

On the public councils

Unofficial translation

Law of the Republic of Kazakhstan dated November 2, 2015 № 383-V.

Unofficial translation

This Law shall determine the legal status, procedure for the formation and organization of the activities of public councils aimed at implementing the state policy for the formation of a state accountable to the population, ensuring the broad participation of non-profit organizations, citizens in decision-making by state bodies at all levels, as well as national managing holdings, national holdings, national companies (hereinafter - subjects of the quasi-public sector).

Footnote. Preamble - is in the wording of the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 1. General Provisions

Article 1. Legal status of public councils

1. Public councils shall be consultative, advisory, supervisory bodies formed by ministries, bodies directly subordinate and accountable to the President of the Republic of Kazakhstan, local government bodies, subjects of the quasi-public sector on the issues of their competence, with the exception of state bodies specified in part two of this paragraph, together with non-profit organizations, citizens.

Public councils shall not be formed with involvement of the Supreme Court of the Republic of Kazakhstan, the Constitutional Court of the Republic of Kazakhstan, prosecution authorities, the Administration of the President of the Republic of Kazakhstan, the National Bank of the Republic of Kazakhstan, the Ministry of Defense of the Republic of Kazakhstan, the Executive Office of the President of the Republic of Kazakhstan, the Office of the Government of the Republic of Kazakhstan, the Department of Material and Technical Support, the National Center for Human Rights of the Republic of Kazakhstan, the Supreme Audit Chamber of the Republic of Kazakhstan, the Central Election Commission of the Republic of Kazakhstan, the Supreme Judicial Council of the Republic of Kazakhstan, the authorized body for regulation, control and supervision of the financial market and financial organizations, special state bodies of the Republic of Kazakhstan.

2. Consultative, advisory and supervisory bodies at state bodies, formed in another order than provided by this Law, and non-profit organizations may not have the name "public council" and have full powers established by this Law.

3. Public councils shall be formed in the manner prescribed by this Law, with the exception of cases provided for by this Law.

4. Public councils shall be formed at two levels - republican and local. Public councils shall be autonomous and independent. Interaction between public councils shall be carried out in the order provided by this Law.

5. The republican level of public councils includes public councils formed by ministries, bodies directly subordinate and accountable to the President of the Republic of Kazakhstan, with the exception of state bodies specified in part two of paragraph 1 of this Article, as well as subjects of the quasi-public sector together with non-profit organizations, citizens.

6. Public councils at the local level include public councils of the corresponding administrative-territorial unit. At the same time, the functions of the Public Council at the level of village, settlement, rural district, and city of district significance are assigned to the meeting of the local community.

7. The number of representatives of civil society in the Public Council shall be not less than two thirds of the total number of its members.

8. Recommendations of public councils shall be mandatory for consideration by state bodies, subjects of the quasi-public sector, which take decisions provided for by the legislation of the Republic of Kazakhstan and give reasoned answers.

9. Responsibility for socio-economic development and the state of affairs in the respective region, industry, field of activity cannot be assigned to the Public Council and remains with state bodies, subjects of the quasi-public sector.

10. Pursuant to the goals and objectives provided for by this Law, the Commissioner for Human Rights in the Republic of Kazakhstan and his representatives in regions, cities of republican status, the capital or employees of the National Center for Human Rights may take part in public council meetings within the competence of the human rights Commissioner in the Republic of Kazakhstan.

Footnote. Article 1 as amended by the laws of the Republic of Kazakhstan dated 27.02.2017 № 49-VI (shall be enforced upon ten calendar days after the day of its first official publication); dated 11.07.2017 № 91-VI (shall be enforced upon ten calendar days after the day of its first official publication); dated 03.07.2019 № 262-VI (shall be enforced from 01.01.2020); dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12. 2021 № 91-VII (shall be enforced ten calendar days after the date of its first official publication); dated 05.11.2022 № 157-VII (enforcement, see Article 3); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 2. Legislation of the Republic of Kazakhstan on public councils

1. The legislation of the Republic of Kazakhstan on public councils shall be based on the Constitution of the Republic of Kazakhstan and shall consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

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

Article 2-1. Authorized body for the issues of public councils activities

1. The authorized body for the activities of public councils shall be the central executive body, which carries out management in the area of activities of public councils, as well as intersectoral coordination in the area of interaction between the state and civil society.

