

## **On combating corruption**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 18 November 2015 № 410-IV LRK.

#### *Unofficial translation*

This Law regulates social relations in the field of combating corruption and is aimed at implementing the anti-corruption policy of the Republic of Kazakhstan.

## **Chapter 1. GENERAL PROVISIONS**

### **Article 1. Explanation of some definitions contained in this Law:**

The definitions contained in this Law are used to mean the following:

1) administrative and economic functions - the right to manage and dispose the property which is on the balance sheet of the organization, granted in the manner established by the law of the Republic of Kazakhstan;

1-1) an individual holding a responsible state office - an individual with position, which shall be established by the Constitution of the Republic of Kazakhstan, constitutional and other Laws of the Republic of Kazakhstan for the direct exercise of the functions of the state and the powers of state bodies, including a member of the Parliament of the Republic of Kazakhstan, a judge of the Constitutional Court of the Republic of Kazakhstan judge, Commissioner for Human Rights in the Republic of Kazakhstan, as well as a person, political state office or administrative state office of the "A" corps, which shall occupy the legislation of the Republic of Kazakhstan on state service;

2) an official - a person who permanently, temporarily or by special authority fulfills the functions of a representative of power or performs organizational and administrative or administrative and economic functions in state bodies, local self-government bodies, as well as in the Armed Forces, other troops and military formations of the Republic of Kazakhstan;

2-1) a person performing managerial functions in a state organization or a subject of a quasi-public sector - a person who permanently, temporarily or by special authority performs organizational and administrative or administrative and economic functions in these organizations;

3) an individual authorized to perform state functions - a person who shall be in the public service, a deputy of the maslikhat, a person who temporarily performs the duties provided for by the state position until his appointment to the public service, as well as a person temporarily appointed to the military position of military personnel under a contract of officers or temporarily acting his duties;

4) an individual equated to individuals authorized to perform state functions - a person elected to local self-government bodies; a citizen registered in accordance with the procedure established by the Law of the Republic of Kazakhstan as a candidate for the Presidency of the Republic of Kazakhstan, deputies of the Parliament of the Republic of Kazakhstan or maslikhats, akims of districts, cities of regional significance, cities of district significance, towns, villages, rural districts, as well as members of the elected body of local self-government; a member of the territorial election commission exercising powers on a professional permanent basis, the remuneration of which shall be made from the budget of the Republic of Kazakhstan; an employee permanently or temporarily working in a local government body, the remuneration of which shall be made from the state budget of the Republic of Kazakhstan; an individual performing managerial functions in a state organization or entity of the quasi-public sector, as well as a person authorized to make decisions on the organization and conduct of procurement, including state, or responsible for the selection and implementation of projects, financed by the state budget and the National Fund of the Republic of Kazakhstan, holding a position not lower than the head of an independent structural unit in these organizations, employees of the National Bank of the Republic of Kazakhstan and its departments; employees of the authorized organization in the field of civil aviation, acting in accordance with the legislation of the Republic of Kazakhstan on the use of airspace of the Republic of Kazakhstan and aviation activities, employees of the authorized body for the regulation, control and supervision of the financial market and financial organizations;

5) conflict of interest - a contradiction between the personal interests of persons holding a responsible public position, persons authorized to perform public functions, persons equated to them, officials and their official powers, in which the personal interests of these persons may lead to non-performance and (or) improper performance of their official duties;

6) corruption - illegal use by persons holding a responsible civil service position, persons authorized to perform public functions, persons equated to persons authorized to perform public functions, officials of their official powers (powers of office) and related opportunities to obtain or derive, personally or through intermediaries, material (non-material) benefits and advantages for themselves or third parties, as well as bribery of the said persons through benefits and advantages provided to them;

7) anti-corruption policy - legal, administrative and organizational measures aimed at reducing corruption risks, increasing public confidence in the activity of state bodies and other measures in accordance with this Law;

8) anti-corruption restrictions - restrictions established by this Law and aimed at preventing corruption offences;

9) combating corruption – the activity of anti-corruption agencies, within their powers, on preventing corruption, including fostering an anti-corruption culture in the society, identification and elimination of causes and conditions facilitating the commission of

corruption offences, as well as identification, suppression, solution and investigation of corruption offences and elimination of their consequences;

10) authorized body for combating corruption - a state body that carries out the formation and implementation of the anti-corruption policy of the Republic of Kazakhstan and coordination in the field of combating corruption, as well as the prevention, detection, suppression, disclosure and investigation of corruption offences, and its territorial divisions;

11) corruption offence - an unlawful culpable act (action or inaction) with elements of corruption, for which administrative or criminal liability is established by law;

12) corruption risk – the likelihood of emergence of causes and conditions facilitating the commission of corruption offences;

13) prevention of corruption – the activity of anti-corruption agencies on the study, identification, limitation and elimination of causes and conditions facilitating the commission of corruption offences through the development and application of a set of preventive measures;

14) organizational and administrative functions - the right, granted in the manner prescribed by the law of the Republic of Kazakhstan, to issue orders and instructions that are binding for the subordinates in the service, as well as to apply incentives and disciplinary sanctions in relation to the subordinates.

**Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 06.04.2016 № 484-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 19.04.2019 No. 249-VI (shall be enforced from 01.08.2019); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020); dated 26.11.2019 No. 273-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ); dated 06.10.2020 No. 365-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 29.12.2021 № 91-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); dated 03.01.2023 № 188-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).**

## **Article 2. Scope of this Law**

1. This Law shall apply in the Republic of Kazakhstan in respect of individuals and legal entities. Outside the Republic of Kazakhstan, this Law shall apply in respect of citizens of the Republic of Kazakhstan and legal entities registered in the Republic of Kazakhstan, unless otherwise provided for by the international treaty ratified by the Republic of Kazakhstan.

2. Criminal liability and punishment for corruption crimes are provided for by the Criminal Code of the Republic of Kazakhstan, administrative liability and penalties for administrative corruption offences – by the Code of the Republic of Kazakhstan on Administrative Offences.

## **Article 3. Legislation of the Republic of Kazakhstan on combating corruption**

1. Legislation of the Republic of Kazakhstan on combating corruption is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If the international treaty ratified by the Republic of Kazakhstan establishes rules other than those contained in this Law, the rules of the international treaty shall apply.

#### **Article 4. Basic principles of combating corruption**

Combating corruption is based on the following principles of:

- 1) legality;
- 2) priority of protecting the rights, freedoms and legitimate interests of a human and a citizen;
- 3) publicity and transparency;
- 4) cooperation of the state and civil society;
- 5) systemic and integrated use of anti-corruption measures;
- 6) priority use of measures to prevent corruption;
- 7) protection and encouragement of individuals assisting in combating corruption;
- 8) inevitability of punishment for the commission of corruption offences.

**Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).**

#### **Article 5. The purpose and tasks of combating corruption**

1. The purpose of combating corruption is to eliminate corruption from the society.
2. To achieve the purpose of combating corruption requires the tackling of such tasks as:
  - 1) creation of an atmosphere of intolerance towards corruption in the society;
  - 2) identification of conditions and causes facilitating the commission of corruption offences, elimination of their consequences;
  - 3) boosting cooperation between anti-corruption entities;
  - 4) development of international cooperation for combating corruption;
  - 5) detection, suppression, solution and investigation of corruption offences.

