

## **On Anti-corruption law**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 2 July, 1998 No. 267

**Unofficial translation**

## **Chapter 1. General provisions**

### **Article 1. Objectives of the Law**

1. This Law shall be oriented to protection of rights and freedom of citizens, national security protection of the Republic of Kazakhstan from threats arising from manifestation of corruption, carrying out of effective activities of the state bodies, civil servants and other persons, carrying out state functions, as well as persons equated with them, using preventions, detections, suppressions and exposure of the infractions, linked with corruption, eliminations of their consequences and bringing of guilty persons to responsibility, shall determine the basic principles of anti-corruption law, establish types of infractions, linked with corruption, as well as conditions of incurrence of responsibility.

2. This Law shall also be oriented to the extension of democratic origins, publicity and control in governing of the state, to strengthening of public confidence in the state and its structures, stimulation of competent specialists to entering into state service, creation of conditions for probity of persons, performing the state functions.

### **Article 2. Basic definitions**

1. In this Law corruption means acceptance of property benefits and advantages not provided by the Law, in person or through an intermediary by the persons, performing state functions, as well as by persons equated with them, with the use of their official powers and opportunities linked with them or the other use of their powers for obtaining the property profit, and equally the bribery of these persons by illegal provision of these benefits and advantages by individuals and legal entities to them.

2. Infractions, linked with the corruption infractions are the actions, linked with the corruption or creating conditions for the corruption provided by this Law, as well as the other Laws, which shall entail disciplinary, administrative and criminal responsibility, established by the legislation.

3. The state functions – are the competences, related to the powers of the state and its bodies and persons, holding the public offices by the legislation of the Republic of

K a z a k h s t a n .

3-1. Is excluded by the Law of the Republic of Kazakhstan dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

4. Civil servants – persons, carrying out, the functions of the public agent or performing the organizational and administrative or administrative and economic functions in the state bodies, the bodies of the local self-government, as well as in the Armed Forces of the Republic of Kazakhstan, the other military forces and military formations of the Republic of Kazakhstan permanently, temporary or special power.

N o t e o f R C L I !

Paragraph 5 is in the wording of the Law of the Republic of Kazakhstan dated 03.07.2014 No 227-V (shall be enforced from 01.01.2015

5. Persons, holding responsible public offices – the persons, holding the offices, established by the Constitution of the Republic of Kazakhstan, constitutional and the other Laws of the Republic of Kazakhstan for the immediate performance of the state functions and powers of the state bodies.

Footnote. Article 2 as amended by the Laws of the Republic of Kazakhstan dated 23 July, 1999 No. 454 (shall be enforced from 1 January 2000); dated 8 June, 2001 No. 206; dated 25 September, 2003 No. 484; dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 01.04.2011 No. 425-IV (shall be enforced from the date of its first official publication).

### **Article 3. Subjects of the infractions linked with corruption**

1. Persons, authorized to perform the state functions and the persons equated to them shall entail responsibility for the infractions linked with corruption on the basis of this Law.

N o t e o f R C L I !

Subparahraph 1) is in the wording of the Law of the Republic of Kazakhstan dated 03.07.2014 No 227-V (shall be enforced from 01.01.2015).

2. Persons, authorized to perform the state functions are:

- 1) all civil servants, deputies of the Parliament and maslikhats, judges;
- 2) all state servants in accordance with the legislation of the Republic of Kazakhstan on state service.

3. The following persons shall be equated with the persons, authorized to perform the state functions:

- 1) persons, elected to the bodies of local self-government;
- 2) citizens registered as presidential candidates of the Republic of Kazakhstan, deputies of the Parliament of the Republic of Kazakhstan and maslikhats, as well as members of the electoral bodies of local self-government in the manner established by the Law;
- 3) servants, working in the bodies of local self-government on a permanent or temporary

basis, the payment for labour of which shall be performed from the funds of state budget of the Republic of Kazakhstan.

4) persons, performing administrative functions in the state organizations and organizations in charter capital of which share of state is more than fifty percent, as well as in the national administrative holding companies, the national holding companies, the national companies, national development institutes of development, shareholder of which is the state, its branch organizations, more than fifty percent of voting shares (participatory shares) of which belong to them, as well as legal entities, more than fifty percent of voting shares (participatory shares) of which belong to the mentioned branch organizations;

5) servants of the National Bank of the Republic of Kazakhstan and its departments.

4. Subjects of corruption infractions shall also include individuals and legal entities, perform the bribery of civil servants and other persons, authorized to performing the state functions, or persons equated with them, and equally providing them the property benefits and advantages illegally.