2. An authorized body for the issues of public councils activities shall:

1) on the basis of and in pursuance of the main directions of internal and foreign policy of the state, determined by the President of the Republic of Kazakhstan, and the main directions of socio-economic policy of the state, its defense capability, security, ensuring public order, developed by the Government of the Republic of Kazakhstan, forms and implements the state policy in the sphere of activity of public councils in accordance with the legislation of the Republic of Kazakhstan;

2) carry out coordination and methodological support of the activities of public councils at the republican and local levels;

3) excluded by the Law of the Republic of Kazakhstan dated 10.01.2025 № 153-VIII (shall be enforced upon expiry of ten calendar days after its first official publication);

4) excluded by the Law of the Republic of Kazakhstan dated 10.01.2025 № 153-VIII (shall be enforced upon expiry of ten calendar days after its first official publication);

5) develop and approve the rules for organizing and conducting public control;

6) prepares and submits a National Report on the activities of public councils in the Republic of Kazakhstan at least once every three years to the Government of the Republic of Kazakhstan for subsequent submission to the President of the Republic of Kazakhstan no later than December 25 of the current year;

7) excluded by the Law of the Republic of Kazakhstan dated 10.01.2025 № 153-VIII (shall be enforced upon expiry of ten calendar days after its first official publication);

7-1) разрабатывает и утверждает нормативные правовые акты в сфере деятельности общественных советов в соответствии с законодательством Республики Казахстан;

8) exercise other powers provided for by other laws of the Republic of Kazakhstan, acts of the President and the Government of the Republic of Kazakhstan.

Footnote. Chapter 1 is supplemented by Article 2-1 in accordance with the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 02.10.2023 № 31-VIII (shall be enforced six months after the date of its first official publication). dated 10.01.2025 № 153-VIII (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 3. Aim and objectives of public councils

1. The purpose of the activity of public councils is to express the opinion of civil society on socially important issues.

2. The tasks of public councils are:

- 1) representation of the interests of civil society and taking into account the opinion of the public when discussing and making decisions at the republican and local levels;
- 2) development of interaction between central executive bodies and local government and self-government bodies, as well as subjects of the quasi-public sector with civil society;
- 3) organization of public control and ensuring the transparency of activities of central executive bodies and bodies of local government and self-government, as well as subjects of the quasi-public sector.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 4. Principles of activity of public councils

Public councils shall carry out their activities on the basis of the following principles:

- 1) independence;
- 2) activities of its members on a voluntary basis;
- 3) autonomy;
- 4) self-consistency;
- 5) publicity.

Footnote. Article 4 – is in the wording of the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 5 Powers of public councils formed by ministries, bodies directly subordinate and accountable to the President of the Republic of Kazakhstan, as well as local government bodies

Footnote. The heading of Article 5 is in the wording of the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The powers of public councils formed by ministries, bodies directly subordinate and accountable to the President of the Republic of Kazakhstan, as well as local government bodies shall include:

- 1) discussion of budget program passports of the budget program administrator, draft plans for the development of state bodies, plans for the development of regions, cities of national significance, the capital, plans for environmental protection measures, draft comprehensive plans for the development of agglomerations;
- 2) discussion of the implementation of budget programs of the administrator of budget programs, consideration of the results of monitoring the progress of implementation of documents of the State Planning System of the Republic of Kazakhstan;
- 3) discussion of the executive bodies' reports on the achievement of target indicators;

3-1) discussion of state investment projects that are not related to socially significant objects and assume the presence of prerequisites for positive profitability and payback;

4) discussion of reports on the results of public discussions on the Internet portal of open budgets of budget program passports, reports of the administrator of budget programs on the implementation of budget programs, on the implementation of plans for the receipt and expenditure of money from the sale of goods (works, services), reports on the receipt and expenditure of money from charity;

4-1) discussion of reports on the results of monitoring the implementation of development plans for state-owned enterprises, state-controlled joint-stock companies and limited liability partnerships, with the exception of subjects of the quasi-public sector;

5) participation in the development and discussion of draft regulatory legal acts relating to the rights, freedoms and obligations of citizens, in accordance with the Law of the Republic of Kazakhstan "On Legal Acts", with the exception of draft regulatory legal acts of central and local executive bodies, as well as akims, providing for the adoption of decisions on the establishment (cancellation) of a quarantine zone with introduction of a quarantine regime in the relevant territory, the establishment (removal) of quarantine and (or) restrictive measures in cases provided for by the legislation of the Republic of Kazakhstan in the field of veterinary medicine, as well as the declaration of a natural and man-made emergency;

6) consideration of applications from individuals and legal entities on socially significant issues of the relevant field of activity of a state body or region, including on the issues of improving public administration and organizing the transparent work of the state apparatus, including compliance with the standards of professional ethics of civil servants, in accordance with the Model regulations on the Public council;

7) development and submission to the state bodies of proposals to improve the legislation of the Republic of Kazakhstan;

7-1) approval of the regulation on the Public Council;

8) implementation of public control in the forms provided for by this Law;

9) is excluded by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

10) establishment of commissions by area of activity;

11) participation in the work of local state administration bodies on issues of regulation of land relations in accordance with the land legislation of the Republic of Kazakhstan;

12) consideration of the draft decision of the local executive body on the creation of an industrial zone of regional importance in accordance with the Law of the Republic of Kazakhstan "On Special Economic and Industrial Zones";

13) hearing at the local level of information from the heads of law enforcement agencies within the relevant administrative-territorial unit on the issues of ensuring the rule of law and observance of human and civil rights and freedoms, with the exception of information constituting state secrets or other secret protected by the laws of the Republic of Kazakhstan.

