in general education objects of the current year, awarded with diplomas of the first – the third degrees on condition of compliance to the specialty chosen by them to a subject of the Olympic Games or competition.

The military personnel sent for training to foreign military educational institutions studies according to international treaties of the Republic of Kazakhstan and contracts and also the invitation to training.

2. In the military educational institutions implementing programs of technical and professional education on the basis of the main secondary education have the right to arrive the citizens who reached in a year of receipt of age of fifteen years, but is not more senior than seventeen years.

3. The person can be allowed to restoration in military educational institution if from the date of its assignment did not pass one year, except for the faces restored on the basis of the positive conclusion of the military-medical commission.

4. In military educational institution the person dismissed from military service for negative motives cannot be restored.

5. To graduates of the military educational institutions implementing educational programs of the higher education the military rank "lieutenant" is given.

The serviceman upon termination of the military educational institutions implementing educational programs of technical and professional education gives the military rank "lance sergeant".

Cadets of the military medical faculty shall be awarded the military rank of "lieutenant of the medical service" after completing their Bachelor's degree program or after completing the fifth year of the educational program of continuous integrated medical education.

Military personnel who continue their education in military internship programs or in the sixth year of the educational program of continuous integrated medical education shall serve in the military position of a variable military intern.

**Footnote.** The article 39 in the wording of the Laws of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); with amendments introduced by the Law of the Republic of Kazakhstan dated 19.04.2024 № 74-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 39-1. The National University of Defense of the Republic of Kazakhstan**

**Footnote.** The heading of the Article 39-1 in the wording by the Law of the Republic of Kazakhstan dated 11.07.2017 № 91 (shall be enforced upon expiry of ten calendar days after

the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 16.11.2023 № 40-VIII (shall be enforced from 01.01.2024).

1. The National University of Defense of the Republic of Kazakhstan (hereinafter - the National Defense University) is an educational organization implementing postgraduate educational programs.

2. The National Defense University shall have the right to enter military personnel, officers of special state bodies in the direction of their personnel bodies, as well as persons of civilian personnel of the Armed Forces, state bodies with access to state secrets. At the same time, persons of civilian personnel of the Armed Forces and state bodies shall be trained only with the use of distance learning.

3. Persons admitted to the National Defense University shall be appointed to the positions of military resident doctor, Master's student or Doctoral student with retention the status of a military serviceman or employee.

4. Military personnel, employees of special state bodies appointed to the position of military resident doctor, Master's student or Doctoral student shall be provided with monetary allowance in accordance with the unified remuneration system of employees of bodies of the Republic of Kazakhstan maintained at the expense of the state budget, approved by the Government of the Republic of Kazakhstan in agreement with the President of the Republic of Kazakhstan.

5. The higher-education teaching personnel of military educational institutions must undergo advanced training at least once every three years.

Footnote. The chapter 6 is supplemented by the 39-1 in accordance of the Law of the Republic of Kazakhstan dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); with the amendments made by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication) ; dated 04.07.2018 № 171-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.01.2021 № 410-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 16.11.2023 № 40-VIII (shall be enforced from 01.01.2024); dated 19.04.2024 № 74-VIII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

#### **Article 40. Term of a contract and procedure for its conclusion**

1. Contract on performance of military service shall be concluded:

1) for three years – for the persons for the first time arriving on military service under the contract;

2) for five years;

3) for ten years;

- 4) until attainment of the age of retirement of being at military service;
- 5) for cadets, cadets and military interns – for the term of training in military educational institution and for ten years of military service after its termination (for cadets of flight personnel – for fifteen years of military service after its termination);
- 6) for students, Master's degree students, Doctoral students, and adjuncts - for the duration of their studies and for five years of military service; for military resident doctors - for ten years of military service after graduating from a military educational institution or until reaching the maximum age for military service.

2. Procedure for selecting the candidates and their entering into military service under contract shall be determined by the Rules of performing the military service.

**Footnote. The article 40 with the amendments made by the Law of Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 19.04.2024 № 74-VIII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

## **Chapter 7. STAYING IN STOCK Article 41. Admission to stock**

1. Individuals who have not reached the maximum age of stay in the reserve shall be considered to be credited to the reserve:

- 1) dismissed from military or law enforcement service;
- 2) dismissed from service in special state bodies of the Republic of Kazakhstan:  
from among the enlisted personnel;  
from the State security service of the Republic of Kazakhstan;  
for negative reasons;  
due to non-fulfillment of the terms of the service contract;
- 3) failed military service in connection with exemption from conscription for military service;
- 4) failed military service in connection with the provision of deferrals from conscription upon reaching the age of twenty-seven years;
- 5) women who have a military accounting specialty;
- 6) trained in the programs of reserve officers and reserve sergeants at the military departments of organizations of higher and (or) postgraduate education;
- 7) trained in military-technical and other specialties on a reimbursable basis in specialized organizations of the Ministry of Defense.

2. Persons being in stock shall undergo medical certification for determination of fitness for military service in accordance with the Rules of military physician expertise.

3. The persons exempted from an appeal on conscription military service and which did not pass military service in connection with granting draft deferments on reaching age of twenty seven years and also the citizens who were trained on military and technical and other specialties in the specialized organizations of the Ministry of Defence on a paid basis are

enlisted in a stock by local bodies of military management of the area, city of regional value with assignment of a military rank of a stock "ordinary" ("sailor").

4. Military occupational specialty of persons upon admission to stock shall be determined by local bodies of military administration of district (city of oblast significance).

5. Stock of draftees for bodies of national security and authorized body in the scope of foreign intelligence shall be created in accordance with the legislation of the Republic of Kazakhstan.

5-1. The employees dismissed from Service of the state protection of the Republic of Kazakhstan go for account in local bodies of military management with transfer in a stock with assignment of a military rank of a stock equal to the special rank which is available for them.

6. Being in stock shall be consisted in performance of military trainings, performance of rules of call to military service and in compliance with obligations according to military registration.

