



On the Human Rights Ombudsman in the Republic of Kazakhstan

Unofficial translation

Constitutional Law of the Republic of Kazakhstan dated November 5, 2022 № 154-VII LRK

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This Constitutional Law shall determine the legal status and organization of the activities of the Human Rights Ombudsman in the Republic of Kazakhstan.

Chapter 1. GENERAL PROVISIONS

Article 1. Goals and objectives of the activities of the Human Rights Ombudsman in the Republic of Kazakhstan

The Human Rights Ombudsman in the Republic of Kazakhstan shall be a person holding a responsible public position, which is established by the Constitution of the Republic of Kazakhstan in order to ensure the state guarantee of the protection of human and civil rights and freedoms, their observance, and respect.

The objectives of the activities of the Human Rights Ombudsman in the Republic of Kazakhstan shall be to support the restoration of violated rights and freedoms of a man and a citizen, to promote the rights and freedoms of man and citizen.

Article 2. Principles and legal basis for the activities of the Human Rights Ombudsman in the Republic of Kazakhstan

1. The Human Rights Ombudsman in the Republic of Kazakhstan, in carrying out his/her activities shall be guided by the principles of legality, fairness, impartiality, objectivity, publicity, openness, transparency, and other principles enshrined in the Constitution of the Republic of Kazakhstan.

2. The Human Rights Ombudsman in the Republic of Kazakhstan shall carry out his/her activities in accordance with the Constitution of the Republic of Kazakhstan, this Constitutional Law, other regulatory legal acts of the Republic of Kazakhstan, as well as international treaties and other obligations of the Republic of Kazakhstan.

Chapter 2. LEGAL STATUS OF THE HUMAN RIGHTS OMBUDSMAN IN THE REPUBLIC OF KAZAKHSTAN

Article 3. Guarantees of activities of the Human Rights Ombudsman in the Republic of Kazakhstan

1. The Human Rights Ombudsman in the Republic of Kazakhstan, in carrying out his/her powers, shall be independent and not accountable to state bodies and officials.

2. During the term of his/her powers, the Human Rights Ombudsman in the Republic of Kazakhstan may not be detained, subjected to detention, house arrest, brought in, administrative penalties imposed in the court, brought to criminal liability without the consent of the Senate of the Parliament of the Republic of Kazakhstan, except for the cases of detention at the scene of a crime or commissioning grave or especially grave crimes.

3. The rights of the Human Rights Ombudsman in the Republic of Kazakhstan shall not be subject to restrictions, except for the cases expressly provided for by the laws of the Republic of Kazakhstan.

Interference or obstruction of the legitimate activities of the Human Rights Ombudsman in the Republic of Kazakhstan shall entail liability established by the laws of the Republic of Kazakhstan, and shall be reflected in the annual report of the Human Rights Ombudsman in the Republic of Kazakhstan.

4. The Human Rights Ombudsman in the Republic of Kazakhstan shall not be subject to interrogation as a witness about the circumstances that became known to him/her in connection with the performance of his/her official duties.

5. The Human Rights Ombudsman in the Republic of Kazakhstan shall be guaranteed the right to ensure security in carrying out his/her activities in accordance with the laws of the Republic of Kazakhstan.

6. The Human Rights Ombudsman in the Republic of Kazakhstan shall have the right, upon presentation of an official ID, to freely visit institutions and other facilities throughout the territory of the Republic of Kazakhstan.

When visiting especially important state and strategic facilities, as well as institutions of the penitentiary system, the Human Rights Ombudsman in the Republic of Kazakhstan shall observe the established requirements for access and intra-object regimes.

7. In the event of the introduction of an emergency state throughout the territory of the Republic of Kazakhstan or in its individual areas, the Human Rights Ombudsman in the Republic of Kazakhstan shall carry out his/her activities in the manner established by the legislation of the Republic of Kazakhstan.

Article 4. Procedure for the election of the Human Rights Ombudsman in the Republic of Kazakhstan

1. The Human Rights Ombudsman in the Republic of Kazakhstan shall be elected for a term of five years by the Senate of the Parliament of the Republic of Kazakhstan on the proposal of the President of the Republic of Kazakhstan.

