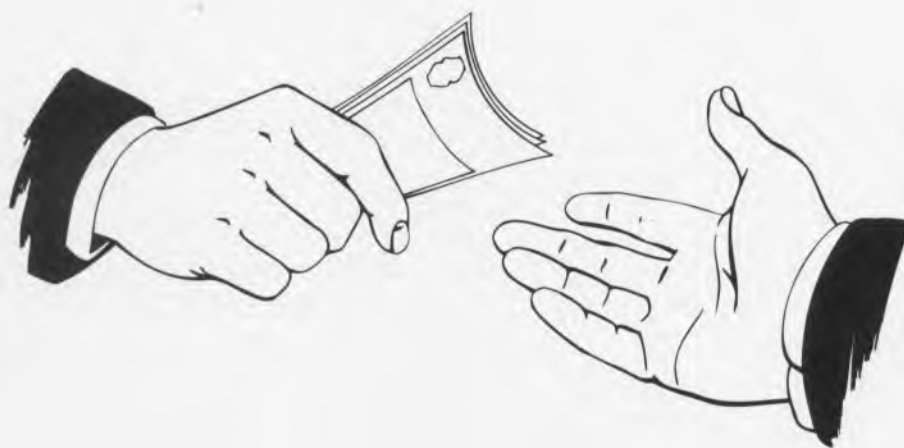


M.K. Samaldykov

AUTHORIZED BODY FOR THE FIGHT AGAINST CORRUPTION

Teaching manual



AL-FARABI KAZAKH NATIONAL UNIVERSITY

M.K. Samaldykov

**AUTHORIZED BODY FOR THE
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Teaching manual

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This teaching manual is an educational and methodological publication that contains both theoretical information about "Authorized body for the fight against corruption" from the training course "Legal framework for combating corruption", as well as materials on the methodology for self-study and practical development of the section.

The teaching manual is recommended to students, teachers, civil servants, MP's, law enforcement officials, as well as to every one interested in this topic.

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FOREWORD

In this manual the material is presented in a consistent, clear, accessible form. The theoretical information is presented considering the latest changes in legislation and contains an introductory part, as well as five subsections, section 5 "Authorized body for the fight against corruption" from the training course "Legal framework for combating corruption", which discloses the powers, the system, structure and international cooperation of the authorised anti-corruption body:

5.1. The concept and main directions of the activity of the Agency of the Republic of Kazakhstan on combating corruption;

5.2. The system and structure of the Agency of the Republic of Kazakhstan on combating corruption;

5.3. Anti-corruption service of the authorized anti-corruption body;

5.4. Implementation of the UN Convention against Corruption and increased capacity of law enforcement agencies;

5.5. The international agreement of Kazakhstan with GRECO, which determines the procedure for interaction of the Agency of the Republic of Kazakhstan on combating corruption with an international organization;

5.6. Istanbul Anti-Corruption Action Plan and a specialized body in Kazakhstan.

The self-study materials contain not only a list of questions and test tasks for self-control for students, but also questions to practical sessions.

The need for a teaching manual originated because the previous edition of the lecture course, which dealt with the specified topic section currently has significantly become outdated and cannot be unequivocally recommended for use in the educational process. This is due primarily to the fact that in July 2019, a process of significant updating of Kazakhstani legislation was carried out, including that presenting a fundamental importance for the organization and establishment of the activities of the authorized body in the fight against corruption. This manual is intended for the students, undergraduates, teachers, civil servants, law enforcement officers and for everyone who is interested in the system, structure, tasks and powers of the authorized body in the fight against corruption, as well as in the international legal aspects of its activities.

INTRODUCTION

During the time since the publication of the author's lecture course¹ and the preparation of the said training manuals under a separate 5 section of the course "Authorized body for the fight against corruption" the legal status of the Agency of the Republic of Kazakhstan on counteraction to corruption was radically transformed in connection with the adoption of the Decree of the President of the Republic of Kazakhstan dated June 13, 2019 No. 12 "On measures to improve the public administration system". Because of this, the organizational structure of the Agency of the Republic of Kazakhstan on combating corruption has undergone serious improvement. All these and other legal innovations are taken into account in the contents of this teaching manual.

The UN Convention against Corruption (**Article 6**) provides for the establishment of a special anti-corruption body².

In the Anti-Corruption Strategy of the Republic of Kazakhstan for 2015-2025, in subsection **2.1** (Positive trends in the field of anti-corruption), it was noted that a special state body combining regulatory and law enforcement functions in the field of public service and anti-corruption was created. It was intended not only to regulate the organization and passage of public service and monitor the cleanliness of the state apparatus, but also it was given the function of preventing and combating corruption, as well as of criminal prosecution of persons who committed corruption crimes. At the same time, preventive and prophylactic activity was a priority for the created body for civil service affairs and anti-corruption.

Then in 2019 in order to further improve the system of public service and anti-corruption under the decree of the President of the Republic of Kazakhstan dated June 13, 2019 № 12 "On measures to improve governance", the Agency for Civil Service Affairs and Anti-Corruption *was divided into two departments*.

¹ Samaldykov M.K. Legal framework for combating corruption: lecture course / M.K. Samaldykov. – Almaty: Kazakh University, 2019. – 174 p.

² United Nations Convention against Corruption. Adopted by General Assembly resolution 58/4 of October 31, 2003 // Source: http://www.un.org/ru/documents/decl_conv/conventions/corruption.shtml

One of which was the Agency of the Republic of Kazakhstan for Civil Service Affairs, which is an authorized state body in the field of public service and monitoring the quality of public services³, remaining directly reporting to the Head of the State.

As for the National Anti-Corruption Bureau (Anti-Corruption Service) of the Agency for Civil Service and Anti-Corruption of the Republic of Kazakhstan, it was transformed into the Anti-Corruption Agency of the Republic of Kazakhstan (Anti-Corruption Service) as a state body also directly subordinate and accountable to the President of the Republic of Kazakhstan. According to the Decree, the Agency is an independent law enforcement agency, endowed with exclusive comprehensive competences in the fight against corruption, while the National Bureau was a department within the Agency of the Republic of Kazakhstan for Civil Service and Combating Corruption. Anti-Corruption Agency is intended to strengthen the fight against corruption and increase the effectiveness of its prevention⁴. These tasks are directly derived from the *mission* of this Agency.

The word "mission" is defined in the dictionaries as "a responsible role, task, assignment". The current Head of the State, in accordance with his constitutional powers, designated such a "responsible role, task, assignment" to the Agency of the Republic of Kazakhstan on Combating Corruption in the Regulation on this Agency. It is stated that the mission of the Agency is to eradicate corruption in the name of the well-being of the people of Kazakhstan. Thus, the fundamental purpose is the mission, the mission of the anti-corruption service that creates a mechanism for the implementation of constitutional declarations on the highest value of a person, his rights and freedoms, the obligation of the state to recognize, observe and protect the rights and freedoms of a person and a citizen, transform the anti-corruption service. The Agency of the Republic of Kazakhstan for anti-corruption is the central element of this mechanism to eradicate corruption in the name of the people of the country. Hence, the Agency's *vision* as a professional and effective law enforcement agency is openness and protection of the citizens and state institutions of Kazakhstan from corruption.

³ Regulation on the Agency of the Republic of Kazakhstan on Combating Corruption (Anti-Corruption Service) // Approved by Decree of the President of the Republic of Kazakhstan dated July 22, 2019 No. 74 // Source: <http://anticorruption.gov.kz/ru/management>

⁴ Information and reference booklet of the Agency of the Republic of Kazakhstan on combating corruption. – author's remark

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