2. Based on the results of execution of the powers provided for in subparagraphs 2), 3), 4), 4-1), 6), 7), 8) and 13) of paragraph 1 of this Article, the Public Council shall make recommendations to the relevant state body, which, in within a month, and under subparagraph 1) - within ten working days shall take decisions provided for by the legislation of the Republic of Kazakhstan and (or) give a reasoned answer, signed by the first head of the relevant state body or a person assisting him/her.

Footnote. Article 5 as amended by the laws of the Republic of Kazakhstan dated 04.05.2018 № 151-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 21.01.2019 № 217-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 03.04.2019 № 243-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 02.01.2021 № 401-VI (shall be enforced from 01.07.2021); dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 01.01.2023 № 182-VII (shall be enforced ten calendar days after the date of its first official publication); dated 02.10.2023 № 31-VIII (shall be enforced six months after the date of its first official publication); dated 15.03.2025 № 172-VIII (shall be enforced from 01.01.2025).

Article 5-1. Powers of public councils formed by subjects of the quasi-public sector

1. The powers of public councils formed by subjects of the quasi-public sector shall include:

1) discussion of draft plans for the development of national management holdings, national holdings and national companies and action plans;

2) discussion of reports and monitoring of the progress of development plans for national managing holdings, national holdings and national companies and action plans;

3) discussion of the results of financial and economic activities;

4) development and submission of proposals to improve the legislation of the Republic of Kazakhstan to state bodies;

5) creation of commissions on the areas of activity;

6) approval of the regulation on the Public council;

7) exercise of public control in the forms provided for by this Law.

2. Based on the results of execution of the powers provided for in subparagraphs 2), 3) and 7) of paragraph 1 of this Article, the Public Council shall make recommendations to the relevant subject of the quasi-public sector, which, within a month, and under subparagraph 1) within ten working days, gives a reasoned a response signed by the first head of the relevant subject of the quasi-public sector or by a person assisting him/her.

3. The powers of the Public Council, formed by the national wealthfare Fund and national companies that are part of the national wealthfare Fund group (hereinafter- the Fund) shall be

determined by the regulation on the Public council, approved in accordance with the Law of the Republic of Kazakhstan "On the National Wealthfare Fund" (hereinafter- the regulation on Public Council of the Fund).

Footnote. Chapter 1 is supplemented by Article 5-1 in accordance with the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2021 № 95-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 6. Powers of the local community meeting in terms of performing the functions of the Public Council

The functions of the Public Council shall be performed by the local community meeting in accordance with the powers established by the Law of the Republic of Kazakhstan "On Local State Management and Self-Government in the Republic of Kazakhstan" and this Law.

Article 7. Rights and duties of public councils and their members

1. In order to exercise their powers, the members of public councils shall have the right to:

1) access to state bodies, local government bodies on the issues provided for in paragraph 1 of Article 5 of this Law, with the exception of state bodies under which public councils are not formed in accordance with part two of paragraph 1 of Article 1 of this Law, as well as to the subjects of the quasi-public sector on the issues provided for in paragraph 1 of Article 5-1 of this Law, on the basis and in the manner established by the legislation of the Republic of Kazakhstan;

2) participate in the events held by state bodies, local government bodies, subjects of the quasi-public sector on the issues provided for in paragraph 1 of Article 5 and paragraph 1 of Article 5-1 of this Law, with the exception of state bodies that do not form public councils in accordance with part two of paragraph 1 of Article 1 of this Law, as well as meetings and events where the information constituting state secrets or other secret protected by the laws of the Republic of Kazakhstan is considered;

3) apply to the state bodies, local government bodies, subjects of the quasi-public sector on socially significant issues in order to exercise their powers established by this Law;

4) make proposals on determination of normative legal acts relating to the rights, freedoms and duties of citizens subject to consideration by the Public council.

The procedure for determining draft regulatory legal acts by public councils for consideration shall be determined by the Model regulation on the Public Council;

5) receive a document certifying the status of a member of the Public Council from a state body, a local government body, a subject of the quasi-public sector;

6) invite representatives of state bodies to meetings of the Public Council to discuss the issues within the competence of the relevant state body;

7) create, as necessary, permanent and (or) temporary working bodies: committees and expert groups. The order of organization and works of permanent and (or) temporary working bodies shall be determined by the Model regulations on the Public council;

8) participate in competitive commissions for public procurement of the relevant state body, with the exception of public procurement carried out using a special procedure;

9) participate in tender commissions (auction commissions) for the procurement of the relevant subject of the quasi-public sector.