7. Stay in the operating reserve of the military personnel of bodies of military investigation of the Ministry of Defence consists in passing of military service when performing of the assigned operational tasks within intelligence activities. The order of stay in the operating reserve of the military personnel of bodies of military investigation of the Ministry of Defence is defined by the Minister of Defence of the Republic of Kazakhstan.

8. Upon performance of military trainings or military service under contract by draftees admitted to stock, they shall be transferred to the category of draftees admitted to reserve.

**Footnote.** The article 41 with the amendments made by the Law of Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 10.06.2020 № 344-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

#### **Article 42. Age of retirement of being in stock**

1. Age of retirement of being in stock of draftees is:

- 1) enlisted personnel - up to fifty years inclusive;
- 2) for officer personnel – up to sixty years included.

2. Age of retirement of being in stock of women-draftees is:

- 1) enlisted personnel - up to thirty-five years inclusive;
- 2) for persons of officer personnel – until forty five years included.

3. Draftees attained the age of retirement of being in stock, or persons recognized ineligible for military service on health condition with exclusion from military registration shall be transferred in resignation.

4. In war time the President of the Republic of Kazakhstan may increase the age of retirement of being in stock up to five years.

**Footnote. Article 42, as amended by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 43. Performance of military trainings**

1. Draftees shall be called to active duty, verifying and special military trainings, as well as shall be involved in classes on military training.

2. Draftees shall be called to active duty trainings lasting up to two months once every five years.

3. Draftees may be involved in verifying trainings for the term up to fifteen days for the period between active duty trainings.

4. General term of trainings for the time of being in stock may not exceed eighteen months for draftees. By this, time of being in verifying trainings shall be counted to the general term of being in active duty trainings.

5. Special trainings shall be conducted lasting up to three months.

6. Place of work and held position shall be preserved for draftees for the period of military trainings, they shall be paid by average salary, and unemployed persons – by minimal salary at the expense of the state.

Period of being of a draftee beyond the area of place of trainings without reasonable excuses shall not be counted to the term of performing the military trainings.

#### **Chapter 8. SOCIAL SECURITY OF MILITARY SERVANTS Article 44. Social security of military servants**

1. The military personnel, except for persons liable for service during cantonment, is provided with the monetary allowance established on the basis of the single system of compensation of employees of the bodies of the Republic of Kazakhstan which are contained at the expense of the state budget approved by the Government of the Republic of Kazakhstan in with the coordination of the President of the Republic of Kazakhstan.

The monetary allowance of the military personnel, except for military personnel of conscription service, cadets and cadets of military educational institutions, includes monetary pay (an official salary and a salary on a military rank), extra charges for the special conditions of service and other extra charges and surcharges provided by the legislation of the Republic of Kazakhstan.

The monetary allowance (stipend) of the military personnel of conscription service, cadets and cadets of military educational institutions includes only an official salary.

For a service experience of official salary calculation shall be included:



1) length of service;

2) stay time in public service;

3) job experience in the last state organization before revenues to military service on senior positions or at positions on identical specialties.

The sizes of official salaries and salaries on military ranks of contract servicemen shall be established not lower than the sizes of official salaries of public servants at the corresponding positions and the amount of surcharges for the corresponding special ranks and high ranks.

The monetary allowance shall not be paid to the military personnel for the periods:

1) absence on military service without valid excuse;

2) passings of military service not at military positions in the cases provided by Subparagraphs 6), 8) and 9) of Paragraph 5 of Article 21 of the present Law;

3) in detention;

4) in the cases provided by the legislation of the Republic of Kazakhstan.

The order of payment of a monetary allowance, stipends and other payments shall be established by authorized bodies.

2. Upon accomplishment of battle missions on searching, transferring, disposal and destruction of explosive ordnances and other explosive devices, military servants shall be paid by compensation in amount of one monthly calculation index per day in the manner determined by authorized body.

3. Military servants performing the service in positions linked with operation, storage of radioactive materials, ionizing radiation sources, extremely high frequencies and (or) components of rocket fuel, involved to these works and works on liquidation of accident consequences on objects linked with operation, storage of radioactive materials, ionizing radiation sources, extremely high frequencies and (or) components of rocket fuel, shall be provided by additional leave lasting up to twelve days a year proportionally to actually worked time.

4. Military personnel under the contract to pay for utility costs, with the exception of those living in closed and isolated military camps, in border departments and departments, shall be paid monetary compensation in the procedure determined by the first heads of authorized bodies, in the amount established by the Law on the republican budget for the corresponding fiscal year.

5. Medical support of military servants in military medical institutions (organizations, subdivisions) is carried out at the expense of budgetary funds.

5-1. In the absence at the place of military service or the place of residence of military personnel of military medical (medical) units or relevant departments in them, specialists or special equipment for medical reasons, medical assistance to military personnel shall be provided by healthcare entities:

1) within the guaranteed volume of free medical care in accordance with the Code of the Republic of Kazakhstan "On people's health and 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 assistance to military servants 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 the payment of services of healthcare entities for the provision of medical assistance to military servants within the guaranteed volume of free medical care and in the system of compulsory social health insurance is carried out at the expense of budgetary funds provided for the authorized body in the field of health care.

If there are medical indications, military personnel shall be provided with spa-resort treatment at the expense of the Armed Forces, other troops and military formations in the structure of which they serve.

6. The military personnel is provided at the expense of the state with cloth property on the norms approved by the first heads of authorized public authorities in coordination with the central authorized body on budget planning and in the order determined by the first head of authorized body.

7. The military personnel is provided with food on the norms established by the first heads of authorized public authorities of the Republic of Kazakhstan in coordination with the central authorized body on budget planning, in cases:

- 1) pulling combat duty;
- 2) duty on guard;
- 3) incurring daily details;
- 4) participation in field extrications (access to sea);
- 5) carrying out of measures upon storm readiness in basing places;
- 6) keeping the watch in lighthouses;
- 7) performance of underwater tasks (works);
- 8) parachute jumping;
- 9) followings as a part of a military echelon, guard on protection and maintenances of military freight to the place of reception and back;
- 10) being in inpatient treatment (medical examination) in military medical (medical) subdivisions;
- 11) settlements on a guardroom;
- 12) participation in peacekeeping operation and also at arrival to a zone (area) of carrying out peacekeeping operation and back.

