



On public control

Unofficial translation

Law of the Republic of Kazakhstan dated October 2, 2023 № 30-VIII LRK

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This Law shall determine the purpose, objectives, and principles of public control, and also regulate public relations related to the organization and implementation of public control in the Republic of Kazakhstan.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic concepts used in this Law

This Law uses the following basic concepts:

1) public control – activities of the subjects of public control, carried out in the manner and forms established by this Law and other laws of the Republic of Kazakhstan, aimed at analyzing and assessing acts and decisions of objects of public control for compliance with public interests;

2) conflict of interest in the exercise of public control - a situation in which personal interest of the subjects of public control, an expert, member (participant), founder, manager, employee of subjects of public control affects or may affect the impartial and objective performance of their duties and (or) entails a conflict between such interest and the principles established by this Law;

3) the final document based on the results of public control (hereinafter - the final document) - protocol, conclusion, recommendation, and other documents provided for by the laws of the Republic of Kazakhstan, developed by the subjects of public control based on the results of public control;

4) the objects of public control - bodies, institutions of executive state power and local government, state institutions that are not state bodies, subjects of the quasi-public sector, autonomous educational organizations, organizations that perform the functions of central and (or) local executive bodies whose activities are related with public interests, as well as other objects of public control provided for by the laws of the Republic of Kazakhstan.

The objects of public control shall not be state bodies and organizations classified as special-regime, regime facilities of the Republic of Kazakhstan;

5) the subjects of public control – citizens of the Republic of Kazakhstan;

non-profit organizations registered on the territory of the Republic of Kazakhstan, with the exception of religious associations (hereinafter - non-profit organizations);

other subjects that have been granted powers to exercise public control in accordance with the laws of the Republic of Kazakhstan;

6) group of public control - a group of citizens of the Republic of Kazakhstan and (or) representatives of non-profit organizations that are citizens of the Republic of Kazakhstan, and (or) other subjects who have been granted powers to exercise public control in accordance with the laws of the Republic of Kazakhstan, formed to exercise public control;

7) a reasoned response - information from the object of public control about a comprehensive, complete, and objective consideration of the circumstances specified in the final document based on the results of public control, including the elimination of causes and conditions contributing to violations identified during public control.

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

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

2. International treaties ratified by the Republic of Kazakhstan shall have priority over this Law. The procedure and conditions for the operation of international treaties on the territory of the Republic of Kazakhstan, to which the Republic of Kazakhstan is a party, shall be determined by the legislation of the Republic of Kazakhstan.

Article 3. Scope of this Law

1. Features of the implementation of public control shall be established by this Law and other laws of the Republic of Kazakhstan.

This Law shall regulate relations related to the implementation of public control, to the extent not regulated by other laws of the Republic of Kazakhstan.

2. This Law shall not apply to public relations regulated by the constitutional laws of the Republic of Kazakhstan “On elections in the Republic of Kazakhstan”, “On the republican referendum”, “On the judicial system and the status of judges of the Republic of Kazakhstan”, “On the Prosecutor’s Office”, “On the Constitutional Court of the Republic of Kazakhstan”, “On the Commissioner for Human Rights in the Republic of Kazakhstan”, the laws of the Republic of Kazakhstan “On special state bodies of the Republic of Kazakhstan”, “On the defense and Armed Forces of the Republic of Kazakhstan”, “On personal data and their protection”, criminal procedure, criminal executive, civil procedural, administrative procedural legislation of the Republic of Kazakhstan, legislation of the Republic of Kazakhstan on administrative offenses, foreign intelligence, counterintelligence activities, operational investigative activities, state secrets, as well as legislation of the Republic of Kazakhstan on law enforcement and ensuring the security of protected persons persons and objects.

3. Public control in the National welfare fund and national companies included in the National welfare fund group shall be carried out in relation to state social and scientific-innovative projects, national projects implemented at the expense of budgetary

funds, as well as in the provision of charitable assistance by the National welfare fund and national companies, members of the National welfare fund group.

Article 4. Purpose and objectives of public control

1. The purpose of public control shall be to ensure the participation of citizens of the Republic of Kazakhstan in the management of state affairs.

2. The objectives of public control shall be:

- 1) involvement of citizens of the Republic of Kazakhstan in the process of public control;
- 2) ensuring high-quality implementation of projects carried out within the framework of national priorities of the Republic of Kazakhstan;
- 3) ensuring that public opinion is taken into account when making decisions by the objects of public control;
- 4) ensuring transparency and openness of activities of the objects of public control;
- 5) ensuring interaction between the subjects and objects of public control;
- 6) increasing the efficiency of activities of the objects of public control;
- 7) increasing the level of trust of citizens of the Republic of Kazakhstan in the activities of the objects of public control;
- 8) formation of intolerance towards illegal behavior in society.