2. The Public Council and its members shall be obliged to carry out their activities:

1) to comply with the norms of the Constitution, corresponding laws, acts of the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, other regulatory legal acts of the Republic of Kazakhstan;

2) to carry out their activities in cooperation with the public;

3) at least twice a year to inform the population about the activities of the Public Council through the mass media and (or) Internet resources;

4) publish an annual report on its activities in the media and (or) post on the Internet resource of the relevant state body, local government body, subject of the quasi-public sector;

5) not to distribute personal data without the consent of the subject of personal data, and also not to disclose information constituting state secrets or other secret protected by the laws of the Republic of Kazakhstan, received from a state body, local government body or a subject of the quasi-public sector, with the exception of information, access to which is not subject to restriction in accordance with the Law of the Republic of Kazakhstan "On Access to Information".

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 2. TIME OF THE PUBLIC FORMING OF THE PUBLIC OF THE REPUBLICAN AND LOCAL COUNCILS

Article 8. Procedure for setting up a working group to form the Public Council

1. Public councils at the republican and local levels and their composition are formed by working groups, the leaders of which are elected from among the members of working groups representing civil society through open voting in accordance with the Standard regulations on the Public Council.

2. Representation from a state body, a subject of the quasi-public sector in the composition of the working group cannot exceed one third of the total number of members of the working group. The personal composition of this representative office shall be determined by the head of the state body, the head of the executive body of the subject of the quasi-public sector independently.

3. Representation from civil society constitutes at least two-thirds of the total number of members of the working group and is formed on the basis of recommendations from non-profit organizations and citizens in accordance with the Standard regulations on the Public Council.

4. The working group membership shall be approved at the republican level by the head of the relevant state body, the head of the executive body of the quasi-public sector entity, at the local level - by the chairman of the maslikhat of the corresponding administrative-territorial unit.

5. The procedure for selecting members of the working group from civil society, the timing of meetings, the list of documents, powers and other issues of the working group's activities shall be determined in the manner prescribed by the Model regulations on the Public Council or the regulations on the Public Council of the Foundation.

6. The working group shall develop a draft regulation on the Public Council based on the Model regulations on the Public council.

The requirements of this paragraph shall not apply when developing the regulation on the Public Council of the Fund.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 157-VII (shall be enforced from 01.01.2023); dated 02.10.2023 № 31-VIII (shall be enforced six months after the date of its first official publication).

Article 9. The procedure for the formation of public councils

1. The composition of public councils is formed by a working group from among representatives of government bodies, entities of the quasi-public sector and, on a competitive basis, from representatives of non-profit organizations and citizens in accordance with the Standard regulations on the Public Council.

2. The procedure for forming a new composition of public councils begins two months before the expiration of the term of office of the current composition of public councils in accordance with the procedure established by this chapter.

The current members of public councils shall have the right to submit their applications for participation in the competition on the general basis provided for in Article 10 of this Law

3. The number of members of the Public Council shall be determined by the working group:

1) at the republican level:

in public councils formed by ministries, bodies directly subordinate and accountable to the President of the Republic of Kazakhstan - from fifteen to thirty members;

in public councils formed in the subjects of the quasi-public sector - from ten to fifteen members;

2) at the local level, subject to the provisions of subparagraph 7) of paragraph 2 of Article 2-1 of this Law.

4. From one legal entity that is a non-profit organization, only one representative can be elected to the Public council. When forming public councils at the republican level, the same person can be elected a member of only one Public Council.

5. The same person may be elected a member of the Public Council no more than two times in a row.

6. The announcement of the competition shall be published by the working group in the republican and (or) local mass media and (or) posted on the Internet resource of the state body, local government body, subject of the quasi-public sector indicating their name, postal address, deadlines for submitting documents, address e-mail, to which documents and other information are sent in accordance with Article 10 of this Law for participation in the competition.

7. The working group shall conduct a competition in accordance with the Model regulations on the Public Council or the regulations on the Public Council of the Fund and form the composition of the Public council, and also shall determine the reserve list of candidates for the Public Council in case of retirement of members of this body.

8. The composition of the Public Council formed by the working group at the republican level is approved by the head of the relevant state body, the head of the executive body of the corresponding subject of the quasi-public sector, at the local level - by the chairman of the maslikhat of the relevant administrative-territorial unit and is subject to publication in the media and (or) posting on the Internet -resource of the relevant body, a subject of the quasi-public sector.

The term of office of the elected members of the Public Council shall be three years.