### **Chapter 2. MEASURES TO COMBAT CORRUPTION**

#### **Article 6. Set of measures to combat corruption**

The set of anti-corruption measures includes:

- 1) anti-corruption monitoring;
- 2) analysis of corruption risks;
- 3) fostering an anti-corruption culture;
  - 3-1) carrying out scientific anti-corruption expertise of draft regulatory legal acts in accordance with the legislation of the Republic of Kazakhstan;
  - 4) identification of corruption-related provisions in the course of a legal review in accordance with the legislation of the Republic of Kazakhstan;

- 5) development of and compliance with anti-corruption standards;
- 6) financial control;
- 7) anti-corruption restrictions;
- 8) prevention and resolution of conflicts of interest;
- 9) anti-corruption measures in the field of entrepreneurship;
- 10) identification, suppression, solution and investigation of corruption offences;
- 11) a report on corruption offences;
- 12) elimination of consequences of corruption offences;
- 13) elaboration and publication of the National Report on Combating Corruption.

**Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced from 01.01.2020).**

### **Article 7. Anti-corruption monitoring**

1. Anticorruption monitoring is an activity of anti-corruption agencies on the collection, processing, compilation, analysis and evaluation of information related to the effectiveness of the anti-corruption policy, the state of law enforcement practice in the field of combating corruption, as well as perception and assessment of the corruption level by the society.

2. The goal of anti-corruption monitoring is the assessment of law enforcement practices in the field of combating corruption.

3. Sources of anti-corruption monitoring are legal statistics and communications of individuals and legal entities, information from non-governmental and international organizations, data from sociological surveys and publications in the media, as well as other sources of information not prohibited by law.

4. The results of anti-corruption monitoring may be a ground to conduct the analysis of corruption risks and also improve measures aimed at fostering an anti-corruption culture.

5. The provisions of this article shall not apply to the activity of special state bodies.

### **Article 8. Analysis of corruption risks**

1. Analysis (external and internal) of corruption risks is identification and study of causes and conditions facilitating the commission of corruption offences.

2. An external analysis of corruption risks is carried out by the authorized body for combating corruption according to the procedure set forth by the Government of the Republic of Kazakhstan in coordination with the Administration of the President of the Republic of Kazakhstan in such directions as:

1) identification of corruption risks in legal and other acts affecting the activities of state bodies and organizations, entities of the quasi-public sector;

2) identification of corruption risks in organizational-and-management activity of state bodies and organizations, quasi-public entities.

The authorized body for combating corruption is entitled to involve specialists and (or) experts from other anti-corruption entities for the conduct of an external analysis of corruption risks.

Based on the results of an external analysis of corruption risks, state bodies, organizations and quasi-public entities take measures to eliminate causes of and conditions for the emergence of corruption.

3. Paragraph 2 of this article does not apply to relations in the areas of:

- 1) supreme supervision exercised by the prosecutor's office;
- 2) pre-trial proceedings in criminal cases;
- 3) proceedings in cases for administrative offences;
- 4) justice;
- 5) operational- investigation activity;
- 6) criminal executive activity;

7) control over compliance with the requirements of the legislation of the Republic of Kazakhstan on state secrets.

4. The provisions of paragraph 2 of this article do not apply to the activity of special state bodies.

5. State bodies, organizations and quasi-public entities shall conduct an internal analysis of corruption risks and pursuant to it, take measures to eliminate causes and conditions facilitating the commission of corruption offences.

The standard procedure for conducting an internal analysis of corruption risks is established by the authorized body for combating corruption.

**Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 03.07.2017 № 86-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 03.01.2023 № 188-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).**

### **Article 9. Fostering an anti-corruption culture**

1. Fostering an anti-corruption culture is the activity carried out by anti-corruption agencies, within their competence, on the preservation and promotion of the set of values reflecting intolerance to corruption in the society.

2. An anti-corruption culture is fostered through a set of educational, information and organizational measures.

3. Anti-corruption education is a continuous process of upbringing and training aiming at moral, intellectual, cultural development and to foster an active anti-corruption attitude in a person.

4. Awareness-raising and organizational activity is performed through explanatory work by the mass media, arrangement of socially significant events, state social order in accordance with the legislation of the Republic of Kazakhstan and other measures provided for by the legislation of the Republic of Kazakhstan.

### **Article 10. Anti-corruption standards**

1. Anti-corruption standards are a set of recommendations for a separate area of social relations aimed at preventing corruption.



2. Anti-corruption standards are developed by state bodies, organizations and quasi-public entities with the involvement of the public and are taken into account in the development of the legislation and in law enforcement practice.

#### **Article 11. Measures of financial control**

1. To implement financial control measures, persons specified in this article shall submit declarations for individuals such as:

- 1) a declaration of assets and liabilities;
- 2) an asset and income declaration.

2. Declaration of assets and liabilities shall be submitted by:

1) candidates for the Presidency of the Republic of Kazakhstan, deputies of the Parliament of the Republic of Kazakhstan and maslikhats, akims of districts, cities of regional significance, cities of district significance, towns, villages, rural districts, as well as members of elected local self-government bodies and their spouses - before registration as a candidate;

2) persons who are candidates for a public position or a position related to the performance of public or equivalent functions, and their spouses, except for the persons specified in subparagraph 1) of this paragraph - until the issuance of an act of an official (body) having the right appointment to a position, on appointment to a position (as of the first day of the month in which the declaration is submitted).

3. An asset and income declaration shall be submitted by:

- 1) persons holding a responsible civil service position and their spouses;
- 2) persons authorized to perform public functions and their spouses;
- 3) officials and their spouses;
- 4) persons equated to persons authorized to perform public functions and their spouses.

4. If property specified in the tax legislation of the Republic of Kazakhstan has been acquired during a natural business year, the persons specified in paragraph 3 of this article shall disclose information on the sources of covering expenses for the acquisition of the said property in their asset and income declaration.

#### **Note!**

Paragraph 4 as provided for to be added with parts second, third, fourth, fifth, sixth, seventh and a note in accordance with the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (shall enter into force from 01.01.2027).

5. A declaration of assets and liabilities shall be drawn up in accordance with the tax legislation of the Republic of Kazakhstan and shall be submitted in the form and manner specified in the tax legislation of the Republic of Kazakhstan.

6. An asset and income declaration shall be drawn up in accordance with the tax legislation of the Republic of Kazakhstan and shall be submitted in the form, in the manner and within the timeframe specified in the tax legislation of the Republic of Kazakhstan.

7. Information on the submission of a declaration of assets and liabilities or an asset and income declaration by individuals specified in paragraphs 2 and 3 of this article shall be

posted on the official Internet resource of the state body in charge of collecting taxes and other mandatory payments to the budget, according to the procedure provided for by the tax legislation of the Republic of Kazakhstan.

8. Failure to provide information or false information in the declaration of assets and obligations by individuals specified in subparagraph 1) of paragraph 2 of this Article, if the deed does not contain signs of a criminal offense, shall be the basis for refusing to register or canceling decisions on registration.

Failure to submit a declaration of assets and obligations and (or) a declaration of income and property or the submission of incomplete, inaccurate information in such declarations, if the deed does not contain signs of a criminal offense:

by individuals specified in subparagraph 2) of paragraph 2 of this Article – shall be the basis for refusal to grant the person the appropriate powers;

individuals specified in paragraph 3 of this Article – shall entail liability provided for by the Code of Administrative Offenses of the Republic of Kazakhstan.

9. Information disclosed in declarations for individuals shall be subject to publication not later than December 31 of the year following a natural business year, if they are submitted by the persons (and their spouses) who:

- 1) hold political civil service positions;
- 2) hold corps “A” administrative civil service positions;
- 3) are members of the Parliament of the Republic of Kazakhstan;
- 3-1) Commissioner for Human Rights in the Republic of Kazakhstan;
- 4) are judges of the Republic of Kazakhstan;
- 5) execute managerial functions in quasi-public entities.

The list of information subject to publication is determined by the authorized body for combating corruption.

