



On approval of the Anti-Corruption Monitoring Rules

Unofficial translation

Order No. 22 of the Chairman of the Agency of the Republic of Kazakhstan for Counteracting Corruption (Anti-Corruption Service) of January 28, 2020. Registered with the Ministry of Justice of the Republic of Kazakhstan on January 29, 2020 under No. 19941.

Unofficial translation

In accordance with subparagraph 3) of paragraph 1 of Article 21 of the Law of the Republic of Kazakhstan "On combating corruption" **I hereby ORDER:**

Footnote. Preamble - in the wording of the order of the Chairman of the Anti-Corruption Agency of the Republic of Kazakhstan (Anti-corruption service) dated 16.06.2023 No. 192 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

1. That the enclosed Anti-Corruption Monitoring Rules shall be approved.
2. That Order of the Chairman of the Agency of the Republic of Kazakhstan for Civil Service and Counteraction to Corruption No. 13 dated October 19, 2016 “On Approval of the Anti-Corruption Monitoring Rules” shall be deemed to have lost force (registered with the Register of State Registration of Regulatory Legal Acts under No. 14431, published on December 6, 2016 in Adilet, the information and legal system).
3. That, according to the procedure set by the legislation, the Department of Prevention of the Agency of the Republic of Kazakhstan for Counteracting Corruption (Anti-Corruption Service) shall:
 - 1) provide the state registration hereof with the Ministry of Justice of the Republic of Kazakhstan;
 - 2) ensure posting hereof on the Internet site of the Agency of the Republic of Kazakhstan for Counteraction of Corruption (Anti-Corruption Service).
4. That the First Deputy Chairman of the Agency of the Republic of Kazakhstan for Counteracting Corruption (Anti-Corruption Service) shall be charged with control over the execution of this Order.
5. That this Order shall come into effect from the date of its first official publication.

Chairman

A. Shpekbayev

Approved by order of
the Chairman of the Agency of
the Republic of Kazakhstan
for Counteracting Corruption
(Anti-Corruption Service)
No. 22 of January 28, 2020

Rules for anti-corruption monitoring

Footnote. Rules - as amended by the order of the Chairman of the Anti-corruption agency of the Republic of Kazakhstan (Anti-corruption Service) dated 16.06.2023 No. 192 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Chapter 1. General provisions

1. These Rules for anti-corruption monitoring (hereinafter referred to as the Rules) shall be developed in accordance with subparagraph 3) of paragraph 1 of Article 21 of the Law of the Republic of Kazakhstan "On combating corruption" and shall determine the procedure for conducting anti-corruption monitoring by anti-corruption subjects.

2. Anti-corruption monitoring shall be carried out by the authorized anti-corruption body (hereinafter referred to as the authorized body), its territorial subdivisions and other anti-corruption subjects.

3. Other anti-corruption subjects shall be state bodies, subjects of the quasi-public sector, public associations, as well as other individuals and legal entities.

4. The purpose of anti-corruption monitoring shall be to assess law enforcement practices in the field of anti-corruption.

5. These Rules shall not apply to the activities of special state bodies.

6. The subject of anti-corruption monitoring shall be information regarding the effectiveness of anti-corruption policy, the state of law enforcement practice in the field of combating corruption, as well as the perception and assessment of the level of corruption by society.

7. Sources for anti-corruption monitoring shall be:

- 1) data of legal statistics bodies;
- 2) appeals of individuals and legal entities on anti-corruption issues;
- 3) information of non-governmental and international organizations;
- 4) data of sociological surveys on anti-corruption issues;
- 5) publications in the media;
- 6) other sources of information not prohibited by the law.

Chapter 2. Anti-corruption monitoring procedure

8. Anti-corruption monitoring shall be carried out by collecting, processing, summarizing, analyzing and evaluating the information specified in paragraph 7 of these Rules.

9. Anti-corruption monitoring shall be divided into the following types:

- 1) complex;
- 2) thematic.

10. Comprehensive anti-corruption monitoring shall be carried out by the authorized body and its territorial divisions.

When conducting comprehensive anti-corruption monitoring, law enforcement practice shall be assessed on anti-corruption issues in various areas of activity, including the activities of two or more state bodies, organizations and/or entities of the quasi-public sector.

