

**REPORT**

**on the activities of the Republic of Kazakhstan**

**to ensure the rule of law**

**Astana, 2024**

**INTRODUCTION**

Ensuring the rule of law is a global goal of the international community, and therefore most states are developing democratic and legal foundations in building a model of a rule of law state, subordinate to the will of the people as the source of power.

Securing at the constitutional level a commitment to the principles and norms of international law, as well as the desire to establish itself as a democratic, secular, legal and social state, the Republic of Kazakhstan is pursuing a systematic policy to introduce international standards into national legislation in key areas of development and, most importantly, their implementation.

The rule of law in Kazakhstan is directly embodied: through the direct action of the Constitution and through recognition of the priority of international acts over current legislation; through ensuring a system of checks and balances, through the implementation of laws and other regulatory legal acts, through institutions of public and state control, the activities of courts, etc.

At the same time, the World Justice Project gave a deeper definition to the principles of the rule of law, primarily through its creation of the well-known **Rule of Law Index** *(hereinafter - Index).*

*For reference: The project was developed in 2010 to determine how the fundamental principles of the rule of law are perceived and respected throughout the world*.

The Rule of Law Index is a global study and accompanying ranking that measures the achievements of countries around the world in terms of their provision of a legal environment based on the universal principles of the rule of law.

According to the World Justice Project, the rule of law requires a system that adheres to **four** universal principles:

1. the state apparatus, its officials and official representatives are subject to the law;
2. regulatory legal acts are clear and definite, officially published, meet the requirements of stability and justice, aimed at ensuring and protecting fundamental rights, including the protection of personality and property;
3. the process of adoption, implementation and enforcement of regulatory legal acts is open, fair and rational;
4. justice is administered by competent, moral and independent assessors or neutrals who are available in sufficient numbers, have adequate resources and reflect the structure of the society they serve.

Considering that this Index covers all issues of the rule of law, Kazakhstan has defined this Index for itself as an indicator of the rule of law.

Thus, the National Development Plan of the Republic of Kazakhstan until 2025 *(Decree of the President of the Republic of Kazakhstan dated February 15, 2018, hereinafter - the National Development Plan)*, as well as the Concept of legal policy of the Republic of Kazakhstan until 2030 *(Decree of the President of the Republic of Kazakhstan dated October 15, 2021 No. 674, hereinafter - CLP)* envisaged to achieve the planned indicators of the “Rule of Law Index”.

Today, specific recommendations are being developed by identifying and defining factors that impede the improvement of Kazakhstan’s position in the Rule of Law Index.

At the same time, since 2021, measures to strengthen human rights have been implemented on a systematic basis through the adoption and enforcement of relevant plans in the field of human rights protection. Plan adopted in 2023 *(Decree of the President of the Republic of Kazakhstan dated December 8, 2023 No. 409)* is dedicated not only to issues of human rights protection, but also to issues of the rule of law. Thus, a number of measures are envisaged to strengthen the rule of law in Kazakhstan.

The index consists of **44** subfactors, which are combined into **8** factors:

**1.** constraints of government powers;

**2.** absence of corruption;

**3.** open government;

**4.** protection of fundamental rights;

**5.** order and security;

**6.** regulatory enforcement;

**7.** civil justice;

**8.** criminal justice.

In this regard, the information in this report is based on these factors.

**FACTOR I: CONSTRAINTS OF GOVERNMENT POWERS**

Limiting the powers of government institutions is one of the key principles of liberal democracy, and therefore the Republic of Kazakhstan is systematically implementing political reforms aimed at further democratizing the country.

Today, the key direction for achieving progress for the Republic of Kazakhstan is the transformation of the political system, which involves the introduction of advanced international standards: strengthening the balance of political forces between branches of government, transparency of the government decision-making process, strengthening the multi-party system, developing local government bodies, expanding citizen participation in the decision-making process and monitoring their implementation, transferring certain government functions to a competitive environment, and so on.

***On constitutional reform in the Republic of Kazakhstan***

A number of significant changes have occurred in the political structure of Kazakhstan regarding strengthening mechanisms for protecting the rights of citizens, increasing the status of Parliament, redistributing a number of powers, as well as expanding the participation of the population in governing the country.

The second article of the Constitution of Kazakhstan states: “The Republic of Kazakhstan is a unitary state with a presidential form of government.”

The President of the Republic is the head of state, its highest official, who determines the main directions of the state's domestic and foreign policy and represents Kazakhstan within the country and in international relations.

Taking into account this system of organization of the highest bodies of state power, the fundamental factor in ensuring the rule of law is the strengthening the balance of political forces between the branches of power while simultaneously limiting certain powers of the President as the head of state, who is the guarantor of the Constitution, the rights and freedoms of man and citizen.

In order to strengthen the role of Parliament as the highest representative and legislative body and, accordingly, limit certain powers of the President, **the third republican referendum in the entire history of the country was held on June 5, 2022**.

Thus, amendments to the Constitution were put to the vote, which, based on the results of this vote, were supported by citizens - 77.18% of citizens voted for the amendments. It is worth noting that **before this, the Constitution of the Republic of Kazakhstan was adopted in a republican referendum in 1995, but amendments to it up to 2022 were made through Parliament**.

The result of the amendments to the Constitution was the following.

*First*, **the introduction of a one-time election of the President for a term of seven years.** This initiative, without exaggeration, can be called unprecedented not only in the post-Soviet space, but also in the global political arena.

Thus, amendments to the Constitution of the Republic of Kazakhstan ensure **the rotation of power** - the most important indicator of a democratic state.

*Second*, **at the legislative level there is a restriction for the President to be a member of a political party** for the period of exercising his powers. This innovation corresponds to the concept of the President as a politically neutral figure and excludes the merging of party structures with the state apparatus, as well as political dominance.

*Three*, **the President’s right to cancel and suspend acts of mayors** of regions, cities of republican significance and the capital, **as well as to release mayors** of districts, as well as cities of regional significance, villages, towns, and rural districts **is excluded**. Thus, the course of gradual decentralization of decisions’ management continues.

*Four*, restrictions made for close relatives of the President to hold political positions and head positions in the quasi-public sector. This approach excludes the concentration of powers in the hands of a senior official and the influence of persons close to him due to favoritism, granting them any privileges.

As it can be seen, **the powers of the President have been significantly reduced**, which indicates a rejection of the “super-presidential model of governance.”

*Five*, the entire system of holding elections of deputies to Parliament and local representative bodies **as a representative branch of government** has been rebuilt.

The Parliament of Kazakhstan consists of two houses: the Senate and the Mazhilis.

In the upper house - the Senate of Parliament - **the quota of deputies appointed by the President has been reduced from fifteen to ten**, with 5 of them at the proposal of the Assembly of People of Kazakhstan (instead of the abolished quota of the Assembly as part of the Mazhilis – lower house of Parliament). As a result, the participation of the Head of State in the formation of the upper house of the representative body has been reduced.

Before the constitutional reform, Mazhilis deputies were elected according to a proportional system, that is, only through political parties, but with the introduction of a mixed electoral system, **some deputies are elected through party lists** (69 mandates), and **some through direct election of a candidate by the people** (29 mandates).

In turn, maslikhats (local representative bodies) of regions, cities of republican significance and the capital are formed according to the following principle: half of the deputies are elected by a majoritarian system, half - by party lists. Maslikhats of other levels of government (districts, cities of regional significance) are completely formed according to the majoritarian system, that is, through direct election of a candidate by the people.

Thus, the formation of a representative branch of government has been significantly strengthened.

Particular attention should also be paid to the introduced imperative mandate, which operates at all levels. An imperative mandate is the ability to revoke an elected deputy if such a deputy does not satisfy the needs of society. In fact, it is a mechanism for increasing the responsibility of elected deputies and an incentive to implement their declared election programs.

*Six,* in addition to improving the electoral system, **the system of creating parties as an indicator of the development of democracy has changed**.

Thus, the procedure for registering a political party was simplified. In particular, the requirements for the minimum size of an initiative group of citizens to create a political party have been reduced **from 1 thousand to 700 people**, for regional representative offices of political parties **from 600 to 200 people**, and for registering a political party - **from 20 thousand to 5 thousand members**.

It is important to note that thanks to this simplification there are now 6 political parties represented in the country’s Parliament, whereas previously there were only 3-4.

*Seven*, **direct election of mayors of districts, of cities of regional significance** by population was piloted. On November 5, 2023, direct elections of mayors of 45 districts and cities of regional significance have already taken place in all 17 regions of the Republic of Kazakhstan. On voting day, observations were carried out by about 8,500 candidates' proxies, observers and media representatives.

From 2025, direct election of mayors of districts and cities of regional significance will be carried out **everywhere**.

It should be noted that **direct elections of mayors of regional cities, villages, towns, and rural districts** by the population have already been introduced since July 2021. Candidates in the elections could independently nominate themselves by collecting signatures of at least 1% of the total number of voters (in the village, town, etc.) or become a nominee of a political party.

According to amendments to the Constitutional Law “On Elections in the Republic of Kazakhstan”, “against all” columns were introduced into the forms of ballot papers at all levels, which provided voters a legitimate tool for expressing an alternative position.

In addition, as a result of the constitutional reform, the appointment of mayors of regions, cities of republican significance and the capital is now carried out exclusively through the vote of “local” deputies of maslikhats (local representative bodies).

At the same time, in accordance with the Address of the Head of State to the people of Kazakhstan dated March 16, 2022, the principles of the activities of territorial election commissions have been revised, and they have been transferred to a professional basis since 2023.

These norms are provided in paragraphs 3 of Article 10 and Article 19 of the Constitutional Law of the Republic of Kazakhstan “On Elections in the Republic of Kazakhstan”. It has been established that members of territorial election commissions elected by local representative bodies must meet the qualification requirements approved by the Central Election Commission.

It should be noted that **Kazakhstan became the first state in Central Asia to implement a reform in the election of mayors**.

*(For reference: Previously, mayors belonged to a branch of government that was always formed by appointment, which, of course, reduced the efficiency of local government, since mayors play a significant role in the formation of regional policy. Moreover, the competence of mayors includes the management of the local budget.*

*Increasing the independence of local government, the election of mayors has expanded the direct participation of citizens in decision-making at the level of local executive power.*

*These reforms represent a deliverance from the legacy of the totalitarian system, when any leaders were appointed, and the will of people was not a state priority).*

*Eight*, the constitutional reform made it possible **to strengthen the human rights potential of the Constitution**.

Thus, the Constitutional Court was created, which ensures **the supremacy of the Constitution** throughout the country, which created new opportunities for citizens to restore violated rights and prevent such violations.

The Constitutional Court began its work on January 1, 2023. Its work is aimed to protect the constitutional rights and freedoms of citizens, ensuring the balance of power and preventing violations of the legal order.

**All citizens**, the Prosecutor General and the Commissioner for Human Rights have the right to appeal to the constitutional control body. This is a significant step towards democratization of the country.

Based on the results of the received appeals, the Constitutional Court initiated a number of constitutional proceedings, and as a result, in 2023, **8 normative decisions were issued on the non-compliance of the Constitution with 7 norms of laws, as well as the norms of the normative resolution of the Supreme Court**.

For example, the Constitutional Court received an appeal from a citizen to review for compliance with the Constitution the provisions of the Tax Code on state duty rates for filing lawsuits to limit access to justice. As a result of considering the appeal, the Constitutional Court ruled that this provision of the Tax Code actually prevents the full implementation of everyone’s constitutional right to judicial protection of their rights and freedoms.

**In this regard, the norms of the Tax Code were brought into line with the decision of the Constitutional Court.**

Taking into account the above, it should be noted that the activities of the Constitutional Court have high legal significance - its decisions are final and binding for execution by all government bodies.

Thus, the creation of the Constitutional Court was an important step in building a balanced **system of checks and balances** in the relations between **the three branches of power**.

In addition to the activities of the Constitutional Court, the Commissioner for Human Rights (Ombudsman) was given constitutional status. Legal guarantees for the activities and powers of the Ombudsman have been strengthened, which clearly puts the human rights agenda in the first place.

*Nine*, installed restrictions related to the tenure of certain persons. Thus, it is proposed to prohibit the Chairpersons and judges of the Constitutional Court, the Supreme Court and other courts, the Chairperson and members of the Central Election Commission, and the Supreme Audit Chamber from being members of a political party, trade unions, or speaking in support of any party.

**\*\*\*\*\***

***On the independence of the judicial system***

**Independence of the Court**– a fundamental principle of the rule of law. A strong and independent judiciary is a guarantee of the freedom of people.

Over the 32 years of independence, the Republic of Kazakhstan has systematically taken measures to eradicate “defects” in the judicial system.

One of the elements in the independence of the judicial system is its financial independence. The actual lack of material resources in the courts can create conditions for violations of human rights and obstacles to the ability of the courts, in carrying out their activities, to make decisions “without regard” to the position of certain government officials, and also not to be influenced by them.

The need for adequate financial support for courts is regulated in a number of international documents. The Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress in Milan, declare: “Each Member State has the obligation to provide appropriate means to enable the judiciary to properly discharge its functions.”

In this regard, in order to strengthen the independent position of the courts in the Republic of Kazakhstan, **from 2022 the legislation provides for a limit on funding the judicial system as a percentage of the total amount of expenses under the budget program of all government bodies** (at least 6.5%).

This amount **cannot be reduced** under any circumstances.

When creating the necessary conditions for fair and effective justice, it is of particular importance to extend to the bearers of judicial power - judges - a special legal status that provides additional legal guarantees, especially related to ensuring the safety of judges.

**In the decision-making process, judges must be able to act without any restrictions, undue influence or threats from any person.**

A retrospective analysis of the legislation of Kazakhstan for its compliance with the factors of the rule of law indicates that the powers of law enforcement agencies previously established by law endowed them with tools of influence on judges.

In particular, law enforcement agencies had the right to carry out special operational investigative measures against any judge without a criminal case - it was enough just to obtain the sanction of the regional prosecutor. Thus, it was possible to wiretap the judge and collect data about him and his personal life.

In order to prevent such situations, on March 27, 2023, a law was adopted, according to which **guarantees for the safety of judges in the context of the above were enshrined at the level of constitutional law**. In order to eradicate the influence of law enforcement agencies on judges, **the corresponding amendments established the rule that special operational investigative measures should be carried out against all judges only with the approval of the Prosecutor General**.

In addition to legal and economic guarantees of the independence of the judicial system, **political guarantees** also deserve special attention.

Political guarantees mean the principle of separation of powers, as well as the fact that judges cannot belong to political parties or speak in support or against any political party.

These guarantees were implemented at the legislative level, which ensured the political neutrality of judges - according to the amendments that entered into force on November 17, 2022, **judges are no longer members of political parties**.

In addition to the above, factors for ensuring an independent and impartial court should also include identifying the actions of judges that fall under the criteria for holding them accountable or removing them from office.

According to the recommendations of international organizations (Organization for Security and Cooperation in Europe, United Nations Development Program) and foreign experts (Alice Thomas, expert on international human rights law, Professor Caroli Bard, head of the human rights program at the Faculty of Legal Studies of the Central European University, Professor Giorgi Papuashvili, ex-chairman of the Constitutional Court of Georgia), it is stipulated that disciplinary proceedings in relation to judges should be carried out only in cases of gross and inexcusable violation of professional functions and should not extend to differences in legal interpretation of the law or judicial errors.

The current legislation of the Republic of Kazakhstan generally corresponds to the above position - the list of grounds for disciplinary liability of judges is established at the level of constitutional law, is exhaustive and is not subject to broad interpretation.

The legislation clearly stipulates that a judicial error, as well as the cancellation or amendment of a judicial act does not entail the responsibility of the judge, unless gross violations of the law were committed, as indicated in the judicial act of a higher court. A judicial error is an act that leads to incorrect interpretation and application of substantive or procedural law, not related to the guilty actions of the judge.

By complying with these standards, **in 2023, 29 judges were brought to disciplinary liability** (as of December 31, 2023, the number of judges in the Republic of Kazakhstan is 2,719), while **5 judges were dismissed from office**.

The independence and fairness of decisions taken to hold judges accountable is ensured by the fact that the disciplinary body making such decisions is the Judicial Jury under the Supreme Judicial Council of the Republic of Kazakhstan, which is a body **independent from the judicial system**.

Judges were brought to disciplinary liability for the following reasons:

- committing a disgraceful offense that is contrary to judicial ethics (15 judges);

- gross violation of the law when considering a court case (13 judges);

- improper performance of official duties (1 chairman of the district court).

It should be noted that disciplinary sanction in the form of dismissal of a judge is applied only in exceptional cases and only if the judge commits a disciplinary offense that results in public outcry, significant violations of the rights and freedoms of citizens or the interests of the state.

For example, regional court judge D. was dismissed from his position due to the fact that he made repeated contacts with a representative of a party in a civil case that was being processed by the regional court at that time. During contacts, Judge D. informed the participant in the trial about the discussed and planned options for court decisions in this civil case.

Based on the results of consideration of the materials, the Judicial Jury came to the conclusion that Judge D. committed gross violations of the norms of the Code of Judicial Ethics, which led to the derogation of the authority of the judiciary, caused damage to the reputation of the judge and are incompatible with his further tenure as a judge.

Judge Sh. was dismissed from his post for a gross violation of the law associated with assigning an unreasonably lenient punishment to the defendant for intentionally inflicting grievous bodily harm on another person. When assigning punishment, Judge Sh. did not take into account that the actions of the defendant, who had previously been convicted of murdering a person, had a real threat to the life and health of the victim, and that the crime was committed by him while intoxicated.

As a result of the imposition of a non-custodial sentence on the defendant, this person subsequently committed especially serious crimes related to the murder of a young child. This fact caused a wide public outcry in society.