Military servants of flight personnel shall be ensured by food for the time of performing the military service.

Engineering and technical personnel admitted to maintenance of aviation equipment and flight servicing, shall be ensured by food for the period of preparation and flights operation.

In the absence of the possibility of providing food according to the established basic food rations to the military personnel under the contract shall be paid monetary compensation in the amount of the general troop ration in the order determined by the head of the authorized body.

Students of military departments who study free of charge during training camps, conscripts upon admission to military educational institutions, as well as candidates who have arrived to take entrance exams and are in barracks in the republican schools "Zhas Ulan" are provided with meals according to the relevant standards at the expense of the state. Students of military departments studying on a paid basis are provided with meals according to the relevant standards during the training camp at the expense of organizations of higher and (or) postgraduate education, in which the corresponding military departments function.

The order of nutrition service shall be defined by the head of authorized body.

Military personnel of Armed Forces in military units of constant combat readiness at officers positions in divisions of a platoon (groups, calculation) and companies (batteries, a separate platoon, the ship of 4 ranks) and also at positions of ordinary and non-commissioned officer's structures is provided by food (lunch) at the expense of the state in the working days established by regulations of working hours.

The list of the military units specified in the present point is defined by the Minister of Defence of the Republic of Kazakhstan.

8. The military personnel in the order determined by authorized body has the right for trip at the expense of the state on the railway, motor and inland water transport in cases:

- 1) an appeal on military service, military cantonment;
- 2) the transfer to the new duty station to other area, including as a part of military unit or division;
- 3) the directions authorized body on training in the military educational institutions, other organizations of education implementing programs of postgraduate education, including foreign educational institutions and also upon termination of training, except for assignment cases on poor progress, indiscipline, for other negative motives or on the initiative;
- 4) the directions military-medical divisions to the place of hospital treatment and back within the Republic of Kazakhstan, including for taking of the military-medical (flight) commission;
- 5) travel to an official journey and back;
- 6) travel on exercises, field exits (exits in the sea), parades of troops and back;
- 7) participation in emergency response and back;
- 8) participation in fighting, performance of tasks in the conditions of extraordinary or martial law and also in the conditions of armed conflicts;
- 9) participation in peacekeeping operations and safety;
- 10) participation in anti-terrorist operations;

11) followings as a part of guard on protection and maintenance of military freights, including the documents, products and military freights containing the data making the state secrets to places of reception (delivery) and back;

12) maintenances:

teams with recruits, militaries;

arrested, the detained military personnel, persons liable for call-up;

coffin with a body of the dead (died) serviceman to the place of burial and back.

Military servants and members of their families shall have the right for the travel on air transport in the order determined by the head of authorized agency.

Military servants, except for attendees, cadets and the military servants of conscription service, while transferring to a new duty station to other area, money shall be paid for the transportation of own property within the Republic of Kazakhstan in the amount of one monthly calculation indicator for every 20 kilometers of the highway in the order determined by the head of authorized agency.

When transferring military personnel, with the exception of cadets and military personnel on conscription, to a new duty station in another area at a distance of more than 100 kilometers (including as part of a military unit (institution) or unit), they are paid a lifting allowance in the amount of two months of cash support for the military personnel himself and half of the monthly cash support for each family member:

1) spouse (spouse);

2) a child (children), including a joint or one of the spouses, with the exception of a child (children) from a previous (previous) marriage (marriage (marriages), living (living) separately on the basis of a court decision;

3) joint or one of the spouses of a child with a disability (children with a disability), including a person with a disability (persons with a disability) from childhood, regardless of his (their) age, with the exception of a child with a disability (children with a disability) from a previous (previous) marriage (marriages) (marriage (marriages), living (living) separately on the basis of a court decision.

Moreover, if both spouses are military personnel or one of them is an employee of special state bodies of the Republic of Kazakhstan, then the lifting allowance for family members in the amount of half of the monthly monetary support for each family member shall be paid only to one of them in the procedure determined by the first head of the authorized state body.

**Footnote. Article 44 with the amendments made by Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon the expiry of ten calendar days after day of its first official publication); dated 15.06.2015 № 321-V (shall be enforced upon the expiry of ten calendar days after day of its first official publication); dated 13.06.2017 № 69-VI (an order of enforcement see Article 2) ; dated 30.06.2017 № 80-VI (shall be enforced from 01.01.2020) ; dated 02.07.2018 № 165-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.06.2020 № 344-VI (shall enter into force upon the**

expiry of ten calendar days after the day of its first official publication); dated 16.11.2020 № 375-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 27.06.2022 № 129-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 19.04.2024 № 74-VIII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

#### **Article 45. Providing with the accommodation of military personnel and members of their families**

1. The military personnel and members of their families defined according to Chapter 13-1 of the Law of the Republic of Kazakhstan “On the Housing Relationships” provided with the accommodation for the service period at the expense of the state.

2. Providing with the accommodation of the military personnel and members of their families shall be made in the order established by the Law of the Republic of Kazakhstan “On the Housing Relationships”.

**Footnote.** The article 45 in the wording of the Law of Republic of Kazakhstan dated 12.12.2017 № 114-VI (shall be enforced 01.01.2018).

#### **Article 46. Leaves for military servants**

1. The contract serviceman is annually granted with main leave with payment of a grant for improvement at a rate of two official salaries which duration is established depending on a length of service in calendar calculation:

- 1) less than ten years – 30 days;
- 2) from ten to fifteen years – 35 days;
- 3) from fifteen to twenty years – 40 days;
- 4) twenty and more years – 45 days.