Note.

1. In this Law the persons, performing administrative functions in the state organizations and organizations in charter capital of which the share of state is more than fifty percent, as well as in the national administrative holding companies, the national holding companies, the national companies, national development institutes, shareholder of which is the state, its branch organizations, more than fifty percent of voting shares (participatory shares) of which belong to them, as well as legal entities, more than fifty percent of voting shares (participatory shares) of which belong to the mentioned branch organizations, shall be recognized as the persons, performing organizational and administrative or administrative and economic functions in the mentioned organizations on a permanent, temporary basis or by the special power.

2. Organizational and administrative functions mean activity of persons on carrying out of powers of body of organizations, provided by the legislation and the constitutive documents. These functions shall include governance of staff, the placement and selection of cadres, the organization and control of labour of the subordinate employees, the maintenance of discipline, expressed in the application of incentives and imposition of disciplinary penalties.

3. Administrative and economic functions mean carrying out of activity within performed powers on administration and disposition of property, as well as money, being on the balance and banking accounts of organizations by persons on which the full material responsibility is imposed.

**Footnote.** Article 3 is in the wording of the Law of the Republic of Kazakhstan dated 25.09.2003 No 484; as amended by the Laws of the Republic of Kazakhstan dated 21.07.2007 No 308; dated 07.12.2009 No 222-IV (the order of enforcement see Article 2); dated 01.02.2012 No 551-IV (shall be enforced upon expiry of ten calendar days after its first

official publication); dated 05.07.2012 No 30-V (shall be enforced from the date of its first official publication).

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

1. This Law shall enforce in the whole territory of the Republic of Kazakhstan in respect of all the individuals and legal entities. Beyond the boundaries of the Republic of Kazakhstan this Law shall enforce in respect of citizens of the Republic of Kazakhstan and the legal entities, registered in the Republic of Kazakhstan unless otherwise provided by the international treaty.

2. The other legal regulations, providing the restrictions and prohibitions, oriented to the anti-corruption may be established by the Laws on procedure for performing particular state functions (on the status of the deputies of maslikhats, judges, on the service by particular categories of the state servants, on the other possible subjects of infractions, linked with the corruption).

3. The judges, deputies of the parliament of the Republic of Kazakhstan shall entail the responsibility for commission of corruption crimes on the grounds and in the manner, provided by the Constitution and the Laws of the Republic of Kazakhstan.

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Paragraph 4 is in the wording of the Law of the Republic of Kazakhstan dated 03.07.2014 No 227-V (shall be enforced from 01.01.2015)

4. The criminal responsibility and criminal penalty, administrative responsibility and sanctions for corruption infractions and administrative infractions shall be provided respectively by the Criminal Code of the Republic of Kazakhstan and the Code on administrative infractions of the Republic of Kazakhstan.

**Footnote. Article 4 as amended by the Laws of the Republic of Kazakhstan dated 25.09.2003 № 484; dated 07.12.2009 № 222-IV (the order of enforcement see Article 2)**

#### **Article 5. Basic principles of the anti-corruption**

The anti-corruption shall be carried out on the basis of:

- 1) the equality of all before the Law and court;
- 2) providing the clear legal regulation of the activity of the state bodies, justice and publicity of such activity and state and public control;
- 3) the improvement of the state apparatus structure, personnel work and the procedure for solving the questions, concerning the rights and legal interests of the individuals and legal entities;

4) priority of the protection of rights and legal interests of individuals and legal entities, as well as social and economic, political and legal, organizational and administrative systems of the state;

5) recognizing the admissibility of restrictions of rights and freedom of civil servants and other persons, authorized to perform the state functions, as well as the persons equated with them, in accordance with paragraph 1 of Article 39 of the Constitution of the Republic of K a z a k h s t a n ;

5-1) providing social and legal protection of state servants by the state;

6) restoration of the violated rights and legal interests of the individuals and legal entities, mitigation and prevention of the harmful consequences of corruption infractions;

7) providing the personal security and the incentive of citizens, supporting the anti-corruption infractions;

8) protection of rights and legal interests of persons, authorized to perform the state functions, and persons equated with them, establishment of salary (monetary pay) and benefits to these persons, providing well-deserved living standards to the mentioned people and their families;

9) inadmissibility of the delegation of powers on the state regulation of entrepreneurial activity of individuals and legal entities, carrying out such activity, as well as its control;