The objectives of comprehensive anti-corruption monitoring shall be:

- 1) determining the areas of activity most susceptible to corruption;
- 2) assessment of the effectiveness of anti-corruption measures taken by state bodies, organizations, entities of the quasi-public sector;
- 3) analysis of perception and assessment of the level of corruption by society.

11. Thematic anti-corruption monitoring shall be carried out by the authorized body, its territorial divisions and other anti-corruption subjects.

When conducting thematic anti-corruption monitoring, law enforcement practice shall be assessed on anti-corruption issues in a certain area of activity, a specific state body, organization or subject of the quasi-public sector.

The task of thematic anti-corruption monitoring shall be to study problematic issues that contribute to the manifestations of corruption in a certain area, a specific state body, organization or subject of the quasi-public sector.

12. If necessary, by the decision of the head of the authorized body or its territorial division, a working group is created to conduct anti-corruption monitoring with the involvement of members of the public and the expert community (as agreed).

13. The authorized body and its territorial divisions shall carry out anti-corruption monitoring within the following terms:

- 1) comprehensive anti-corruption monitoring - at least once a year;
- 2) thematic anti-corruption monitoring - on an ongoing basis.

14. Other anti-corruption actors shall conduct thematic anti-corruption monitoring on their own initiative, at any time in the following order:

1) collection and generalization from open sources of information provided for in paragraph 7 of these Rules;

2) study and analysis of the collected information;

3) identification of problematic issues that contribute to manifestations of corruption in a certain area of activity, a specific state body, organization or subject of the quasi-public sector;

4) formation of the result of anti-corruption monitoring with the development of proposals to improve the effectiveness of the activities of state bodies, organizations and/or entities of the quasi-public sector to combat corruption.

Chapter 3. Results of anti-corruption monitoring

15. Based on the results of comprehensive and thematic anti-corruption monitoring, an analytical report shall be formed in the form, according to the annex to these Rules, reflecting

the results of anti-corruption monitoring and a decision in accordance with paragraph 16 of these Rules.

16. Based on the results of anti-corruption monitoring, a decision shall be formed that includes:

1) assessment of the effectiveness of anti-corruption measures and proposals for improving the effectiveness of the activities of state bodies, organizations and/or entities of the quasi-public sector to combat corruption;

2) recommendations on the analysis of corruption risks in the activities of state bodies, organizations and/or entities of the quasi-public sector.

17. An analytical report on the results of anti-corruption monitoring conducted by the territorial subdivisions of the authorized body and other anti-corruption entities shall be sent to the interested territorial subdivision of the central state body, local executive body, state organization or a quasi-public sector entity for consideration of the decision made in accordance with paragraph 16 of these Rules, as well as to the authorized body for generalization.

18. The authorized body on an ongoing basis shall consider and analyze analytical reports on the results of anti-corruption monitoring sent by its territorial divisions and other anti-corruption subjects.

19. The analytical report on the results of comprehensive anti-corruption monitoring shall be posted on the official Internet resource of the authorized body.

20. An analytical report on the results of anti-corruption monitoring conducted by the authorized body shall be sent to interested state bodies, organizations, entities of the quasi-public sector.

21. The results of anti-corruption monitoring can be considered at meetings of consultative and advisory bodies on combating corruption, public councils formed by state bodies and entities of the quasi-public sector.

Annex
to the Rules for conduct
of anti-corruption monitoring

Form

Analytical report on the results of anti-corruption monitoring

(type of anti-corruption monitoring)

I. Introduction

1. The name of spheres of activity to whom anti-corruption monitoring / name state body (bodies), the organization(s) and/or a subject(s) of the quasi-public sector on which activity anti-corruption monitoring has been carried out:

_____.

2. Anti-corruption monitoring shall be carried out: natural/legal entity, e-mail address, phone number

3. Period of carrying out anti-corruption monitoring:

began _____ finished _____.

II. Information and analytical part

The quantitative and quality indicators characterizing a state and the causes of corruption in activity of public authorities, organizations, subjects of the quasi-public sector.

III. Final part

Conclusions. The quantitative and/or quality indicators allowing to measure efficiency of law-enforcement practice on anti-corruption and the decision according to paragraph 16 to these Rules.