When touching on issues of independence of the judicial system, in addition to monitoring the legality, quality and efficiency of the work of judges, one cannot ignore **the state of the judiciary** as a whole.

In the Republic of Kazakhstan, work is systematically carried out to assess the current state of judicial personnel, identified problems and ways to solve them are discussed, as well as prospects for the development of the system for selecting judges.

The result of this work was **the judicial reform** carried out in 2019 - the measures taken then aimed at improving the quality of judicial personnel had a great positive effect on what the judicial system in the Republic of Kazakhstan is currently.

At that time, the main problem was the stagnation of judicial personnel, especially the leadership *(court chairmen).*

First of all, the reform equalized citizens by providing **equal access to the position of judge.**

Article 14 of the Constitution of the Republic of Kazakhstan states: **everyone is equal before the law** and the court.

However, previously priority was given to candidates with five years of work experience in law enforcement agencies and courts; all other applicants had to have **at least 10 years of work experience in their specialty**.

Such requirements, enshrined at the legislative level, obviously created barriers for persons who were experienced and professional lawyers who wished to develop their legal career as a judge.

Taking into account the above norm of the Constitution of the Republic of Kazakhstan, the previously established personnel policy was clearly at odds with the rights of citizens to equality before the law.

Now the norms of the current legislation make it possible to attract lawyers from the corporate sector. For example, to attract judges at the district level, **the requirement for mandatory special experience has been eliminated**, and the requirements for general legal experience have been reduced **from 10 to 5 years.**

As for the leadership of the courts, the decision to change the procedure for appointing chairmen of courts and judicial panels had a positive effect.

**Chairman of the court**– the person who heads the judicial body, who stands for the protection of the independence and impartiality of the court as a whole and of each of the judges.

At the same time, previously, court chairmen could hold positions an unlimited number of times, which, of course, influenced the independence of ordinary judges subordinate to them.

Taking into account the importance of the turnover of leaders in the judicial system, chairmen and chairmen of judicial panels of regional courts, chairmen of the benches of the Supreme Court **can no longer be appointed to their position or a similar position in equivalent courts more than twice.**

This decision has opened the way and prospects for other judges and stimulates them to career growth. This approach created competition among judges, which forced them to improve their skills and increased their responsibility for their decisions and sentences.

***On independent government audit***

An equivalent aspect of limiting the powers of government is also the presence of **an independent government audit**, since its main goal is to identify violations, errors and deviations from legal norms, as well as signs of abuse of financial resources.

In the Republic of Kazakhstan, the relevant activities are carried out by the **Supreme Chamber of Auditors** *(hereinafter - the SCA)*, **a body not accountable to the Government**, whose task is external government audit and financial control.

The special status of the SCA is confirmed by the expansion in July 2023 of the powers to conduct an audit of **local budget funds** and **review the audit results of all state audit and financial control bodies.**

The powers of the SCA include issuing mandatory orders for all government bodies, organizations and officials **to eliminate identified violations and to consider the responsibility of the persons who committed them.**

At the same time, failure to comply with the instructions of the SCA is an administrative offense.

Taking into account the corresponding status, all the necessary conditions have been created for the SCA to conduct an independent audit.

Statistical data showed that by the end of 2023, **705 individuals and 274 legal entities were brought to administrative responsibility for offenses based on decisions of the SCA.**

It should be emphasized that in case of non-fulfillment or improper execution of the order of the SCA, if there are signs of criminal offenses in the actions of state bodies or officials, the SCA transfers the available materials to the prosecutor's office for making a procedural decision. Today there are such facts.

The SCA quarterly submits to the President and Parliament of the Republic of Kazakhstan information on the work of the Supreme Chamber of Auditors, as well as to the President of the Republic of Kazakhstan annual information on the performance indicators of state audit and financial control bodies, to the Parliament of the Republic of Kazakhstan - an annual report on the execution of the republican budget for the reporting financial year, which, in its own content is the conclusion to the relevant report of the Government of the Republic of Kazakhstan.

For example, in 2022, an audit of the consolidated financial statements of the republican budget was conducted, the results of which revealed a lack of transparency of financial investments in a joint-stock company, whose activities consist of organizing and conducting purchases of medical equipment for further transfer to healthcare organizations on leasing terms.

Upon establishing these omissions, the SCA issued an order to the Ministry of Health with instructions to reflect financial investments in the consolidated financial statements, which was fulfilled within the time limit established by the order.

Taking into account the expansion of the powers of the SCA, ineffective planning and use of budget funds in one of the regions of the Republic of Kazakhstan was also revealed by more than 20 billion tenge. To eliminate the identified violations, in May 2024, the SCA was given instructions to the local executive body, including to hold officials accountable.

So, the SCA systematically and publicly declares shortcomings in the work of the Government, presenting information about identified violations to the President, Parliament and publishing it on open sources of information.

The quality of the work being carried out in the area of ​​audit is also confirmed by the fact that the **Republic of Kazakhstan has been nominated for the position of an independent auditor by the International Anti-Corruption Academy**, which trains representatives of governments of different countries in modern methods of combating corruption, for a three-year period. Currently, a representative of the SCA, together with auditors from other countries, is auditing financial statements for 2023 at the office of the International Anti-Corruption Academy.

***On public control***

The government of the state, whose key priorities include strict adherence to the rule of law, **promptly responds to illegal actions of officials and ensures the possibility of unhindered control over them by society.**

In this area, the legislation of the Republic of Kazakhstan has undergone significant changes - to create legal conditions for strengthening the function of public control over the activities of government bodies and entities of the quasi-public sector, **the Law “On Public Control”** was adopted on October 2, 2023 *(previously in the Republic of Kazakhstan there was no separate law that would regulate relevant social relations).*

According to this Law, the subjects of public control are citizens of the Republic of Kazakhstan, non-profit organizations and other entities that are granted the right to exercise public control.

Public monitoring with a visit to the territory and premises of the object of public control by non-governmental organizations is one of the forms of public control.

For example, during 2023, participants in the National Preventive Mechanism, created as part of the implementation by the Republic of Kazakhstan of international obligations related to the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, carried out 461 preventive visits to criminal institutions’ executive system.

Based on the results of preventive visits, **facts of violation of legal requirements by employees of the penitentiary system were established.**

A study of the conditions of detention of prisoners served as the basis for issuing more than 3 thousand recommendations to eliminate violations; **155 employees of the penal system were brought to disciplinary and administrative liability.**

It must be recognized that despite the actual implementation of public control before the adoption of the relevant law, an integrated system was not established in the Republic of Kazakhstan, there were no clearly regulated legislative norms that would guide both the subjects and objects of public control in their activities.

Legislative regulation of public control was one of the main factors in ensuring the transparency of the work of government bodies and created improved conditions for subjects, clearly defining their rights.

It should be noted that this law also fully establishes legal guarantees for the institution of petitions, which allows the public to influence decisions made by government bodies. At the same time, a convenient platform has been created for collecting signatures in the Electronic Appeals system. Currently, **4 petitions** have been created and are already being considered.

It should be noted that the effective implementation of public control is facilitated by ensuring transparency of all public administration processes. This issue will be discussed more in the information on the 3rd factor “Open Government” of this report.

***On the right to peaceful assembly***

An effective mechanism for exercising the right of citizens to participate in the conduct of public affairs is directly related to the effectiveness of legal restrictions on power.

Maintaining the rule of law, of course, involves not only the unilateral regulatory and legal influence of the state on society, but also the reverse restraining influence of society on public political power.

**The Constitution of the Republic of Kazakhstan guarantees the right of citizens to assemble peacefully and without weapons, to hold meetings, rallies and demonstrations, processions and picketing.**

For 4 years now, the Law “On the procedure for organizing and holding peaceful assemblies in the Republic of Kazakhstan” has been in force in the Republic of Kazakhstan. This Law introduced for the first time a notification system for peaceful assemblies. Therefore, **to hold peaceful assemblies, obtaining a separate permit from the local executive body is not required.**

The principle of presumption in favor of holding peaceful assemblies has been introduced. This means that a peaceful assembly must a priori be held if there are no real and justified grounds for restriction or prohibition.

The current approach provides citizens with the opportunity to more actively express their civic position and, thereby, build a dialogue with the state.

***On freedom of the media***

Speaking about limiting the powers of government institutions, it is important to give due importance to the freedom of the media, because it is their activities that ensure the accountability of the authorities by helping the public make informed decisions and publicity of current problems in the state. An important point in this context is the absence of government intervention, expressed in a proportionate limitation of its power.

In April 2024, the Law “On Mass Media” was adopted, since the current Law “On Mass Media” is fundamentally outdated and does not meet the challenges of our time, and also does not fully meet the modern requirements of public relations in the field of mass media.

In this regard, there was a need to improve the legislation of the Republic of Kazakhstan in this area, focusing on strengthening and ensuring the right to freedom of speech.

**Key reforms are aimed at improving the legal status of journalists and strengthening legal guarantees for them.**

In world practice, the legal status of a journalist is realized through the provision of extended guarantees related to the implementation of professional activities.

With the massive development of Internet resources, information published by journalists is stored unlimitedly, which is why journalists are often faced with claims to refute information that does not correspond to reality in publications several years ago.

This state of affairs creates a lever of pressure on the media - the current situation makes it possible to diminish the status and significance of journalistic publications by deliberately searching for publications that could presumably lead to legal proceedings.

**Limitation of the limitation period, preventing an unlimited period of demands for refutation of information in the media** is a common element of legal protection recommended by the United Nations Committee and other international organizations.

In the current legislation of the Republic of Kazakhstan, such a period is not limited, and for this reason, within the framework of the new Law “On Mass Media”, a specific period will be established, namely **1 year**.

Within the framework of the new law, there is a clear gradation of the types of media requests and the deadlines for providing responses to them.

In particular, the period for providing responses to written requests from the media has been reduced from **7 to 5** **working days**. These changes were positively noted in the legal analysis of the law conducted by the OSCE.

It also provides for the provision of legal guarantees for the professional activities of a journalist.

Thus, when a journalist performs his duties in conditions involving a high risk to health and life, the owner of the media outlet is obliged to provide him with the necessary equipment and uniforms.

In case of harm to life and (or) health during the performance of his duties by a journalist, the owner of the mass media is obliged to compensate him for the harm in the amount and manner provided for by the current legislation of the Republic of Kazakhstan.

It is expected that these innovations will be a significant step towards the development of guarantees of freedom of the media.

***On the fairness of the electoral process***

To ensure transparency of the electoral process as a mechanism for the legal formation of power, the legislation of the Republic of Kazakhstan classifies certain actions that impede fair elections as administrative and criminal offenses.

Foreign interference in the preparation and conduct of elections is not permitted.

Accreditation of public associations participating in election observation has been introduced to increase the responsibility and professionalism of observers and to specify their equal status in relation to other participants in the electoral process.

Obstructing the exercise of voting rights or the work of election commissions, as well as falsifying election documents, referendum documents, or incorrect vote counting are classified as criminal offenses.

Along with this, the Code of Administrative Offenses contains an entire chapter devoted to offenses encroaching on electoral rights *(the right to participate in a republican referendum)*.

The Constitution of the Republic of Kazakhstan empowers the prosecutor's office on behalf of the state to exercise, within the limits and forms established by law, the highest supervision over compliance with the rule of law on the territory of the Republic of Kazakhstan, to represent the interests of the state in court and to carry out criminal prosecution on behalf of the state.

In March 2023, the General Prosecutor's Office of the Republic of Kazakhstan reported 36 facts of violation of election legislation during the election of deputies of the Mazhilis of Parliament and local representative bodies. These illegal acts were qualified as administrative offenses under 2 articles of the Code of Administrative Offenses.

Thus, the election process is fully ensured by law, and its effective implementation is ensured in practice.

**FACTOR II. ABSENCE OF CORRUPTION**

***On the formation of an anti-corruption culture***

In order to create an anti-corruption culture, an Action Plan for conducting information work with decomposition at the level of various target groups for 2023-2026 was approved.

Thus, for the first time at the Government level, a legal basis has been created for the full involvement of all government agencies in the work of strengthening immunity against corruption in the minds of citizens.

The plan consists of 40 points, providing for large-scale work to change values ​​and improve the anti-corruption culture in society. Activities include widespread dissemination of materials and holding events on anti-corruption topics *(holding meetings, seminars, competitions, receiving citizens; distributing posters, brochures, flyers, booklets; placing billboards and banners; creating and broadcasting films and videos; publishing articles, staging performances, etc..).*

Anti-Corruption Agency *(hereinafter - ACA)* together with the republican TV channel “Khabar 24”, the programs “STOP corruption” and “STOP zhemkorlyk” are produced on a weekly basis *(in 2023, 32 episodes of the program were broadcast, 16 in Kazakh and 16 in Russian).*

In order to create a positive image of law enforcement officers and increase the prestige of the anti-corruption service, the series “QANA” was filmed, based on real criminal cases, which was broadcast on the republican TV channel “Khabar”.

An integral component of strengthening the anti-corruption culture in society is anti-corruption education. In pursuance of the Anti-Corruption Policy Concept for 2022-2026, it has been implemented at all levels *(kindergartens, schools, colleges, universities)*.

Anti-corruption disciplines and topics are included in undergraduate educational programs; more than 170 thousand students were trained in the 2023-2024 academic year.

The team of the Higher School of Law at Maqsut Narikbayev University, based on the Agency’s materials, developed an anti-corruption course “Fundamentals of Anti-Corruption. Requirements of anti-corruption legislation." The course is available in the document management information system “Documentolog” for employees of central and local executive bodies *(coverage of about 150 thousand users).*

In December 2023, in the Karaganda region, together with the Republican public association *(hereinafter - the RPA)* “Adildik Zholy”, a republican competition of anti-corruption projects “Innovative solutions against corruption” was held. From 120 works, 6 best projects were selected *(information and educational platform, automation of risk identification, blockchain technologies, board and computer games, development of anti-corruption comics)*, which will be implemented with the support of the Agency and the RPA “Adildik Zholy”.

The Agency, together with Narhoz University, with the technical support of UN experts, has developed a draft standard curriculum and teaching aid on anti-corruption education for universities using elements of **the UNODC initiative “Global Resource for Anti-Corruption Education and Youth Empowerment”** (GRACE).

The advantage of creating a standardized training course is the cultivation of an anti-corruption culture among students and the involvement of active youth and scientists in the ongoing work in the field of anti-corruption policy.

***On anti-corruption volunteering***

The non-governmental sector plays a critical role in creating an anti-corruption culture and promoting the ideology of integrity.

The Foundation for the Development of Parliamentarism, the Civil Alliance of Kazakhstan, the Nationwide Anti-Corruption Movement “Zhanaru”, the First Anti-Corruption Media Center, the public association “Adildik Zholy”, the Chamber of Legal Consultants “KazBar”, the Center for Legal Policy Research, the Association of Compliance and Business, the movement “Accelerator of Good: Izgilik Elshisi” and others are actively working in this direction.

In order to involve citizens in anti-corruption activities, the Agency launched the Anti-Corruption Volunteering project in 2023.

Currently, the total number of volunteers is more than 2.7 thousand.

Since the beginning of the project, public activists have carried out 285 monitoring activities, preventing the risks of inflating prices for goods and services amounting to more than 4.5 billion tenge.

Lawyers provided free consultations to over 27 thousand citizens.

As part of the project in this year, in all regions, mobile anti-corruption groups have been working together with mayors’ offices.

Visits of representatives of government agencies and volunteers to populated areas of the region to conduct explanatory meetings with the population and free legal consultations.

Since the beginning of this year 116 on-site events were held in all regions, during which legal advice was provided to 5,236 citizens and 1,420 complaints were considered.

Along with this, under the slogan “We unite to help”, the traditional republican action “Khalyk zangeri - People's Lawyer” is being held, the main goal of which is to provide free legal assistance to citizens by lawyers and representatives of government agencies.

***On the activities of anti-corruption compliance services***

The anti-corruption compliance system is one of the effective tools for preventing and preventing corruption in the quasi-public sector.

Taking into account international practice, compliance is entrusted with the task of ensuring the integrity of the entire private and quasi-public sector, ensuring compliance with the requirements of anti-corruption legislation, preventing crime and protecting the business reputation of the organization.

For methodological support of compliance services in 2020, the Agency developed Methodological Recommendations.

In 2022, taking into account law enforcement practice, the independence of compliance services from the executive body was ensured, and accountability to the highest management body - the board of directors or supervisory board was determined.

Since 2023, the law provides for the possibility of assigning the functions of the anti-corruption compliance service not only to a structural unit, but also to the responsible person.

In addition, since last year, the Agency has been vested with the competence to coordinate anti-corruption compliance services and develop a Unified Standard Regulation.

At the same time, coordination consists of methodological support, training and information exchange.

The standard regulation on anti-corruption compliance services was approved by order of the Chairman of the Agency on March 31, *2023 (order No. 112 of March 31, 2023)*.

The standard regulation defines the goals, objectives, principles, powers of anti-corruption compliance services, and also sets out the procedure for appointing compliance officers, terms of office and terms of remuneration.

The Concept provides for the task of training compliance specialists as part of postgraduate education.

As part of this work, master's programs in compliance have been launched in 2 universities *(Kokshetau University named after Sh. Ualikhanov, Eurasian Law Academy named after D.A. Kunaev, enrollment of applicants is planned for the 2023-2024 academic year)*.

Narxoz University implements master’s level programs “Compliance control in organizations”, “Compliance and performance assessment”.

Also, the Academy of Public Administration and a number of private educational institutions (about 14) conduct courses and seminars on the topic of anti-corruption compliance.

***On the project standard basic direction No. 4 “Preventing and combating corruption”***

The implementation of project management is regulated by the Rules for the Implementation of Project Management, according to which six blocks of the Standard Basic Direction, mandatory for execution, are defined for all government bodies.