10 days of a holiday are provided to the military personnel who is at flight work, ship service, keeping the watch, active service, serving in areas according to the list established by the Minister of Defence of the Republic of Kazakhstan in addition to annual main leave.

Duration of annual main leave is estimated in calendar days without the holidays falling on days of a holiday irrespective of a daily routine and the regulations of working hours.

When providing annual basic leave to contract servicemen (military interns, military resident doctors, Master's degree students, Doctoral students, adjuncts) with the provision of summer vacation leave, a health benefit shall be paid in the amount of two official salaries.

The total of summer and winter vacation leave for military interns, military resident doctors, Master's degree students, Doctoral students, adjuncts shall be equal to annual basic leave.

In case of dismissal of the contract serviceman from military service for negative motives he or she is obliged to compensate the stipend sum for improvement in proportion to not served time.

2. Besides annual main leave the military personnel shall be granted the additional leaves provided by acts of the Republic of Kazakhstan.

The serviceman, except military personnel of conscription service, cadets and cadets, according to his official report is granted a child care leave before achievement of age of three years by it in the order determined by the Labor code of the Republic of Kazakhstan.

The general duration of annual main and additional leaves cannot exceed 60 days for the corresponding year, at the same time the additional time is provided which is necessary for the travel to the place of a holiday and back. The order of granting time needed for the travel to the place of a holiday and back, is established by Rules of passing of military service.

The holiday of the contract serviceman can be divided into parts taking into account the interests of service.

3. Military servants of compulsory service shall be provided by short-time leave in the form of incentive in the manner determined by general military charters.

4. Military servants shall be provided by sick leaves, short time leaves on family circumstances, and those studying in military educational institutes (on military faculties) – by canicular leave.

The military personnel (except military personnel of conscription service, cadets and cadets) are granted educational leaves for preparation and taking entrance examinations, during training in the organizations of education implementing educational programs of the higher and postgraduate education for the term determined by the curriculum, and the military personnel who is applicants of academic degrees of the candidate, the doctor of science, degrees of the doctor of philosophy (PhD) and the doctor on a profile are granted with leaves in the order established by the legislation of the Republic of Kazakhstan.

5. Annual basic leave shall be discontinued in case of notifying mobilizing, military or emergency situation, in war time and in case of official necessity in the manner determined by the chief executive officer of the authorized body. By this the unused part of the leave shall be provided in current year or following year.

If unused part of the leave is ten calendar days and more, military servants shall be provided additionally by time required for travel to the place of leave and back.

The part of a leave which is not used in previous year is granted to the serviceman according to his official report separately in the current year or joined to the paid annual main leave.

6. Military servants directed beyond the boundaries of the Republic of Kazakhstan for carrying out of obligations imposed on them or to study shall enjoy the same rights for leave as those performing the service in the territory of the Republic of Kazakhstan.

7. Working spouses of military personnel may be granted annual leave simultaneously with the next vacation of their spouses by agreement with the employer. In this case, the duration of the vacation can be equal to the duration of the vacation of the spouse (spouse) by providing additional leave without pay under an agreement with the employer.

Footnote. The article 46 with the amendments made by the Law of Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 13.11.2015 № 298-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 19.04.2024 № 74-VIII ( shall be enforced upon expiry of ten calendar days after the date of its first official publication ).

#### **Article 47. Special aspects of social security of military servants under contract of private and non-commissioned personnel**

Military personnel serving in military service under a contract in military positions of ordinary and sergeant personnel who have served for at least eight years in calendar terms shall be entitled to reimbursement of training costs in organizations of higher and (or) postgraduate education of the Republic of Kazakhstan on a paid basis in the amount of fifty percent of the cost of training at the expense of budget funds. Military personnel can exercise this right once.

Compensation for mentioned expenses to military servant shall be carried out by authorized body in the structure of which the military servant performs military service.

When transferring a serviceman to another educational organization, the amount of reimbursement for training costs in organizations of higher and (or) postgraduate education of the Republic of Kazakhstan is subject to adjustment.

When granting academic leave to a serviceman, he retains the right to reimbursement of training costs in organizations of higher and (or) postgraduate education of the Republic of Kazakhstan.

A serviceman who has the right to reimbursement of training costs in organizations of higher and (or) postgraduate education of the Republic of Kazakhstan is guaranteed reimbursement of training costs in other organizations of higher and (or) postgraduate education in cases of liquidation and reorganization of the educational organization, suspension, revocation of the license of the educational organization in which he studied (is studying).

Footnote. Article 47 as amended by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

**Article 48. Features of social security of the military personnel of conscription service, pupils, uhlans, cadets and cadets of military educational institutions**

Footnote. The heading of the article 48 in the wording made by the Law of Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Military personnel of conscription service, cadets, cadets, pupils and uhlans of military educational institutions are provided with nutrition property, food on the norms approved by the first heads of authorized bodies in coordination with the central authorized body on budget planning.

At departure for the leave, the food ration is given for the period of getting the leave or vacation destination.

The military personnel of conscription service while going for a short-term holiday and back, to cadets, cadets of military educational institutions while following in a vacation holiday and on a training and also is back granted the right for journey at the expense of the state on the railway, motor and inland water transport. The cadets studying in foreign military educational institutions are granted also the right of journey at the expense of the state on air transport at the direction on training and following in a vacation holiday and back.

Compensation on mailings in a size determined by the Ministry of Defence of the Republic of Kazakhstan in coordination with the first heads of the appropriate authorized public authorities and the central authorized body by budget planning is also paid to military personnel of conscription service, cadets of the first and second years of military educational institutions.

For accommodation for the period of passing of conscription military service and training in military educational institution the military personnel accommodates in barracks. Hostels for the period of training in military educational institution can be also provided to cadets, cadets and uhlans.

Footnote. Article 48 as amended by the Law of the Republic of Kazakhstan dated 04.02.2013 № 75-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

**Article 48-1. Features of social protection of conscripts, trainees, lancers, cadets and cadets of military educational institutions**

Family members of military personnel who are citizens of the Republic of Kazakhstan have the right to visit their close relatives from among conscripts, as well as trainees, lancers, cadets and cadets of military educational institutions to get acquainted with their life and way of life in the manner established by general military regulations.