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**Subparagraph 10) is in the wording of the Law of the Republic of Kazakhstan dated 03.07.2014 No 227-V (shall be enforced from 01.01.2015).**

10) carrying out operational investigations or the other activity for the purpose of detections, exposure and prevention of crimes, linked with corruption, as well as application special measures of financial control for the purpose of inadmissibility of the money laundering and other property in the manner established by the Law;

11) establishment of the prohibition for the persons mentioned in paragraphs 1, 2, 3 of Article 3 of this Law, on carrying out of entrepreneurial activity, as well as on holding paid offices in managing bodies of economic subjects, with the exception of cases, when holding this office is provided by established official duties according to the legislation;

12) providing the public control and formation of intolerance atmosphere to manifestation of the corruption in society.

**Footnote. Article 5 as amended by the Laws of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Article 2); dated 29.12.2010 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.01.2011 No. 378-IV (shall be enforced from the date of its first official publication).**

## **Article 6. Bodies, carrying out the anti-corruption**

1. All the state bodies and the civil servants shall be obliged to carry out anti-corruption within their authority. Heads of the state bodies and executive secretaries or civil servant, determined by the President of the Republic of Kazakhstan, the organizations as well as organizations with the state participatory share, bodies of local self-government within their

powers shall provide the fulfillment of requirements of this Law and application of disciplinary measures, provided in it, involving personnel, control, legal and other services for these purposes, as well as registration and informing of all known cases to them of corruption in bodies, mentioned in paragraph 2 of this Article.

2. Detection, suppression, anti-corruption infractions and bringing of persons, guilty in their commission to the responsibility within their competence shall be carried out by the prosecution bodies, national security bodies, internal affairs bodies, the revenue, custom service, financial and military police, Frontier Service of the National Security Committee of the Republic of Kazakhstan.

3. Bodies, mentioned in paragraph 2 of this Article shall be obliged to take measures, arising from their powers, and direct information immediately of all the cases of detecting the corruption infractions, committed by the persons, holding important state office, in the bodies of legal statistics and information.

Civil servants and the bodies, mentioned in paragraphs 1 and 2 of this Article shall be obliged to inform a person or body in written, directed the case, material, minutes on representation of corruption crime, administrative infraction, on results of their consideration, in the term, established by the legislation.

Civil servants of the state bodies shall be obliged to take measures on publishing the materials in mass media, containing information on infractions of corruption nature, provided by the Law.

4. The President of the Republic of Kazakhstan shall have the right to establish the state body on prevention corruption, determine its status and powers.

**Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 12.07.2001 No. 240; dated 09.08.2002 No 346; dated 25.09.2003 No 484; dated 27.07.2007 No 315 (shall be enforced from the date of its first official publication); dated 07.12.2009 No. 222-IV (the order of enforcement see Article 2); dated 16.01.2013 No.71-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 7. Safe-conducting of the persons, supporting the prevention of the corruption**

1. The person, informed about the fact of the corruption infraction or otherwise supporting the anti-corruption shall be protected by the state.

2. Information of the person, supporting prevention of the corruption shall be the state secret and shall be provided only upon request of the bodies, mentioned in paragraphs 2 and 4 of Article 6 of this Law or of the court in the manner, established by the Law. Disclosure of this information shall entail the responsibility, established by the Law.

2-1. Person, informed about the fact of the corruption infraction or otherwise supporting the prevention of the corruption shall be encouraged in the manner, provided by the Government of the Republic of Kazakhstan.



3. Bodies, preventing corruption shall provide personal security of the persons, supporting the anti-corruption in cases of necessity.

4. Rules of this Article shall be exempt from persons, informed about false information, which entail the responsibility designedly in accordance with the Laws of the Republic of Kazakhstan.

**Footnote.** Article 7 as amended by the Laws of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Article 2); dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 2. Prevention of the corruption, corruption infractions and responsibility for them**

### **Article 8. Particular requirement to persons, laying a claim on performance of the state functions, and persons, laying a claim on carrying out of administrative functions in the state organizations, organizations with state participatory share**

**Footnote.** Title is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2010 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Persons, laying a claim on performance of the state functions, holding the state offices or performance of administrative functions in the state organizations and organizations, in the charter capital of which the share of state is more than fifty percent, as well as in the national administrative holding companies, the national holding companies, the national companies, national development institutes, shareholder of which is the state, its branch organizations, more than fifty percent of voting shares (participatory shares) of which belong to them, as well as legal entities, more than fifty percent of voting shares (participatory shares) of which belong to the mentioned branch organizations, shall accept restrictions, established by this Law and the other Laws for the purpose of non-admission of the actions, which may lead to using their status and authority based on it for personal, group and other non-service interests, and by this the mentioned persons shall be informed on legal consequences of these actions.