The Agency is assigned the fourth block “Preventing and combating corruption” *(hereinafter - TBN-4).*

Within the framework of TBN-4, opportunities are opening up for improving the quality of organizing the work of government bodies and organizations of the quasi-public sector in preventing corruption.

As part of the TBN-4 Project Map for 2023, central state and local executive bodies ensured the conduct of internal analyzes of corruption risks, monitoring of compliance with anti-corruption legislation, anti-corruption compliance activities in quasi-public sector entities and the formation of an anti-corruption culture.

Government agencies and quasi-public sector entities conducted about 2.5 thousand internal analyzes of corruption risks, and identified more than 9 thousand corruption risks.

There is an improvement in the quality of such analyzes compared to last year. Risks that actually affect the state of corruption have been identified.

More than 200 facts were established of the performance of official duties in the presence of a conflict of interest, 12 facts of hiring persons who had previously committed corruption offenses and 15 persons carrying out activities incompatible with the performance of government functions.

For each fact, appropriate measures are taken *(elimination of conflicts of interest by changing job descriptions, dismissal of persons, bringing to administrative responsibility, etc.).*

The activities of compliance services are also coordinated through project management.

In 2023, about 1.5 thousand entities of the quasi-public sector are involved in the implementation of TBN-4 projects.

Of these, more than 90% provided explanatory and training events on compliance with anti-corruption legislation and approved documents on anti-corruption compliance.

As part of the formation of an anti-corruption culture, about 4 thousand civil servants underwent anti-corruption training to improve their skills.

Ethics commissioners of central and local executive bodies have conducted more than 2 thousand explanatory events on anti-corruption topics.

Separately, preventive measures are carried out with persons whose positions are exposed to corruption risks and are included in the relevant registers.

***On external analysis of corruption risks***

An analysis of the issues **of construction and allocation of land plots in the foothill zones of the city of Almaty** identified systemic corruption risks in the processes of changing urban planning documents and the intended purpose of land, construction of facilities, seizure of land for state needs, as well as in the activities of regulatory authorities.

The practice of “double” standards has been established when deciding to change the intended use of land. In almost every third case, applicants were first denied a change in purpose, and then the same persons were given positive decisions.

The reason was the inconsistency of regional acts with the norms of the Land Code and, in general, gaps in legislation.

On May 3, 2023, a new General Plan of the city of Almaty was approved, which takes into account territories susceptible to natural emergencies *(mudflow, avalanche and landslide hazards)*. Now land acquisition and development within the boundaries of objects will be carried out with mandatory survey work, which will ensure compliance with legislation in the field of emergency situations and the safety of the population during construction.

Architects' job descriptions include responsibility for failure to reconcile site images with the General Plan, the detailed planning project and the functional zoning scheme *(previously there was no such responsibility).*

Regarding 54 illegal objects identified in the foothill zones, 36 judicial acts were taken in favor of the state, including on their demolition.

Ile-Alatau National Park is carrying out work to develop natural scientific and feasibility studies to establish a protected zone for the park. Based on their results, the akimat (Mayor’s office in Kazakhstan) will for the first time adopt a resolution on the establishment of such a zone. This will limit the negative impact on the specially protected natural area.

4 bills have been submitted to the Mazhilis (The Lower house of Parliament) for consideration, which provide for increased responsibility of the State Construction Authority, the introduction of construction control through the e-Qurylys information system, the coordination of urban planning projects with the Ministry of Emergency Situations and the prevention of cutting mountain ranges, as well as the regulation of the concepts of “townhouse”, “individual residential house" and "apartment residential building".

An analysis in **the field of education** revealed a pattern of theft of budget funds from the teachers' payroll fund, and identified systemic corruption risks at the stages of planning and disbursement of budget funds.

Numerous cases of theft of budget funds became possible due to the lack of automation of the processes of generating budget requests, mechanisms for preventing violations and integration of accounting systems and government databases.

In order to eliminate the criminal scheme, as part of the implementation of the Agency’s recommendations, amendments were made to the Rules for drawing up budget requests, allowing them to be generated electronically. After which, the Ministry of Education directed akimats (Mayor’s office in Kazakhstan) to transfer the procedure for generating budget requests into a digital format.

Since August 2023, the Ministry of Finance has been implementing a pilot project “Unified Data Storage for Accounting Transactions”. The project provides for a unified standardization of accounting, conducting electronic audits and applying preventive measures by setting up risk indicators *(the pilot is planned to be completed in December 2025).*

The Ministry of Education has integrated the National Educational Database *(hereinafter - the NED)* with the information systems of the Ministries of Justice, State Database “Individuals” *(hereinafter - the SDI)*, Health (medinfo.kz) and Labor (enbek.kz). This will allow accounting systems to reconcile information on personal data, sick leave and employment.

In addition, the NED developed the “Teacher Portfolio” module *(an electronic dossier of an employee with information about education, health, qualifications, etc.)*. The accumulation of such data will allow accounting systems to “pull up” objective data about employees and create reliable salary tariffs.

In order to eliminate “dead souls,” the minimum requirements for informatization objects in the field of education include a provision on the introduction of a system for recording visits by employees of educational institutions *(including using biometric data).* Today, such a system is already operating in educational institutions in the city of Pavlodar *(50 schools)* and the Turkestan region *(25 colleges, 191 schools; for 2024, 408.9 million tenge have been allocated from the budget, within which it is planned to cover another 216 institutions).*

An analysis of corruption risks was carried out in the activities of the **Ministry of Science and Higher Education related to the circulation of educational diploma forms and the awarding of academic degrees.**

Risks associated with the lack of control over the movement of diploma forms, imperfect information systems, and insufficient government control have been identified.

Thus, from 2021, universities have the right to independently produce and issue higher education diplomas. At the same time, the authenticity of the diploma was confirmed by the presence of an entry in the National educational database (NED), access to which was provided to 2.6 thousand university employees to enter information and correct it. Another 550 university employees, including those whose activities are not related to methodological and organizational work *(assistant vice-rectors, teachers, masters, etc.)* were given the right to generate QR codes for diplomas.

Thus, the unlimited powers of university employees in the absence of effective control over such activities created risks for issuing fake diplomas.

As part of the implementation of recommendations on the circulation of diplomas and the awarding of academic degrees, a number of changes have been made to the legislation.

A standard has been introduced to ensure the reliability of data in the NED on issued diplomas *(now universities are responsible for the information entered).*

Transparency and openness of the activities of expert councils for the examination of certification cases are also ensured, the personal responsibility of their members is determined, and there are mechanisms for identifying conflicts of interest.

In addition, the unusual function of the Ministry of Science and Higher Education of issuing state diplomas for the award of the degree of Doctor of Philosophy (PhD) and Doctor of Specialization (PD) has been excluded *(according to the industry law, only universities can have this function).*

***On anti-corruption monitoring***

**Anti-corruption monitoring** is an effective tool for resolving issues of concern to citizens through the prism of eliminating corruption risks.

For example, criminal statistics, numerous publications in the media and appeals pointed to systemic corruption in **the field of vehicle registration and issuance of driver’s licenses.** In order to identify the causes and conditions of corruption schemes, a comprehensive analysis was carried out in this area.

Based on the results of monitoring the activities of Special Public Service Centers, at the suggestion of the Anti-Corruption Service, new information systems for registering vehicles and issuing driver’s licenses were launched.

Vehicle registration systems are integrated with databases of tax and customs authorities and second-tier banks. The possibility of unauthorized access and correction is excluded *(previously, data was entered manually and was not checked through the information systems of government agencies, which gave rise to corruption risks; unscrupulous police officers and* Public Service Center *(PSC) employees corrected the databases, entered false information, and used fake receipts).*

The application registration procedure has been simplified. Now, to do this, you only need to enter your IIN (individual identical number), and the rest of the data is filled in automatically. At the same time, the system itself checks the payment of mandatory payments, fines and receipts from second-tier banks.

As a result of eliminating corruption risks in 2023, the volume of budget revenues (from fees) increased 9 times (in 2022 - 10.6 billion tenge for registration of 9.4 thousand cars, in 2023, taking into account legalization - 91.3 billion tenge when registering 10.2 thousand vehicles).

Testing of candidates **for a driver's license** is carried out according to a new program with an updated system of protection against unauthorized connections.

To block face-swapping schemes, biometrics of examinees *(automatic facial recognition)* and online monitoring of their actions were launched *(the program records gestures and facial expressions indicating a possible violation of the rules)*, an online broadcast was introduced in the Special Public Service Center for public control, and procedures for retaking exams were regulated *(the number of repeated attempts is limited - 2 times, in case of failure - after 3 months, in case of using prohibited items - after 6 months).*

From October 2023, the procedure for taking theoretical exams has been returned to the Government for Citizens State Corporation. Since 2022, testing has been carried out by the private company "Oilan" *(under the PPP agreement),* during the period of which there were many signals about the facts of formal passing of exams *(without passing exams or through remote access)*, illegal adjustments in the program. The testing equipment *(computers, servers)* belonged to the company itself, and the State Corporation actually had no access to them and could not control it.

The measures taken made it possible to eliminate the risks of formally passing exams *(if previously, when working with an outsourcing company, 70% of those tested successfully passed, now only 50%).*

Additions have been made to the Law “On Combating Corruption” (subparagraph 4) of Article 1) to classify employees of Special Public Service Centers as subjects of corruption offenses (to be introduced in January 2025), which will make it possible to hold them accountable for “bribery”, and “helpers” - for mediation in corruption.

Based on the results of anti-corruption monitoring in the Abay region, **the mechanism for selling timber** in the Semey Ormany forest **reserve has been revised.** Since July 2023, at the proposal of the Anti-Corruption Service, the sale of lumber has been carried out through electronic auctions of the IS “State Register” on the “e-auction” platform. Previously, wood was sold to various individuals and legal entities at the discretion of the Reserve management. Timber harvesting has been changed; it is now carried out by logging crews of the Reserve. Previously, this was done by hired entrepreneurs.

In 2023, the Agency, **during monitoring of public procurement through the Single Window Procurement portal**, prevented overstatement in the total amount of 41.4 billion tenge *(2019 - 800 million tenge, 2020 - 22.8 billion tenge, 2021 - 46 .6 billion tenge, 2022 - 29 billion tenge, 2023 - 41.4 billion tenge)*, in total since the implementation of the project - 140.6 billion tenge.

Most often, overstatements were detected in the purchase of stationery, fuels and lubricants, computer equipment and food. In terms of organizations, such overestimations were allowed by akim offices, educational and healthcare organizations.

***On scientific anti-corruption examination of draft regulatory legal acts***

By the end of 2023 an examination was carried out on 6,865 draft legal acts, in which 7,779 corruption risks were identified.

In 2023, in accordance with the order of the Prime Minister “On measures to implement the Constitutional Law of the Republic of Kazakhstan dated April 19, 2023 “On introducing amendments and additions to some constitutional laws of the Republic of Kazakhstan on issues of administrative reform in the Republic of Kazakhstan”, a joint order of the Minister of Justice was adopted, Minister of National Economy and Chairman of the Anti-Corruption Agency “On approval of the Rules for organizing and conducting scientific examination, as well as the selection of scientific experts”*(hereinafter - the Rules)*.

As part of the implementation of paragraph 33 of the Action Plan for the implementation Concept of anti-corruption policy of the Republic of Kazakhstan for 2022-2026 in The rules provide for the development of anti-corruption examination of draft regulatory legal acts, including through the introduction of a unified anti-corruption examination of standard and similar draft regulatory legal acts and elements of artificial intelligence *(clauses 100, 112 of the Rules)*.

The procedure for maintaining the register of experts and the grounds for excluding experts from the register are regulated.

***On ensuring the inevitability of responsibility***

In 2023, 1,692 corruption crimes were registered by law enforcement and special agencies.

The overall registration of corruption crimes as a whole decreased by 2% - from 1724 to 1692, while the detection of especially serious ones increased by 1.5 times from 34 to 57, the number of convicted persons - by a quarter, from 725 *(493 or 68% - officials, 232 or 32% - individuals)* to 916 *(587 or 64% - officials, 329 or 36% - individuals)*.

The amount of damages compensated for completed pre-trial investigations amounted to 285.1 billion tenge *(2022 – 108.5)*. Refunded for 2022-2023, 393.6 billion tenge exceeds this figure *(290.6 billion tenge)* for the ten-year period *(2012-2021).*

73 persons were rewarded in the amount of 22.4 million tenge for reporting corruption.

In 2022, one of the pressing issues of anti-corruption policy **was the return of illegally acquired assets to the state.**

The President of the Republic of Kazakhstan, raising this problem, noted the following: “We must restore justice and return all assets illegally exported from the country. All returned funds must work for the benefit of citizens. They should be invested in opening high-tech industries, building schools and hospitals, and implementing social projects.”

To achieve this goal and normative settlement of this issue, the Law “On the return of illegally acquired assets to the state” was adopted in 2023.*(hereinafter - the Asset Recovery Law)*.

Prior to the passage of the Asset Recovery Act, legislation did not fully provide for the proper process for the disclosure, confirmation, origin and return of assets.

The goals of the Law on the Return of Assets are the return of assets and (or) their involvement in legal economic circulation in the Republic of Kazakhstan, the elimination of the causes and conditions that contributed to their illegal acquisition and withdrawal, as well as the restoration of social justice in society.

Achieving these goals is achieved by solving the following tasks:

1) identification, suppression, disclosure and investigation of offenses in the field of withdrawal of assets;

2) development of international legal cooperation on asset recovery;

3) formation of public policy and effective use of returned funds for the benefit of society;

4) identification and elimination of the causes and conditions that contributed to the illegal concentration of economic resources, illegal withdrawal of assets, and elimination of their consequences.

The law on the return of assets applies to entities that are or were persons holding a responsible public position, positions in state legal entities, entities of the quasi-public sector, as well as citizens affiliated with them.

At the same time, the criteria are clearly defined, in the presence of which the authorized body should have grounds for doubt - the discrepancy between the value of assets and the amount of legal income or other sources of covering expenses.

The main goal of the ongoing work to return illegally acquired assets to the state is **to quickly involve such assets in legal circulation** for the benefit of the residents of Kazakhstan.

The work on asset recovery is fully controlled by the Asset Recovery Commission, which includes, along with government bodies, members of Parliament, and **representatives of the public, which increases confidence in this institution.**

To date, information on more than 1 thousand property objects in the country and 150 objects abroad is analyzed, suspicious transactions amounting to about 2 trillion tenge are checked.

The analysis also covered securities worth 600 billion tenge, over 200 bank accounts were established in the country and 140 outside it.

The Asset Recovery Commission has already approved agreements and claims for the return of assets worth over 325 billion tenge to the state, including funds in the amount of 272 billion tenge. These amounts will be used to implement significant social and economic projects.

To organize the most effective work, priority foreign jurisdictions have been identified and bilateral cooperation is being strengthened, which makes it possible to quickly exchange information about assets and their beneficiaries with countries of interest, jointly identify property of illegal origin, and take measures to freeze and confiscate them.

Thanks to established contacts with foreign partners, it was possible to return 750 million dollars from abroad.

International legal cooperation in the field of asset recovery is also being strengthened - a number of projects are being implemented with the support of the UN Office on Drugs and Crime.

In addition, the Republic of Kazakhstan has received membership and is actively participating in the activities of the Interpol working group to develop a new tool for the search and return of assets - the “silver bulletin” and “silver notice”.

It is worth noting that one of the ways to obtain unjustified income is also tax evasion and understatement.

In this context, following the response measures of the prosecutor’s office, state revenue authorities collected additional billions of tenge in tax payments.

For example, during an audit of the activities of Zhaikmunai LLP, which produces crude oil and associated gas, facts were established that more than 38 billion tenge were unreasonably included in reimbursable costs, as a result of which the state’s share of oil profits was significantly underestimated.

The result of activities for the entire period is that as a result of the joint efforts of law enforcement, special and other government agencies, illegal assets worth about **1.7 trillion tenge** (about 4 billion US dollars) were returned.

In addition to cash, hotels, office buildings, restaurants, land plots, railway tracks, and so on were returned to the state.

This work is the implementation of the fundamental principle of the UN Convention against Corruption - ensuring the search and return of criminal assets.

As part of the implementation of the recommendations of the Financial Action Task Force *(FATF)* and the Group of States against Corruption of the Council of Europe *(hereinafter - GRECO)*, the Anti-Corruption Service and the Financial Intelligence Unit of the Economic Investigation Services are actively building a strategic partnership aimed at increasing the efficiency of identifying the proceeds of corruption.

In the process of work, such international tools as informal communication channels of the Egmont Group, CARIN (Europe), ARIN (Asia), GlobE networks are used, which can significantly reduce the time for exchanging information with foreign partners.

Replenishment of the Special State Fund continues.

Funds are used exclusively for social needs. The Fund's funds, including as a result of the return of assets, financed the construction of 82 schools for 46 thousand students for a total amount of 134 billion tenge.

***On new anti-corruption tools***

In pursuance of the Concept of Anti-Corruption Policy, on January 3, 2023, a law was adopted that provides for **the liability of officials for unjust enrichment.**

Fiscal and career sanctions are provided in the event that an official’s expenses do not correspond to his income. Thus, an excess of more than 1000 MCI *(just over 3 million tenge*) entails an administrative fine in the amount of 90% of the identified excess. If the difference between the official’s expenses and the amount of income exceeds his annual income, then the official is subject to dismissal for negative reasons.

A significant legislative innovation was the **strengthening of guarantees for the protection of persons who report cases of corruption**. The amendments are aimed at protecting their labor interests, as well as establishing criminal liability for disclosing information about them.

Based on the results of pilot testing of the integrity check **“Integrity Check”** *(in the Anti-Corruption Service, the Economic Investigation Service, the Ministry of Internal Affairs and the Ministry of Emergency Situations)*, a draft separate law was developed to introduce this effective tool in all law enforcement agencies.