Footnote. Chapter 8 is supplemented by Article 48-1 in accordance with the Law of the Republic of Kazakhstan dated 02.10.2023 № 31-VIII (shall be enforced six months after the day of its first official publication).

#### **Article 49. Additional social security of separate categories of military servants**

Military servants participating (engaged) in combat actions, anti-terrorist and peace-keeping operations, and military servants of the bodies of military intelligence of the Ministry of Defence, participated in performance of imposed operative tasks within intelligence activities, shall be provided by additional leave lasting for two weeks that shall be added to annual leave.

For military servants participating (engaged) in combat actions and anti-terrorist operations, the period of combat actions and anti-terrorist operations shall be counted in years of service on a preferential basis as one month of service for three months.

For military servants participated (engaged) in peace-keeping operations, the period of participating in peace-keeping operations shall be counted for a military servant on a preferential basis as one month for one and a half month.

Upon return from peacekeeping operation the military personnel goes for sanatorium treatment at the expense of means of Armed Forces, other troops and military formations of the Republic of Kazakhstan in the structure where they take military service, for the term of not less than seven calendar days, but no more than twenty one day.

Footnote. The article 49 with the amendments made by the Law of Republic of Kazakhstan dated 15.06.2015 № 321-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

#### **Article 50. Social security of citizens dismissed from military service**

1. Persons dismissed from military service upon reaching the maximum age of a state in military service, for health reasons, who received a disease in connection with the performance of military service duties, as well as those who have twenty or more years of service, shall be provided with medical support in military medical institutions at the expense of the state (organizations), and having a length of service of twenty-five or more years, - spa treatment in the presence of indications on the list of diseases determined by the authorized body in the field of health in coordination with the first heads of the relevant authorized state bodies.

1-1. Payment for the services of military medical institutions (organizations, subdivisions) for the provision of medical assistance to the persons specified in paragraph 1 of this article 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 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".

In the absence of military medical institutions (organizations, divisions) at the place of residence of the persons specified in paragraph 1 of this article, or the corresponding departments in them, specialists or special equipment for medical reasons medical assistance is provided by healthcare entities:

1) within the guaranteed volume of free medical care in accordance with the Code of the Republic of Kazakhstan "On people's health and 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 assistance specified in subparagraphs 1) and 2) of part two of this paragraph is carried out by the social health insurance fund.

2. Persons mentioned in paragraph 1 of this Article shall be ensured by social adaptation upon dismissal from Armed Forces as well as for the purpose of acquiring civil specialties during performance of military service.

3. Persons dismissed from military service (with the exception of dismissed due to the termination of the citizenship of the Republic of Kazakhstan, in case of refusal of a special examination, for negative reasons, due to official inconsistencies identified as a result of certification) shall have the right to travel at the expense of the state on the railway, automobile and inland water transport to the place of military registration or the chosen place of residence within the Republic of Kazakhstan.

For persons dismissed from military service (with the exception of dismissed from conscription military service due to the termination of the citizenship of the Republic of Kazakhstan, in case of refusal of a special examination, for negative reasons, due to official inconsistencies identified as a result of certification) shall be paid money at the expense of the state for the transportation of own property within the Republic of Kazakhstan in the amount of one monthly calculation indicator for every 20 kilometers of the highway.

This paragraph shall apply to the persons dismissed from military service after June 13, 2017.

**Footnote. The article 50 with the amendments made by the Law of Republic of Kazakhstan dated 02.08.2015 № 342-V (shall be enforced dated 01.01.2016); dated 30.06.2017 № 80-VI (shall be enforced from 01.01.2020); dated 02.07.2018 № 165-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.11.2021 № 75-VII (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

## **Article 50-1. Guarantees in performing military service duties by citizens of the Republic of Kazakhstan**

Citizens of the Republic of Kazakhstan who have served the established term of military service shall have the right:

1) for admission to higher military and special educational institutions on the basis of competitive selection conducted during the period of compulsory military service, in accordance with the rules of competitive selection of conscripts for educational benefits approved by the first heads of authorized state bodies, within one year from the date of dismissal from compulsory military service;

2) for admission to organizations of higher and (or) postgraduate education according to educational programs of higher education on the basis of competitive selection conducted during the period of compulsory military service, in accordance with the rules of competitive selection of conscripts for educational benefits approved by the first heads of authorized state bodies in coordination with the authorized body in the field of science and higher education, within the limits of quotas established by the legislation of the Republic of Kazakhstan, except for educational programs of medical, pharmaceutical and pedagogical education;

3) for priority accommodation in a dormitory for the first year of study in state organizations of higher and (or) postgraduate education or organizations of higher and (or) postgraduate education, more than fifty percent of the voting shares (shares in the authorized capital) of which belong to the state, or organizations of higher and (or) postgraduate education, in which the state educational order has been placed.

**Footnote. Chapter 8 has been supplemented by Article 50-1 in accordance with the Law of the Republic of Kazakhstan dated 06.05.2024 № 79-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

## **Article 51. Compensations for military servants in case of death incidence (death) or receiving maim**

1. In case of death incident (death) of a military servant during his (her) performance of military service or a draftee called to military trainings, upon establishment his (her) disability or in case of receiving maim by him (her) linked with fulfillment of obligations of military service, the payment of lump sum compensation shall be made in the manner determined by the Government of the Republic of Kazakhstan.

2. In case of death (death) of a military personnel during the period of military service or after dismissal from military service due to injury (injuries, wounds, concussions), diseases received during the period of military service, the heirs of the military personnel are paid a one-time monetary compensation in the amount of five years of cash support for the last

occupied military position, and the heirs of the military personnel of military service, cadet, military liable, called up for military training, in the amount of 500 monthly calculated indicators.