2. The agreement of mentioned persons on accepting the restrictions shall be recorded by personnel departments of the relevant organizations in written form.

The non-acceptance of restrictions shall entail the refusal in bringing a person for performance of the state functions or functions, equated with them, or discharge or other release from performing the mentioned functions in the manner provided by the Law.

3. Persons, laying a claim on holding the state office with high risk of committing the corruption infractions shall assume the obligations on possibility of applying the special inspection with a view to compliance with the anti-corruption laws in respect of them.

the list and method of determining the offices with high risk of committing the corrupt infractions and mechanism of carrying out the special inspection with a view with to compliance with the anti-corruption laws shall be determined by the Government of the Republic of Kazakhstan.

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 29.12.010 No 371-IV (shall be enforced upon expiry of ten calendar days after its first publication); dated 01.02.2012 No 551-IV (shall be enforced upon expiry of ten calendar days after its first publication); by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No 121-V (shall be enforced upon expiry of ten calendar days after its first publication).

## **Article 9. Measures of financial control**

1. Persons, being the candidates on public office or office, linked with performing the state functions or functions, equated with them shall submit in the tax authority at the place of residence :

assets and income declaration, being the object of assessed taxation, as well as beyond the territory of the Republic of Kazakhstan, specifying the location of mentioned property; information on :

contributions in the banking institutions and on securities, as well as beyond the territory of the Republic of Kazakhstan, specifying the banking institutes, as well as on the funding resources, by which such persons have a right to dispose in person or in conjunction with other persons ;

their participation as a shareholder or incorporator (participant) of legal entities specifying the participatory share in the charter capital and full bank or other details of the mentioned organizations ;

trusts and on states, in which they are registered, with specification of the numbers of the relevant bank accounts, if a person or his (her) husband (wife) is the beneficiary of these trusts ;

names and details of the other organizations that have contractual relationship and obligations (as well as oral obligations) with a person on keeping or temporary storage of material or financial resources, belonging to a person or husband (wife) in the amount, exceeding the thousandfold amount of the monthly calculation index.

2. Persons, holding the state offices shall submit the asset and income declaration in the tax authority at the place of residence, being the object of assessed taxation and situating both in the territory of the Republic of Kazakhstan, and beyond its boundaries, on an annual basis during the period of performing their powers in the manner, established by the tax legislation of the Republic of Kazakhstan.

2-1. Persons dismissed from the state service due to the negative appeals shall submit the



asset and income declaration in the tax authority at the place of residence, being the object of assessed taxation and situating both in the territory of the Republic of Kazakhstan, and beyond its boundaries, in the manner, established by the tax legislation of the Republic of Kazakhstan within three years after dismissal.

3. A husband (wife) of a person, mentioned in the first part of paragraph 1 of this Article shall submit in the tax authority at the place of residence: the asset and income declaration, being the object of assessed taxation, as well as situating beyond the territory of the Republic of Kazakhstan, with the specification of location of mentioned property;

information on: contributions in the banking institutions and on securities, as well as beyond the territory of the Republic of Kazakhstan, with the specification of banking institute, as well as on financial resources, by which such persons have a right to dispose in person or in conjunction with other persons;

their participation as a shareholder or incorporator (participant) of legal entities with the specification of participatory share in the charter capital and full bank or other details of the mentioned organizations;

trusts and on states, in which they are registered, with specification of the numbers of the relevant bank accounts, if a person or his (her) husband (wife) is the beneficiary of these trusts;

names and details of the other organizations that have contractual relationship and obligations (as well as oral obligations) with persons on keeping or temporary storage of material or financial resources, belonging to the person or husband (wife) in the amount, exceeding the thousandfold amount of the monthly calculation index.

3-1. The husband (wife) mentioned in paragraphs 2 and 2-1 of this Article shall submit the asset and income declaration in the tax authority at the place of residence, being the object of assessed taxation and situating both in the territory of the Republic of Kazakhstan, and beyond its boundaries.

3-2. Family members of a person, being the candidate on the service of special state body shall submit the declaration and information in the tax authority at the place of residence, mentioned in paragraph 3 of this Article.

Note. In this paragraph, the family members of a person, being the candidate on the service of special state body shall be recognized as husband (wife), adult children and persons being on its maintenance and permanently residing with him (her).