The results of the pilot confirmed the high preventive potential of this tool.

For example, in the Anti-Corruption Service, 183 employees, in respect of whom no verification measures were even carried out, reported illegal offers from third parties *(there were no such reports before the start of the project)*.

In internal affairs bodies, employees perform their duties more responsibly, quickly service requests, answer citizens correctly and politely, which corresponds to the principles of the service model and customer focus.

The number of reports on attempted bribery increased 8-fold *(from 96 to 763)*, 121 of which were subject to pre-trial investigations *(Article 367 of the Criminal Code)*. For the first time in the last few years, the level of corruption in the patrol police decreased by 54% *(from 84 to 39),* in the migration service - by 47% *(from 19 to 10).*

All this indicates a trend towards increasing anti-corruption immunity among police officers.

The search and implementation of new anti-corruption tools based on best international experience continues.

It should be noted that the effectiveness of anti-corruption measures is facilitated by strengthening public control, strengthening democratic institutions, as set out in information on factor 1 “Limiting the powers of government institutions,” as well as ensuring transparency of all public administration processes, as set out in information on factor 3 -the “Open Government” factor of this report.

**FACTOR III: OPEN GOVERNMENT**

Government openness is the basis for productive interaction between the state and citizens.

Openness and transparency of the government ensures the right of citizens to access documents and actions of the state for effective public control over government regulation, which allows achieving an important goal - increasing the well-being of the country's population.

The right of everyone to freely receive information, including legal information, is guaranteed by the Constitution of the Republic of Kazakhstan.

In the Republic of Kazakhstan, the modern model of government management is based on openness - with the introduction of information technology, it has become possible to provide and receive this or that information in a timely and high-quality manner.

***On openness and accessibility of legislation***

In accordance with the requirements of the legislation of the Republic of Kazakhstan, regulatory legal acts *(hereinafter - RLA)*, international treaties to which the Republic of Kazakhstan is a party are published.

The official publication of RLA relating to the rights, freedoms and responsibilities of citizens is **a prerequisite for their application.**

RLA of the Republic of Kazakhstan are published in open Internet resources, in particular, in the information and legal system of RLA, as well as in the Standard Control Bank of RLA, which is the official source of publication.

The information and legal system of RLA “Adilet” *(hereinafter - the System)* has been operating since 2012 and allows you to familiarize yourself with national legislation online.

System provides optimal conditions for citizens to receive **complete, up-to-date, systematized**, and, importantly, **free legal information in three languages** ​​- Kazakh, Russian and English (laws and some by-laws are in English).

In the System, the texts of RLA are placed **in the current edition**, and **all previous editions of RLA are also preserved.** In addition, the System also contains all RLA that have been declared invalid.

Today, the system contains about 200 thousand documents in the state, Russian and English languages.

According to Google Analytics statistics, the popularity of the System is growing, the annual increase in visits is about 30-40% and in 2023 it reached **almost 45 million visits** both by users in the country and abroad.

In its turn,  [the Standard Control Bank of RLA, **being the source of official publication,**](http://zan.gov.kz/client/) is a collection of RLA in electronic form **and is intended for general access to official texts of RLA.**

One of its advantages is the provision of **reliable and up-to-date** information in the field of national legislation **free of charge** through a web portal **without the consumer directly contacting government agencies.**

The functionality of the Standard Control Bank of RLA, like the System, also provides the opportunity to familiarize yourself with changes made to the current legislation in chronological order, as well as with RLA that have lost force.

Currently, recognizing the importance of not only openness and accessibility of legislation, but also their explanation to citizens for clear enforcement and, accordingly, increasing their legal awareness, work is underway to modernize the functionality of the Standard Control Bank of RLA and the System in terms of the simultaneous placement of explanatory materials for each adopted RLA.

***About e-government***

The development of e-government in the Republic of Kazakhstan dates back to 2006, when the e-government web portal “Egov” *(hereinafter - the “Egov” web portal)* was created.

According to the United Nations E-Government Survey 2023, **the Republic of Kazakhstan is classified as a country with a very high EGDI (Open Government Data Index)***–*the score was **0.8563 out of 1.**

This is the highest figure among the countries of the Commonwealth of Independent States and Central Asia. In addition, the Republic of Kazakhstan is noticeably ahead of such developed countries as Ireland, Canada, Italy, Belgium, the Czech Republic and others in this assessment.

The index reflects citizens' access to public information with or without request, engagement in participation and debate on public policies and services, and empowerment of the public through participatory electronic decision-making regarding policies, services and the manner in which they are delivered.

At the same time, according to the UN**, the Republic of Kazakhstan ranks 28th in terms of e-government development among 193 countries** monitored by the United Nations.

The e-government web portal “Egov” is a modern system that unites various government bodies and provides citizens and businesses with access to useful information and services online.

One of the main goals of the web portal is to facilitate interaction between the state and the population, simplify procedures and improve the quality of public services provided.

Using the Egov web portal, citizens have the opportunity to obtain various information about the rights, responsibilities and preferences provided by the state. For example, on the portal you can familiarize yourself with the latest changes in legislation, learn about the rules and deadlines for registering a business, get information about vacancies in government agencies, and much more.

The portal also facilitates citizens’ access to government services. Thanks to the online platform, citizens no longer need to stand in queues and waste time visiting various institutions.

Initially, the “Egov” web portal served as an information and reference resource, subsequently transforming **into a single provider of public services**, providing services to the population based on the “one window” principle, which consists of minimizing the participation of applicants in the collection and preparation of documents, as well as limiting their direct contact with entities providing public services.

Currently there are more than 10 million citizens that are users of "Egov" web portal, despite the fact that the population of the Republic of Kazakhstan by 2024 is 20 million people.

Thanks to automation, citizens can now receive government services in the fields of health, education, employment and employment, family, social security, customs, and taxes, and so on.

In total, about 1,327 public services are provided to citizens in various areas, **92% of which are automated.**

You can receive government services online through a web portal "Egov" or mobile application, or by contacting the front office.

In addition to the provision of public services, **the “Egov” web portal has mechanisms that allow any citizen to actively participate in the discussion of draft legal acts.**

Involving the public in the process of making management decisions implies the actions of a government body to ensure transparency, accountability and taking into account the opinions of citizens in the execution of its activities, as well as the process of making socially important decisions.

For these purposes, the “Open Legal Regulations” portal *(hereinafter - the portal)* has become a single platform for discussing draft laws and other legal acts.

On this portal, every citizen can express his opinion regarding the draft legal acts being developed, thereby taking part in the process of public administration. At the same time, drafts of all legal acts and advisory documents of regular policy (documents that should contain problems of state regulation in a specific area, ways to solve them, justification for the need to develop a draft law) are subject to public discussion.

Familiarization with the draft regulatory legal acts occurs before the government body-developer sends it for approval to other organizations and authorities. This process is called public comment.

On the portal, government agencies annually post about **18 thousand draft legal acts**, about **30-35 thousand comments** are received (for reference: the archive contains 128 thousand projects, the number of received comments for the entire period is 280 thousand).

The process of discussing legal acts is very simple. In order to leave a comment on a particular draft regulatory legal act, you must log into the web portal “Egov” and go to the portal.

Thus, during the period of public discussion of draft legal acts, one can freely comment and give their comments.

In 2022, the automation of the procedure for sending notifications about the posting of draft legal acts on the portal to interested organizations has been ensured for them to submit expert opinions, examinations and recommendations.

In 2024, the functionality of posting expert opinions on the portal and the ability for citizens to comment on it will be implemented. Thus, citizens can see not only the regulatory legal act itself and comment on it, but also all the conclusions to it (expert councils, scientific organizations, public councils). This increases the “public” responsibility of government agencies and such organizations and councils.

Today, work is being done to popularize the portal among the population, the placement of draft legal acts is announced in the media. The Ministry of Justice monitors draft legal acts and comments on them posted on the portal in order to ensure that government agencies take into account the comments received.

In turn, other data regarding the activities of government organizations, ministries and local executive bodies are published and updated daily on the Egov web portal.

For example, the “Open Budgets” portal, created to **ensure transparent budget formation and develop public control over the expenditure of budget funds.**

Public participation plays an important role in government budgeting processes and serves as a catalyst for transparency and accountability. Involving citizens in the decision-making process improves the efficiency and fairness of money distribution.

State bodies and institutions of the legislative, executive, judicial branches of government, local government publish consolidated budget reporting, results of state audit and financial control.

By analogy with the public discussion of draft legal acts, users can also freely leave comments on draft budget programs and reports on their implementation. In practice, there are cases when citizens raise very serious questions and problems based on the information posted in this section, which subsequently leads to wide publicity of such problems.

Moreover, citizens have access not only to up-to-date information about the budget, but also to an archive that contains all projects, approved programs and reports on the implementation of budget programs for which public discussion has already been completed.

***About electronic court documents***

Digitalization of the judicial system is one of the priority areas for the development of information accessibility in the Republic of Kazakhstan.

Previously, the transparency of legal proceedings, as a rule, meant the ability of any person to be present in the courtroom and observe the progress of the trial.

Taking into account modern realities and the development of digitalization, the principle of transparency of legal proceedings is becoming increasingly important.

In particular, increasing importance is being attached to transparency, namely the publication of court decisions.

The introduction of modern information technologies into the activities of the judicial system is one of the main measures to ensure wide public access to judicial information.

“Court Office” is a website that provides access to all services of the courts of the Republic of Kazakhstan. The platform allows you to submit electronic applications, petitions and complaints in court cases to both individuals and legal entities, as well as view information about the statement of claim, the dynamics of the progress of the case, and, importantly, gain access to judicial practice.

A useful function is the search for court cases - you can easily find a court case and view all the necessary documents in the corresponding tab, with the exception of acts on closed court hearings.

The interface for requesting judicial acts that have entered into legal force includes criteria for users: date, judicial authority, category of case, and so on. At the same time, to accurately display the result, it is possible to search using one or several criteria.

Thus, wide access of the population to judicial information and openness of judicial bodies is ensured, which reduces abuse by unscrupulous participants in the process and, as a result, increases public confidence in the courts.

In general, openness of judicial proceedings (glasnost) is one of the basic principles of legal proceedings. On its basis, citizens openly monitor the process of administration of justice. A striking case that demonstrated the “real” openness of judicial processes is the well-known case of Bishimbayev, the openness of which our population and the world community expressed gratitude.

***About filing appeals via the electronic system***

Appeals continue to be one of the most important tools for interaction between government bodies and individuals and legal entities. It is appeals that must be considered as one of the most important institutions for the protection of rights, freedoms and legitimate interests.

Appeals are feedback, an opportunity to express one’s own opinion about current events, make suggestions and exercise other rights and interests.

**In 2021, the approach to considering citizens’ appeals was radically changed by introducing an electronic system for receiving and processing appeals “eOtinish”.**

Previously, in the Republic of Kazakhstan there was no unified system for considering citizens’ appeals, which is why there was no opportunity to analyze and control the process of considering appeals itself, which made it difficult to assess the quality of the work of government bodies. Most importantly, this made it difficult for people to access the government apparatus, as there was “paperwork.”

However, the introduction of the eOtinish system has made it possible to increase the efficiency of government bodies and the transparency of consideration of appeals from citizens and legal entities.

By submitting an appeal, **any citizen and legal entity can send:**

- **a request** for information on issues of interest of a personal or public nature, as well as for clarification of issues of interest in a particular area;

- **response** expressing one’s attitude to the domestic and foreign policies pursued by the state, as well as to events and phenomena of a social nature;

- **proposal** with recommendations for improving laws and other regulations of the Republic of Kazakhstan, the activities of government bodies, developing public relations, improving socio-economic and other spheres of activity of the state and society;

- **message**, that is, notification of violations of laws and other regulations of the Republic of Kazakhstan, shortcomings in the work of state bodies, local governments, legal entities with one hundred percent participation of the state and their officials;

- **application** - petition for assistance in the implementation of rights, freedoms and legitimate interests

- a **complaint** containing a demand to restore or protect rights, freedoms or legitimate interests.

By submitting an appeal through the “eOtinish” system, which automatically forwards it to the government agency specified by the applicant and sets a deadline for its consideration**, the applicant can control the progress of consideration of the appeal** and subsequently receives an SMS notification of receipt of a preliminary and final response. Thus, **the system records all procedural actions of the government body.**

The advantage of digitalizing the interaction of citizens and legal entities with the state is that an established electronic system that creates transparency in the activities of government bodies eliminates corruption and dishonest actions of officials when considering appeals.

Appeals from citizens are considered without fail, followed by a detailed, substantiated response within a specified period of time **(15 business days)**, otherwise a citizen or legal entity has the right to send a complaint, the poor quality of which, in accordance with the legislation of the Republic of Kazakhstan, is the basis for the applicant’s appeal to court.

It should be taken into account that in such cases there is **a presumption of guilt of the state body, and all doubts, contradictions and ambiguities are interpreted in favor of the applicant.**

The legal side of this issue is regulated by the Administrative Procedural Code, the main purpose of which is to protect the rights of citizens and legal entities in disputes with government bodies. It should be noted that this code, as the most progressive, **was highly appreciated by both the country's population and business, as well as the Venice Commission of the Council of Europe and the German Society for International Cooperation (GIZ).**

The effectiveness of the eOtinish system is evidenced by the following figures: in 2023, citizens and businesses submitted a little more than **3 million requests**. If we take the total number of the country’s population over 18 years old, which is 13 million people, this means that **a quarter of the country’s adult citizens submitted applications through this portal.**

***On transparency of public procurement***

Public procurement plays an important role in the development of the state’s economy, since through public procurement the fulfillment of its functions and tasks is ensured.

According to the World Bank, the government procurement market in the Republic of Kazakhstan is relatively large, accounting for about **10% of the country's gross domestic product.** The government is the largest purchasing body, followed by state-owned enterprises and private companies. The main sectors of the public procurement market are construction, energy, transport and telecommunications.

The Republic of Kazakhstan is pursuing a major program of transformation in the economy and public administration, based on a long-term vision and national development strategies. In the context of wide-ranging reforms, public procurement has been identified as a priority given its increasing role as a strategic function of public service delivery and impact on the lives and well-being of citizens.

Focusing on advanced global trends in the development of public procurement, the main work on reforming the sphere of public procurement in the Republic of Kazakhstan is aimed at complete automation of the process.

Thus, one of the indicators of openness, transparency and accountability on the part of the government is the provision of government mechanisms for participation in e-procurement.

Today, public procurement is carried out in electronic format - since 2016, **the entire process, from planning to payment, takes place online.**

The integrated, mandatory use of e-procurement has transformed government procurement and increased its efficiency. Initiatives to centralize public procurement will help further improve it, while automation has improved the anti-corruption component of Kazakhstan's public procurement system.

Transparency and availability of information is reflected in the fact that potential suppliers **can review their competitors' proposals and check their compliance with the requirements of the procuring entity on the government procurement website.** If they consider that a violation has occurred, they can file a complaint within 5 business days after the publication of the final protocol for the competition. If the deadline is missed, the potential supplier may also appeal to the court.

At the same time, potential suppliers mean not only Kazakh companies, but also foreign ones - foreign suppliers can participate in Kazakh government procurement on an equal basis with local suppliers. The Republic of Kazakhstan is a member of the World Trade Organization and adheres to its principles and rules in the field of international trade, which means that foreign companies have equal rights and opportunities to participate in government procurement.

In 2022, new methods of public procurement were introduced using a rating-point system.

The method of public procurement based on the use of a rating-point system provides for the complete exclusion of human participation - the public procurement web portal automatically assigns appropriate points to potential suppliers. For example, the electronic system gives positive points for having a good reputation (work experience, financial stability, long warranty period).

Based on the ratio of points scored, the web portal automatically determines the winner of the competition.

Speaking about transparency and accessibility of relevant information, it should be noted that the public procurement web portal of the Republic of Kazakhstan **took 3rd place in the world ranking of the availability of public procurement data according to the Global Data Barometer.**

The analysis conducted by the Global Data Barometer evaluates how countries publish data. According to the analysis, all countries (109 countries analyzed) publish public procurement data, with 50 countries or 46% publishing data in typewritten format.

**Of all countries, only 9 publish data on the entire public procurement process, from planning to contract execution, including the Republic of Kazakhstan**.

Thus, from the moment of announcement to the moment of conclusion of the contract, that is, all stages are automated, and human participation is reduced to a minimum.

Moreover, anyone can go to the web portal and see any government procurement and execution of any contract.

***On the openness of financing election campaigns***

Issues of financing election campaigns are very important for the quality of elections. Without sufficient funding, candidates and parties have little chance of campaigning effectively and getting their message across to voters.

According to amendments to the Constitutional Law on Elections of November 5, 2022, campaigning on social networks was introduced, limits on donations to election funds were established, measures on the inadmissibility of foreign funding were expanded, and the period of campaigning for the election of mayors was extended.

At the same time, citizens have an interest in ensuring that the campaign finance system is fair and **transparent**.

The Republic of Kazakhstan guarantees candidates **equal allocation of funds to present their programs.** The procedure and amount of funds allocated to candidates are determined by the Central Election Commission.

The republican budget funds cover expenses for:

1) organization and activities of election commissions, rental of premises, travel expenses, remuneration of consultants, experts, members of the linguistic commission, specialists ensuring the operation of the electronic electoral system;

2) speeches of candidates, except for candidates running on party lists, in the media;

3) holding public election events of candidates and releasing campaign materials of candidates, except for candidates running on party lists;

4) travel expenses of candidates, except for candidates running on party lists;

5) production of information posters placed in the premises of the election commission and the voting premises about candidates for President, deputies of Parliament and maslikhats (local representative bodies), members of other local government bodies, as well as about political parties that have nominated party lists.