One-time monetary compensation for the death (death) of military personnel shall be paid before the expiry of three years from the date of the event and shall be carried out regardless of the previously paid one-time monetary compensation for the establishment of disability.

2-1. In the event of the death of a serviceman, families listed in subparagraph 1) of Article 8 of the Law of the Republic of Kazakhstan "On Veterans" shall have the right to free travel to the place of burial and back (but not more than three people), as well as to the elected place of residence within six months from the date of death of the serviceman.

3. One-time monetary compensation in cases when military personnel undergoing military service under a contract shall establish disability during the period of military service or before the expiration of one year from the date of dismissal from military service due to injury (injury, wound, concussions), diseases received during military service shall be paid in the following amounts:

- 1) an individual with a disability of the first group - thirty-month cash content;
- 2) a person with a disability of the second group - eighteen-month cash content;
- 3) a person with a disability of the third group - six-month cash content.

In the event that military personnel serving under a contract receive a severe injury (injury, wound, concussions) during the performance of military service duties that did not entail disability, they shall be paid a one-time compensation in the amount of one and a half month cash content; minor injury - half of the monthly cash content.

Military personnel, cadets who receive a scholarship, military liable, called up for military training, shall be paid one-time monetary compensation in the cases provided for in this paragraph in the amount of:

- 1) an individual with a disability of the first group - 250 monthly calculated indicators;
- 2) an individual with a disability of the second group - 150 monthly calculated indicators;
- 3) an individual with a disability of the third group - 50 monthly calculated indicators;
- 4) for serious maim – 12 monthly calculation indices;
- 5) for minor maim – 4 monthly calculation indices.

4. Lump sum compensation shall not be paid, if in the manner established by the legislation of the Republic of Kazakhstan it is proved that death incident (death) of a military servant or maim received by them occurred:

- 1) in the result of self-murder with the exception of carrying to self-murder in existence of court decision entered into force;
- 2) at commission of criminal or administrative offenses;
- 3) as a result of the use of the substances causing a state alcoholic, narcotic, psychotropic, toxic intoxication (their analogues);

4) in the result of intended infliction of bodily damage to himself (herself) (self-injury) or other harm to own health for the purpose of receiving lump sum compensation or evading from military service;

5) in the result of actions of a military servant violating the conditions of contract on performance of military service.

5. Burial of military servants, draftees called to military trainings, died upon performance of military service or died in the result of maim (wound, injury, contusion), disease received in the result of fulfilling the obligations of military service shall be performed at the place of military service (trainings) or on other place at the will of their relatives. All expenses linked with preparation to transportation of a body, transportation of a body, burial, producing and installing gravestone shall be carried out at the expense of the authorized body in which military servants, draftees called to military trainings performed military service (trainings) in amounts established by the Government of the Republic of Kazakhstan.

Provisions mentioned in this paragraph shall be applied to citizens dismissed from military service upon attainment of the age of retirement of being at military service, on health condition or due to personnel reduction having general length of military service of twenty five years and more, as well as to participants of combat actions and anti-terrorist operations independently from general length of military service.

6. In case of death of receiver of pension payments for years of service from among military servants, his (her) family or person carried out burial shall be paid by lump sum payment for burial in amount of three pension payment for the moment of death of a receiver.

Family members of deceased recipients of long-service pension payments from among military personnel, regardless of the appointment of a survivor's benefit, shall be paid one-time benefits: a spouse (spouse) - in the amount of the breadwinner's three-month pension and for each disabled family member - in the amount of the breadwinner's monthly pension paid to him by the day of death.

When determining the amount of a one-time allowance provided for in this paragraph, family members entitled to benefits shall include: spouse (s) regardless of age and ability to work; children under eighteen years of age or older, if they have a disability prior to the age of eighteen or have been full-time students on the date of death of the breadwinner and have not reached the age of twenty-three; dependent parents who have reached the retirement age established by the legislation or shall be individuals with disabilities.

7. Military personnel dismissed from military service for health reasons as a result of injury (injury, wound, concussions) received during the performance of military service duties shall be paid monthly in the amount and procedure determined by the Government of the Republic of Kazakhstan.

**Footnote. Article 51 as amended by the Laws of the Republic of Kazakhstan dated 04.02.2013 № 75-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 the date of its first official publication); dated 04.07.2014 № 233-V (shall be enforced dated 01.01.2015); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 12.12.2017 № 114-VI (shall be enforced dated 01.01.2018); dated 06.05.2020 № 323-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 27.06.2022 № 129-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 11.07.2022 № 136-VII (shall enter into force from 01.01.2022).

## **Article 52. Social security of military servants' family members**

1. Members of the families of military servants under the contract have the right to receive medical assistance in military medical institutions (organizations, subdivisions).

Payment for the services of military medical institutions (organizations, subdivisions) for the provision of medical assistance 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 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".

2. To members of families of the military personnel, except for members of families of attendees, cadets and the military personnel at the call of, constantly in common living with them, the right for travel at the expense of the state on the railway, motor and inland water transport in cases is granted:

transfer of the serviceman to other area, including as a part of military unit or division;

the directions of the serviceman authorized body on training with an exception of lists of military unit in the military educational institutions, other organizations of education implementing programs of postgraduate education, including foreign educational institutions and also upon termination of training, except for assignment cases on poor progress, indiscipline, for other negative motives or on the initiative;

dismissals of the serviceman from military service, except for dismissal in connection with loss of citizenship of the Republic of Kazakhstan, at refusal in special check, for negative motives, on the office discrepancy which came to light following the results of certification.

3. Children of military servants as well as of those died, deceased or missed during performance of service shall be provided by the places in childcare centres out of turn at the place of residence by local executive bodies.

Children of military servants, died or received disability upon fulfilling the obligations of military service, missed during performance of service shall enjoy the right of non-competitive admission to military residential schools, Republic school "Zhas Ulan".



4. In the event of the death (death) of military personnel serving in military service under a contract, military personnel, a cadet, a military liable, called up for military training, as a result of injury (injury, wound, concussions) received during the performance of military service, family members of the deceased (deceased) military personnel shall be paid monthly in the amount and procedure determined by the Government of the Republic of Kazakhstan.