2. A person elected to the position of the Human Rights Ombudsman in the Republic of Kazakhstan must meet the following requirements:

- 1) possess citizenship of the Republic of Kazakhstan and permanently reside on its territory for the last ten years;
- 2) have higher education;

- 3) have at least five years of experience in protecting human and civil rights and freedoms ;
- 4) be at least thirty years old;
- 5) be fluent in the state language;
- 6) be capable.

3. Upon taking office, the Human Rights Ombudsman in the Republic of Kazakhstan shall take an oath of the following content:

“Assuming the position of the Human Rights Ombudsman in the Republic of Kazakhstan, I solemnly swear to honestly and conscientiously protect the rights and freedoms of man and citizen and fulfill my duties, guided by the Constitution of the Republic of Kazakhstan, other legislation of the Republic of Kazakhstan, as well as justice and conscience. I undertake to act independently, impartially, and objectively in the interests of the rights and freedoms of man and citizen.

Article 5. Dismissal of the Human Rights Ombudsman in the Republic of Kazakhstan

1. The Human Rights Ombudsman in the Republic of Kazakhstan shall be dismissed from office by the Senate of the Parliament of the Republic of Kazakhstan on the proposal of the President of the Republic of Kazakhstan.

2. The grounds for dismissal of the Human Rights Ombudsman in the Republic of Kazakhstan shall be:

1) non-compliance with the requirements and restrictions established by this Constitutional Law and other laws of the Republic of Kazakhstan;

2) entry into legal force in relation to his/her guilty verdict of the court;

3) the entry into force of a court decision on recognizing him/her as incapable or of limited capacity or on the application of compulsory medical measures to him/her;

4) death;

5) recognition of him/her as missing or declaring him/her dead by a court decision that has entered into legal force;

6) termination of citizenship of the Republic of Kazakhstan;

7) appointment, election to another position, or transfer to another job;

8) leaving for a permanent place of residence outside the Republic of Kazakhstan;

9) filing an application for dismissal from office at their own request;

10) expiration of the term of office established by the Constitution of the Republic of Kazakhstan.

Article 6. Restrictions related to the activities of the Human Rights Ombudsman in the Republic of Kazakhstan

The Human Rights Ombudsman in the Republic of Kazakhstan, when carrying out his/her activities, shall not be entitled to:

1) engage in political activities;

2) be a deputy of a representative body;

3) engage in other paid activities, except for pedagogical, scientific, and other creative activities;

4) engage in entrepreneurial activities;

5) participate in the management of a commercial organization, regardless of its organizational and legal form;

6) perform official duties in the presence of a conflict of interest;

7) use for non-official purposes the means of material-technical, financial, and information support of his/her official activities, other state property, and official information;

8) use the services of citizens and legal entities for personal purposes;

9) participate in actions that impede state bodies' functioning and official duties' performance, including strikes.

For the period of carrying out his/her powers, the Human Rights Ombudsman in the Republic of Kazakhstan shall terminate his/her membership in a political party, or trade union

If the Human Rights Ombudsman in the Republic of Kazakhstan at the time of his/her election to office is a member of a political party, or trade union, he/she must terminate his/her membership in them within ten days from the date of his/her appointment.

Chapter 3. COMPETENCE OF THE HUMAN RIGHTS OMBUDSMAN IN THE REPUBLIC OF KAZAKHSTAN

Article 7. Competence of the Human Rights Ombudsman in the Republic of Kazakhstan

The Human Rights Ombudsman in the Republic of Kazakhstan in his/her activities shall:

1) submit proposals to the President of the Republic of Kazakhstan, the Parliament of the Republic of Kazakhstan, and the Government of the Republic of Kazakhstan on the development of draft laws, improvement of the legislation of the Republic of Kazakhstan on the promotion and protection of human and civil rights and freedoms;

2) ensure the preparation and distribution of an annual report on his/her activities, as well as special reports;

3) participate by invitation in joint and separate meetings of the Chambers of the Parliament of the Republic of Kazakhstan in accordance with the Constitutional Law of the Republic of Kazakhstan "On the Parliament of the Republic of Kazakhstan and the status of its deputies", meetings of the working bodies of the Parliament of the Republic of Kazakhstan and its Chambers and other events with the participation of deputies of the Parliament of the Republic of Kazakhstan;

4) have the right to be present at the plenary meetings of the session of maslikhats of regions, cities of republican significance, or the capital in accordance with the laws of the Republic of Kazakhstan;