For example, in 2023, before the holding of early elections of deputies of the Mazhilis of Parliament**, the Central Election Commission published its resolution on the official Internet resource establishing the amount of expenses of a candidate for deputy of the Mazhilis of Parliament, covered from the republican budget.**

The published document establishes **specific amounts** **for each candidate** to speak with his program on television and radio, publish articles in periodicals and online publications, and issue campaign materials.

Consequently, any citizen who showed interest in what budgetary funds are spent by the state to finance election campaigns could find the relevant information, which was posted **in the public domain.**

In accordance with Article 34 of the Constitutional Law “On Elections in the Republic of Kazakhstan" non-state financing of election campaigns is provided.

Non-state financing provides for covering the costs of organizing and conducting pre-election campaigning for candidates in the elections of the President, deputies of Parliament and maslikhats, from the funds of election funds formed in the manner established by the Constitutional Law.

Election funds are formed from the following sources:

- personal funds of candidates, funds of political parties;

- funds allocated to the candidate by the public association of the Republic that nominated him;

- voluntary donations from citizens and organizations of the Republic.

At the same time, voluntary donations from state bodies and organizations, local governments, charitable organizations, religious associations, Kazakh legal entities with foreign participation in their authorized capital, as well as anonymous donations from individuals and legal entities are prohibited.

In order to prevent individuals from influencing the course of elections, donation to election funds from individuals and legal entities limits have been established by law.

A report on the receipt of funds into special accounts of the election fund and their expenditure is published in the media twice a month by the relevant territorial election commissions.

According to the Constitutional Law “On Elections in the Republic of Kazakhstan,” information about the total amount of money and the amount of voluntary donations received by the fund, its sources and expenses for election campaigning is published in the media within five days after the publication of election results.

Thus, in general, all information about the financing of the election campaign, both from the state and from non-state sources, is public and open.

***On further improvement of access to information issues***

In the Republic of Kazakhstan, since November 16, 2015, a special law “On Access to Information” has been in force, which clearly regulates the issues of free receipt and dissemination of information, established a clear list of information to which access to third parties is prohibited (for example, personal data, state secrets) and established that all other information can be obtained by citizens without hindrance.

For non-compliance with this law, namely restricting the right of citizens to receive information, clear legal liability has been established *(Article 456-1 of the Code of Administrative Offenses “Illegal restriction of the right to access information”, from 30 to 100 MCI)*.

In February 2024, deputies of the Mazhilis of Parliament approved in the first reading amendments on access to information and public participation, aimed at improving legislation in the field of access to information, taking into account information requests of society and existing law enforcement practice.

The draft law proposes norms aimed at:

- strengthening the responsibility of government bodies for illegal restrictions on the right to access information;

- introduction of state control in the field of access to information;

- consolidation of the principles of the presumption of openness of information and proactive dissemination of information;

- creating the necessary conditions for access to information for persons with disabilities.

The corresponding amendments regulate in more detail the restriction of the right to access information, which will eliminate arbitrary violations, different interpretations of the law by different departments and selective application of the law to limit access to certain information.

In addition, it is proposed to consolidate the responsibility of government bodies for not posting information in the public domain, the posting of which is provided for by law.

A radically different approach to access to information in the areas of ecology is envisaged.

In The Ecological Code will be amended, according to which periodic information on the state of the environment will contribute to both better control by authorities and public control, increasing the transparency of environmental activities that have high social interest and significance.

Thus, akimats of the region, city of republican significance, and the capital will be required to post quarterly on the official Internet resource: 1) a report on the progress of implementation of the environmental protection action plan and local budget expenditures on such events; 2) a report on water use, including the construction and repair of water bodies or parts thereof (places of water intake), used for the purposes of drinking, domestic water supply and (or) cultural and domestic water use, with photos and (or) video materials confirming the information indicated in the report.

**FACTOR IV: FUNDAMENTAL RIGHTS**

Having become a full member state of the United Nations (UN) on March 2, 1992, the Republic of Kazakhstan has, throughout its independence, carried out fruitful interaction within the UN system and demonstrated its commitment to compliance with one of the most significant global commitments in the world - the Universal Declaration of Human Rights.

Along with the Universal Declaration of Human Rights, The Republic of Kazakhstan is a party to more than 70 multilateral universal international treaties in the field of human rights, including 8 UN human rights conventions.

As part of close interaction with the UN, Kazakhstan regularly sends periodic national reports on reforms carried out and results achieved to the relevant UN treaty bodies. These reports reflect, among other things, Kazakhstan's plans to implement the recommendations of the UN Conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, on the Elimination of All Forms of Racial Discrimination, against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, children's rights, International Covenants on civil and political rights, on economic, social and cultural rights.

During the 76th session of the UN General Assembly in New York, Kazakhstan was elected a member of the UN Human Rights Council for 2022–2024, which is recognition of its role as an active and responsible participant in the process of promoting international norms and standards in the field of protection of human rights and freedoms.

The priority areas of Kazakhstan’s work in the UN Council are the promotion of gender equality and the empowerment of women, the universal abolition of the death penalty, the fight against all forms of intolerance, freedom of religions and beliefs, and ensuring inclusive and universal education.

***About national human rights mechanisms***

The Republic of Kazakhstan, being a democratic state governed by the rule of law, provides people and citizens located on its territory with a wide range of ways to protect their rights.

In Kazakhstan, the institution of the Commissioner for Human Rights plays an important role in the protection and observance of human rights *(Ombudsman),* at which The National Center for Human Rights operates.

In 2022, at the level of the constitutional law, the Commissioner for Human Rights is empowered to: contact the President, chambers of Parliament, and the Government with proposals to improve legislation and law enforcement practice in the field of human rights and freedoms; to the Constitutional Court on the issue of compliance of normative legal acts with the Constitution; to court with a claim to protect the rights and freedoms of an unlimited number of persons; to the Supreme Court with a proposal to provide clarification on issues of judicial practice; hold joint receptions of citizens with representatives of government agencies and initiate inspections based on reports of violations.

Taking into account the key goals of the UN Global Initiative “Human Rights 75”, international cooperation with human rights institutions of foreign countries and representatives of international organizations was intensified in 2023. Participated in **65** meetings, made **12** working visits to **9** countries, organized **2** side events in Geneva on the prevention of torture and the development of human rights institutions.

In December 2023, the International Scientific and Practical Conference **“Implementation of International Legal Norms Ensuring Human Rights into National Legislation”** was organized in Astana. The event was held to support the call of the UN High Commissioner for Human Rights to develop innovative and catalytic commitments that will have a significant impact on the realization of rights in the country or region concerned.

A significant step in expanding access to legal protection was the creation of representative offices of the Commissioner for Human Rights in the regions.

Thus, in 2023, regional representatives of the **Commissioner became fully operational in all regions of the country.** Their appearance contributed to the receipt of a **record number of requests** over the years of the existence of the Ombudsman institution in Kazakhstan - **5,773**, which is **1.5** times more than in 2022.

For **4,057** requests, clarifications were given, **814** were sent to the competent government agencies, and for **902**, the demands and requests of applicants were satisfied (**15.6%** of the total number of requests). Compared to 2022, the number of positively resolved applications almost **doubled** (in 2022, out of **3,948** received, **321** or **8.1%**) were satisfied.

It should be noted that in 2023, based on the results of consideration of such applications, there was a **positive trend** in the implementation of a quick and complete investigation of criminal offenses. In a number of cases, the investigative and supervisory authorities made decisions to satisfy the applicants' complaints - the responsible officials were brought to disciplinary liability, the decisions to interrupt the investigation were cancelled.

One example is a case from the **Pavlodar region**. The representative of the Ombudsman was addressed by Ms. S. with a complaint about red tape during the investigation of a case of improper provision of medical care.

As part of the consideration of the appeal, requests to conduct an inspection and take action were sent to the Pavlodar city prosecutor's office and the Pavlodar region Police Department. As a result, by order of the head of the Police Department, the investigator was brought **to disciplinary liability for red tape.**

Another example is a case **from the Turkestan region.** The representative of the Ombudsman reviewed the appeal of citizen T., who was a victim of illegal imprisonment (slavery). The applicant reported the inaction of police officers and the untimely recognition of three persons against whom he filed a complaint as suspects. Based on the results of an internal investigation, local police inspector N. of the Baidibek district police department was brought to disciplinary liability for violations.

Also in the reporting year, citizens expressed **disagreement with the charges brought.** In a number of cases, with the assistance of the Office of the Commissioner, the violated rights of applicants were restored.

For example, a representative of the Ombudsman for the **Atyrau region** held a personal reception with citizen Sh., held in Institution No. 75 of the Criminal Corrections Institution in the Atyrau Region. During the meeting, the applicant expressed disagreement with the charges brought and pointed out the applicant’s absence from the case.

Based on the results of the personal meeting, the Ombusman’s representative sent relevant requests to law enforcement agencies.

As a result, on June 26, 2023, the Atyrau Regional Prosecutor's Office **a criminal case against gr. Sh.M. was terminated upon his release from the pre-trial detention center.**

Particular attention is also paid to interaction with states and foreign organizations.

As part of the high-level event “Human Rights-75”, the Commissioner took part in a side event of Kazakh non-governmental human rights organizations **“Kazakhstan’s obligations under the Universal Declaration of Human Rights: implementation and reality” in Geneva.**

Participants noted the work done by the state to implement international obligations in the field of human rights protection.

In order to effectively ensure human rights, the Commissioner and his office will continue to work on developing international cooperation and global partnerships.

In addition, **65** meetings were held with:

- ambassadors and representatives of foreign states (23 meetings);

- representatives of international organizations (33 meetings);

- representatives of leading international NGOs, including Amnesty International, Freedom Now, Human Rights Watch, International Republican Institute, National Democratic Institute, Penal Reform International, Solidarity Center, World Justice Project ", as well as a number of other organizations operating in Kazakhstan (4 meetings);

- members of the Association of Turkic Ombudsmen and the Eurasian Alliance of Ombudsmen, including with the Ombudsman of Pakistan (5 meetings).

***On the Commissioner for Children's Rights***

In 2016, by Decree of the President, the institution of the Commissioner for Children's Rights was established to improve the system for protecting children's rights and ensuring the guarantee of the rights and legitimate interests of children in interaction with state and public institutions. The country has introduced the positions of a regional Commissioner for Children's Rights on a voluntary basis.

As of December 1, 2023, regional Commissioners for Children’s Rights appointed by mayors work on a voluntary basis in all 20 regions of the country.

The Commissioner for Children's Rights, like the Commissioner for Human Rights, has direct access to bodies of all branches of government in order to raise significant issues and influence policy in the field of human rights.

***On the Commissioner for the Rights of Socially Vulnerable Categories of the Population***

On March 28, 2023, by Decree of the President of the Republic of Kazakhstan, the institution of the Commissioner for the Rights of Socially Vulnerable Categories of the Population under the President of the Republic of Kazakhstan was created.

The main goals of the Commissioner for the Rights of Socially Vulnerable Categories of the Population are to ensure guarantees of the rights and legitimate interests of socially vulnerable categories of the population, as well as the restoration of their violated rights and freedoms in interaction with state and public institutions.

***On the abolition of the death penalty***

On September 23, 2020, the Republic of Kazakhstan signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty.

Following the ratification of the Second Optional Protocol in 2021, the Criminal Code of the Republic of Kazakhstan has been brought into line with the Protocol, and the death penalty has been completely removed from criminal law.

At a national referendum on June 5, 2022, a number of amendments were introduced to the Constitution of the Republic aimed at further democratizing the country. Among them is a rule prohibiting the use of the death penalty.

***About children's rights***

Protecting the rights and interests of Kazakhstani children, protecting them from violence, and preventing suicide are priority areas of state policy.

The child population of the Republic of Kazakhstan is 6.8 million children, of which 3.8 million are schoolchildren, more than 2.5 million preschool children, more than 400 thousand students of educational organizations.

A national legislative framework for the legal protection of childhood has been formed. Today in the republic children’s rights are ensured according to 16 international documents, the first of which was the Convention on the Rights of the Child. In all articles of this Convention are implemented in the country's legislative acts.

A new state program “National Fund for Children” has been launched, providing for the deduction of 50% of the annual investment income of the National Fund of the Republic of Kazakhstan to special savings accounts of children until they reach 18 years of age without the right of early withdrawal. The accumulated money can be spent on education and housing. The corresponding law came into force on January 1, 2024.

In 2022, the legislation of the Republic of Kazakhstan for the first time introduced the concept of “child bullying”, enshrined the child’s right to protection from bullying, and also established the competence of the authorized body in the field of education to develop Rules for the prevention of bullying of a child and Rules of activity psychological service in secondary education organizations.

In order to increase the availability and quality of individual support for children who have been subjected to bullying, for the first time, an algorithm for the actions of educational authorities and organizations when receiving requests regarding bullying against them has been prescribed.

The Instructions on organizing anti-terrorist protection of terrorist-vulnerable facilities operating in the field of education of the Republic of Kazakhstan have been adopted. 100% of state educational organizations are provided with video surveillance systems and most schools are connected to the Operational Control Centers of the police, provided with licensed security, and equipped with panic buttons.

There are 22,081 orphans and children left without parental care in the republic. Of these, in families of Kazakh citizens under guardianship*,* there are 18,291 children in foster care, foster families, and family-type orphanages, and 3,790 children in organizations. There are 116 organizations for orphans and children left without parental care, of which 78 are in the education system, 20 children's homes in the health care system, and 18 in the social protection system. The deinstitutionalization of orphanages continues, over 3 years their number has decreased by 21 organizations.

In 2023, free school meals will be provided to 220 thousand children from socially vulnerable families and to 1 million 400 thousand primary school students.

In order to protect children from violence and prevent suicide, a road map has been adopted to strengthen the protection of children's rights, combat domestic violence and address issues of suicidality among adolescents for 2020 - 2023, whose activities are aimed at enhancing the activities of government bodies and organizations to improve the regulatory legal framework and methodological support for the entire sphere of protecting children's rights, coordination of activities and interdepartmental interaction.

***On the rights of convicts***

As part of the improvement and expansion of the rights of convicts and their relatives, changes have been made to the Internal Regulations of institutions of the penal system in terms of providing convicts, with their consent, with short-term visits via video communication.

In 2023, new criteria for the distribution of convicts to places of serving their sentences were introduced. According to the amendments, those convicted for the first time are now subject to serving their sentences in medium-security institutions. Convicts who have previously served imprisonment are subject to serving their sentences in maximum security institutions, regardless of the expungement of their criminal record.

The changes also affected minimum security institutions. Persons who previously served imprisonment, convicted of committing crimes due to negligence, will serve their sentences in minimum security institutions for positively characterized convicts transferred from medium and maximum security institutions.

In order to implement the changes introduced into the legislation in relation to convicts held in emergency and maximum security institutions, materials on changing the type of institution assigned by sentence are sent to the court. After the court decisions on changing the type of institution come into force, convicts will be transferred to institutions of the corresponding type as close as possible to the places of residence of their relatives, of which the relatives of the transferred convicts will be notified within the time limits established by law.

Previously, the number of convicts serving their sentences at the place of residence of relatives was about 60% of the total number. After the implementation of the Law, a significant increase in this indicator is expected.

On April 20, 2023, the Social Code was adopted, which provides for the provision of care for convicts with disabilities of the first group, held in institutions of the penal system by persons from among the convicts of the same institutions, with the assignment of social payments to them in the form of care benefits.

Thus, convicts with a disability of the first group have the right to apply to the authorized body for assistance from a person directly caring for them, regardless of their relationship with them.

In addition, it is envisaged to improve the legal status of convicts in terms of establishing the immediate execution of a court decision on release from serving a sentence, replacing it with a more lenient type of punishment due to serious illness.

Thus, in order to humanely treat persons serving sentences with serious illnesses, the person is immediately released from the courtroom, which allows the convicted patient to receive timely, highly qualified care in any medical organizations of the health authorities.

The draft Law “On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Optimization of the Criminal, Criminal Procedure and Criminal Executive Codes” provides for the introduction of a ban on the referral of tuberculosis patients with bacterial excretion to an institution of the penal system until cure*.*

Currently, there are 85 patients with drug-resistant tuberculosis in penal institutions.

***On gender policy***

The Universal Declaration of Human Rights provides that in the exercise of his rights and freedoms, each person shall be subject only to such restrictions as are prescribed by law solely for the purpose of ensuring due recognition and respect for the rights and freedoms of others and satisfying the just requirements of morality, public order and the general welfare in a democratic society.

In accordance with Article 14 of the Constitution of the Republic of Kazakhstan, “all citizens are equal before the law and the court. No one may be subjected to any discrimination based on origin, social, official and property status, gender, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstances.”

Discrimination, including on the basis of gender, is subject to criminal liability*.* Also, during criminal, administrative, and civil proceedings, no one can be discriminated against, including on the basis of gender.

At the same time, the Constitution directly stipulates that “the exercise of human rights and freedoms by a citizen should not violate the rights and freedoms of other people, as well as encroach on the constitutional order and public morality.”

Over the years of independence, Kazakhstan has made significant progress in promoting gender equality issues. A national model of gender policy is being formed, and a legal framework has been created to protect women's rights. As a party to the UN Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Beijing Declaration, Kazakhstan has confirmed guarantees for the observance and protection of women's rights.

In 2015, Kazakhstan joined the UN Sustainable Development Goals, where Goal 5 “Ensuring gender equality and the empowerment of all women and girls” is integrated into strategic government programs.

Work to strengthen protection against all forms and manifestations of discrimination based on gender, to create the necessary conditions for the full realization of the rights of women and men in all spheres of work, public and personal life is also being carried out at the legislative level. Thus, a 30% quota has been introduced for women, youth and persons with disabilities in party electoral lists, which will facilitate their more active participation in the socio-political life of the country.