Monthly monetary payment is made to children (including adopted, adopted, cohabiting stepsons and stepdaughters) 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, and also to the spouse (spouse) for life, regardless of the payment of allowance for the loss of the breadwinner, provided for by the Social Code of the Republic of Kazakhstan.

**Footnote.** The article 52 with the amendments made by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 30.06.2017 № 80-VI (shall be enforced from 01.01.2020); dated 11.07.2022 № 136-VII (shall enter into force from 01.01.2022); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

## **Chapter 9. RESPONSIBILITY OF MILITARY SERVANTS Article 53. Responsibility of military servants**

1. For violation of military discipline, a commander (head) shall apply the following types of disciplinary sanctions to a military servant:

- 1) admonition;
- 2) reprimand;
- 3) severe reprimand;
- 4) prevention on incomplete official competence;
- 5) reduction in position for one stage;
- 6) reduction in military rank for one stage;
- 7) dismissal from military service on negative motives.

2. In relation to military personnel of military service, cadets, in addition to those specified in paragraph 1 of this Article, the following types of disciplinary sanctions shall also be applied:

- 1) deprivation of regular dismissal from location of military unit or from a ship to bank;
- 2) deprivation of the identification badge of Armed Forces, other troops and military structures.

3. In relation to conscription officers, a reduction in the military rank shall be made to the military rank of "junior sergeant" ("petty officer of the second class"). At the same time, these military personnel shall be transferred to the sergeant staff and shall serve until the expiry of the established term of military service.



4. Dismissal from military service for negative reasons shall not apply to military personnel serving on conscription, with the exception of dismissal from military service on the grounds provided for by subparagraphs 1) and 2) of paragraph 2 of Article 26 of this Law.

5. Bringing of military servants to disciplinary responsibility shall be performed in the manner established by the general military charters.

**Footnote.** The article 53 with the amendments made by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

#### **Article 53-1. Material responsibility of military personnel**

1. Military personnel shall bear financial responsibility only for material damage caused by their fault.

Military personnel who caused damage not in the performance of military service duties shall be responsible in accordance with the Laws of the Republic of Kazakhstan.

It shall not be allowed to bring military personnel to material responsibility for material damage caused by force majeure and lawful actions.

2. For material damage caused by negligence in the performance of the duties of military service, shall bear financial responsibility:

1) military personnel, with the exception of military personnel, cadets, conscripted, called up for military training, as well as military personnel at the call of officers - in the amount of damage caused by them, but not more than nine months of monetary support;

2) military personnel, cadets - in the amount of damage caused by them, but not more than five months of monetary allowance (scholarships);

3) military personnel called up for military training - in the amount of damage caused by them, but not more than one of his monthly wages.

3. Military personnel shall bear full financial responsibility in cases provided for by the legislation of the Republic of Kazakhstan.

**Footnote.** Chapter 9 as added by Article 53-1 in accordance with the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

#### **Article 54. Responsibility of military personnel for crimes, misdemeanors and other offenses**

Military personnel for crimes, misdemeanors and other offenses bear criminal, administrative, civil and disciplinary responsibility in accordance with the Laws of the Republic of Kazakhstan.

Actions (inaction) of military personnel can be appealed to higher officials, to the court in the procedure established by the Laws of the Republic of Kazakhstan.

**Footnote.** Article 54 in the wording of the Law of the RK dated 29.06.2020 № 351-VI (shall enter into force on 01.07.2021).

## **Chapter 10. TRANSITIONAL PROVISIONS Article 55. Transitional provisions**

1. This Law enters into force upon expiry of ten calendar days after its first official publication, with the exception of paragraphs 2, 4 and 7 of Article 44 and Article 45 that shall enter into force from 1 January 2013.

2. Military servants awarded by military ranks before enforcement of this Law, the terms of service in these military ranks shall be calculated in accordance with the legislation being in force before entering into force of this Law.

Military servants as well as citizens being in stock or being in resignation having the military ranks “petty officer”, “master chief petty officer”, “warrant officer”, “midshipman”, “senior warrant officer”, “senior midshipman” awarded to them before entering into force of this Law, shall preserve these military ranks.

3. Military servants for which the ages of retirement of being at military service are changed by this Law shall have the right to dismiss or hand in resignation upon attainment of the following ages of retirement:

- 1) to half colonel (captain II rank) – forty five years;
- 2) colonels (captains I rank) – fifty three years;
- 3) colonels (captain I rank) being awarded by the military rank before 21 July 2005 – fifty years;
- 4) general-majors (real admirals) and general-lieutenants (vice admirals) being awarded by the military rank before entering into force of this Law – fifty eight years;
- 5) general-majors (real admirals) and general-lieutenants (vice admirals) being awarded by the military rank before 21 July 2005 – fifty five years;
- 6) general-colonels (admirals) being awarded by the military rank before entering into force of this Law – sixty years.

In case if such militaries were appointed to the next commissions after enforcement of the present Law, then limit ages of a state on military service are established according to Article 25 of the present Law.

3-1. Military servants performing military service with military ranks “petty officer”, “master chief petty officer”, “warrant officer”, “midshipman”, “senior warrant officer”, “senior midshipman”, shall perform military service in the manner determined by the Rules of performing the military service. For the mentioned category of military servants, the age of retirement of being at military service is the age established by subparagraph 2) of paragraph 1 of Article 25 of this Law.

3-2. The military personnel to whom the military rank "lieutenant colonel" is appointed from the date of enforcement of the present Law and till the January 1, 2018 hav the right to leave or resign on reaching them age limit – forty seven years.

4. Contracts on performance of military service concluded before entering into force of this Law shall be terminated upon expiry in accordance with the legislation being in effect before entering into force of this Law.

The contracts on taking military service signed before enforcement of the present Law for a period of up to achievement of age limit of a state on military service extend before achievement by the military personnel of the limit age established by Paragraph 1 of Article 25 of the present Law.