The information specified in part two of this paragraph shall be posted by the personnel management services (personnel departments) of state bodies, organizations, the Parliament of the Republic of Kazakhstan and the Supreme Court of the Republic of Kazakhstan on their official Internet resources.

10. The requirements of paragraph 7 and subparagraphs 1) and 2) of paragraph 9 of this article do not apply to state classified information.

11. Individuals and legal entities involved in the management of state property shall submit reports on all property transactions and financial activity relating to state property to a state body exercising proprietary rights over state property, in the manner and within the timeframe established by the Government of the Republic of Kazakhstan.

12. Information referred to in this article, received by state revenue bodies, is a secret protected by law in accordance with the legislation of the Republic of Kazakhstan. Its disclosure entails liability in accordance with the laws of the Republic of Kazakhstan.



13. The information constituting an official and tax secret shall be submitted to the authorized body for financial monitoring for the purposes and in the manner provided for by the Law of the Republic of Kazakhstan “On Countering the Legalization (Laundering) of Criminally Obtained Incomes and the Financing of Terrorism”.

**Footnote.** Article 11 as amended by the Laws of the Republic of Kazakhstan dated 26.11.2019, No. 273-VI (shall come into effect ten calendar days after the day of its first official publication); dated 03.07.2020 No. 359-VI (shall come into effect ten calendar days after the day of its first official publication); dated 29.12.2021 № 91-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).

## **Article 12. Anti-corruption restrictions**

1. In order to prevent individuals holding a responsible public office, individuals authorized to perform state functions, individuals equated to them (with the exception of candidates for the Presidency of the Republic of Kazakhstan, deputies of the Parliament of the Republic of Kazakhstan or maslikhats, akims of districts, cities of regional significance, cities of district significance, towns, villages, rural districts, as well as members of elected local self-government bodies), officials, as well as individuals who shall be candidates authorized to perform these functions, perform actions that may lead to the use of their powers in personal, group and other non-service interests, these individuals, taking into account the features established by Articles 13, 14, 14-1 and 15 of this Law, assume anti-corruption restrictions on:

- 1) implementation of the activity incompatible with the performance of public functions;
- 2) inadmissibility of performing the service (work) together with close relatives, spouses and in-law relatives;
- 3) the use of official and other information not subject to official dissemination, with a view to obtain or derive material and non-material benefits and advantages;
- 4) acceptance of material remuneration, gifts or services for actions (inaction) in favour of the persons who provided them, if such actions are included in the official powers of the persons specified in paragraph one of this paragraph, or these persons, under their official position, can contribute to such actions (inaction);
- 5) opening and holding accounts (deposits) in foreign banks located outside the Republic of Kazakhstan, keeping cash and valuables in foreign banks located outside the Republic of Kazakhstan.

2. The laws regulating the procedure for the performance of certain public functions may establish other legal norms providing for restrictions aimed at preventing corruption.

3. The consent of the persons specified in the first paragraph of paragraph 1 of this Article to the adoption of anti-corruption restrictions shall be recorded by the personnel management services (HR departments) of the relevant organizations in writing.

4. non-acceptance of anti-corruption restrictions by individuals specified in paragraph 1 of this Article entails refusal to take office or dismissal (dismissal from office, termination of powers), their non-compliance shall be the basis for dismissal (dismissal from office, termination of powers).

5. Family members of the person specified in the first paragraph of paragraph 1 of this Article shall not have the right to receive material remuneration, gifts or services provided for the actions (inaction) of this person in favour of the persons who provided material remuneration, gifts or services if such actions (inaction) are included in the official powers of this person, or under his/her official position he/she can contribute to such actions (inaction).

Note. In this Law, the family members of the person specified in the first paragraph of paragraph 1 of this Article refer to his/her spouse, parents, children, including adults, and persons who are dependents and permanently residing with him.

6. Money received to the account of the persons specified in the first paragraph of paragraph 1 of this Article, and (or) their family members without their knowledge, as well as funds received by them in violation of subparagraph 4) of paragraphs 1 and 5 of this Article, not more than within two weeks after their discovery, shall be subject to transfer to the republican budget with the submission of an explanation to the relevant state revenue authority on the circumstances of receipt of such funds.

Gifts received without the knowledge of the persons specified in paragraph one of paragraph 1 of this Article, and (or) their family members, as well as received by them in violation of subparagraph 4) of paragraph 1 and paragraph 5 of this Article, shall be subject to a free transfer to the authorized body for state property management within seven calendar days from the date of receipt of the gift or from the day when the person specified in paragraph one of paragraph 1 of this Article became aware of the receipt of the gift, and the services rendered to these persons under the same circumstances must be paid for by transferring money to the republican budget in within seven calendar days from the date of provision of the service or from the day when the person specified in paragraph one of paragraph 1 of this Article became aware of the provision of the service.

The person who transferred the gift to the authorized body for state property management shall have the right, with the notification of a higher official, to redeem it at a cost determined in accordance with the Law of the Republic of Kazakhstan "On Valuation Activity in the Republic of Kazakhstan", based on a sale and purchase agreement concluded with the authorized body on the management of state property. The proceeds from the sale of gifts shall be transferred to the republican budget.

**Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 06.10.2020 No. 365-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 19.12.2020, No. 384-VI (shall come into effect 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); dated 03.01.2023 № 188-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

### **Article 13. Activity inconsistent with the performance of public functions**

1. Individuals holding responsible public office, individuals authorized to perform public functions (except for maslikhat deputies who do not operate on a permanent or exempt basis), individuals equated to individuals authorized to perform state functions (with the exception of candidates for the Presidency of the Republic of Kazakhstan, deputies of the Parliament of the Republic of Kazakhstan or maslikhats, akims of districts, cities of regional significance, cities of district significance, towns, villages, rural districts, as well as members of elected bodies of local self-government, officials shall be prohibited:

1) independently participate in the management of the business entity, if management or participation in the management of the business entity shall not be included in their official duties in accordance with the legislation of the Republic of Kazakhstan, assist in satisfying the material interests of organizations or individuals by illegally using their official powers in order to obtain property or other benefits;

2) engaging in entrepreneurial activity, except for the acquisition and/or sale of units of open and interval mutual investment funds, bonds in the established 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 established securities market;

3) engaging in other paid activity, except for pedagogical, scientific and other creative activity.

2. is excluded by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).

2-1. Individuals who shall be equal to individuals authorized to perform state functions, carry out activities in the subjects of the quasi-public sector (with the exception of state-owned enterprises), may hold paid positions in management bodies, supervisory boards, executive bodies of subsidiaries, dependent organizations of the relevant subjects of the quasi-public sector and other legal entities that shall be affiliated with them in accordance with the Laws of the Republic of Kazakhstan.

3. The persons referred to in paragraph 1 of this article have the right to lease (rent) housing, belonging to them on the basis of the right of ownership and receive income from such lease.

4. The Chairman of the National Bank of the Republic of Kazakhstan and his deputies, the Chairman of the authorized body for regulation, control and supervision of the financial market and financial organizations and his deputies are prohibited from acquiring the shares of investment funds, bonds, shares of commercial organizations.

The Chairman of the National Bank of the Republic of Kazakhstan and his deputies, the Chairman of the authorized body for regulation, control and supervision of the financial market and financial organizations and his deputies, within thirty calendar days from the date of their appointment to positions, are obliged to transfer to trust management in the manner prescribed by the laws of the Republic of Kazakhstan, the owned shares of investment funds, bonds and shares of commercial organizations, acquired prior to their appointment.

Failure by the specified persons to fulfill the obligations provided for in this paragraph is the basis for termination of their respective activities.