On October 12, 2021, a law was adopted that excluded restrictions on the employment of women from the Labor Code, and the list of professions restricted to women was abolished. Cancellation of this list will expand employment opportunities for women by ensuring their access to all jobs at their personal discretion, including in industrial sectors *(oil and gas, mining, manufacturing),* transport and construction, due to changes in technology, production automation and equipment modernization.

The law establishes the right of an employee to decent working conditions, and also establishes the responsibility of employers for allowing discrimination in terms of failure to provide equal working conditions.

In the international ranking of the gender gap index, Kazakhstan took 62nd place in 2023*(out of 146 countries) (in 2022 – 65th place out of 146, in 2021 – 80th place out of 156, in 2020 – 72nd place out of 153),* improving the position compared to 2022 by 3 points.

To date, Kazakhstan has reached 72.1% gender parity.

Kazakhstan was rated as having low levels of discrimination in the OECD SIGI 2023 Study*(SIGI index=22%).*Compared to 2019, Kazakhstan’s position in terms of “Level of discrimination in the family” *(in 2023 - 14.8%, in 2019 - 22%),*“Limitation of access to production and financial resources”*(in 2023 – 21.5%, in 2019 – 31%),* “Restriction of civil liberties in Kazakhstan”*(in 2023 it is 16.8%, in 2019 – 22%)* indicators has improved*.*

As of January 1, 2023, the share of women among civil servants was 55.4% *(46,546 out of 83,963):* of which political civil servants - 8.1% *(59 out of 726),* administrative employees of Corps "A" - 9.8% *(9 out of 92),* building "B" - 55.9% *(46,478 out of 83,145).* The share of women managers is 39.2% *(9,261 out of 23,649).*

In the judicial system, women administrative civil servants make up a stable majority - 65.5% *(3697 women and 1946 men),* of which 61% of women occupy leadership positions. 48.4% of judges of the Supreme Court of the Republic of Kazakhstan are women *(30 female judges).* In the regional courts of the republic, out of 449 judges, women judges make up 45.7% *(205 female judges).* There are 1,019 female judges dispensing justice in district courts. *(54.7%).*

The number of women in the prosecutor's office is 22%, of which 7% are in leadership positions.

There are 29 women represented in the highest representative body - the Parliament, which is 19.6% of the total number of deputies. In local representative bodies*(maslikhats)*in Kazakhstan the share of women is 21.02% of the total number of deputies *(786 out of 3415).*

At the end of 2021, Kazakhstan adopted a Plan for the Implementation of Resolutions 1325(2000), 1820, 1888, 1889, 1960, 2106, 2122, 2242, 2467, adopted by the UN Security Council. The plan includes specific measures to ensure the equal participation of women in preventing and resolving conflicts, ensuring peace and security, preventing violence against women, raising awareness, strengthening interaction with civil society on issues of conflict prevention and the protection of women. In accordance with the Plan, female diplomatic personnel are involved in international negotiations and consultations on issues of disarmament and non-proliferation of weapons and international security.

Thus, currently, as part of the implementation of the UN Security Council resolution “Women. World. Security" 6 Kazakh military observers, including 1 female soldier, are participating in the UN mission for the referendum in Western Sahara (MINURSO).

Since 2022, together with UN Women in Kazakhstan, the implementation of the project “Assistance to Kazakhstan in the implementation of the Concept of Family and Gender Policy in terms of ensuring gender equality and empowering all women and girls in Kazakhstan and overcoming the consequences of the COVID-19 pandemic crisis” has begun.

The project is being implemented in three components: strengthening national legislation in the field of gender policy, strengthening the national education system of Kazakhstan with gender-oriented approaches and non-discrimination, improving the entrepreneurial skills and leadership qualities of women from vulnerable groups of the population *(implementation period – 36 months).*

***On the rights of persons with disabilities***

The Social Code of the Republic of Kazakhstan covers issues of social support from birth to adulthood, employment, labor safety, social insurance, assistance in difficult life situations, support for the elderly, the introduction of new approaches to the social security system, measures of state protection of the rights of citizens with disabilities, and increased accessibility special social services for persons with disabilities.

In addition, Kazakhstan has ratified the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities, which entered into force for the state on August 12, 2023.

There are currently 719.3 thousand people with disabilities living in Kazakhstan, including 106.9 thousand children with disabilities (under 7 years old - 33.9 thousand, from 7 to 18 years of the first group - 11.3 thousand, second group - 23.6 thousand, third group - 38.1 thousand).

Within the framework of the Social Code, persons with disabilities are provided with prosthetic and orthopedic assistance, technical auxiliary (compensatory) aids, special means of transportation, spa treatment services, an individual assistant, and a sign language specialist.

As of December 1, 2023, 432.2 thousand measures were implemented for persons with disabilities to provide technical means and rehabilitation services, or 89.2% of the necessary *(484.7 thousand)*.

In order to overcome emerging social problems and create opportunities to participate in the life of society on equal terms with other citizens, special social services are provided in inpatient, semi-inpatient, and home care settings.

The budget provides 8 types of special social services: social-medical, household; psychological; pedagogical; labor; cultural; economic; legal services. These services, provided comprehensively depending on individual needs, provide systemic rehabilitation, i.e. compensate and replace lost vital functions.

In 2022, all amounts of state benefits were indexed by 9% *(from 01/01/22 - 5%, from 04/01/22 - 4%).*

Since April 2021, the Agency of the Republic of Kazakhstan for Financial Monitoring, together with the Commissioner for Children’s Rights and other competent authorities, within the framework of the “Qamqor” project, has been conducting a remote analysis of the movement of funds in the accounts of orphans and disabled children, as well as purchases of goods, works and services for legality and the validity of their conduct, criminal cashing out, affiliation of participants and inflated purchase prices.

In recent years, a law and a number of regulatory legal acts on issues of inclusive education have been adopted. As part of the law adopted in 2021, requirements were introduced to ensure the flexibility of curricula and programs, as well as the creation of conditions for children with special educational needs.

The norm has been changed opening a psychological, medical and pedagogical consultation (PMPC) from 60 thousand children to 50 thousand. As a result, the PMPC network has increased by 20 units in three years *(2020 – 74, 2023 – 94).*

PMPC activities have been reformatted from the medical model from diagnosis to the pedagogical one, that is, to the assessment of special educational needs.

Support centers for children with autism have been operating since 2022 *(autism centers).* Today there are 10 such government centers and 640 inclusion support rooms in schools.

The position of teaching assistant has been introduced into standard school staffs.

By 2029, 34 psychological, medical and pedagogical consultations, 26 psychological and pedagogical correction rooms, and 200 inclusion support rooms will be opened.

One of the state's tasks is to create a “barrier-free environment” for people with disabilities.

Today there are 136 railway stations *(out of 300 existing)* are fully brought into compliance with the requirements of the National Standard, which provides conditions for people with limited mobility.

There are 98 units of specialized compartment cars running on 44 routes. To increase the level of transport accessibility, specialized passenger cars are purchased annually.

As part of the contractual relationship with carriers, obligations are stipulated to train crew employees in terms of servicing low-mobility groups and people with mental disorders on trains.

Along with this, within the framework of the Rules for the Transportation of Passengers, persons of all disability groups, as well as disabled children, are provided with a 50% discount on travel on socially significant routes.

There are 38 bus stations and 113 bus stops in the country, of which 32 bus stations and 97 bus stops meet accessibility requirements for the disabled.

There are 10,770 buses on regular city bus routes, of which about 3,204 units are adapted to transport persons with disabilities*(thirty%).*

There are also 119 private taxi services operating in the regions of the country with a total specialized fleet of 375 units. At the same time, local executive bodies have the right to provide additional conditions for the operating mode of invataxi under the contract (*work on weekends and holidays, at night).* Also, in order to improve the quality of services and accessibility of invataxi, a pilot project has been launched with the involvement of companies providing taxi aggregator services.

All seaports are equipped with the necessary means and equipment necessary for the movement of persons with disabilities.

To date, 32 passenger ships operating on inland waterways are registered in the country. These vessels are engaged in irregular passenger transportation *(walking, excursion).* In accordance with the technical characteristics of these vessels, transportation of persons using wheelchairs is possible on the open deck.

***On the prevention of torture***

Kazakhstan has zero tolerance for torture.

On July 1, 2022, medical support for 16 pre-trial detention centers was transferred from the system of the Ministry of Internal Affairs to the Ministry of Health, and from January 1, 2023, the remaining institutions of the penal system.

This reform is of particular importance for the prevention of torture and ill-treatment, since independent and complete recording of bodily injuries can serve as significant evidence of unlawful actions against convicted and investigative arrestees.

As part of the work to implement a continuous video surveillance system in penal institutions, prosecutors have already received remote video monitoring access to more than half of all institutions. This allows you to identify violations directly from the workplace and quickly respond to them.

In regions with a large number of colonies, specialized prosecutor's offices have been created.

As part of the political and legal reforms carried out in the country, the Law “On amendments and additions to certain legislative acts of the Republic of Kazakhstan on human rights in the field of criminal proceedings, execution of punishment, as well as the prevention of torture and other cruel, inhuman or degrading treatment” dated March 17, 2023 was a continuation of Kazakhstan’s consistent steps to eradicate torture and other forms of ill-treatment, implement international standards on these issues into national legislation, expand the rights of convicts and prevent the formation of a negative prison subculture. The law also provides for the right of accused persons to health care, so if they have serious illnesses before sentencing, they may have the opportunity to receive a deferment of execution; preserving the social connections of convicted women with children and the possibility of organizing the educational process and development of children in children's homes of penitentiary institutions; formation of law-abiding behavior among first-time convicted persons and preventing negative influence on them from convicts who have previously served imprisonment.

In turn, the draft Law of the Republic of Kazakhstan “On introducing amendments and additions to some legislative acts of the Republic of Kazakhstan on optimization of the Criminal, Criminal Procedure and Criminal Executive Codes” also provides for the introduction of amendments and additions to Articles 50, 63, 72 and 73 of the Criminal Code of the Code on Torture, in terms of: a lifelong ban on holding positions in law enforcement and special government agencies with mandatory deprivation of the right to hold a certain position or engage in certain activities for committing torture; do not apply to those convicted of torture a suspended sentence, parole or replacement of the unserved part of the sentence with a lighter type of punishment or reduction of the assigned sentence.

The Ombudsman, public monitoring commissions and the National Preventive Mechanism can visit prisons at any time, speak with prisoners and receive complaints. Search operations in colonies are carried out with the mandatory participation of human rights activists, prosecutors and video recording of the entire process.

Currently, 608 terminals have been installed in 79 institutions of the penitentiary system for submitting appeals from convicts electronically directly to the court, prosecutor’s office and anti-corruption service, bypassing the administration of the institutions. In total, from the beginning of 2021 to the present, 17,803 appeals have been sent by convicted persons through the terminals. As additional levers for preventing torture, special boxes have been created in colonies for prisoners to file complaints and appeals against unlawful actions of officials. Appeals submitted to the mailbox are confidential and are confiscated by the prosecutor, and not by the administration of the institutions.

In 2021, the number of inspectors for the protection of women from violence of internal affairs bodies has been doubled.

Implementedspecializations

policy

By

female investigative investigators

crimes of women and children.

V

respect

Now they are available in every city And districtdivision police,whose activities will be aimed at promptly responding to cases of violence against women and

**FACTOR V: ORDER AND SECURITY**

Since Kazakhstan gained independence and its further development as a sovereign state, solving the problem of national security has been recognized as the main strategic priority of the state and society.

Order and security in the country creates protection for the vital interests of the individual, society and the state in various spheres of life from external and internal threats, ensuring its sustainable development.

***On the fight against terrorism***

The key problems of order and security undoubtedly include such a negative phenomenon as terrorism. The fight against terrorism requires the state to take coordinated and effective measures - despite the statistically small proportion of crime in general, acts of terrorism claim a huge number of innocents’ lives and destabilize the situation in society, as well as undermine the authority of the authorities.

The Republic of Kazakhstan strongly condemns terrorism in all its forms and manifestations and advocates the adoption of collective efforts by the world community to combat this phenomenon, and supports the leading role of the United Nations in countering terrorism.

Thus, the Republic of Kazakhstan is among the states that have ratified all 19 main documents of the United Nations in this area.

In implementing the task of countering terrorism, an important and responsible role is assigned to **the National Security Committee of the Republic of Kazakhstan**. The decision of the Head of State adopted in 2003 to establish an interdepartmental Anti-Terrorism Center (ATC) within the National Security Committee made it possible to ensure clear coordination of the work of government bodies in the field of identifying, preventing and suppressing terrorist threats.

Currently, **the national list of terrorist structures prohibited in the Republic of Kazakhstan includes about 22 foreign organizations:** Al-Qaeda, Taliban, Islamic State, Lashkar-e-Taiba, Asbat al-Ansar and so on.

The National Security Committee reported that, together with foreign intelligence services, 2 terrorist attacks were prevented at an early stage in 2023.

In total, 208 command post and 196 operational-tactical anti-terrorist exercises were conducted during the year.

In addition, 43 people were convicted of committing terrorist and extremist crimes in Kazakhstan. Employees of the National Security Committee also stopped the activities of 15 organized criminal groups, seized 681 weapons and more than 85 thousand ammunition.

**The effectiveness of the measures taken by the Republic of Kazakhstan is reflected in the ranking of countries by level of terrorism (Global Terrorism Index).**

The Global Terrorism Index and the accompanying ranking of countries around the world by level of terrorism is a comprehensive study that measures the level of terrorist activity in countries around the world and shows which states and to what extent they face the terrorist threat.

The index was developed by an international group of experts under the auspices of the Institute of Economics and Peace at the University of Sydney, Australia. The calculation part is based on information from the global terrorism database of the National Consortium for the Study of Terrorism at the University of Maryland - the world's largest statistical database on terrorist activity.

**Based on the results of a study conducted in 2023, it was concluded that the rating of the Republic of Kazakhstan increased from 67th place to a maximum of 93rd position - the level of a country free from the effects of terrorism.**

In addition, on May 16, 2024, the President of the Republic of Kazakhstan signed the Law “On introducing amendments and additions to certain legislative acts of the Republic of Kazakhstan on improving legislation in the areas of population migration and the penal system,” which established a ban on entry into the country for persons involved in an extremist or terrorist organization that has a history of repeat crimes, occupies a leading position in an organized group (criminal organization), has committed crimes against the sexual integrity of minors, as well as a serious or especially serious crime in the Republic of Kazakhstan and has been transferred to the country of its citizenship on the basis of international treaties.

**In addition to the effectively carried out anti-terrorism activities in the country, the Republic of Kazakhstan in 2020 also carried out a lot of work to evacuate citizens from zones of terrorist activity**.

The Republic of Kazakhstan is among the countries that were the first to return their citizens suspected of involvement in terrorism from the conflict zones in Syria and Iraq.

The return of citizens who voluntarily went to conflict zones to join extremists and terrorists is an extremely complex process, during which the authorities of all interested countries, with the support of the United Nations, are looking for a “golden mean” between public safety and human rights.

As part of the implementation of international obligations in accordance with UN Security Council resolutions No. 2178 and No. 2396 (on the return of foreign terrorist fighters to their countries of origin), with the assistance of the United States of America, humanitarian operations **“Zhusan”** and **“Rusafa**” were carried out to evacuate Kazakh citizens from the zone of terrorist activity.

As a result of five operations “Zhusan” and one operation “Rusafa”, more than **700** Kazakh citizens were returned, including 189 women and 522 children (37 of them orphans).

In addition to the direct evacuation, the Government of the Republic of Kazakhstan, together with UNICEF and UN Women, launched a program co-funded by the European Union aimed at reintegration, as well as providing children and their families with protection and access to social services and education. Arthur van Diesen, UNICEF Representative in the Republic of Kazakhstan then noted the following: “Kazakhstan is one of the few countries that has repatriated the majority of its women and children, both from Syria and Iraq. We are very pleased that in addition to repatriation, the Government of Kazakhstan, in cooperation with international organizations, has carried out a lot of work on the rehabilitation and reintegration of children and their families. Kazakhstan’s experience is very valuable for other countries in the region that face similar challenges.”

***About the crime rate***

At the end of 2023, the Government of the Republic of Kazakhstan reported results in the field of ensuring public order and civil protection.

According to the information presented, **the overall crime rate in the republic decreased by 12%:** the number of murders decreased by 11%, thefts by 27%, hooliganism by 28%, and cases of grievous bodily harm by 2%.

It was also reported that with the help of video surveillance cameras, the police solved 9.2 thousand crimes and suppressed 513 thousand administrative offenses.

**Large-scale work has been carried out to combat drug addiction and drug trafficking**– the corresponding Comprehensive Plan for 2023-2025 was adopted, which is a set of instructions, the implementation of which is under strict control.

As part of the assigned tasks, space monitoring of the growing areas of cultivated hemp was carried out, 265 drug plantations were identified, and the data obtained will be used by satellites for their further identification using artificial intelligence.

In addition, an operation was carried out during which over 2.5 tons of narcotic substances with a synthetic composition, as well as those containing opium, were seized.

***On the criminalization of domestic violence***

Touching upon issues related to the level of crime in the country, the problem of domestic violence deserves special attention.

Domestic violence is a global problem that has no cultural or geographical boundaries. The urgency of the problem lies in the fact that domestic violence is one of the most common forms of violence in women's lives - much more common than assault or rape by third parties.

The Commissioner for Human Rights in the Republic of Kazakhstan, in a special report “On combating domestic violence,” announced statistics on incidents in the domestic sphere.

The report states that from 2018 to 2023, 5,958 criminal offenses were committed in the domestic sphere. The largest number was recorded in 2020 – 1072, the smallest – in 2023 – 923 (a decrease of 13.8%).

In addition, in 2023, 108 murders committed in the domestic sphere were recorded, or 23% of the total number of murders in the country. Despite the overall decline in all homicides over the past 5 years, statistics show that homicides within families are at approximately the same level.