9. The Public Council shall take a decision on the selection of candidates for its membership from the reserve list of candidates for the Public Council in the following cases:

1) termination of powers of a member of the Public Council representing civil society;

2) the need to increase the number of the Public council, taking into account the quantitative composition recommended in accordance with paragraph 3 of this Article.

In cases of refusal of a candidate from the reserve list of candidates to the Public Council from membership in the Public Council and absence of other candidates in the reserve list of candidates to the Public council, the Public Council shall decide to hold an additional competition for the membership of the Public Council in accordance with the procedure provided for by the Model regulations on the Public Council or the regulations on the Public Council of the Fund.

10. Upon termination of the powers of a member of the Public Council representing a state body, a subject of the quasi-public sector, the decision to include a new member of the Public Council in place of the terminated member shall be made by the head of the relevant state body, the head of the executive body of the relevant subject of the quasi-public sector.

Footnote. Article 9 - is in the wording of the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 02.10.2023 № 31-VIII (shall be enforced six months after the date of its first official publication).

Article 10. Requirements for candidates for members of the working group and the Public Council

Footnote. The title of Article 10 as amended by the Law of the Republic of Kazakhstan dated 02.10.2023 № 31-VIII (shall be enforced six months after the day of its first official publication).

1. A candidate for membership in the working group and the Public Council may be a citizen of the Republic of Kazakhstan who has reached the age of eighteen, and also at the local level - a permanent resident within the relevant administrative-territorial unit.

A candidate for membership of the working group and the Public Council must not:

1) have a criminal record that has not been canceled or expunged in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

2) be found guilty by the court of committing a corruption crime and (or) a corruption offense in the manner prescribed by the law;

3) be registered with organizations providing mental health care for mental and behavioral disorders (diseases), including those associated with the use of psychoactive substances.

2. To participate in the competition, the following documents shall be submitted:

1) a written recommendation from a non-profit organization and (or) a citizen's application for nomination to the working group and the Public Council;

2) information about the professional and (or) social activities of the candidate, indicating autobiographical data;

3) a certificate of the presence or absence of a criminal record;

4) a certificate of the presence or absence of mental, behavioral disorders (diseases), including those associated with the use of psychoactive substances;

5) consent to the collection, processing, dissemination and publication of the candidate's personal data.

A candidate for membership in the working group and the Public Council shall submit the certificates specified in subparagraphs 3) and 4) of part one of this paragraph, independently or through written consent to the request for said certificates by a government agency or quasi-public sector entity, with the participation of which the Public Council is formed, from digital systems.

A member of the working group on the formation of the Public Council shall not be allowed to compete for election to the members of the Public council.

3. Candidates shall not be allowed to compete for election in the presence of one of the following cases:

1) non-compliance with the requirements established in paragraph 1 of this Article;

2) failure to submit documents and (or) information specified in paragraph 2 of this Article;

3) submission of documents and (or) information containing false information.

4. The Regulations on the Public Council of the Fund may provide for additional requirements for the candidates for members of the Public Council of the Fund.

Footnote. Article 10 - is in the wording of the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 02.10.2023 № 31-VIII (shall be enforced six months after the date of its first official publication); dated 09.01.2026 № 256-VIII (shall come into effect upon expiry of six months from the date of its first official publication).

Chapter 3. ACTIVITIES OF PUBLIC COUNCIL

Article 11. Organizational structure of the Public Council and powers of its presidium

1. The supreme body of the Public Council shall be the meeting.

2. The Presidium of the Public Council shall be elected for the operational management of activities of the Public Council in the period between its meetings. The Presidium of the Public Council consists of the Chairman of the Public Council, an authorized representative of a state body, the subject of the quasi-public sector with participation of which the Public Council was formed, chairmen of commissions, individual members of the Public Council.

3. Deputies of the Parliament of the Republic of Kazakhstan who are not the members of this Public Council may participate in meetings of the Presidium of the Public Council.

4. The Presidium of the Public Council shall:

1) coordinate the work of the commissions of the Public Council;

2) organize the preparation for the meetings of the Public Council;

3) provide organizational and informational support for the activities of the Public Council;

4) monitor the implementation of recommendations of the Public Council.

Footnote. Article 11 - is in the wording of the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 12. Powers of the Chairman and Secretary of the Public Council

1. Chairman of the Public Council:

1) organizes the activities of the Public Council;

2) presides at meetings;

3) sign documents on behalf of the Public Council;

4) coordinates the implementation of the decisions of the Public Council;

5) participate in meetings of the republican state body, local government body, subject of the quasi-public sector with the right of an advisory vote;

6) during his absence, delegates the performance of the duties of chairman to one of the members of the Presidium of the Public Council.

In the event of termination of the powers of the chairman of the Public Council before the election of a new chairman, his powers are transferred to one of the members of the presidium by the decision of the Public Council.