5) participate by invitation in the meetings of the Government of the Republic of Kazakhstan, the Constitutional Court of the Republic of Kazakhstan, collegiate state bodies, and other bodies formed in state bodies;

6) submit recommendations and proposals to the Government of the Republic of Kazakhstan and other state bodies, bodies of local state administration and self-government, other organizations, and officials regarding measures aimed at preventing violations and restoring human and civil rights and freedoms;

7) make proposals to the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, deputies of the Parliament of the Republic of Kazakhstan, and state bodies of the Republic of Kazakhstan in accordance with the objectives, specified in this Constitutional Law;

8) coordinate the activities of participants of the national preventive mechanism for the prevention of torture and other cruel, inhuman, or degrading treatment or punishment;

9) consider complaints about violations of human and civil rights and freedoms in the manner prescribed by this Constitutional Law;

10) make proposals on the ratification of international treaties in the field of human rights and freedoms or in another way for the Republic of Kazakhstan to express its consent to be bound by an international treaty;

11) participate, at the invitation of authorized bodies, in the preparation and discussion of national reports that are submitted to bodies and committees of the United Nations, as well as regional institutions in pursuance of contractual obligations of the Republic of Kazakhstan, and express an independent opinion on these issues in accordance with the procedures of these bodies and committees;

12) cooperate with international, regional, and other organizations, as well as national human rights institutions of other states, including through the conclusion of agreements (memoranda), in order to support the promotion and protection of human and civil rights and freedoms;

13) promote the development of educational and research programs on human and civil rights, take part in their implementation in educational organizations and other organizations;

14) approve:

rules for handling complaints;

regulation on the Coordinating Council under the Human Rights Ombudsman in the Republic of Kazakhstan;

regulation on the expert council under the Human Rights Ombudsman in the Republic of Kazakhstan;

rules for the selection of participants in the national preventive mechanism;

rules for the formation of groups of participants of the national preventive mechanism for preventive visits;

guidelines for preventive visits;

position and description of the symbol and flag of the Human Rights Ombudsman in the Republic of Kazakhstan;

15) appeal to the Constitutional Court of the Republic of Kazakhstan on the issue of compliance with regulatory legal acts affecting the rights and freedoms of a person and citizen enshrined in the Constitution of the Republic of Kazakhstan, the Constitution of the Republic of Kazakhstan;

16) at the invitation of a foreign state, have the right to act as an observer for the compliance of human rights and freedoms in other states;

17) request from state bodies, scientific institutions, and other organizations for expert and analytical studies on the rights and freedoms of a man and a citizen if any;

18) freely visit organizations and institutions providing special social services, ensuring temporary isolation from society or intended for the execution of punishment, subject to preventive visits;

19) make a film, photo and video filming, interviews, including using audio and video equipment, with the consent of persons who are in the relevant organizations and institutions, providing special social services, ensuring temporary isolation from society or intended for the execution of punishment;

20) participate in a public dialogue to resolve a dispute between state bodies, local government and self-government bodies, other organizations, and citizens of the Republic of Kazakhstan and give recommendations, guided by the goals, objectives, and principles of their activities;

21) exercise other powers in accordance with the legislation of the Republic of Kazakhstan.

Article 8. Reports of the Human Rights Ombudsman in the Republic of Kazakhstan

1. The Human Rights Ombudsman in the Republic of Kazakhstan shall annually submit for consideration by the President of the Republic of Kazakhstan a report on his/her activities containing the results of analysis of regulatory legal acts, consideration of complaints, and the exercise of other powers in accordance with this Constitutional Law.

2. The Human Rights Ombudsman in the Republic of Kazakhstan may prepare and distribute special reports on certain issues of observance of human and civil rights and freedoms in the Republic of Kazakhstan.

3. Reports of the Human Rights Ombudsman in the Republic of Kazakhstan shall be sent to authorized state bodies for consideration on the issues within their competence.

The authorized state bodies, within three months from the date of receipt of the report of the Human Rights Ombudsman in the Republic of Kazakhstan, in accordance with the laws of the Republic of Kazakhstan shall inform him/her of the results of the report consideration.

4. The Human Rights Ombudsman in the Republic of Kazakhstan shall approve the procedure for preparing and distributing the reports specified in this article.

5. The Human Rights Ombudsman in the Republic of Kazakhstan shall have the right to involve organizations and specialists on a contractual basis in the preparation of reports in accordance with the legislation of the Republic of Kazakhstan.