For this reason, society has recently begun to formulate a demand for tightening legislation and responding to each episode of alleged causing of death in the family and household sphere.

Before the criminalization of domestic violence in 2015, almost 300 murders were committed annually in this area. After the criminalization of domestic violence for 3 years, between 2015 and 2017, the number of murders decreased markedly.

Taking into account the current needs of Kazakh society, on April 15, 2024, the President of the Republic of Kazakhstan signed a law on ensuring the rights of women and the safety of children, criminalizing domestic violence**. The population of Kazakhstan and the world community** positively perceived this step by the state in the fight against crime.

So, the key points are as follows.

Articles on beatings and intentional infliction of minor bodily harm have become criminal offenses of public prosecution; the possibility of reconciliation of parties in crimes related to physical violence and cruel treatment of minors is excluded.

Moreover, the norms provide for the establishment of life imprisonment for murder, rape, sexual assault of minors, as well as the criminalization of sexual harassment of persons under sixteen years of age.

The adopted law also provides for other measures to improve legislation in the relevant area.

The need to revise legislative norms was justified by the will of citizens - at the end of 2023, **about 150 thousand citizens spoke out for reforming the legislation by signing a petition.**

One of the tools for preventing the escalation of violent acts in the family is also crisis centers, whose activities play an important role in creating a safe space and providing qualified psychological assistance.

Currently, in the Republic of Kazakhstan, 46 crisis centers throughout the country provide special social services to victims of domestic violence. Some of them are state-owned, some are non-profit organizations. The centers are financed both from the budget and from extra-budgetary sources.

***On combating human trafficking***

The Mazhilis of the Parliament of the Republic of Kazakhstan adopted the Law “On Combating Human Trafficking” at a plenary session.

About 100 relevant crimes are registered in the country annually, channels for exporting citizens to other countries for the purpose of further exploitation are eliminated, however, human trafficking continues to remain a pressing problem, which was one of the reasons for the development of the regulatory legal act.

There was no separate law previously, as required by international human rights treaties, so its development was also driven by the need to improve legislation taking into account the standards of international law.

During the development of the bill, international conventions, national and foreign experience were studied.

The Law “On Combating Human Trafficking” contains a conceptual apparatus that for the first time includes such concepts as “victim of human trafficking”, “vulnerable situation”, “subjects of combating human trafficking” and others.

Now the legislation will clearly define the fundamentals of legal regulation of public relations in this area.

Firstly, this is the formation of a system to combat human trafficking, which includes the comprehensive work of government bodies and the civil sector.

The second is improving prevention mechanisms, in particular, conducting risk assessments and preventive measures.

Third is a victim-oriented approach. Protection and assistance to victims of human trafficking is a mandatory norm in many ratified international treaties. Taking into account such norms, coordinated work will be carried out to timely identify victims of human trafficking with further assistance to them, and preventive assistance will be provided to potential victims.

A separate chapter is devoted to the protection of the rights of minors as the most vulnerable category.

Summarizing the above, the Law “On Combating Human Trafficking” will make it possible to develop a systematic and comprehensive approach to the problem, analyze the situation in the country more effectively and minimize risks.

Also, as part of the accompanying amendments to the criminal legislation, a new category of crimes is being introduced - crimes related to human trafficking.

In addition, organizations for orphans and children left without parental care are obliged to inform the prosecutor's office about the abandonment of newborns, otherwise administrative liability will arise.

**FACTOR VI: REGULATORY ENFORCEMENT**

***About rule-making activities***

A key tool for implementing state policy, allowing for effective and targeted legal influence on public relations, is **rule-making activity.**

In the Republic of Kazakhstan, rule-making activities and decision-making levels are fully regulated by the Law “On Legal Acts”.

The main task in the field of rule-making is the **quality** of the bills being developed, which depends not only on their legal elaboration, but also on the elaboration of the social, economic, and financial components of resolving the issue, studying statistical data, analyzing law enforcement practice, applying positive international experience, etc.

In accordance with paragraph 4 of Article 17-1 of the Law “On Legal Acts”, draft laws, together with explanatory notes and comparative tables to them (in cases of amendments and (or) additions to laws) before being sent for approval to the interested government bodies, are posted **for public discussions** on the Internet portal of open regulatory legal acts.

Key importance in this process is given to the issue of public discussion of projects.

According to subparagraph 2) of paragraph 3 of Article 16 of the Law “On Access to Information,” bodies and institutions of the legislative, executive and judicial branches of government, local government and self-government are required to post information on Internet resources in the state and Russian languages ​​about rule-making activities.

The involvement of citizens in the rule-making process allows the adoption of higher-quality normative legal acts (hereinafter - NLA), reflecting the opinion of the population whose interests are affected by the draft NLA.

As noted in the information on the 3-factor “Open Government”, since 2017 citizens can familiarize themselves with the texts of draft legal acts on**e-government portal** in the “Open legal acts” section (legalacts.egov.kz) and post your comments, suggestions, remarks, recommendations. At the same time, the government body-developer is obliged to provide responses to received comments.

On this portal, every citizen can express their opinion regarding the draft legal acts being developed, thereby taking part in the process of public administration. At the same time, drafts of all legal acts and advisory documents of regular policy (documents that should contain problems of state regulation in a specific area, ways to solve them, justification for the need to develop a draft law) are subject to public discussion.

Familiarization with the draft regulatory legal acts occurs before the government body-developer sends it for approval to other organizations and authorities. This process is called public discussions.

On the portal, government agencies annually post about **18 thousand draft legal acts**, about **30-35 thousand comments** are received (for reference: the archive contains 128 thousand projects, the number of received comments for the entire period is 280 thousand).

The process of discussing legal acts is very simple. In order to leave a comment on a particular draft regulatory legal act, you must log in web portal “Egov” and go to the portal.

Thus, during the period of public discussion of draft legal acts, one can freely comment and give their comments.

In 2022, the automation of the procedure for sending notifications about the posting of draft legal acts on the portal to interested organizations has been ensured for them to submit expert opinions, examinations and recommendations.

Today, work is being done to popularize the portal among the population, the placement of draft legal acts is announced in the media.

In addition, in the 1st quarter of 2024, the functionality of the portal was improved in terms of citizens commenting not only on the project itself, but also on expert opinions, examinations and recommendations of interested organizations.

The essence of commenting is to establish feedback, to control which, draft legal acts posted on the portal are monitored on an ongoing basis in order to ensure that government agencies take into account received comments.

It should also be noted that before developing bills, government bodies conduct public consultations.

Discussion with the public is carried out not only through the Open Legal Entities portal, but also through public hearings and debates. They allow citizens to express their vision on the regulated area and exchange views on the issue under discussion *(through reasoned persuasion)*, and as a result, the government body - developer forms a balanced opinion on the problems of the industry, taking into account the corresponding vision of the public.

All these tools of public control make it possible to inspect the actions of government authorities and present relevant requests to society.

Of course, the implementation of laws and other regulatory legal acts also depends on the systemic interconnected work of bodies in various branches of government. Therefore, significant importance, along with increasing the tools of public control, is given to strengthening the independence of the branches of government from each other, as was outlined in the information on 1-factor.

Thus, the formation of bodies of the representative branch of government through transparent elections, through the direct selection of candidates, the possibility of revoking their mandate by the population strengthens the independence of these bodies, while simultaneously strengthening their accountability to the people. This **allows us to formulate effective legislation.**

The accountability of the bodies of the executive branch of government to the bodies of the representative branch of government and the people, the appointment of heads of regions by the choice of maslikhats (local representative body) of a given region, the inevitability of punishment for the bodies of the executive branch of government **strengthens the enforceability of laws.**

The independence of the judicial system from any branch of government, systematic work on its “self-purification”, ensuring transparency of its activities **allows us to strengthen the rule of law in the country.**

***On administrative justice of the Republic of Kazakhstan***

In a democratic society, government bodies and officials are not only endowed with the right to issue administrative acts that give rise to legal consequences for citizens, but also bear the obligation to act within the framework of due procedure, be responsible for illegal actions and compensate for damage caused by such actions.

Administrative justice of the Republic of Kazakhstan is a special procedure for resolving public law disputes between a citizen or organization on the one hand and a government body on the other, which has been operational since 2021, when **the Administrative Code was adopted.**

Administrative justice as a legal institution performs the function of **judicial control in society and the state to ensure compliance by executive officials with laws and regulations.** The activities of administrative justice are important **for establishing the rule of law** in any law-governed state.

In the Republic of Kazakhstan, on average, there were 1.4 public law disputes per 1,000 citizens. In developed jurisdictions, with already established practice, such disputes average from 2 to 5 per 1000 citizens. These figures indicated the high latency and low efficiency of the existing legal regulation structure. People did not go to court because they doubted the future. This situation required drastic measures. The natural response was to accept Administrative Procedure Code.

The Code is a unique legislative act regulating the procedure for carrying out administrative procedures of government bodies and resolving disputes in the field of public legal relations.

With the introduction of a new approach to ensuring the legality of public administration, administrative procedures and administrative proceedings are carried out on the basis of uniform principles.

Among them, the principle of priority of rights can be called especially attractive for citizens and business entities - all doubts, contradictions and ambiguities of the legislation are interpreted in their favor.

In addition, the principle of presumption of reliability is applied - documents submitted by a participant in an administrative procedure are considered reliable until the administrative body or official establishes otherwise.

It is obvious that the capabilities of individuals and legal entities are incommensurate with the resources of the state apparatus. Therefore, administrative justice provides a special mechanism for resolving disputes that eliminates this difference.

It is enough for a citizen or legal entity to file a claim of disagreement with the decision of an authority or official. Administrative courts consider these claims on the principle of presumption of guilt of the state apparatus, which must prove the legality and validity of its decision, action or inaction.

The innovations of the Code also include strict control over the execution of court decisions by the administrative court, and as a measure of procedural coercion of the defendant to execute a court decision, a monetary penalty is provided, which can be imposed repeatedly until the court decision is executed.

The Code regulates administrative procedures, proceedings by authorized state bodies before trial, on the one hand, and the administrative process, legal proceedings, on the other. In this case, the administrative procedure begins on the basis of an appeal (or someone’s complaint) or on the initiative of an administrative body or official. Based on the results of this administrative procedure, a state body or official issues an administrative act or an administrative action (inaction) takes place.

Everything related to the exercise of power belongs to administrative acts. It is important that the adoption of an administrative act is now necessarily preceded by sending a preliminary decision to the participants in the administrative procedure and hearing their position.

As a general rule, filing an administrative claim in court is possible after a pre-trial appeal. Therefore, if a citizen or legal entity is not satisfied with the decision, action (inaction) of an administrative body, it is necessary to contact it within three months with a new complaint indicating the circumstances on which the requirements, evidence, etc. are based.

After this, the administrative body has three business days to double-check its decision and, in case of an error, eliminate the violation on its own without creating unnecessary red tape, or send a complaint to a higher authority.

If the applicant also does not agree with the decision or action (inaction) of a higher authority, he can immediately appeal to the administrative court, that is, at this stage the administrative procedure is completed, smoothly moving into the next stage - the judicial one.

In this case, the defendant may be an administrative body or an official against whom a claim is brought in court. If a citizen does not know what type of claim to choose, then the court is obliged to help him, including by formulating or changing the claims.

It must be said that the Code has significantly simplified the procedure for accepting and considering a claim. The court cannot leave the claim without consideration, refuse to accept the claim or terminate the proceedings on the dispute.

The court has the right only to return the claim, for example, if there was no pre-trial settlement of the dispute, the claim was brought by an incompetent person, is not within the jurisdiction of this court, the state duty has not been paid, and so on. In addition, the claim is considered and resolved within a reasonable time, but not more than 3 months from the date of filing the claim.

The effectiveness of the implemented model of administrative justice is evidenced by the following figures:

In 2023, the courts of first instance received **31,123** claims, of which against government agencies*‑*19098, private bailiffs*‑*8604, other administrative bodies*‑*3,421 claims (in 2022, 28,852, of which 18,810 against government agencies, 7,088 against private bailiffs, 2,954 against other administrative bodies). Compared to 2022, there is an increase of 2,271 claims or 7.9%.

In relation to civil defense the courts reviewed **6,312** cases (in 2022, 6,702), of which **3,965** or **62.8%** were satisfied (in 2022, 4,088 or 61%).

Thus, **a citizen or legal entity now “wins” against a government agency in a dispute with it in more than 60% of cases**. Previously, before the introduction of administrative justice, this figure never exceeded 15%.

The categories of disputes with the highest claim satisfaction include:

- housing 77% (385 out of 499);

- tax 71% (1,009 out of 1,423);

- land 61% (76 out of 124);

- customs 60% (72 out of 120);

- antimonopoly disputes 51% (65 out of 127);

- government procurement 49% (176 out of 361).

Such indicators were influenced by the implementation of a special principle of administrative proceedings “the active role of the court”, according to which the courts are not limited to the evidence presented in the case, they request it independently, audit acts, actions (inactions) of state bodies.

Thus, administrative justice is considered as a guarantee of sustainable and balanced development of legal institutions and ensuring the rule of law in the Republic of Kazakhstan.

***On the execution of judicial acts***

The mandatory execution of the act issued by the court by all state bodies, officials, individuals and legal entities is laid down in the Constitution of the Republic of Kazakhstan.

Judicial acts play a key role in the development of legislation, help define and clarify the content of specific rules, and also contribute to their **application in practice.**

Effective legal enforcement is reflected in the extent to which legislative norms achieve their intended purpose and are implemented, while **each unenforced judicial act contributes to the emergence of doubts in this regard.**

The development of relations between participants in public relations presupposes the voluntary fulfillment of assumed obligations. But the likelihood that disagreements and conflicts arise between the participants also remains inevitable.

The laws of the Republic of Kazakhstan regulate in detail the issues of liability for failure to comply with a judicial act.

The Code of Administrative Offenses provides for sanctions such as **fines and administrative arrest**, while the Criminal Code contains provisions according to which failure to execute a judicial act, as well as obstruction of it, is punishable **by restriction of freedom for up to 7 years.**

Methods for solving problems of execution of judicial acts also include the activities of bailiffs aimed at compulsory execution of executive documents.

The bailiff, in accordance with the requirements of the legislation of the Republic of Kazakhstan, after receiving the writ of execution no later than three business days, initiates enforcement proceedings, makes a decision on this and at the same time takes measures to ensure the writ of execution.

If the debtor does not comply with the requirements of the judicial act**, the bailiff applies enforcement measures against him.**

One of such measures is foreclosure on the debtor’s property by seizing the property and selling it.

The seizure of the debtor's property consists of an inventory of the property, a prohibition to dispose of it, and, if necessary, a restriction of the right to use this property, its seizure or transfer for storage, and then the sale of this property through auction.

After the sale of property at an auction, an act of acceptance and transfer of completed work is signed between the bailiff and the claimant. The proceeds from the auction are distributed among claimants in proportion to the amounts recovered.

The sale of property in this case is a way of implementing compulsory measures of execution of judicial acts.

Ignoring judicial acts should be reflected in the image of both individuals and legal entities.

For this purpose, the **“Unified Register of Debtors”** operates in the Republic of Kazakhstan - a unified database of all enforcement proceedings initiated due to the presence of debts, which provides for the application to malicious debtors (for example, alimony defaulters) of a number of restrictive measures related to the receipt of public services (with the exception of socially significant services), deprivation of certain rights. This database represents absolutely accessible and transparent information, which is accessible to everyone.

The inclusion of a person in the “Unified Register of Debtors” contributes to his **interest in the rapid and voluntary execution of judicial acts.**

This register is maintained on the website of the Ministry of Justice of the Republic of Kazakhstan and is formed through an automated system for enforcement proceedings. A person is included in the register of debtors from the moment enforcement proceedings are opened against him and is excluded from it at the time of closure. At the same time, each person can check whether they have any debt online.

In the context of the above, the most pressing problem in the Republic of Kazakhstan is non-payment of alimony.

The collection of alimony is one of the socially significant categories of cases, for which an entire paragraph is devoted in the Law “On Enforcement Proceedings and the Status of Bailiffs”.

To eliminate the possibility of poor-quality work by private bailiffs, in 2020, changes were made to the procedure for collecting alimony in the Republic of Kazakhstan. Now private bailiffs do not delay the implementation of enforcement measures, but **collect alimony as a matter of priority.**

Previously, some private bailiffs delayed the time frame for taking enforcement measures, considering them less attractive.

With the introduction of a new approach, failure to enforce such proceedings within a month may lead to the deprivation of a private enforcement agent’s license to engage in activities.

Moreover, the legislation also provides for various measures of influence: suspension of a driver’s license, a ban on traveling to other countries, criminal prosecution, detention, and so on.

Thus, at present, **exit from the Republic of Kazakhstan is closed for 16 thousand alimony debtors.**

The most problematic region with the largest number of cases for the collection of alimony is the city of Almaty, the largest city of the Republic of Kazakhstan - as of March 2024, **18 thousand cases are pending** in the city.

According to information from the Chamber of Private Bailiffs, alimony defaulters, who often justify their actions by the lack of permanent work, are subject to compulsory enforcement measures, for example, in the form of arrests.

Based on the results of the work, there are facts of **seizure of cars, real estate or shares in them.**

Thus, enforcement measures lead to the actual execution of judicial acts.

**Recognition and enforcement of decisions of foreign courts and arbitrations** is an important aspect of effective regulatory support.

The absence of such a mechanism may result in the fact that persons who are debtors against whom a lawsuit is filed, without having any assets in another state, can avoid legal consequences.

This state of affairs can lead to people losing confidence in the legal system, which can also **push these individuals to resolve property disputes outside the legal framework.**

However, if the debtor understands that the foreign judgment will be enforced, he is most likely to take the necessary actions in accordance with the foreign court decision.