2. Secretary of the Public Council:

1) ensures the solution of organizational issues of preparation and holding the meetings of the Public Council;

2) organizes and conducts business in the Public Council, as well as controls the terms of execution of decisions of the Public Council.

3. The Secretary of the Public Council shall not be a member of the Public Council.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.10.2023 № 31-VIII (shall be enforced six months after the date of its first official publication).

Article 13. Organization of the activities of the Public Council

1. The first meeting of the Public Council is opened by the head of the working group.

At this meeting, the chairman of the Public Council, the presidium, and the members of the commission of the Public Council are elected by open voting by a simple majority of votes.

The Chairman of the Public Council is elected from among its members - well-known public figures who are not in public service.

2. The main form of work of public councils is their meetings. A meeting of the Public Council is considered to be competent with the participation of not less than two thirds of the total number of its members.

3. Meetings of the Public Council shall be public.

The conditions, terms and procedure for holding meetings of the Public Council, the agenda of meetings, the procedure for making decisions and other issues of holding meetings are determined by the Standard regulations on the Public Council.

Other issues of holding meetings shall be determined by the decision of the Public Council.

4. When carrying out their activities, Public Councils interact with each other on terms of equality and partnership.

5. Within the limits of their powers, members of public councils with the right of advisory vote may participate in the activities of other public councils, and at the local level, in addition, the chairman of the Public Council of the district, the city of regional importance has the right to be a member of the Public Council of the region, the city of national importance, the capital.

6. Organizational support for the activities of the Public Council at the republican level shall be carried out by the relevant state body or a subject of the quasi-public sector, with participation of which the Public Council was formed.

At the local level, organizational support for the activities of the Public Council shall be carried out by the maslikhat of the corresponding administrative-territorial unit.

The head of the relevant state body, the head of the executive body of the relevant quasi-public sector entity, with whose participation the Public Council was formed, as well as the chairman of the maslikhat of the relevant administrative-territorial unit, in agreement with the chairman of the Public Council, shall assign the duties of the Public Council secretary to the employee engaged under an employment contract in accordance with the labor legislation of the Republic of Kazakhstan.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 157-VII (shall be enforced from 01.01.2023); dated 02.10.2023 № 31-VIII (shall be enforced six months after the date of its first official publication).

Article 14. Publicity of the work of the Public Council

1 The Public Council shall inform the population about:

1) the results of its interaction with civil society and government bodies, as well as subjects of the quasi-public sector;

2) composition of the Public Council;

3) the agenda of meetings;

4) decisions taken;

5) other issues of public importance.

2. Information shall be published in the mass media and (or) placed on the corresponding Internet resources.

Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 15. Termination of powers of members of the Public Council

1. A member of the Public Council may resign from the Council by submitting a written application.

2. A member of the Public Council may be prematurely expelled from its composition by the decision of the Public Council if it is impossible to take part in its work for health reasons or for the following reasons:

1) in the event of his/her death;

2) recognition by the court as missing;

3) declaration by the court as dead;

4) recognition by the court as incapable or partially incapacitated in the manner established by the laws of the Republic of Kazakhstan;

5) failure to attend a meeting of the Public Council for unexcused reasons more than three times within one year;

6) admission of a member of the Public Council, elected from civil society, to the public service;

7) in case of liquidation of a non-profit organization from which a representative was elected to the Public Council;

8) in the event of occurrence of the grounds provided for in paragraph 1 of Article 10 of this Law.

3. The Public Council shall make a decision on inclusion of a new member in the Public Council instead of the one who left for the remaining term of his powers in the manner prescribed by paragraphs 9 and 10 of Article 9 of this Law.

Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 15-1. Termination of the activities of the Public Council

1. The Public Council shall terminate its activities upon the expiration of the term of office provided for by part two of paragraph 8 of Article 9 of this Law, or in the event of liquidation of the state body, subject of the quasi-public sector, with the participation of which it was formed.

In case of reorganization of the state body, the subject of the quasi-public sector, with the participation of which it was formed, the Public Council shall continue its activities until the approval of the new composition of the Public Council of the reorganized state body, the subject of the quasi-public sector.

2. Formation of the Public Council in state bodies, in the subjects of the quasi-public sector, formed as a result of reorganization shall be carried out in accordance with this Law.

Footnote. Chapter 3 is supplemented by Article 15-1 in accordance with the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 4. PROCEDURE FOR THE EXERCISE OF POWERS PUBLIC COUNCIL IN THE FIELD OF PUBLIC CONTROL

Article 16. Aims and objectives of the Public Council in the field of public control

1. Public control shall be carried out by the Public Council in order to expand the ability of civil society to participate in the decision-making process of state bodies, subjects of the quasi-public sector.