5. Housing payments are made by the contract militaries (except for military personnel of Service of the state protection of the Republic of Kazakhstan, attendees and cadets of the military educational institutions, persons liable for call-up called on military collecting) needing the dwelling according to their official report according to the Rules of providing the military personnel with the office dwelling, calculations of the size, appointment, recalculation, implementation, the termination, stay and renewal of housing payments approved by the Government of the Republic of Kazakhstan. At the militaries of the State Protection Service of the Republic of Kazakhstan (except for militaries of urgent service) housing payments are made in accordance with the rules of calculation of size, appointment, recalculation, implementation, termination, suspension and resumption of housing payments to employees of special State bodies of the Republic of Kazakhstan established by the Government of the Republic of Kazakhstan.

6. Persons who have been in military service for twenty or more years in calendar terms and live in a service dwelling, which shall not be subject to privatization, including due to its presence in the territory of closed and isolated military camps, border departments and other closed facilities, and those dismissed from military service until January 1, 2018 upon reaching the maximum age of their condition in military service, for health reasons or in connection with staff reductions, shall be entitled to receive monetary compensation in accordance with the Rules for the Implementation of Monetary Compensation approved by the Government of the Republic of Kazakhstan.

In the event of the death (death) of the person specified in this paragraph, the right to receive monetary compensation shall pass to the family members of the deceased (dead).

6-1. For persons who have been in military service for ten or more years, but less than twenty years in calendar terms, and living in a service dwelling, which shall not be subject to privatization, including due to its presence in the territory of closed and isolated military camps, border departments and other closed facilities, and those dismissed from military service until January 1, 2018 upon reaching the maximum age of condition in military service, for health reasons or in connection with staff reductions, the procedure for the exchange of housing from the public housing stock, established by Article 96 of the Law of the Republic of Kazakhstan "On Housing Relations," shall be being extended.

In the event of the death (death) of the person specified in this paragraph, the right to exchange dwellings shall pass to the family members of the deceased (dead).

7. Persons who have been in military service for twenty or more years in calendar terms, not provided with the dismissal of the service accommodation and previously failed to realize the right of privatization of the accommodation, dismissed from military services during the period from January 1st, 2013 to January 1st, 2018 upon reaching the age limit of the state in the military service, for health reasons or in connection with the staffing reduction, have the right to receive monetary compensation in accordance with the rules of monetary compensation.

In the event of the death (death) of the person specified in this paragraph, the right to receive monetary compensation shall pass to the family members of the deceased (dead).

8. As excluded by the Law of the Republic of Kazakhstan dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

9. Citizens who first entered military service under a contract for military positions of ordinary and sergeant personnel before January 1, 2013 shall be paid a one-time monetary remuneration, depending on the term of the contract concluded in the following amounts:

- for 3 years – in amount of 1 official salary;
- for 5 years – in amount of 10 official salaries;
- for 10 years – in amount of 20 official salaries.

Payment of mentioned pecuniary recompenses shall be made no later than three months from the date of conclusion of the contract.

Received lump sum pecuniary recompense shall be subject to refund:

1) in case of dismissal from military service before the expiration of the contract on military service in cases provided for by paragraphs 7), 9) and 11) of paragraph 1 of Article 26 of this Law;

2) if in the manner established by the legislation of the Republic of Kazakhstan, it is proved that the wound, contusion, injury, maim or disease unsuited with the further performance of military service occurred upon commission of illegal actions by military servants or on the reason of alcohol, drug, toxic intoxication or infliction of any bodily damage (self-injury) to themselves or other harm to own health for the purpose of evading from military service.

Refund of paid lump sum of pecuniary recompense shall be performed to the state body in which a military servant performed military service in monthly term from the date of his (her) dismissal from military service.

In case of death incident (death), receipt of wound, contusion, injury, maim or disease unsuited with the further performance of military service, refund of lump sum pecuniary recompense shall not be made to military servants during the period of performing the military service.

10. Shall be deemed to have lost force from the date of entering into force of this Law:

1) the Law of the Republic of Kazakhstan dated 20 January 1993 “On status and social protection of military servants and their family members” (The Bulletins of the Supreme Soviet of the Republic of Kazakhstan, 1993, № 2, Article 32; № 18, Article 429; 1995, № 20, Article 120; № 22, Article 133; the Bulletin of the Parliament of the Republic of Kazakhstan, 1997, № 7, Article 79; 1999, № 8, Article 247; № 23, Article 920; 2001 № 20, Article 257; 2003 № 15, Article 135; 2004 № 23, Article 142; 2007, № 9, Article 67; № 10, Article 69; № 20, Article 152; 2009, № 2-3, Article 8; 2011, № 1, Article 7; № 16, Article 129);

2) the Law of the Republic of Kazakhstan dated 8 July 2005 “On military obligation and military service” (The Bulletin of the Parliament of the Republic of Kazakhstan, 2005, № 14, Article 60; 2007, № 9, Article 67; № 20, Article 152; 2008, № 6-7, Article 27; 2010, № 10, Article 48; № 24, Article 151; 2011, № 1, Article 7; № 17, Article 136; the Law of the Republic of Kazakhstan dated 9 November 2011 “On amendments and supplements in several legislative acts of the Republic of Kazakhstan on the issues of improvement of law enforcement activity and further humanization of criminal legislation” published in newspapers “Yegemen Kazakhstan” 15, 16 November 2011 and “Kazakhstanskaya Pravda” 15, 16 and 19 November 2011).

**Footnote. Article 55 as amended by the Law of the Republic of Kazakhstan dated 23.04.2014 № 200-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 13.06.2017 № 69-VI (an order of enforcement see Article 2); dated 12.12.2017 № 114-VI (shall be enforced dated 01.01.2018); dated 16.11.2020 № 375-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 15.04.2022 № 114-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

*The President  
of the Republic of Kazakhstan*

*N. Nazarbayev*