6. Reports shall be subject to publication on the Internet resource of the Human Rights Ombudsman in the Republic of Kazakhstan and distribution in the manner prescribed by the legislation of the Republic of Kazakhstan.

Article 9 National preventive mechanism

1. In order to coordinate the activities of participants of the national preventive mechanism for the prevention of torture and other cruel, inhuman, or degrading treatment or punishment, the Human Rights Ombudsman in the Republic of Kazakhstan shall:

take measures to ensure the necessary potential and professional knowledge of participants of the national preventive mechanism by organizing their selection, training, and exchange of experience;

ensure the establishment of the Coordinating Council and its interaction with the Subcommittee on prevention of torture and other cruel, inhuman, or degrading treatment or punishment of the Committee against torture of the United Nations;

interact with the Children's Rights Ombudsman in the Republic of Kazakhstan and other national human rights institutions;

involve specialists and exercise other powers in accordance with the legislation of the Republic of Kazakhstan.

2. The Human Rights Ombudsman in the Republic of Kazakhstan shall promote the preparation and publication of the annual consolidated report of participants of the national preventive mechanism, organize its discussion with authorized state bodies, and monitor the implementation of the recommendations specified in it.

3. Based on the reports of participants of the national preventive mechanism on the results of preventive visits, the Human Rights Ombudsman in the Republic of Kazakhstan shall have the right to apply to authorized state bodies or officials with a request to initiate disciplinary or administrative proceedings or a criminal case against an official who violated human rights and freedoms and a citizen of the Republic of Kazakhstan.

Article 10. Legal education in the field of human and civil rights and freedoms, interaction with public associations, experts, and specialists

1. The Human Rights Ombudsman in the Republic of Kazakhstan shall promote legal education in the field of human and civil rights and freedoms, participate in the development of educational programs, and raise the level of the population's knowledge of the legislation of the Republic of Kazakhstan, the most important international acts on human and civil rights and freedoms.

2. The Human Rights Ombudsman in the Republic of Kazakhstan may initiate the creation of a scientific and educational center, and other organizations in order to promote knowledge about the rights and freedoms of a person and a citizen, organize scientific and

applied research, as well as regularly improve knowledge and skills in the field of protecting rights and freedoms person and citizen.

3. The Human Rights Ombudsman in the Republic of Kazakhstan shall interact with state bodies, public associations, and other organizations within the framework of information campaigns and projects to promote and encourage human and civil rights and freedoms.

Article 11. Proposals for improving legislation and concluding international treaties of the Republic of Kazakhstan

The Human Rights Ombudsman in the Republic of Kazakhstan, within the framework of his/her activities on the issues of human and civil rights and freedoms and in the manner prescribed by the laws of the Republic of Kazakhstan "On Legal Acts" and "On International Treaties of the Republic of Kazakhstan" shall:

1) develop and send proposals to the interested state bodies on improving the legislation or concluding international treaties of the Republic of Kazakhstan;

2) consider proposals of state bodies, organizations, and citizens.

Article 12 Consultative and advisory bodies under the Human Rights Ombudsman in the Republic of Kazakhstan, as well as his/her participation in consultative and advisory bodies under state bodies and organizations

1. An expert council with advisory and analytical functions shall be created under the Human Rights Ombudsman in the Republic of Kazakhstan, consisting of persons with experience in protecting human and civil rights and freedoms.

2. A Coordinating council shall be created under the Human Rights Ombudsman in the Republic of Kazakhstan in order to ensure effective coordination of the activities of participants in the national preventive mechanism.

3. The Human Rights Ombudsman in the Republic of Kazakhstan may create working groups and commissions with the participation of representatives of interested state bodies and organizations, and citizens.

4. The Human Rights Ombudsman in the Republic of Kazakhstan may participate independently or through his/her representatives in consultative-advisory and supervisory bodies under state bodies and organizations on his/her own initiative or by invitation.

Chapter 4 ASSISTANCE OF THE FOR HUMAN RIGHTS OMBUDSMAN IN THE REPUBLIC OF KAZAKHSTAN TO RESTORATION OF VIOLATED HUMAN RIGHTS

Article 13. Consideration of a complaint

1. The Human Rights Ombudsman in the Republic of Kazakhstan, within his/her competence, shall consider complaints filed personally and (or) through representatives of citizens of the Republic of Kazakhstan and foreigners and stateless persons located on the territory of the Republic of Kazakhstan (hereinafter - the applicants) within fifteen working days from the date of their receipts.