4. Persons, mentioned in paragraphs 1, 2 of this Article shall submit the statement from the tax authority on receiving declarations and information by him (her), listed in paragraphs 1 – 3-1 of this Article to the body, on holding the office in which they pretend, or at the place of work respectively.

5. Non-provision or presentation of incomplete, corrupt declarations and information, listed in this Article, by the persons, mentioned in paragraphs 1 and 2 of this Article (with the exception of the persons, dismissed from the state service by the negative appeal) shall be the ground for refuse in granting a person by the relevant powers or shall entail disciplinary responsibility in the manner provided by the Law, if the criminal conduct doesn't contain the elements of the criminally punishable act.

5-1. Actions, mentioned in paragraph 5 of this Article, committed intentionally, as well as committed repeatedly shall entail the administrative responsibility, imposed in the manner established by the Law.

6. Actions, mentioned in paragraph 5 of this Article, committed for the first time within three years after releasing the persons from performance of the state functions or functions, equated with them, as well as repeated performance of such actions shall entail administrative responsibility established by the Law.

7. Information on amounts and income sources of the civil servants, holding the responsible state offices, as well as information on the incomes of candidates on elected state offices in case of their nomination may be published in the manner established by the legislation.

8. Persons, authorized to perform the state functions, and persons equated with them shall be prohibited to consummate the civil transactions without using their names – on the assumed names, anonymously, under the pseudonym and others. These transactions shall be recognized invalid in the manner established by the Law.

9. Individuals and legal entities that participate in the performance of functions on administration of the state property shall submit all the reports on all the transactions of property nature and financial activity, linked with the state property to the state body, carrying out the proprietary rights in respect of the state property in manner and terms established by the Government of the Republic of Kazakhstan.

10. Information, received in the tax authorities, provided by this Article shall be the official secret. Their disclosure shall entail dismissal of the guilty person, if the criminal conduct doesn't contain the elements of the criminal offence. This information shall be provided only upon request of the bodies mentioned in paragraphs 2 and 4 of Article 6 of this Law, as well as of the court in manner established by the Law.

Information that is official secret shall be provided to the authorized body on financial monitoring for the purpose and in the manner, provided by the legislation of the Republic of Kazakhstan on preventions of legitimization (laundering) of incomes, received by criminal way or by the financing of terrorism.

11. Measures of financial control, provided by this Article shall not apply to legal relations, linked with the acquisition of dwelling places and constructional materials for construction of dwelling places in the Republic of Kazakhstan in the ownership. Financial control upon acquisition of dwelling places and constructional materials for their construction

shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 9 as amended by the Laws of the Republic of Kazakhstan dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009); dated 28.08.2009 No. 192-IV (shall be enforced from 08.03.2010; dated 07.12.2009 No. 222-IV (the order of enforcement see Article 2); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2012 No. 61-IV (shall be enforced from 01.01.2013) by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication), dated 10.06.2014 No 206-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 10. Activity, inconsistent with performing the state functions**

1. Civil servants and other persons, authorized to perform the state functions, and persons equated with them (with the exception of deputies of the maslikhats, carrying out their activity on non-permanent or free basis, as well as persons mentioned in subparagraph 2) of paragraph 3 of Article 3 of this Law and the second part of this paragraph), shall be prohibited to engage in other activity of profit, except for the pedagogical, scientific and other creative activity.

Persons, fulfilling the administrative functions in the organizations, included to the National Welfare Fund shall have a right to hold the stipendiary offices in the administrative bodies, the boards of supervisory directors, executive bodies of other organizations, included to the National Welfare Fund.

2. Deputies of the Parliament of the Republic of Kazakhstan, members of the Government of the Republic of Kazakhstan, Chairman and members of the Constitutional Council of the Republic of Kazakhstan, judges shall be prohibited to carry out the entrepreneurial activity, participate in administration of the economic entity on an independent basis, if the administration or participation in administration of the economic entity is not included in their office duties in accordance with the legislation, to promote serving of material interests of the organizations or individuals by illegal use of their service powers for the purpose of receiving the material benefits.

2-1 The Chairman of the National Bank of the Republic of Kazakhstan and his (her) assistants shall be prohibited to acquire the stocks of investment funds, debentures, shares of the commercial organizations.

The Chairman of the National Bank of the Republic of Kazakhstan and his (her) assistances shall be obliged to place the stocks of investment funds, debentures, shares of the commercial organizations, acquired before their appointments to the offices belonged to them into trust within one month from the date of their appointment to offices in the manner established by the legislation of the Republic of Kazakhstan.