2. Tasks of public control:

- 1) increasing the efficiency, openness and transparency of the activities of state bodies, local governments and subjects of the quasi-public sector;
- 2) implementation of civil initiatives aimed at protection of public interests;
- 3) increasing the level of citizens' confidence in the activities of the state and its bodies, local governments, subjects of the quasi-public sector, providing feedback between the society and the state, preventing and resolving social conflicts;
- 4) Involvement of the population in the process of combating corruption.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 17. Concept, object and subject of public control

1. Public control shall be understood as the activity of subjects of public control, carried out in the form of public monitoring, public hearing, public examination and hearing a report on the results of the work of a state body, a subject of the quasi-public sector, aimed at protecting public interests.

2. The object of public control shall be the activities of state bodies of the republican and local levels and their officials, as well as the activities of subjects of the quasi-public sector.

3. The subject of public control is public councils, as well as non-profit organizations, citizens on behalf of public councils.

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 18. Forms of public control

1. Public monitoring shall be a procedure of public control, which is an observation by the subjects of public control over the activities of state bodies, subjects of the quasi-public sector

2. A public hearing shall be understood as a procedure of public control carried out by holding a meeting for public discussion of the issues provided for in subparagraphs 1), 5) and 6) of paragraph 1 of Article 5 , subparagraph 1) of paragraph 1 of Article 5-1 of this Law, as well as publicly significant decisions of state bodies, subjects of the quasi-public sector on the issue of their compliance with public interests.

3. Public expertise is a procedure of public control based on the use of special knowledge and (or) experience by the subjects of public control for research, analysis and evaluation of the public interest in order to preserve the environment favorable for the life and health of citizens, as well as the exclusion of factors that have a negative impact on the safety of individuals, localities and production facilities.

4. Hearing a report on the results of the work of a state body, a subject of the quasi-public sector shall be a procedure of public control and is a public discussion at a meeting of the Public Council of the results of activities of the state bodies, local governments and their

officials on the issues provided for in subparagraphs 2) and 3) of paragraph 1 Article 5 of this Law, subjects of the quasi-public sector on the issues provided for in subparagraphs 2) and 3) of paragraph 1 of Article 5-1 of this Law.

Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 19. Mechanisms of public control

Public control shall be exercised by means of:

- 1) access to information on the activities of the object of public control in accordance with the requirements of the legislation of the Republic of Kazakhstan in the field of access to information;
- 2) participation of members of the Public Council and subjects of public control in meetings of collegial bodies of the state body;
- 3) inclusion of members of public councils into state commissions;
- 4) submission of individual or collective appeals from citizens, including in the form of an electronic document;
- 5) submission of requests;
- 6) other methods determined by the Public Council and not prohibited by the legislation of the Republic of Kazakhstan.

Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 02.10.2023 № 31-VIII (shall be enforced six months after the day of its first official publication).

Article 20. Procedure for organizing and conducting public monitoring

1. The procedure for organization and conduct of public monitoring shall be determined by this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. Public monitoring shall be carried out in order to identify negative consequences for citizens and facts of infringement of public interests as a result of the provision of public services by state bodies, the implementation of development plans and budget program passports, development plans for regions, cities of republican significance, the capital, the implementation by entities of the quasi-public sector of development plans for national management holdings, national holdings and national companies, action plans, the provision of public services, as well as the application of the norms of the legislation of the Republic of Kazakhstan.

3. Public monitoring is carried out by members of the Public Council, as well as by representatives of non-profit organizations and citizens on behalf of the Public Council.

4. When conducting public monitoring, the members of the Public Council shall have the right to request from state bodies and their officials, as well as from subjects of the

quasi-public sector, the necessary information related to the subject of monitoring, in the manner and on the grounds established by the legislation of the Republic of Kazakhstan on access to information.

5. According to the results of public monitoring, the persons who carried out it shall draw up an opinion. The conclusion of public monitoring includes:

- 1) Information on the identified negative consequences for citizens and on the infringement of public interests as a result of the provision of public services;
- 2) recommendations to eliminate the causes and conditions identified in the course of public monitoring of violations of the legislation of the Republic of Kazakhstan;
- 3) proposals to improve the effectiveness of controlled facilities;
- 4) proposals for making changes and additions to regulatory legal acts, internal documents of subjects of the quasi-public sector.

6. Based on the conclusion of public monitoring, the Public Council shall accept and send recommendations to the relevant state bodies, subjects of the quasi-public sector.

Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2021 № 95-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.03.2025 № 172-VIII (shall be enforced from 01.01.2025).

Article 21. Procedure for organizing and holding a public hearing

1. The procedure for organizing and holding a public hearing shall be determined by this Law and other regulatory legal acts of the Republic of Kazakhstan.