Article 5. Principles of public control

The principles of public control shall be:

- 1) legality of activities of the subjects of public control;
- 2) publicity, openness, and transparency of implementation of public control by the subjects of public control;
- 3) voluntary participation of the subjects of public control in the implementation of public control;
- 4) independence of the subjects of public control and the inadmissibility of conflicts of interest in the implementation of public control.

Article 6. Conditions for participation of the subjects of public control in the implementation of public control

1. The subjects of public control shall carry out public control individually or through participation in public control groups.

2. The following ones cannot be the subjects of public control:

- 1) persons who have an outstanding or unexpunged criminal record in the manner established by the law of the Republic of Kazakhstan;
- 2) persons recognized by the court as incompetent or partially capable;
- 3) persons under eighteen years of age;
- 4) persons registered with organizations providing medical care in the field of mental health for mental and behavioral disorders (diseases), including those associated with the use of psychoactive substances;

5) persons who were previously prosecuted for committing corruption offenses, extremist and terrorist crimes;

6) non-profit organizations with foreign participation, as well as non-profit organizations whose activities are suspended or prohibited in accordance with the laws of the Republic of Kazakhstan.

3. A public control group shall be formed on the initiative of the subjects of public control

The decision to approve the composition of the public control group shall be drawn up in the form of a protocol.

The number of members of the public control group cannot exceed five people.

Members of the public control group shall carry out public control in accordance with the requirements of this Law and the legislation of the Republic of Kazakhstan.

Chapter 2. THE SUBJECTS AND OBJECTS OF PUBLIC CONTROL

Article 7. Rights and obligations of the subjects of public control

1. The subjects of public control shall have the right to:

1) carry out public control in the forms provided for by this Law and the legislation of the Republic of Kazakhstan;

2) visit the territories and premises of the object of public control in written agreement with the object of public control in accordance with this Law;

3) request information from the objects of public control in the manner prescribed by the legislation of the Republic of Kazakhstan on access to information;

4) use audiovisual equipment, as well as make video and photography when carrying out public control in compliance with the requirements of the legislation of the Republic of Kazakhstan;

5) appeal against actions (inaction) of the objects of public control in accordance with the legislation of the Republic of Kazakhstan;

6) exercise other rights provided for by this Law and other laws of the Republic of Kazakhstan.

2. The subjects of public control shall be obliged to:

1) comply with the legislation of the Republic of Kazakhstan, the rights and legitimate interests of the objects of public control;

2) carry out public control in accordance with the requirements of this Law and the legislation of the Republic of Kazakhstan;

3) inform the object of public control about the implementation of public control, and in the case of forming a public control group, send a protocol on approval of the composition of the public control group;

4) send the final document to the objects of public control, including proposals on measures to eliminate the causes and conditions that contribute to violations identified during public control;

5) send information about the causes and conditions contributing to violations identified during the implementation of public control to the relevant authorized bodies;

6) comply with generally accepted moral and ethical standards of behavior when exercising public control;

7) avoid conflicts of interest when exercising public control;

8) post the final document, as well as motivated responses from the objects of public control to the final document on their Internet resources (if available);

9) comply with security measures when exercising public control and the established operating hours of the object of public control during the implementation of public control;

10) not to process personal data without the consent of the subjects of personal data or their legal representatives, and also not to disclose information received from objects of public control that constitute a secret protected by the laws of the Republic of Kazakhstan;

11) carry out other duties established by this Law and other laws of the Republic of Kazakhstan.

Article 8. Rights and obligations of the objects of public control

1. The objects of public control shall have the right to:

1) receive information from the subjects of public control about the implementation of public control and the final document;

2) use audiovisual equipment, as well as make video and photography when carrying out public control in compliance with the requirements of the legislation of the Republic of Kazakhstan;

3) demand compliance with security measures when exercising public control at the object of public control;

4) refuse to visit the territory and premises of the object of public control in the cases provided for in paragraph 5 of Article 12 of this Law;

5) contact the subjects of public control to initiate public control;

6) exercise other rights provided for by this Law and other laws of the Republic of Kazakhstan.

2. The objects of public control shall be obliged to:

1) comply with the legislation of the Republic of Kazakhstan, the rights and legitimate interests of the subjects of public control;

2) ensure access of the subjects of public control to the territory and premises of the objects of public control on the basis and in the manner established by the legislation of the Republic of Kazakhstan;

3) provide access to information about its activities, with the exception of information with limited access, and consider requests from the subjects of public control in accordance

with the requirements of the legislation of the Republic of Kazakhstan on access to information;

4) take the necessary measures to ensure that representatives of the objects of public control comply with generally accepted moral and ethical standards of behavior when exercising public control;

5) ensure the safety of the subjects of public control in accordance with established standards for a given object of public control;

6) consider and make decisions on the final document, as well as send reasoned responses ;

7) post the final document, as well as reasoned responses, on its Internet resources;

8) inform the subject of public control about the consent to visit the territory and premises of the object of public control in accordance with this Law;

9) carry out other duties established by this Law and other laws of the Republic of Kazakhstan.