3. Persons, mentioned in paragraph 2 of this Article shall be obliged to place the property belonged to them into trust, use of which shall entail the income provision, with the exception of money, legally belonged to these persons, as well as property, transferred in the property lease within one month from the date of their assumption of office for the period of performing these functions in the manner established by the legislation of the Republic of K a z a k h s t a n .

4. Persons, mentioned in paragraph 1 of this Article, with the exception of persons, mentioned in paragraph 2 of this Article, shall be prohibited to participate on an independent basis in administration of the economic entity, if the administration or the participation in administration of the economic entity is not included in their office duties in accordance with the legislation, to promote serving of material interests of the organizations or individuals by the illegal use of their service power for the purpose of receiving the material benefits, to engage in entrepreneurial activity, with the exception of acquisition and (or) implementation of the stocks of open and interval mutual investment funds, debentures on the organized securities market, shares of commercial organizations (ordinary shares in the volume, not exceeding five percent of total number of voting shares of organizations) on the organized securities market, as well as delivery in property lease of dwelling places.

In case of acquisition of the shares, mentioned in paragraph 1 of this Article, the persons shall be obliged to place them into trust within one month from the date of acquisition in the manner established by the legislation of the Republic of Kazakhstan and submit the notarially certified copy of the property trust contract within ten business days after notarization of the contract at the work place, with the exception of persons, mentioned in paragraph 2 of this A r t i c l e .

5. Persons, mentioned in paragraph 1 of this Article, with the exception of persons, mentioned in paragraph 2 of this Article, within one month after taking the office shall be obliged to place the property, belonged to them in trust, use of which shall entail acquisition of incomes, with the exception of money, debentures, stocks of open and interval mutual investment funds legally belonged to these persons, as well as the property, transferred in the property lease for the period of performing these functions in the manner, established by the legislation of the Republic of Kazakhstan. The trust management contract shall be subject to n o t a r i z a t i o n .

6. Persons, mentioned in paragraph 1 of this Article engaged in the activity, inconsistent with performance of these functions, shall be subject to dismissal or another release from the performance of the relevant functions in the manner established by the Law.

A person authorized to performance of the state functions, or a person equated with him (her), released from performance of mentioned functions due to engagement in the activity, inconsistent with performance of these functions, may not be newly authorized to perform such functions, unless he (she) he (she) terminates engagement in the activity, mentioned in t h i s A r t i c l e .

Footnote. Article 10 is in the wording of the Law of the Republic of Kazakhstan dated 08.12.2009 No. 226-IV (shall be enforced from the 01.01.2010); as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 01.02.2012 No. 551-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 11. Inadmissibility of the participatory service of immediate relatives**

1. Civil servants and other persons authorized to perform the state functions, and persons equated with them, may not hold the offices, being in direct subordination of offices, held by their immediate relatives (parents, children, adoptive person, adopted children, full blood and half-blood brothers and sisters, grandfathers, grandmothers, grandchildren) or husband (wife), with the exception of cases, provided by the Laws.

2. Persons, violating requirements of paragraph 1 of this Article shall be subject to transfer on the offices, excluding this subordination, if they don't eliminate it, voluntarily within three month from the date of detecting the mentioned violation, and upon impossibility of such transfer, one of these servants shall be subject to dismissal from the office or the other release from the mentioned functions.

3. Persons, dismissed on the grounds, mentioned in paragraph 1 of this Article shall have a right to admission on the state or other service, inherent in performance of the state functions or functions equated with them functions, in other bodies, organizations.

Footnote. Article 11 as amended by the Laws of the Republic of Kazakhstan dated 25.09.2003 No. 484; dated 07.12.2009 No. 222-IV (the order of enforcement see Article 2); dated 29.12.2012 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 12. Infractions, creating the conditions for corruption, and responsibility for them**

1. Infractions, creating the conditions for corruption are the following actions of persons, authorized to perform the state functions, or persons equated with them:

- 1) wrong interference in the activity of the other state bodies, organizations;
- 2) use of their service powers in solving questions, linked with serving material interests of mentioned persons or immediate relatives and legal relatives;
- 3) provision of advantages (protection, nepotism), not provided by the Law upon admission and promotion on the state service and in the state organizations and organizations, in the charter capital of which the share of state is more than fifty percent, as well as in the national administrative holding companies, the national holding companies, the national

companies, national development institutes, the shareholder of which is the state, its branch organizations, more than fifty percent of voting shares (participatory shares) of which belong to them, as well as legal entities, more than fifty percent of voting shares (participatory shares) of which belong to the mentioned branch organizations;