The public hearing shall be held by the Public Council within the terms agreed with the republican or local government body, the subject of the quasi-public sector, as determined by paragraphs 5 and 6 of Article 1 of this Law.

2. The procedure for organizing and holding a public hearing shall provide for:

- 1) advance notification of the participants of the public hearing about the time and place of its holding through the mass media and (or) written invitations, but not later than ten calendar days prior to the day of its holding;
- 2) advance acquaintance with draft regulatory legal acts and decisions submitted for public hearing, but not later than ten calendar days before the day of its holding;
- 3) other measures ensuring participation in the public hearing;
- 4) Publication of the final minutes of the public hearing, including a reasoned justification of the decisions made.

3. Is excluded by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

4. The public hearing shall be held on the initiative of the members of the Public Council.

5. In the course of the public hearing, minutes shall be kept in which they shall be recorded:

- 1) The date and place of the public hearing;
 - 2) the number of persons present;
 - 3) the name, surname, patronymic (if it is specified in the identity document) of the chairman and secretary of the public hearing;
 - 4) Agenda, content of speeches.
6. The final minutes of the public hearing shall be adopted based on the results of the public hearing, which shall be signed by the chairman and the secretary of the public hearing.
7. The final minutes shall be deemed adopted if more than half of the present members of the Public Council voted for them.
8. The final minutes of the public hearing shall include:
- 1) information on compliance of the legislation of the Republic of Kazakhstan by controlled state bodies and their officials, as well as subjects of the quasi-public sector;
 - 2) recommendations on elimination of the provisions revealed in the course of the public hearing that infringe or restrict the rights and legitimate interests of individuals and legal entities;
 - 3) proposals for amendments and additions to regulatory legal acts, internal documents of subjects of the quasi-public sector.
9. Recommendations adopted on the basis of the final protocol are sent by the Chairman of the Public Council:
- 1) to state bodies, subjects of the quasi-public sector, subjects of public control;
 - 2) to state bodies authorized to exercise control over the activities of state bodies and subjects of the quasi-public sector, for studying and taking measures;
 - 3) Mass media.
10. The requirements of this Article do not apply to the relations related to the activities of the Public Council of the Fund.

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 22. Procedure for organizing and conducting public expertise

1. Public expertise shall be carried out on behalf of the Public Council, adopted at its meeting, by expert commissions created by public associations.

The objects of public examination shall be draft decisions of state bodies, subjects of the quasi-public sector with a view to observing the rights and legitimate interests of individuals and legal entities, maintaining an environment favorable for the life and health of citizens, as well as eliminating factors that have a negative impact on ensuring the safety of individuals, inhabited points and production facilities.

2. Individuals and (or) non-profit organizations, with the exception of structural subdivisions (branches and representative offices) of international and foreign organizations,

which send a corresponding request to the Public Council, can act as initiators of a public examination.

3. Peculiarities of the public environmental impact assessment, the procedure for its registration and the content of the conclusion shall be established by the Environmental Code of the Republic of Kazakhstan.

4. Legislative acts of the Republic of Kazakhstan may define other subjects, grounds and procedure for organization and conduct of public expertise.

5. The requirements of this Article do not apply to the relations related to the activities of the Public Council of the Fund.

Footnote. Article 22 as amended by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 23. Procedure for organizing and conducting the hearing of reports on the results of work

1. Hearing of the report on performance results includes the report of the first head of the republican state body, the head of the executive body of the quasi-public entity and the co-report of the chairman of the Public Council, and in the territories - the report of the akim of the administrative-territorial unit and the co-reports of the chairman of the maslikhat, the chairman of the Public Council in accordance with the provisions of paragraph 4 of Article 18 of this Law.

2. During the hearing of the report on the results of the work, a protocol is kept, in which it is recorded:

- 1) date and place of hearing of the report;
- 2) the number of persons present;
- 3) surname, name, patronymic (if it is specified in the identity document) of the officials who spoke;
- 4) agenda, content of the report and speeches.

3. A resolution shall be adopted based on the results of the hearing of the report and shall contain it:

- 1) evaluation of the activities of controlled bodies and their officials on the issues within their competence;
- 2) recommendations on elimination of the provisions revealed during the hearing of the report that infringe or restrict the rights and legitimate interests of individuals and legal entities;
- 3) proposals for improving the activities of state bodies, subjects of the quasi-public sector

4) A report shall be deemed adopted if more than half of the participants of the meeting present voted for it.

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 03.01.2021 № 406-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.11.2022 № 157-VII (shall be enforced from 01.01.2023).

Article 24. Procedure for implementation of this Law

This Act shall be enforced on 1 January 2016.

*The President
Republic of Kazakhstan*

N. Nazarbaev

© 2012. «Institute of legislation and legal information of the Republic of Kazakhstan» of the Ministry of Justice of the Republic of Kazakhstan