5. Persons specified in paragraph 1 of this article, within thirty calendar days from their first day in office, are obliged, according to the procedure provided for by the laws of the Republic of Kazakhstan, to transfer for trust management, for the time of performance of these functions, their property, the use of which entails the receipt of income, except for money, bonds, units of open and interval mutual investment funds legally owned by these persons, as well as property transferred into property lease.

6. A contract of trust property management shall be notarized.

7. In case of acquisition of shares (interest in the authorized capital) of commercial organizations and other property, the use of which entails the receipt of income, with the exception of bonds, shares of open and interval mutual investment funds, the individuals specified in paragraph 1 of this Article shall be obliged to transfer them to trust within thirty calendar days from the date of purchase in accordance with the procedure, established by the Laws of the Republic of Kazakhstan, and submit to the personnel management service (personnel service) at the place of work a notarized copy of a notarized agreement for trust management of property within ten working days after the notarial certificate of the agreement.

8. Failure to fulfill the obligations provided for in paragraphs 5 and 7 of this article by the persons specified in paragraph 1 of this article is the basis for termination of their public service or other relevant activities.

**Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 22.01.2016 № 446-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020); dated 26.11.2019 No. 273-VI (shall be enforced 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 ); dated 03.01.2023 № 188-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).**

#### **Article 14. Inadmissibility of performing service (work) together with close relatives, spouses or in-law relatives**

1. Individuals holding responsible public office, individuals authorized to perform public functions (except for maslikhat deputies who do not operate on a permanent or exempt basis), and individuals equated to individuals authorized to perform state functions (with the

exception of candidates for the Presidency of the Republic of Kazakhstan, deputies of the Parliament of the Republic of Kazakhstan or maslikhats, akims of districts, cities of regional significance, cities of district significance, towns, villages, rural districts, as well as members of elected local self-government bodies), officials cannot hold positions directly subordinate to positions held by their close relatives, spouse (spouse) and (or) property, as well as have close relatives, spouse and (or) property in direct subordination.

1-1. Persons who are candidates for a public position or a position related to the performance of public or equivalent functions shall be required to notify in writing the management of the organization for the position in which they apply for close relatives, spouses and (or) in-laws working in this organization.

2. If persons, violating the requirements of paragraph 1 of this article, fail to voluntarily eliminate them within three months from the moment of detection of the said violation, they are subject to transfer to positions excluding such subordination, and if such transfer is impossible, one of these employees shall be dismissed or otherwise relieved of performing these functions.

Note. In this Law, close relatives refer to parents (parent), children, adoptive parents (adopters), adopted, full and half brothers and sisters, grandfather, grandmother, grandchildren, in- in-laws refer to full and half brothers and sisters, parents and children of spouse.

3. Individuals specified in paragraph 1 of this Article shall be prohibited from holding positions with their close relatives, spouse and/or property in one governing body (supervisory board, executive body) of a quasi-public sector entity.

Individuals who violate the requirements of the first part of this clause, if they voluntarily do not eliminate this violation within three months from the date of discovery, shall be transferred to positions that exclude joint service (work) in one governing body (supervisory board, executive body) of a subject of the quasi-public sector, and if such a transfer is impossible, one of these employees is subject to dismissal or other dismissal from these functions.

**Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 06.10.2020 No. 365-VI (shall come into effect upon the expiration 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); dated 03.01.2023 № 188-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).**

#### **Article 14-1. Inadmissibility of opening, holding accounts (deposits), keeping cash and valuables in foreign banks located outside the Republic of Kazakhstan**

1. Persons holding a responsible public position, persons authorized to perform state functions (except for deputies of maslikhats), officials shall be prohibited from opening and

having accounts (deposits) in foreign banks located outside the Republic of Kazakhstan, to keep cash and valuables in foreign banks located outside the Republic of Kazakhstan.

Note. The restriction provided for by this paragraph shall not apply to branches of non-resident banks of the Republic of Kazakhstan located in the territory of the Republic of Kazakhstan.

2. The persons specified in paragraph 1 of this Article, within six months from the date of holding the position or the disappearance of the circumstances specified in paragraph 4 of this Article, shall be obliged to close accounts (deposits) in foreign banks located outside the Republic of Kazakhstan, and (or) stop keeping cash and valuables in foreign banks located outside the Republic of Kazakhstan.

If the persons specified in paragraph 1 of this Article cannot fulfil the requirements provided for in part one of this paragraph, in connection with the arrest, prohibition of disposal imposed by the competent authorities of a foreign state in accordance with the legislation of this foreign state in whose territory the accounts (deposits) are located and (or) cash and valuables are stored in a foreign bank, or due to force majeure (natural phenomena, hostilities, a state of emergency, the impossibility of early termination of the bank account (deposit) agreement and other circumstances), independent of the will of the persons specified in paragraph 1 of this Article, such requirements must be met within six months from the date of termination of the arrest, prohibition of the order or termination of other circumstances with the submission of documents confirming the relevant facts.

3. In case of receipt, as a result of acceptance of inheritance in accordance with the legislation of the Republic of Kazakhstan or the legislation of a foreign state, by the persons specified in paragraph 1 of this Article, accounts (deposits), cash and valuables in foreign banks located outside the Republic of Kazakhstan, into possession and (or) use, these persons shall be obliged, within six months from the date of acceptance of the inheritance, to close accounts (deposits) and (or) stop storing cash and valuables in foreign banks located outside the Republic of Kazakhstan.

4. The provisions of paragraphs 1, 2 and 3 of this Article shall not apply to persons referred to in paragraph 1 of this Article, sent to work in foreign institutions, representative offices of the Republic of Kazakhstan and international organizations from the Republic of Kazakhstan, as well as seconded to these organizations, for the period of work in these organizations or studying abroad, or undergoing an internship abroad, or being on a business trip abroad, or undergoing treatment abroad, or staying abroad as a legal representative of a minor child or as a guardian or custodian of an adult person for the period of study or treatment of the relevant persons.

5. Within the time limits provided for in this Article, the persons referred to in paragraph 1 of this Article shall have the right to apply for the termination of public service or other relevant activities at their request.



Footnote. Chapter 2 is supplemented by Article 14-1 in accordance with the Law of the Republic of Kazakhstan dated 19.12.2020 No. 384-VI (shall come into effect ten calendar days after the day of its first official publication).

### **Article 15. Conflict of interest**

1. Persons holding a responsible civil service position, persons authorized to perform public functions, persons equated to persons authorized to perform public functions, officials are prohibited from exercising official duties if there is a conflict of interest.

2. The persons specified in paragraph 1 of this article must take measures to prevent and resolve conflicts of interest.

3. The persons specified in paragraph 1 of this article are obliged to notify in writing the direct supervisor or the management of an organization they work for, of a conflict of interest or its possible emergence, as soon as they become aware of it.

Pursuant to applications of the persons specified in paragraph 1 of this article or having received information from other sources, the direct supervisor or the management of an organization are obliged to take timely measures to prevent and resolve conflicts of interest, such as:

1) suspension of the persons specified in paragraph 1 of this article from performing official duties and assigning the performance of official duties with regard to the issue in connection with which a conflict of interest has arisen or may arise to another person;

2) change of official duties;

3) taking other measures to eliminate the conflict of interest.

### **Article 16. Anti-corruption measures in the area of entrepreneurship**

1. Conducting their activity, business entities take measures to prevent corruption and also to minimize causes and conditions facilitating the commission of corruption offences, by way of:

1) the establishment of organizational and legal mechanisms ensuring accountability, controllability and transparency of decision-making procedures;

2) the observance of the principles of fair competition;

3) preventing conflicts of interest;

4) the adoption of and compliance with business ethics standards;

5) taking measures to foster an anti-corruption culture;

6) cooperation with state bodies and other organizations on the issues of corruption prevention.