4) rendering of illegal preferences to legal entities and individuals upon preparation and adoption of decisions;

5) rendering assistance not provided by the legislation to any person in carrying out the entrepreneurial and other activity, linked with deriving revenue;

6) use of information, received upon performing the state functions, in personal or group interests, if such shall not be subject to officialization;

7) unjustified refusal in information for individuals and legal entities, provision of which is provided by the legislation, its impediment, communication of corrupt or incomplete information;

8) requiring the information from individuals and legal entities, provision of which is not provided by the legislation;

9) transfer of state, financial and material resources in electoral funds of particular candidates;

10) repeated breach of procedure for consideration of applications from individuals and legal entities, established by the Law and decision of other questions, included into their competence;

11) giving the gifts and rendering of non-official services for superior official persons for receiving the property profit, benefit or advantage using the official powers of mentioned persons;

12) visible impeding to individuals or legal entities in enforcement of their rights and legal interests;

13) delegation of powers on the state regulation of the entrepreneurial activity for individuals or legal entities, performing such activity, as well as its control and supervision;

13-1) transfer of the state control and supervision functions to organizations, not having the status of the state body;

14) participation in gambling games of money or other property nature with superior or inferior civil servants or civil servants being with them in another dependence at service or work.

2. Commission of any infraction, mentioned in subparagraphs 1), 6), 7), 8), 10), 12), 14) of paragraph 1 of this Article, by persons authorized to perform the state functions, or persons, equated with them, if it doesn't contain the elements of the criminal offence, shall entail the reduction, and in case of absence of the vacant inferior office – imposition of disciplinary sanction in the form of prevention on incomplete adequacy in the manner, established by the Law.

Repeated commission of any mentioned infractions shall entail dismissal from the office



or the other release from performance of the state functions within one year after imposition of the disciplinary sanction for the first infraction in the manner, established by the Law.

Commission of any infraction mentioned in subparagraphs 2), 3), 4), 5), 9), 13), 13-1) of paragraph 1 of this Article by persons authorized to perform the state functions or persons equated with them, if it doesn't contain the elements of the criminal offence, shall entail dismissal from the office or termination of performing the state functions, in the manner, established by the Law.

3. In case of commission of any infraction mentioned in paragraph 1 of this Article by deputies of the Parliament of the Republic of Kazakhstan or by persons mentioned in subparagraph 2) of paragraph 3 of Article 3 of this Law, the bodies, preventing the corruption shall inform the relevant election commission about this, which shall be obliged to bring materials to the notice of the Parliament within five days from the date of receiving the materials.

**Footnote.** Article 12 as amended by the Laws of the Republic of Kazakhstan dated 28.04.2000 No 46; dated 25.09.2003 No. 484; dated 21.07.2007 No. 308; dated 07.12.2009 No. 222-IV (the order of enforcement see Article 2); dated 29.12.2010 No 371-IV (shall be enforced upon expiry of ten calendar days after its first publication); dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 01.02.2012 No 551-IV (shall be enforced upon expiry of ten calendar days after its first publication).

### **Article 13. Corruption infractions, linked with criminal receipt of benefits and advantages**

1. Corruption infractions, linked with criminal receipt of benefits and advantages are the following actions of persons, authorized to perform the state functions, or persons, equated with them:

1) acceptance of any reward in the form of money, services and in the other forms from organizations for performing their state functions or functions equated with them, in which a person doesn't perform the relevant functions, as well as from individuals unless otherwise provided by the legislation.

Financial resources, received on account of a person, authorized to perform the state functions, or persons, equated with him (her), without the knowledge of mentioned person, as well as funds, received by him (her) due to performing the relevant functions in breach of the first paragraph of this subparagraph, shall be subject to transferring in republican budget with provision of explanation in the relevant tax body on the circumstances of receiving such funds in no more than two weeks after their detection.

2) acceptance of gifts or services due to fulfilling their state functions or functions equated with them from the persons, depended on them at service, for the general wardship or



office or termination of performing the state functions.

4. In case of commission of any infraction, mentioned in paragraphs 1 and 2 of this Article by deputies of the Parliament of the Republic of Kazakhstan, mentioned in subparagraph 2) of paragraph 3 of Article 3 of this Law, the bodies, preventing corruption shall inform the relevant election commission about this that is obliged to bring materials to the notice of the Parliament within five days from the date of receiving materials.