In order to protect the rights of a citizen and with his/her written consent, public associations may apply to the Human Rights Ombudsman in the Republic of Kazakhstan.

2. The Human Rights Ombudsman in the Republic of Kazakhstan shall not consider complaints against actions (inaction) and decisions of the President of the Republic of Kazakhstan.

3. The complaint must contain information about the surname, name, patronymic (if it is indicated in the identity document), and the place of residence or work of an applicant, a statement of the essence of decisions or actions (inaction) that violated or violating, in the opinion of an applicant, his/her rights and freedoms.

Documents and other materials confirming the applicant's arguments shall be attached to the complaint.

4. Having received a complaint, the Human Rights Ombudsman in the Republic of Kazakhstan shall take one of the following decisions:

1) accepts a complaint for consideration in accordance with the rules for considering complaints;

2) explains the ways and means that the applicant can use to protect his/her rights and freedoms;

3) sends requests for verification of the circumstances to be clarified to the competent state bodies or officials;

4) refuses to accept the complaint for consideration, which should be motivated. Refusal to accept a complaint for consideration shall not be subject to appeal.

5. The term for considering a complaint may be extended by a reasoned decision of the Human Rights Ombudsman in the Republic of Kazakhstan for a reasonable period, but not more than up to two months, of which the applicant shall be notified within three working days from the date of extension of the period. The Human Rights Ombudsman in the Republic of Kazakhstan shall notify an applicant and the relevant state bodies, local government and self-government bodies, and officials whose decisions and (or) actions (inaction) are being appealed about the decision taken.

Article 14. Rights of the Human Rights Ombudsman in the Republic of Kazakhstan when considering a complaint

1. When considering a complaint, the Human Rights Ombudsman in the Republic of Kazakhstan shall have the right to:

1) request and receive documents, materials, and information necessary for considering a complaint, with the exception of cases and materials that are in court proceedings from state bodies, bodies of local state administration and self-government, other organizations, and officials;

2) receive access in accordance with the established procedure to the documents of state organizations and public associations relating to the issues of human and civil rights and freedoms;

3) organize prompt reception of complaints, including with the invitation of representatives of state bodies, local government, and self-government bodies, as well as other organizations (joint receptions);

4) consider issues related to the violation of the rights and freedoms of man and citizen on their own initiative, if there is information about their massive violation or such a violation is of public importance or it is connected with the need to protect the interests of such persons who cannot independently use legal means to protect their rights and freedoms;

5) send recommendations and petitions to state bodies, bodies of local state administration and self-government organizations, and officials on the issues of protecting the rights and freedoms of man and citizen.

2. Providing the Human Rights Ombudsman in the Republic of Kazakhstan with information constituting a state or other secret protected by law shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

Article 15. Features of consideration of a complaint

1. When considering a complaint, the Human Rights Ombudsman in the Republic of Kazakhstan shall be obliged to provide the state body, body of local state administration and self-government, or an official, whose decisions or actions (inaction) are being appealed, with the opportunity to give their explanations on any issues to be clarified in the process of consideration.

The Human Rights Ombudsman in the Republic of Kazakhstan shall have the right to apply to a state body, a body of local state administration and self-government, or an official for assistance in clarifying the circumstances that have become the subject of a complaint.

2. Recommendations and petitions of the Human Rights Ombudsman in the Republic of Kazakhstan shall be subject to consideration within fifteen working days from the date of their receipt, and the results of consideration shall be reported to the Human Rights Ombudsman in the Republic of Kazakhstan in the manner prescribed by the legislation of the Republic of Kazakhstan.

In cases when it is necessary to conduct an additional study, the period for consideration of recommendations and petitions of the Human Rights Ombudsman in the Republic of Kazakhstan shall be extended by a subject to whom they were sent for no more than thirty calendar days, as reported to the Human Rights Ombudsman in the Republic of Kazakhstan within three working days from the date of extension of the consideration period.

3. The materials received during the consideration of the complaint shall not be subject to disclosure until the Human Rights Ombudsman in the Republic of Kazakhstan makes a final decision.