2. Standards for the prevention of corruption for business entities may be developed and adopted by alliances (associations, unions) of business entities.

3. The entity of the quasi-public sector shall define a structural subdivision or responsible individual performing the functions of the anti-corruption compliance service, the main task of which shall be to ensure compliance by this organization and its employees with the legislation of the Republic of Kazakhstan on combating corruption. At the same time, the



responsible person performing the functions of the anti-corruption compliance service shall be determined taking into account the potential conflict of interest.

The anti-corruption compliance service shall exercise its powers independently of the executive body, officials of the subject of the quasi-public sector, shall be accountable to the board of directors, the supervisory board (if any) or other independent management body and is independent in ensuring compliance with the requirements of the legislation of the Republic of Kazakhstan on combating corruption. The competence, organization and procedure for the activities of the anti-corruption compliance service shall be determined by an internal act of the subject of the quasi-public sector.

A standard regulation on anti-corruption compliance services in the subjects of the quasi-public sector shall be developed and approved by the authorized anti-corruption body in agreement with the authorized enterprise body.

Business entities that are not subjects of the quasi-public sector shall have the right to create anti-corruption compliance services.

**Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 06.10.2020 No. 365-VI (shall come into effect ten calendar days after the day of its first official publication); dated 08.06.2021 No. 48-VII (shall come into effect from 01.01.2022); dated 03.01.2023 № 188-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).**

### **Article 17. National report on combating corruption**

1. National report on combating corruption is a document containing analysis and assessment of the state and trends of the spread of corruption at international and national levels, proposals for the development, implementation and improvement of the anti-corruption policy.

2. The authorized anti-corruption body annually prepares the National Anti-Corruption Report and submits it to the President of the Republic of Kazakhstan.

3. The National report on combating corruption shall be developed on the basis of the performance results of the authorized body for combating corruption and activities of state bodies, individuals and legal entities on anti-corruption issues.

4. The procedure for developing and submitting the National report on combating corruption to the President of the Republic of Kazakhstan and its publication is approved by the President of the Republic of Kazakhstan.

**Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 06.04.2016 № 484-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

## **Chapter 3. ANTI-CORRUPTION AGENCIES AND THEIR POWERS**

### **Article 18. Anti-corruption agencies**

Anti-corruption agencies are:

- 1) the authorized body for combating corruption;
- 2) other entities of combating corruption - state bodies, quasi-public entities, public associations, as well as other individuals and legal entities.

#### **Article 19. Employees of the anti-corruption service**

Employees of the anti-corruption service in the performance of their official duties shall have the powers established by the Law of the Republic of Kazakhstan "On Law Enforcement Service" and other laws of the Republic of Kazakhstan.

**Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 06.10.2020 No. 365-VI (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 20. Competence of the authorized body for combating corruption**

The authorized body for combating corruption performs functions such as:

- 1) the development of proposals for the improvement of the regulatory and legal framework in the field of combating corruption, within its competence, as well as adoption of regulatory legal acts according to the procedure provided for by the legislation of the Republic of Kazakhstan;

- 2) identification of causes and conditions facilitating the commission of corruption offences in the activity of state bodies, organizations and quasi-public entities in accordance with this Law;

- 3) submission to the Government of the Republic of Kazakhstan of recommendations on minimizing and eliminating causes and conditions of emergence of corruption in the activity of state bodies, organizations and quasi-public entities for its consideration;

- 4) annual submission to the President of the Republic of Kazakhstan of the National Anti-Corruption Report;

- 4-1) formation and coordination of anti-corruption policy, coordination of the activities of state bodies, organizations in prevention of corruption issues, minimization of the causes and conditions conducive to the commission of corruption offenses;

- 4-2) assessment of the level of corruption and the conduct of sociological research necessary to determine the level of corruption in the public and private sectors;

- 4-3) coordination of the activities of anti-corruption compliance services in the subjects of the quasi-public sector within the framework of methodological support, training activities and the exchange of information on combating corruption in the subject of the quasi-public sector;

- 5) monitoring of implementation by state bodies, organizations, quasi-public entities of recommendations on eliminating causes and conditions facilitating the commission of corruption offences made as a result of external analysis of corruption risks;

6) monitoring the sale of property confiscated in criminal cases of corruption offences and acquired for funds obtained through criminal means, as a rule, with subsequent publication of information on its conversion into state revenue;

7) study and dissemination of positive anti-corruption experience;

8) development of proposals for the improvement of educational programs in the field of fostering an anti-corruption culture;

9) assistance and rendering methodical assistance to anti-corruption agencies in implementation of educational programs on anti-corruption training and upbringing, information and awareness-raising activities, execution of the state social order aimed at fostering an anti-corruption culture;

10) cooperation with other state bodies, individuals and legal entities in the main areas of activity of the authorized body for combating corruption;

11) participation in the drafting of international treaties on combating corruption, anti-corruption cooperation with relevant foreign bodies, participation, within their powers, in the activity of international organizations;

12) other functions assigned by the laws of the Republic of Kazakhstan, as well as acts of the President of the Republic of Kazakhstan.

**Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated 06.04.2016 № 484-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 03.01.2023 № 188-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication ).**

## **Article 21. Powers of the authorized body for combating corruption**

1. Performing functions assigned to it, the authorized body for combating corruption:

1) requests information and materials from government bodies, organizations, subjects of quasi-public sector and officials in the manner prescribed by the legislation of the Republic of Kazakhstan;

2) in cases of revealing a violation of the legislation of the Republic of Kazakhstan on combating corruption, takes measures according to the procedure provided for by legislation for their elimination;

3) determines the procedure for conducting anti-corruption monitoring;

3-1) draws up protocols and reviews cases for administrative offences according to the procedure provided for by the Code of the Republic of Kazakhstan on Administrative Offences;

4) exercise other powers assigned by the laws of the Republic of Kazakhstan, as well as acts of the President of the Republic of Kazakhstan.

2. The Anti-Corruption Service, within its powers, shall have the right to:

- 1) analyze the practice of operational-investigation and investigative activity, pre-trial investigation of corruption crimes;
- 2) bring to court persons, evading compulsory appearance, for criminal proceedings;
- 3) take out or seize documents, goods, things or other property according to the criminal procedure legislation of the Republic of Kazakhstan and (or) the legislation of the Republic of Kazakhstan on administrative offences;
- 4) use temporary detention facilities, pretrial detention centers according to the procedure provided for by the legislation of the Republic of Kazakhstan;
- 5) submit to state bodies, organizations or persons performing managerial functions in them, submissions on taking measures to eliminate the circumstances that contributed to the commission of a criminal offence or the elimination of other violations of the law, in the manner established by the criminal procedure legislation of the Republic of Kazakhstan;
- 6) excluded by the Law of the Republic of Kazakhstan № 484-V as of 6 April 2016 (shall take effect 10 days after the day of its first official publication);
- 7) require the production of audits, tax and other audits, audits and assessments from authorized bodies, officials and subjects of the quasi-public sector in cases provided for by the legislation of the Republic of Kazakhstan;
- 8) improve the forms and methods of combating corruption crimes, to determine the strategy and tactics of operational-investigation activity, to develop and implement measures to improve its effectiveness;
- 9) in accordance with the legislation of the Republic of Kazakhstan, create and use information systems ensuring the performance of tasks assigned to it, to organize research during pre-trial investigation, proceedings on administrative offences according to the procedure provided for by the law;
- 10) convoy detainees and persons in custody;
- 11) exercise other rights assigned by the laws of the Republic of Kazakhstan, as well as acts of the President of the Republic of Kazakhstan.

**Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 06.04.2016 № 484-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 06.10.2020 No. 365-VI ( shall come into effect upon the expiration of ten calendar days after the day of its first official publication).**

## **Article 22. Powers of state bodies, organizations, quasi-public entities and officials in combating corruption**

1. All state bodies, organizations, quasi-public entities and officials are obliged to combat corruption within their competence.

1-1. Heads of state bodies, organizations, subjects of quasi-public sector bear disciplinary responsibility in accordance with the laws of the Republic of Kazakhstan for non-fulfillment

or improper fulfillment of official duties to prevent the commission of corruption offenses by subordinate employees.

2. The Authorities of Prosecution, National Security, Internal Affairs, Military Police, Economic Investigation Service, the Border Service of the National Security Committee of the Republic of Kazakhstan shall detect, suppress, clear up, investigate and prevent corruption offences and bring persons guilty of committing them to liability, within their competence.

**Footnote. Article 22 as amended by the Law of the Republic of Kazakhstan dated 28.12.2018 No. 210-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

### **Article 23. Public participation in combating corruption**

Combating corruption, individuals, public associations and other legal entities shall apply measures such as:

- 1) reporting committed corruption offences known to them according to the procedure provided for by the legislation of the Republic of Kazakhstan;
- 2) coming up with proposals on improving the legislation and law enforcement practices in terms of combating corruption;
- 3) involvement in fostering an anti-corruption culture;
- 4) cooperation with other anti-corruption agencies and the authorized body for combating corruption;
- 5) requesting and receiving information on the anti-corruption activity from state bodies, according to the procedure provided for by the legislation of the Republic of Kazakhstan;
- 6) conduct of research, including scientific and sociological one, on anti-corruption issues ;
- 7) awareness-raising work in the mass media and arrangement of socially significant anti-corruption events.

### **Article 24. Reporting corruption offences**

1. An individual who shall have information about an impending, committed or committed corruption offense shall inform the superior head and/or management of the state body or organization of which he shall be an employee and/or authorized state bodies.

2. The higher head, the management of the state body, organizations, and authorized state bodies shall be obliged to take measures on the received report of a corruption offence in accordance with the laws of the Republic of Kazakhstan.

3. An individual who shall report a corruption offense or otherwise assists (assists) in combating corruption shall be protected by the state in accordance with the Criminal Procedure Code of the Republic of Kazakhstan, the Labor Code of the Republic of Kazakhstan, the Law of the Republic of Kazakhstan "On state protection of individuals involved in criminal proceedings" and this Law and shall be encouraged in accordance with the procedure determined by the Government of the Republic of Kazakhstan.

The provisions of the first part of this paragraph shall not apply to individuals who have reported deliberately false information about the fact of a corruption offense, who shall be liable established by the Laws of the Republic of Kazakhstan.

The provisions of the first part of this paragraph in terms of incentives shall not apply to:

1) an individual who shall cooperate on a confidential basis with the body carrying out operational-search or counterintelligence activities, in accordance with the legislation of the Republic of Kazakhstan;

2) an individual who reported the fact of a corruption offense or assisted in identifying, suppressing, disclosing and investigating a corruption offense for which it was an executor or accomplice.

3-1. Anti-corruption assistance shall include:

1) reporting the fact of committing a corruption offense;

2) providing information on the whereabouts of the wanted person who committed a corruption offense;

3) other assistance that had (subsequently) significance for the detection, suppression, disclosure and investigation of a corruption offense.

4. Information on the person's appeal to the superior head and/or management of the state body or organization of which it shall be an employee (being), and/or to authorized state bodies for the purpose of reporting the fact of a corruption offense or providing information about the whereabouts of a wanted person who committed a corruption offense or providing other assistance (which was subsequently) important for the detection, prevention, disclosure and investigation of a corruption offense, shall be confidential information in the event of an agreement on non-disclosure of this information and shall be provided in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Disclosure of this information shall entail liability established by the Laws of the Republic of Kazakhstan.

**Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 06.10.2020 No. 365-VI (shall come into effect ten calendar days after the day of its first official publication); dated 03.01.2023 № 188-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).**

#### **Article 24-1. State-guaranteed protection measures for individuals providing (providing) assistance in combating corruption**

State-guaranteed protection measures for individuals providing (assisting) in countering corruption shall include:

1) protection of the person providing (providing) assistance in countering corruption from violations of rights and legitimate interests in the field of labor relations within three years from the date of receipt by authorized state bodies of a report on the fact of a corruption offense or from the moment the person shall provide other assistance in countering corruption

;



2) ensuring confidentiality of information on the person's appeal to the superior head and (or) management of the state body or organization of which it shall be (was) an employee, and (or) to the authorized state bodies in order to assist in combating corruption in the presence of an agreement on non-disclosure of information on the provision of assistance by this person in combating corruption.

**Footnote. Chapter 3 as added by Article 24-1 in accordance with the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).**

**Article 24-2. Protection of the person providing (providing) assistance in combating corruption from violations of rights and legitimate interests in the field of labor relations**

1. An individual labor dispute, the party of which shall be a person who provides (rendered) assistance in combating corruption in the organization of which it shall be (was) an employee, by informing the higher manager and (or) management of the organization, shall be considered by the conciliation commission created in accordance with the Labor Code of the Republic of Kazakhstan, with the obligatory invitation of the representative of the authorized anti-corruption body.

In state bodies, with the exception of special state bodies, as well as organizations in which there shall be no conciliation commissions, the person providing (providing) assistance in combating corruption in the state body or organization to which it is an employee by informing the superior and (or) the leadership of a state body or organization, cannot be disciplined or dismissed (relieved of his position), or transferred to another position without the recommendations of a disciplinary commission or other collegial body of a state body or organization created for the comprehensive, complete and objective establishment of the circumstances of the disciplinary offense committed by the specified person, as well as the establishment of the validity of dismissal (dismissal) of a person or transfer to another position (hereinafter referred to as the collegial body).

A representative of the authorized anti-corruption body must be invited to participate in the meeting of the collegial body at which the issues specified in the first part of this paragraph shall be considered.

2. The state body or other organization specified in paragraph 1 of this Article shall send materials to the authorized anti-corruption body on the issues specified in paragraph 1 of this Article at least three working days before the meeting of the conciliation commission or collegial body.

A representative of the authorized anti-corruption body may take part in this meeting.

3. The resolution of the conciliation commission or the minutes of the meeting of the collegial body shall be signed by its (its) members who participated in the meeting.

A copy of the resolution of the conciliation commission or the minutes of the meeting of the collegial body shall be sent to the authorized anti-corruption body within three working days from the date of the decision.



4. In case of disagreement of the authorized anti-corruption body with the decision made following the meeting of the conciliation commission or the collegial body, the authorized anti-corruption body shall, within two working days from the date of receipt of a copy of the resolution of the conciliation commission or the minutes of the meeting of the collegial body, send a notice of violation of the rights and legitimate interests of the employee to the local labor inspection body or the prosecutor's office.

At the same time, the sending of this notice shall not be an obstacle to the appeal to the court by the person providing (providing) assistance in combating corruption.

**Footnote. Chapter 3 as added by Article 24-2 in accordance with the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).**

### **Article 24-3. Ensuring confidentiality of anti-corruption assistance information**

1. Confidentiality of information about the person's contact with the superior manager and (or) the management of a state body or organization of which it is an employee (was), and/or to authorized state bodies for the purpose of reporting the fact of a corruption offense or providing information about the whereabouts of a wanted person who committed a corruption offense or providing other assistance (subsequently) important for the detection, prevention, disclosure and investigation of a corruption offense shall be provided by a higher manager and (or) the management of the state body or organization in which the person works, members of the conciliation commission or collegial body in the event of assistance in combating corruption in the relevant state body or organization, as well as authorized state bodies in the presence of an agreement on non-disclosure of information on assistance in combating corruption.