**Footnote. Article 13 as amended by the Laws of the Republic of Kazakhstan dated 25.09.2003 No. 484; dated 21.07.2007 No. 308; dated 29.12.2010 No. 371-IV (shall be enforced upon the expiry of its first official publications).**

### **Article 13-1. Terms of imposition of disciplinary penalty for commission of corruption infractions and infractions creating conditions for corruption**

1. In case of commission of corruption infraction and infraction, creating the conditions for corruption by a person, authorized to perform the state functions, or a person equated with him (her), the disciplinary sanction shall be imposed not later than three month from the date of determining the offence and may not be imposed later than one year from the date of commission of the offence.

**Note of R C L I !**

**Paragraph 2 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2014 No 233-V (shall be enforced from 01.01.2015).**

2. In case of refusal in initiation of criminal case or termination of the criminal case, but in existence of elements of corruption administrative infraction or disciplinary offence in the actions of persons, mentioned in paragraph 1 of this Article, the penalty may be imposed in terms, provided by paragraph 1 of this Article.

**Footnote. The Law is supplemented by Article 13-1 in accordance with the Law of the Republic of Kazakhstan dated 25.09.2003 No. 484; as amended by the Law of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Article 2).**

**Article 14. (Article 14 is excluded by the Law of the Republic of Kazakhstan datd 25 September, 2003 No. 484)**

**Article 15. (Article 15 is excluded by the Law of the Republic of Kazakhstan datd 25 September, 2003 No. 484)**

**Article 16. (Article 16 is excluded by the Law of the Republic of Kazakhstan datd 25 September, 2003 No. 484)**

## **Article 17. Responsibility of persons, informed misleading information about the facts of corruption infraction**

1. A state servant, a worker of law enforcement body that informed misleading information about the fact of corruption infraction to the body, preventing corruption in relation of the other state servant, worker of law enforcement body, shall be punished in disciplinary manner up to the dismissal from the office or other release from the performing the relevant functions upon the recommendation of the body, preventing corruption.

2 . ( i s e x c l u d e d )

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 25 September, 2003 No. 484.

## **Chapter 3. Elimination of consequences of corruption infractions**

### **Article 18. Recovery of illegally received property or cost of illegally rendered services**

1. In all cases of illegally enrichment of persons, authorized to perform the state functions, or persons, equated with them, in the result of corruption infractions, the illegally received property shall be subject to treatment, and the cost of illegally received services shall be subject to recovery into the income of the state.

2. In cases of refusal from voluntarily surrender of illegally received property or payment of its cost to the state or cost of illegally received services, the recovery shall be carried out under decision of the state into the income of the state at the suit of a prosecutor, bodies of taxing authority or other state bodies and civil servants, authorized to this by the Law. The mentioned bodies shall take measures on property integrity, belonging to the law breaker before rendering of decision by the court.

3. If a person, performed the state functions, or a person, equated with him (her) refuses to perform the requirements, provided by paragraph 1 of this Article after dismissal, another release from performance of the relevant functions for committed corruption infraction, the civil servant or a body, adopting decision on this release shall direct notification on received illegal incomes to the tax authority at the place of residence of guilty person.

4. In cases, mentioned in paragraph 2 of this Article, a prosecutor, bodies of tax service or other state bodies and civil servants, authorized to this by the Law shall go to the Law with a suit on treatment of illegally received property and (or) recovery of the cost of illegally received services into the income of the state not later than one month from the moment of occurrence of the obligations of the persons, authorized to perform the state functions, or persons, equated with them, according to the age of illegally received property or payment of its cost to the state or cost of illegally received services.

Footnote. Article 18 as amended by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 19. Recognition of transactions as invalid and annulment of acts and actions, committed in the result of corruption infractions**

Transactions, consummated due to commission of corruption infractions shall be recognized invalid in court in the manner, established by the Law.

Acts, actions committed in the result of corruption infractions shall be annulled by the body or civil servant, authorized to accept or cancel the relevant acts, or by the court at the suit of concerned individuals or legal entities, or prosecutor.

Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 4. Final provisions**

### **Article 20. Application of the legislation in force**

The legislation of the Republic of Kazakhstan being in force for the moment of enforcement of this Law shall be applied in the part, not contradicting to it, and shall be brought into compliance with it within three months from the date of its enforcement.

*T h e                      P r e s i d e n t*

*of the Republic of Kazakhstan*