4. The Human Rights Ombudsman in the Republic of Kazakhstan shall not be entitled to disclose information about the private life of an applicant and other persons that became known to him/her during the consideration of the complaint without their written consent.

Article 16. Results of consideration of the complaint

Based on the results of consideration of the complaint, the Human Rights Ombudsman in the Republic of Kazakhstan, depending on the decision taken by him/her shall:

1) send recommendations on measures to be taken to restore the violated rights and freedoms of man and citizen to state bodies, bodies of local state administration and self-government, officials, and civil servants, whose actions (inaction) violated the rights and freedoms of an applicant;

2) apply to the authorized state body or official with a request to conduct disciplinary or administrative proceedings or proceedings on a criminal offense against a person who has violated the rights and freedoms of man and citizen;

3) apply to the court with a statement of claim (lawsuit) in defense of the rights and freedoms of an unlimited number of persons violated by decisions or actions (inaction) of state bodies, local state administration and self-government bodies, officials, and civil servants. A statement of claim (lawsuit) sent by the Human Rights Ombudsman in the Republic of Kazakhstan shall not be subject to state duty in accordance with the tax legislation of the Republic of Kazakhstan.

Article 17. Generalization of the results of consideration of complaints

1. Based on the results of summarizing the results of the complaints consideration, the Human Rights Ombudsman in the Republic of Kazakhstan shall:

1) send to state bodies, bodies of local state administration and self-government, as well as to officials, their comments and proposals of a general nature related to ensuring the rights and freedoms of man and citizen, improving administrative procedures;

2) address the subjects that have adopted (issued) legal acts with proposals on making changes and additions to them, if the Human Rights Ombudsman in the Republic of Kazakhstan believes that decisions or actions (inaction) of state bodies, local government bodies, and self-government or officials that violate the rights and freedoms of man and citizen are committed due to their imperfection or gaps existing in them or contradictions between the legislation of the Republic of Kazakhstan and international treaties or other obligations of the Republic of Kazakhstan.

2. In cases of special public importance or associated with mass violation of human and civil rights and freedoms guaranteed by the Constitution of the Republic of Kazakhstan, the Human Rights Ombudsman in the Republic of Kazakhstan shall take the following measures:

1) sends an appeal directly to the President of the Republic of Kazakhstan, the Chambers of the Parliament of the Republic of Kazakhstan, or the Government of the Republic of Kazakhstan;

2) applies to the Supreme Court of the Republic of Kazakhstan with a proposal to provide clarifications on the issues of judicial practice;

3) takes other measures in accordance with this Constitutional Law.

Article 18 Obligations of state bodies, bodies of local state administration and self-government, organizations, their officials

1. State bodies, bodies of local state administration and self-government, organizations, and their officials shall be obliged to submit to the Human Rights Ombudsman in the Republic of Kazakhstan the necessary materials, documents, information, and explanations in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

2. Materials, documents, and the information requested by the Human Rights Ombudsman in the Republic of Kazakhstan must be sent to him/her within ten working days from the date of receipt of the request unless another period is indicated in his/her request. In this case, the period specified in the request cannot be less than two working days.

3. The Human Rights Ombudsman in the Republic of Kazakhstan and his/her representatives in the region, the city of republican significance, and the capital, within the framework of their powers shall enjoy the right of prompt reception in state bodies, bodies of local government and self-government, organizations and officials. At the request of the Human Rights Ombudsman in the Republic of Kazakhstan, these bodies and officials shall be obliged to provide the Human Rights Ombudsman in the Republic of Kazakhstan or his/her representatives with immediate assistance.

4. Authorized state bodies, bodies of local state administration and self-government, institutions and organizations, and their officials shall be obliged to provide the Human Rights Ombudsman in the Republic of Kazakhstan or his/her representative in the region, city of republican significance, the capital with the opportunity to freely visit and communicate with persons who are in relevant organizations and institutions providing special social services, ensuring temporary isolation from society or intended for the execution of punishment. The Human Rights Ombudsman in the Republic of Kazakhstan or his/her representative in the region, city of republican significance, the capital city shall conduct a conversation with the indicated persons without witnesses, personally or, if necessary, through an interpreter, as well as with any other person who can provide relevant information. Conducting conversations using audio recording, photo, and video filming shall be carried out with the consent of persons who are in the relevant organizations and institutions. Listening and audio recording of conversations of the Human Rights Ombudsman in the Republic of Kazakhstan by other persons shall be prohibited.