Chapter 3. FORMS AND RESULTS OF PUBLIC CONTROL

Article 9. Forms of public control

1. Public control shall be carried out in the forms of public discussion, public examination , and public monitoring, as well as in the forms established by the laws of the Republic of Kazakhstan.

2. Public control can be carried out simultaneously in several forms.

Article 10. Public discussion

1. Public discussion shall be held to organize public consideration of acts and decisions of the objects of public control that affect the rights and legitimate interests of an unlimited number of persons.

2. The subjects of public control, three working days before the date of the public discussion, shall publish in the media information about the topic, date, time, place, and form of the public discussion, as well as information related to the subject of public discussion.

3. The subjects of public control shall be required to notify and invite representatives of the objects of public control to participate in public discussions no later than five working days before the date of public discussion.

4. The objects of public control can take part in public discussion, as well as provide technical assistance in organizing public discussion to the subjects of public control.

5. The final document, adopted on the basis of the protocol based on the results of the public discussion, shall be sent to the objects of public control for consideration by the subjects of public control.

Article 11. Public examination

1. Public examination shall be carried out by the subjects of public control for the purpose of analysis and public assessment of acts and decisions of the objects of public control that affect the rights and legitimate interests of an unlimited number of persons.

The subject of public examination shall be acts and decisions of the objects of public control, adopted in the course of activities, affecting the rights and legitimate interests of an unlimited number of persons.

2. The subjects of public control shall have the right to attract experts or expert organizations to conduct a public examination.

3. An expert can be an individual who has a higher and (or) postgraduate education in the relevant field, at least two years of work experience in the relevant field, who has scientific and (or) practical knowledge on the subject of public expertise.

4. The conclusion of the public examination, containing the conclusions of the experts, shall be drawn up in the form of a final document and sent to the objects of public control for consideration.

Article 12. Public monitoring

1. Public monitoring shall be monitoring the progress of activities of the objects of public control that affect the rights and legitimate interests of an unlimited number of persons.

2. The subjects of public control shall carry out public monitoring by collecting, summarizing, and analyzing information regarding acts and decisions of the objects of public control that affect the rights and legitimate interests of an unlimited number of persons.

3. The subjects of public control, if necessary, can carry out public monitoring by visiting the territory and premises of the object of public control in agreement with the object of public control.

4. The subject of public control shall attach a list of subjects of public control and information on their compliance with the requirements established by paragraph 2 of Article 6 of this Law, as well as justification for the need to visit the object of public control to the request for approval for public monitoring with a visit to the territory and premises of the object of public control.

5. The objects of public control in the case of public monitoring with a visit to the same object or on the same issue within six months from the date of the previous public monitoring shall have the right to refuse to visit the territory and premises of the object of public control.

6. The final document adopted based on the results of public monitoring shall be sent to the objects of public control for consideration.

Article 13. Final documents

1. Based on the results of public control, the subject of public control shall develop a final document, which includes proposals on the measures to eliminate the causes and conditions contributing to violations identified during public control.

The final document shall be accompanied by information on the date, time, and place of public control, the objectives of public control, a list of subjects of public control and

information on their compliance with the requirements of this Law, forms of public control, facts and circumstances established during the implementation of public control, as well as other documents, obtained during the implementation of public control.

2. The subject of public control shall send the final document to the object of public control no later than seven working days from the date of completion of public control in Kazakh and (or) in other languages.

3. The final document shall be mandatory for consideration by the objects of public control.

4. The objects of public control, no later than ten working days after receiving the final document, shall send a reasoned response to the subject of public control separately for each recommendation.

5. The objects of public control shall be obliged to take measures for a comprehensive, complete and objective consideration of circumstances specified in the final document, and to provide the opportunity for the subject of public control to participate in the consideration of recommendation in the form of a hearing, if this does not violate the rights, freedoms and legitimate interests of other persons.

6. The hearing may be carried out by inviting the subject of public control, including through video conferencing or other means of communication.

The subject of public control shall be notified in advance of the hearing, but no later than three working days before a decision is made to consider the final document.

If a positive decision is made based on the results of consideration of the final document, the hearing procedure shall not be carried out.

7. In case of refusal to consider the final document by the object of public control, the subject of public control shall have the right to send a complaint to the relevant state bodies in the manner established by the legislation of the Republic of Kazakhstan.

Chapter 4. FINAL PROVISIONS

Article 14. Material-technical and organizational support for the implementation of public control

Material-technical and organizational support for public control shall be carried out at the expense of the subjects of public control, as well as other sources established by the legislative acts of the Republic of Kazakhstan.

Article 15. Responsibility for violation of the legislation of the Republic of Kazakhstan on public control

Violation of the legislation of the Republic of Kazakhstan on public control shall entail liability in accordance with the laws of the Republic of Kazakhstan.

Article 16. The procedure for the entry into force of this Law

This Law shall enter into force six months after the date of its first official publication.

The President

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