2. When a person applies to the superior head and/or management of a state body or organization of which he is an employee, in order to report the fact of a corruption offense in this state body or organization or to provide other assistance in combating corruption in this state body or organization, the superior head and (or) the management of a state body or organization shall be obliged to enter into a non-disclosure agreement with the specified person to assist in combating corruption if his intention exists.

When a person applies to an authorized state body in order to report the fact of a corruption offense or to provide other assistance in combating corruption, the authorized state body shall be obliged to conclude an agreement with the specified person on non-disclosure of information on assisting in combating corruption if his intention exists.

3. An agreement on non-disclosure of information on anti-corruption assistance shall also be concluded with the manager specified in the first part of paragraph 2 of this Article, who has entered into a non-disclosure agreement with the employee on anti-corruption assistance, who has applied to the authorized state body to take action on the received report of the employee on corruption offense, and the relevant authorized state body.

4. When a person applies to the authorized anti-corruption body to exercise the right provided for in subparagraph 4) of paragraph 1 of Article 24-4 of this Law, on the basis of written consent to the transfer of confidential information provided for in subparagraph 3) of paragraph 1 of Article 24-4 of this Law, the authorized anti-corruption body shall be obliged to conclude an agreement with this person on non-disclosure of information on assistance in combating corruption.

The head of the state body or organization that received the notification of the authorized anti-corruption body provided for in paragraph 2 of Article 24-4 of this Law shall be obliged to conclude an agreement on non-disclosure of information on assistance in combating corruption with a person who assisted in combating corruption, if earlier such an agreement have been concluded between this person and the authorized state body.

5. The procedure for concluding an agreement on non-disclosure of information on assistance in combating corruption and its form shall be determined by the authorized anti-corruption body.

**Footnote. Chapter 3 as added by Article 24-3 in accordance with the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).**

**Article 24-4. Rights of individuals providing (providing) assistance in combating corruption**

1. The person providing (providing) assistance in combating corruption may:

1) receive information on the decision taken on the basis of consideration of his report on a corruption offense;

2) appeal against the decisions of the authorized state body adopted on the basis of consideration of its report on a corruption offense, in accordance with the legislation of the Republic of Kazakhstan on administrative offenses or the criminal procedure legislation of the Republic of Kazakhstan;

3) apply to the authorized state body with which an agreement on non-disclosure of information on assistance in combating corruption have been previously concluded, with the exception of the authorized anti-corruption body, to obtain written consent to the transfer of confidential information for the exercise of the right provided for in paragraph 4) of this paragraph;

4) within three years from the date of receipt by authorized state bodies of a report on the fact of a corruption offense or from the moment a person shall provide other assistance in combating corruption, contact the authorized anti-corruption body in the event, when he believes that bringing him to disciplinary responsibility or dismissal, or transfer to another position is related to his reporting of a corruption offence or other assistance in countering corruption, provided that these issues have not previously been considered by the conciliation commission or the collegial body in the procedure prescribed by Article 24-2 of this Law.

2. When a person applies on the basis of subparagraph 4) of paragraph 1 of this Article, the authorized anti-corruption body shall consider the submitted materials and, if the validity

of the appeal of the person who assisted in combating corruption is established, within fifteen calendar days from the date of receipt of the appeal, sends a notification to the head of the state body or other organization about the need to re-consider the issues specified in subparagraph 4) paragraph 1 of this Article, in accordance with the procedure established by Articles 24-2 and 24-3 of this Law.

The notification must contain:

- 1) the name and initials of the head of the state body or organization to which the notification shall be sent;
- 2) the surname, first name and patronymic (if it is indicated in the identity document) of the person who assisted in combating corruption;
- 3) a brief plot of a corruption offense;
- 4) warning about the obligation of the head of a state body or organization to conclude an agreement on non-disclosure of information on assistance in combating corruption with a person, providing assistance in combating corruption, if earlier an agreement on non-disclosure of information on assistance in combating corruption was concluded between this person and the authorized state body, as well as liability for disclosure of information on the provision of assistance by a person in combating corruption in the event of such an agreement.

At the same time, the head of a state body or organization shall be obliged to hold a meeting of the conciliation commission or collegial body and make a decision on the issue under consideration within a period not exceeding thirty calendar days from the date of receipt of the appeal of the person who assisted in combating corruption to the authorized anti-corruption body.

**Footnote. Chapter 3 as added by Article 24-4 in accordance with the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).**

#### **Chapter 4. ELIMINATION OF EFFECT OF CORRUPTION OFFENCES**

##### **Article 25. The recovery (return) of illegally obtained property or the value of illegally provided services**

1. In the cases of refusal to voluntarily surrender illegally obtained property or pay the state its cost or the cost of illegally obtained services as a result of corruption offences, they shall be recovered by an enforceable court ruling at the suit of a prosecutor, state revenue bodies or other state bodies and officials so authorized by the law. The said bodies take measures to protect the property belonging to the offender until the court makes a decision.

2. In cases specified in paragraph 1 of this article, a prosecutor, state revenue bodies or other state bodies and officials so authorized by the law file a lawsuit to convert illegally obtained property and (or) collect the value of illegally obtained services into the state income within the timeframe established by the law.

3. If illegally obtained property or the value of illegally provided services has not been recovered from a person holding a responsible civil service position, a person authorized to perform public functions and a person equated to persons authorized to perform public functions and an official at the time of their dismissal, any other release from performing respective functions, an official or authority in making a decision on such a release shall notify the state revenue bodies at the place of residence of illegal proceeds of the offender.

4. Accounting, storage, evaluation and further use of the delivered property shall be carried out in the manner established by the Government of the Republic of Kazakhstan.

**Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan dated 06.10.2020 No. 365-VI (shall come into effect ten calendar days after the day of its first official publication).**

### **Article 26. Invalidity of transactions, contracts entered into, acts adopted and actions committed as a result of corruption offences**

1. Transactions, contracts entered into as a result of corruption offences, are recognized as invalid by court according to the procedure provided for by the law of the Republic of Kazakhstan at the suit of authorized state bodies, interested persons or a prosecutor.

2. The adoption of acts and commission of actions as a result of corruption offences are grounds for their annulment (invalidation) either by persons authorized to annul (terminate) respective acts or in a judicial procedure at the suit of interested persons or a prosecutor.

### **Chapter 5. Final and transitional provisions**

**Footnote. The title of chapter 5 as amended by the Law of the Republic of Kazakhstan dated 19.12.2020 No. 384-VI (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 26-1. Transitional provisions**

1. Within six months from the date of entry into force of the anti-corruption restriction provided for in subparagraph 5) of paragraph 1 of Article 12 and Article 14-1 of this Law, persons subject to this anti-corruption restriction shall be required to close accounts (deposits) in foreign banks located outside the Republic of Kazakhstan, and (or) stop keeping cash and valuables in foreign banks located outside the Republic of Kazakhstan.

2. If the persons specified in paragraph 1 of this Article cannot fulfil the requirements provided for in paragraph 1 of this Article in connection with the arrest, prohibition of disposal imposed by the competent authorities of a foreign state in accordance with the legislation of this foreign state, in the territory which accounts (deposits) are located and (or) cash and valuables are stored in a foreign bank, or due to force majeure circumstances (natural phenomena, hostilities, a state of emergency, the impossibility of early termination of the agreement on a bank account (deposit) and other circumstances) beyond the control of the

will of the persons specified in paragraph 1 of this Article, such requirements must be met within six months from the date of termination of the arrest, prohibition of the order or termination of other circumstances with the submission of documents confirming the relevant facts.

3. Failure to fulfil the obligations provided for by this Article by the persons specified in paragraph 1 of this Article shall be the grounds for their termination of public service or other relevant activities.