The Republic of Kazakhstan, realizing the importance of this issue, shares the position of the international community on the need to ensure stability in the recognition of decisions of foreign courts and arbitrations.

As for the decisions of foreign courts, until 2016 in the Republic of Kazakhstan there was no possibility of recognizing and executing such decisions in cases, **when there were no relevant provisions in the legislation and an international treaty with a particular state was not in force.**

In 2016, the Civil Procedure Code came into force, which eliminated such a “gap” by providing for the possibility of recognizing decisions of foreign courts not only on the two above grounds, but also on **the principle of reciprocity.**

Thus, in order for the decision to be recognized and enforced, the presence of **only one of the provided grounds is sufficient.**

For example, a foreign client of one of the law firms of the Republic of Kazakhstan entered into an agreement with a Kazakh legal entity. After the expiration of the contract, the parties had mutual claims regarding obligations that arose during the period of validity of the contract, according to which the dispute was considered by the Dutch courts.

As a result of the proceedings, the court of first instance and the court of appeal recovered a certain amount from the Kazakh company in favor of the client, but the debtor’s lack of property abroad forced the client to turn to the Kazakh courts to enforce the judicial acts of the Dutch courts.

Throughout the entire period of time, judicial practice in the Republic of Kazakhstan was mainly associated with the recognition and execution of decisions of courts of states with which there are concluded international treaties. In these cases, there was no dispute about the presence or absence of grounds for recognition of foreign judicial acts, and the parties’ arguments concerned only procedural issues.

At the same time, no relevant international agreements have been concluded between the Republic of Kazakhstan and the Netherlands.

During the consideration of the case, the debtor based its position solely on the absence of international treaties between states that would allow the recognition and execution of the decision of the Dutch courts.

Based on the results of the consideration of the case, the court came to the conclusion that Dutch judicial acts are subject to recognition and execution in the Republic of Kazakhstan, while the appellate court supported the conclusions of the trial court.

From the above we can conclude that the norms of the legislation of the Republic of Kazakhstan are an effective regulator in resolving such disputes.

Along with this, the Republic of Kazakhstan is a party to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958, the European Convention on International Commercial Arbitration of 1961, as well as the International Convention on the Settlement of Investment Disputes between States and Nationals of Other States of 1965. In this regard, foreign arbitration decisions are recognized and enforced.

***On the proper procedure for expropriation and respect for the rights of citizens to the inviolability of property***

The norms of the Constitution of the Republic of Kazakhstan clearly establish that no one can be deprived of his property except by a court decision. Forced alienation of property for state needs in exceptional cases provided for by law **may be carried out subject to equivalent compensation.**

For example, in accordance with Article 29 of the Law of the Republic of Kazakhstan “On Housing Relations”, in case of forced termination of the right of ownership of a dwelling on the grounds provided for in subparagraphs 2) and 4) of paragraph 1 of this article, the owner must be provided, at their choice:

1) monetary compensation paid to the owner before the termination of ownership, including the market value of the home and land, as well as full compensation for losses caused to the owner;

2) ownership of comfortable housing (apartment or residential building) in the manner prescribed [Article 15](http://10.61.42.188/rus/docs/Z970000094_#z18) this Law;

3) return of the requisitioned home after the cessation of the emergency situations that caused the requisition, with full compensation to the owner for losses caused by the requisition.

In accordance with the Law “On State Property”, the procedure for the forced alienation of private property into state ownership is provided. At the same time, the owner of the property is fully protected in this procedure, since he is provided with equivalent compensation for the seized property.

It should be noted that until 2018, when confiscating land plots, **the cadastral value or the value specified in the initial purchase and sale agreement** for such a land plot (or another type of agreement) was used as a measure of assessing their value. This was significantly unfair, since such an assessment was several times lower than the market value of the property.

In this regard, in 2018, the approach to assessing seized property was radically changed and market value was applied.

Therefore, in practice, there are now virtually no cases of citizens’ dissatisfaction regarding compensation for property confiscated into state ownership.

**FACTOR VII: CIVIL JUSTICE**

In recent years, institutional reforms of both the judicial system and procedural legislation have been progressively implemented in Kazakhstan. The civil process, being the largest type of legal proceedings, plays an important role.

The modernization of civil proceedings is aimed at further simplifying access to justice and de-bureaucratizing the judicial process.

On March 27, 2023, the law “On introducing amendments and additions to certain legislative acts of the Republic of Kazakhstan on improving procedural legislation and reforming the judicial system” was signed. *(hereinafter - the Law)*.

The Law has been amended to:

-from July 1, 2023, **the powers of the appellate instance** to consider the case on the merits, without returning to the first instance, **have been expanded.**

If the appellate court begins to consider the case on its merits, then the rules of the trial court apply, including in matters of providing new evidence. This way the court will ensure the completeness, comprehensiveness and objectivity of the trial. The mechanism is aimed at reducing the number of judicial errors, improving the quality of judicial acts, and ensuring uniformity of judicial practice;

- **justice is included in the tasks of civil proceedings;**

Fairness as a requirement for a judicial decision is directly enshrined in international treaties ratified by the Republic of Kazakhstan;

- **the procedural rights and obligations** of representatives of the parties in civil proceedings are established.

The Civil Procedure Code of the Republic of Kazakhstan clearly states the rights and responsibilities of all participants in the process, but does not indicate the responsibilities of professional representatives. This gap has been addressed;

- in order to protect the rights and interests of minors**, the jurisdiction of juvenile courts has been expanded s**ince September 1, 2023. Marriage and family matters are transferred to their jurisdiction, where the interests and rights of minors are affected, whether it’s division of property, eviction, or others.

On July 12, 2022, the Law “On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on the Regulation and Development of the Insurance Market, Securities Market, and Banking Activities” was adopted.

This law expands the powers of the insurance ombudsman to resolve disputes regarding insurance payments.

Amendments to expand the powers of the insurance ombudsman came into force on January 1, 2024. In addition, this law introduced a simplified settlement of insurance claims under compulsory motor insurance “Europrotocol” from January 1, 2024.

The Europrotocol ensures prompt receipt of insurance payments online for damage amounts up to 100 MCI for road traffic accidents, without the participation of the police or going to court.

Meanwhile, civil justice reforms continue. Currently, measures are being developed to de-bureaucratize the civil process and expand the active role of the court.

Legislative amendments have also been developed to expand the rights of citizens and legal entities to access cassation, which is the highest court.

In particular, work is underway to transition to “continuous” cassation, with the exception of preliminary consideration of cassation petitions, and the possibility of creating separate cassation courts is also being explored.

On December 12, 2023, amendments to the Tax Code were signed, providing for the introduction of a deferment in the payment of state duty when filing claims in the courts, for both individuals and legal entities. The deferment will be granted for a period of up to 1 year on the grounds provided by law. The amendments were introduced from January 1, 2024.

Today, information technologies are widely used in the judicial system, as well as in legal proceedings.

Informatization covers all stages of judicial activity: from the acceptance of documents, the automated distribution of claims and cases, judicial proceedings, to the issuance of decisions and enforcement documents.

*For reference: for example, if in 2015 the number of claims filed in electronic format was 5%, today this figure has reached over 95% due to the functionality of the Judicial Office*.

In judicial proceedings, online processes have been introduced everywhere, digital forensic analytics have been developed, and a policy of introducing smart systems and artificial intelligence is being pursued.

Thus, in December 2023, an intelligent analytical system was introduced into commercial operation, designed to ensure a unified practice of the administration of justice - the “Digital Analytics of Judicial Practice” service with elements of artificial intelligence.

The program is trained to understand the essence of court decisions, compare them with each other, and identify anomalies, that is, it allows you to see the current practice for a specific type of dispute.

The service will tell you what decision the court is expected to make on the claim. The parties will assess their chances of success and decide whether they should go to court (the already existing institution of model proceedings is aimed at this, when, as disputes of the same type grow, a higher court issues a model decision on one of them).

The service contains 4 modules: search for cases that are similar in situation and meaning; analysis of “anomalous” judicial acts; “life cycle” of decisions by authorities; forecast of the outcome of the case in court.

An instant search for the necessary information and its analysis will allow each judge to navigate judicial practice in any pending case. Thanks to elements of artificial intelligence, it will become an assistant in the formation of uniform judicial practice.

In addition, robotics have been introduced in the preparation of draft judicial acts. Based on clear decision-making algorithms, the robot prepares draft judicial acts in cases where judicial discretion is strictly limited by law. The innovation will be applied exclusively in uncontroversial cases that do not require judicial discretion, and the judge will check decisions and certify them with a personal signature.

In September 2023, the “Familiarization” module on civil and administrative cases was launched.

Participants in the process can now familiarize themselves online with the claim, audio recordings of court hearings and other documents presented during the consideration of the case.

Smart assistants are being introduced to make the work of judges easier.

These include “Judge’s Diary”, “Judicial Practice”, etc.

**FACTOR VIII: CRIMINAL JUSTICE**

The fight against delinquency and crime is one of the most important areas of government activity. In the fight against crime, the state relies on law enforcement agencies, which guard order.

Modern changes in legal proceedings predetermine the need not only to improve legislation, but also to significantly improve the quality and efficiency of criminal procedural activities.

***About trial with participation of jury***

In the Republic of Kazakhstan special attention is paid to the **institution of trial with participation of jury.**

A trial with participation of jury is an important democratic element of the judicial system, through which the quality of investigation of criminal cases is improved, the independence and objectivity of the criminal process is ensured, and public distrust in justice is overcome, which, in turn, helps to strengthen the judiciary.

Any citizen of the Republic of Kazakhstan who has reached the age of 25 and meets the requirements for jurors may be included in the unified list of juror candidates for subsequent participation in the procedure for selecting jurors in a criminal case.

From January 1, 2023, the jurisdiction of the court with the participation of jurors was expanded to 30 crimes, and from January 1, 2024 - to 44 crimes.

This innovation established the jurisdiction of the court with the participation of a jury not only for especially serious crimes, but also for some types of serious crimes, as well as crimes of moderate gravity.

For example, **from January 1, 2024, the following types of crimes are considered with the participation of jury:**

-forced removal or illegal removal of human organs and tissues; cruel, inhuman or degrading treatment, torture; raiding;

- illegal extraction of fish resources, other aquatic animals or plants;

- illegal hunting;

- driving a vehicle by a person deprived of the right to drive vehicles and in a state of alcohol, narcotic and (or) intoxication, as well as transferring control of a vehicle to such a person or allowing such a person to drive a vehicle.

In addition to expanding the jurisdiction of the court with the participation of jury, in 2023 the process of selecting candidates for jurors through **automated selection** has also been revised.

A unified list of juror candidates is formed by local executive bodies.

The number of juror candidates is sent to the judicial information system “Torelik” for selection, in accordance with the court ruling on the appointment of the main trial.

After the list is formed in the information system and the citizen is included in the list of juror candidates, consisting of 25 candidates, **at a closed court session, the final selection is carried out with the participation of the prosecution and defense**, resulting in 12 people remaining, 10 of whom are included in the main jury, 2 – are spare.

Today, the reform of criminal legislation in this area continues -The President approved an Action Plan in the field of human rights and the rule of law, which provides for the **development and implementation of a pilot project to transfer to a court with the participation of a jury the functions of considering citizens’ requests for parole from serving a sentence and replacing the unserved part of the sentence with a more lenient type of punishment.**

***On the role of the appellate authority***

In addition to the jurisdiction of the court with the participation of jurors, the legislation changes have been made, aimed at **strengthening the role of the appellate authority.**

In order to ensure uniformity of judicial practice and reduce red tape, in cases where the court of first instance incorrectly determined the circumstances relevant to the case, from July 2023, courts of appeal will accept the case into their proceedings **without returning to the first instance** and consider it according to the rules of the court of first instance authorities.

***On strengthening the protection of the rights of citizens and entrepreneurs***

In 2022, the President of the Republic of Kazakhstan voiced the need to conduct an audit of criminal legislation, **eliminating norms that could obstruct justice.**

The goal was set to improve criminal legislation to such a level that the relevant norms have not been subject to endless adjustments, since 2015 in [Criminal](http://10.61.42.188/rus/docs/K1400000226#z7) and [Criminal Procedure Codes](http://10.61.42.188/rus/docs/K1400000231#z1) more than 1200 changes have already been made.

The powers to correct criminal and criminal procedural legislation related to law enforcement agencies were transferred to **the Ministry of Justice as a body that maintains the rule of law in the work of government agencies.**

Thus, to ensure a thorough study of problematic issues and constructive legislative work, a project office was created at the Ministry of Justice, which included representatives of law enforcement and special government agencies, the court, the scientific and legal community.

During the period of work of the project office, **an analysis of more than 1000 articles of criminal legislation was carried out** - guided by the practice of application and statistical data, joint work made it possible to identify some shortcomings, as a result of which a range of pressing issues was identified that require immediate resolution within the framework of current legislative activities, and a number of issues were identified, requiring a conceptual approach, in-depth scientific and practical study due to the presence of risks of negative consequences for practice.

The audit was completed in March 2023, immediately after which a corresponding bill was developed, taking into account the issues of strengthening the protection of the rights of citizens and entrepreneurs, and making it possible to exclude the unjustified involvement of business in the orbit of criminal prosecution.

The bill was developed taking into account the interests of all participants in the criminal process and is aimed at:

1) strengthening the protection of the rights of citizens and entrepreneurs;

2) strengthening the adversarial nature of the criminal process;

3) optimization and debureaucratization of the criminal process.

Key amendments aimed at strengthening the protection of the rights of citizens and entrepreneurs are as follows:

- the unjustified involvement of citizens in the orbit of criminal prosecution is excluded by prohibiting the registration of a criminal case in cases where the damage is not confirmed, there is a civil dispute, there is no tax audit report, or the appeal procedure for tax offenses has not been carried out in advance;

- the possibility of returning the case to the prosecutor for “rework” is excluded;

- mandatory coordination with the prosecutor of the audit and inspection of business entities is established;

- it is possible to enter into a procedural agreement in the form of a plea bargain for certain types of particularly serious crimes not related to the death of people;

- it is prohibited to use as evidence the testimony of a person who previously served as a witness entitled to protection;

- multiple fines are being introduced for some criminal offenses in order to ensure proportionality of punishment, as well as an alternative to imprisonment, and so on.

When developing the bill, a clear position was also formed on the importance of strengthening the position of lawyers to increase competition criminal process.

To achieve this task, the bill includes provisions, with the introduction of which lawyers will be given the right to appoint examination of **all objects of research** (currently this right of a lawyer is limited), **directly ask questions to the expert** without petitioning the investigator**, get acquainted with all objects, materials of operational search, counterintelligence activities, covert investigative actions** when sending them for examination.

To further enhance the competitiveness of the parties, lawyers will have the **opportunity to publish in the media a refutation of the publication of the criminal prosecution authorities regarding the client.**

At the same time, one of the shortcomings of the current criminal legislation is the fact that the indictment “enters” the court with the materials of the criminal case, which contributes to the formation of an “accusatory bias” among judges.

To eliminate this practice, the bill provides for a provision that will give lawyers the right to submit to the court a document opposite to the indictment - **an act of defense.**

It should be emphasized that the submission of an act of defense will be precisely the right of the lawyer, and not an obligation, and will not limit the lawyer in filing motions during the main trial.

In addition to expanding the rights of lawyers, the bill also affects **the powers of investigative judges to check qualification of the act of the suspect, accused** in order to expand the use of alternative preventive measures in case of incorrect classification of acts.

At the same time, in order to optimize the criminal process, the bill also provides for rules regarding the conduct of criminal cases in electronic format by default, as well as the possibility of conducting remote confrontations.

***About the model of criminal proceedings in the Republic of Kazakhstan***

Since 2021, a three-tier model of criminal proceedings with division of powers has been introduced in the Republic of Kazakhstan.

In this model, three parts are responsible for the criminal process: the investigative body, the prosecutor's office and the court. The powers between these structures are **clearly delineated.**

**Pre-trial investigation bodies** identify and suppress criminal offenses, identify those involved, collect and secure evidence.

The tasks of the **prosecutor's** office include giving an independent assessment of the collected evidence, making key procedural decisions, filing and maintaining charges in court, and the task of the court is imposing punishment.

Such a distinction creates a human rights barrier, protecting against unfounded illegal decisions of investigative bodies.

Key procedural decisions made by pre-trial investigation bodies, for example, on recognizing a person as a suspect, **must be coordinated with the prosecutor**, since such actions directly affect the constitutional rights of persons involved in the orbit of criminal prosecution.

All key decisions of criminal prosecution bodies without the consent of the prosecutor **have no legal force and legal consequences.**

In this case**, the court has the right to overturn the prosecutor’s decision** in order to prevent violations of the constitutional rights of citizens.

Another advantage of agreeing on key decisions is the elimination of unnecessary bureaucratic delays. For example, if previously the prosecutor checked the legality of termination of the case within a month, today it is **10 days**, the interruption from 30 days has been reduced **to 3 days.**

**Coordination of key decisions made by pre-trial investigation bodies is completely digitalized**– electronic coordination allows the management of the investigative authorities and the supervising prosecutor to monitor the progress of the investigation of cases online.

Moreover, with electronic approval, manipulation is minimized, since it is impossible to adjust key decisions made, which also eliminates the possibility of falsification.

**The “Electronic Criminal Case” project made it possible to transfer the criminal process from paper to electronic format.**

All necessary investigative actions are carried out in electronic format, from registration of a statement to execution of punishment, which indicates the transparency of the activities of law enforcement agencies.

Thus, the prosecutor, who must monitor the rule of law, is included in the process not after decisions are made, but **from the very beginning participates in the investigation**, preventing the illegal involvement of citizens in the orbit of criminal prosecution.

The three-tier model of the criminal process **undoubtedly ensures the rule of law, justice and public safety.**