Chapter 5 ORGANIZATION OF THE ACTIVITIES OF THE HUMAN RIGHTS OMBUDSMAN IN THE REPUBLIC OF KAZAKHSTAN AND HIS/HER REPRESENTATIVE IN THE REGION, CITY OF REPUBLICAN SIGNIFICANCE, CAPITAL, NATIONAL CENTRE FOR HUMAN RIGHTS

Article 19 Representative of the Human Rights Ombudsman in the Republic of Kazakhstan in the region, city of republican significance, the capital

1. The Human Rights Ombudsman in the Republic of Kazakhstan has a representative in the region, city of republican significance, the capital (hereinafter- the representative),

appoints him/her to the position and dismisses him/her from the position in accordance with the legislation of the Republic of Kazakhstan on public service.

2. The representative shall be a civil servant and manage the activities of the representative offices of the National Centre for Human Rights.

The functional duties of the representative shall be approved by the Human Rights Ombudsman in the Republic of Kazakhstan.

3. The representative, on behalf of the Human Rights Ombudsman in the Republic of Kazakhstan shall carry out the powers within the framework of his/her functional duties and on his/her behalf within the relevant administrative-territorial unit.

Article 20. National Centre for Human Rights

1. To ensure the activities of the Human Rights Ombudsman in the Republic of Kazakhstan, a working body shall be created - the National Centre for Human Rights (hereinafter- the National Centre), which is a state institution, has a seal and forms with the image of the State Emblem of the Republic of Kazakhstan and indicating its name on the state and Russian languages, as well as the corresponding accounts in banking institutions.

2. The regulation on the National Centre shall be approved by the President of the Republic of Kazakhstan on the proposal of the Human Rights Ombudsman in the Republic of Kazakhstan. The structure of the National Centre and its representative offices shall be approved by the Human Rights Ombudsman in the Republic of Kazakhstan.

3. The head of the National Centre and his/her deputies shall be appointed and dismissed by the Human Rights Ombudsman in the Republic of Kazakhstan.

4. The National Centre shall carry out information-analytical, organizational-legal, and other support for the activities of the Human Rights Ombudsman in the Republic of Kazakhstan, as well as on his/her behalf, shall provide assistance for the implementation of activities of the Human Rights Ombudsman in the Republic of Kazakhstan, provided for in Chapter 3 of this Constitutional Law.

5. Employees of the National Centre shall be civil servants, carrying out their activities on the basis of the legislation of the Republic of Kazakhstan in the field of public service.

Article 21. Financial and material and technical support

1. Financing of the activities of the Human Rights Ombudsman in the Republic of Kazakhstan, his/her representatives, as well as the working body shall be carried out from the republican budget.

2. The financial allowance of the Human Rights Ombudsman in the Republic of Kazakhstan, his/her medical and social services, as well as material and technical support for his/her activities shall be determined at the level of guarantees established by laws and other regulatory legal acts of the Republic of Kazakhstan for officials holding public positions, but not lower than a member of the Government of the Republic of Kazakhstan.

3. In the republican budget, the funds necessary to ensure the activities of the Human Rights Ombudsman in the Republic of Kazakhstan, his/her representatives, as well as the working body shall be annually provided for by a separate budget program.

4. Financial statements shall be submitted by the National Centre in the manner prescribed by the legislation of the Republic of Kazakhstan.

Article 22. Acts of the Human Rights Ombudsman in the Republic of Kazakhstan and the head of the National Centre

1. In order to implement this Constitutional Law, the Human Rights Ombudsman in the Republic of Kazakhstan and the head of the National Centre shall issue the orders.

2. The Human Rights Ombudsman in the Republic of Kazakhstan shall have his/her own standard form with the image of the State Emblem of the Republic of Kazakhstan, indicating the name of the position in the state and Russian languages.

Chapter 6. FINAL PROVISION

Article 23. Procedure for the entry into force of this Constitutional Law

1. This Constitutional Law shall enter into force upon expiry of ten calendar days after the day of its first official publication, with the exception of subparagraph 15) of Article 7, which shall enter into force on January 1, 2023.

2. To recognize as invalid the Law of the Republic of Kazakhstan dated December 29, 2021 "On the Human Rights Ombudsman in the Republic of Kazakhstan".

President of the Republic of Kazakhstan K. TOKAYEV