During the period provided for by paragraph 2 of this Article, the persons referred to in paragraph 1 of this Article shall have the right to apply for the termination of public service or other relevant activities at their request.

**Footnote.** Chapter 5 is supplemented by Article 26-1 in accordance with the Law of the Republic of Kazakhstan dated 19.12.2020 No. 384-VI (shall come into effect ten calendar days after the day of its first official publication).

### **Article 27. Procedure for the enactment of this Law**

1. shall take effect on 1 January 2016, except for:

1) Article 11, which comes into force on January 1, 2021;

2) is excluded by the Law of the Republic of Kazakhstan dated 30.11.2016 № 26-VI (shall be enforced from 01.01.2017).

2. is excluded by the Law of the Republic of Kazakhstan dated 30.11.2016 № 26-VI (shall be enforced from 01.01.2017).

3. To establish that from the date of entry into force of this Law until January 1, 2021, Article 11 shall be effective as follows:

"Article 11. Measures of financial control

1. Persons applying for a civil service position or a position connected with the performance of public or equated functions submit to the state revenue body at the place of residence:

a declaration of asset and income that is subject to taxation, including that located outside the Republic of Kazakhstan, and indicate the location of the said assets;

information on:

deposits with banking institutions and securities, including those outside the Republic of Kazakhstan, indicating the banking institution, as well as on the financial assets, which these persons are entitled to dispose of personally or jointly with other persons;

their participation as a shareholder or founder (participant) of legal entities with indication of the share of participation in the authorized capital and complete banking or other details of the said organizations;

trusts and states where they are registered, indicating relevant bank account numbers, if the person or his/her spouse is the beneficiary of these trusts;

names and details of other organizations having with a person contractual relations, agreements and obligations (including oral ones) for the maintenance or temporary storage of

material and financial assets belonging to the person or his/her spouse and exceeding the thousand fold amount of the monthly calculation index.

2. Persons holding a civil service position submit to the state revenue body at the place of residence a declaration of asset and income that is subject to taxation and located both in the Republic of Kazakhstan and outside it on an annual basis during their tenure of office according to the procedure provided for by the tax legislation of the Republic of Kazakhstan.

3. Persons dismissed from civil service for negative cause, within three years after dismissal shall submit to the State Revenue Authority at the place of residence, an asset and income declaration that is subject to taxation and located both in the Republic of Kazakhstan and outside it according to the procedure provided for by the tax legislation of the Republic of Kazakhstan.

4. The spouse of the person specified in paragraph 1 of this article submits to the state revenue body at the place of residence:

a declaration of asset and income that is subject to taxation and located both in the Republic of Kazakhstan and outside it, indicating the location of the said assets;

information on:

deposits with banking institutions and securities, including those outside the Republic of Kazakhstan, indicating the banking institution, as well as on the financial assets, which these persons are entitled to dispose of personally or jointly with other persons;

his/her participation as a shareholder or founder (participant) of legal entities with indication of the share of participation in the authorized capital and full banking or other details of the said organizations;

trusts and states where they are registered, indicating relevant bank account numbers, if the person or his/her spouse is the beneficiary of these trusts;

names and details of other organizations that have with the person contractual relations, agreements and obligations (including oral ones) for the maintenance or temporary storage of material and financial assets belonging to the person or his/her spouse and exceeding the thousand fold amount of the monthly calculation index.

5. The spouse of the person specified in paragraphs 2 and 3 of this article submits to the state revenue body at the place of residence a declaration of asset and income that is subject to taxation and located both in the Republic of Kazakhstan and outside it;

6. Family members of a person applying for service in a special state body submit to the state revenue body at the place of residence the declaration and information specified in paragraph 4 of this article.

Note. In this paragraph, family members of a person applying for service in a special state body are recognized to be a spouse, adult children and persons dependent on him/her and permanently residing with him/her.

7. The persons specified in paragraphs 1 and 2 of this article submit a statement issued by the state revenue body on the receipt of declarations and information listed in paragraphs 1 or 5 of this article to the body, in which they claim a position, or at the place of work.

8. Failure to submit or submission of incomplete, unreliable declarations and information listed in this article by the persons specified in paragraphs 1 and 2 of this article (except for persons dismissed from the civil service for negative cause), if the action does not contain elements of a criminal offence, is a ground to refuse to grant appropriate powers to the person or entails disciplinary liability according to the procedure provided for by the law.

9. The acts specified in paragraph 8 of this article, which were committed intentionally, as well as those committed repeatedly, entail administrative liability imposed according to the procedure provided for by the law.

10. The actions specified in paragraph 8 of this article, committed for the first time within three years after the release of persons from performing public or equated functions, as well as the repeated commission of such actions entail administrative liability established by the law.

11. According to the procedure provided for by the law, information on the amounts and sources of income of officials holding responsible civil service positions, as well as information on incomes of candidates for elected civil service positions during their nomination, may be published.

12. Persons authorized to perform public functions and persons equated to them are prohibited from entering into civil transactions without using their own names, i.e. on behalf of straw men, anonymously, under a pseudonym, etc. These transactions are considered invalid according to the procedure provided for by the law.

13. Individuals and legal entities, participating in the performance of functions for the state property management, submit, in the order and within the timeframe established by the Government of the Republic of Kazakhstan, reports on all transactions of material nature and financial activity relating to state property to the state body exercising proprietary rights over the state property.

14. Information specified in this article and received by the state revenue bodies is an official secret. Its disclosure, if the action does not contain elements of a criminal offence, leads to the dismissal of an offender. Such information is submitted only upon the request of the authorized body for combating corruption, prosecutors' offices, the bodies of national security, internal affairs, state revenues, military police, the anti-corruption service, the Border Guard Service of the National Security Committee of the Republic of Kazakhstan, as well as in a judicial procedure established by the law.

Information constituting an official secret shall be submitted to the authorized body for financial monitoring for the purposes and in the manner provided for by the legislation of the Republic of Kazakhstan on combating the legalization (laundering) of proceeds from crime and financing of terrorism.



15. The financial control measures provided for in this article do not apply to legal relations associated with the acquisition of a dwelling and building materials for the construction of dwelling places in the Republic of Kazakhstan. The financial control over the acquisition of dwelling places and building materials for their construction is carried out according to the legislation of the Republic of Kazakhstan."

3-1. Suspend from January 1, 2021 to January 1, 2025 the effect of paragraph 9 of Article 11 of this Law.

4. The Law of the Republic of Kazakhstan dated 2 July, 1998 "On the fight against corruption " shall be considered to have lost force (Bulletin of the Parliament of the Republic of Kazakhstan, 1998, № 15, art. 209; 1999, № 21, art. 774; 2000, № 5, art. 116; 2001, № 13-14, art. 172; № 17-18, art. 241; 2002, № 17, art. 155; 2003, № 18, art. 142; 2004, № 10, art. 56; 2007, № 17, art. 140; № 19, art. 147; 2008, № 23, art. 114; 2009, № 19, art. 88; № 24, art. 122, 126; 2010, № 24, art. 148; 2011, № 1, art. 2; № 7, art. 54; 2012, № 4, art. 30, 32; № 8, art. 64; № 13, art. 91; № 23-24, art. 125; 2013, № 2, art. 10; № 14, art. 72; 2014, № 11, art. 61; № 14, art. 84; № 16, art. 90; № 21, art. 122; № 22, art. 131; № 23, art. 143).

**Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 30.11.2016 № 26-VI (shall be enforced from 01.01.2017); dated 28.12.2018 No. 210-VI ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 03.01.2023 № 188-VII (shall enter into force from the date of its first official publication).**

*The President of the Republic of Kazakhstan*