

PRESS-RELEASE

ON COMBATTING CORRUPTION IN THE REPUBLIC OF KAZAKHSTAN

The anti-corruption policy is becoming an indelible part of the state policy in the Republic of Kazakhstan. According to this policy, the Law “On State Service” was adopted and the Codes of Work Ethics for officials were approved.

Recently a significant legal basis for combating corruption was formed, new Criminal and Criminal-Legal Procedure and Criminal-Executive Codes came into force.

On the instructions of President of the Republic of Kazakhstan Nursultan A. Nazarbayev the Law “On Combating Corruption” was worked out and adopted in July, 1998.

This law defines the notion of corruption and corruption offenses, objectives and fundamental principles of combating corruption, responsibilities of state officials for corruption offenses, and also responsibility of individuals involved in bribing state officials.

The main objectives of the Law are to implement the basic provisions of the Strategy of Kazakhstan development up to 2030, to protect rights and freedoms of citizens, the interests of the public, and the national security of the Republic of Kazakhstan against threats posed by corruption, to facilitate efficiency of state structures.

To effectively combat corruption in Kazakhstan the State Program on Combating Corruption for 1999-2000 was adopted. This program is aimed at developing a single mechanism for implementing the Law “On Combating Corruption” and coordinating the efforts of all government and public institutions.

Such state structures as the Ministry of Justice, the Committee for National Security, the Ministry of Internal Affairs, the General **Attorney’s** Office, the Ministry of Finance, the Supreme Court, the State Commission of the Republic of Kazakhstan on Combating Corruption (the **Anti-Corruption** State Commission of the Republic of Kazakhstan) are involved in this program.

Corruption and its scale are the consequences of the general political, social and economic problems of the country. Corruption has a tendency to increase when a state is in the making. Kazakhstan is going not only through modernization, but through a radical change of former social, state and economic bases. Therefore, it is not surprising that Kazakhstan is following

general laws of society development, including the negative ones. This is proved by the statistics revealing corruption offenses.

According to the analysis of reports of law-enforcement structures from the moment when the Law “On Combating Corruption” came into force, 705 criminal cases were filed against 8 17 state officials for corruption offences.

379 executive officers of the Ministry of Internal Affairs, 56 customs officers, 53 tax departments officers, 2 1 judges, 16 national security officers, 1 lgeneral attorneys, 198 officials from other state structures were prosecuted for corruption offences.

The Law grants a right to the President of the Republic of Kazakhstan to form a state structure on combating corruption and to define its status and authorities.

President of the Republic of Kazakhstan Nursultan A. Nazarbayev by his Decree from November 12, 1998 **formed** the State Commission on Combating Corruption as a state structure under immediate subordination of the President of the Republic of Kazakhstan.

By the Presidential Decree from November 23, 1998, the Provision on the State Commission on Combating Corruption was approved.

According to the Provision, the Commission has to implement the following :

- to develop fundamental directions of strategy on combating corruption;
- to work out and submit to the President of Kazakhstan proposals on the issues of combating corruption, including the questions of improvement of the anti-corruption law, forms and methods of combating corruption;
- to analyze the condition of combating corruption, activities of law enforcement and other state structures engaged in combating corruption;
- to consider appeals of citizens and legal entities and to publish information on the facts of corruption offenses performed by state officials in mass media, and to take appropriate legal measures with regard to them;

It should be noted that the Commission invested with extensive powers has a right to form a special investigation and operational group to consider facts of corruption among high-ranking officials upon the agreement with the President of Kazakhstan. This group has been established and is already functioning.

Structurally, the State Commission consists of Chairperson and six members. The Chairperson and two Commission members work on a full-

time basis as officials. Other members of the Commission work on a voluntary basis and are appointed from deputies of both Parliament Chambers, and renowned representatives of the Kazakhstan public. According to the tasks set and its Provisions, the Commission is invested with broad powers. Within its competence it has the right:

- 1) To request information, documents and materials required to execute the tasks set before the Commission from central and local state structures. The appropriate structures, organizations and officials must submit information, documents and materials requested by the Commission immediately or within the terms set by the Commission.
- 2) To hear oral reports and obtain the written ones from officials and also from individuals authorized to execute the state duties or individuals of the same rank.
- 3) To charge law enforcement agencies and other state bodies to conduct inspections and to take other measures envisaged by law on the facts of corruption offenses.
- 4) To check up on how state bodies and organizations are meeting the requirements of the Anti-Corruption Law.
- 5) To involve **officials** and experts from appropriate state structures and **organizations** in conducting inspections.
- 6) Upon the agreement with the President of Kazakhstan to form a special operational investigation group to investigate facts of corruption among high ranking officials.
- 7) To **hear** reports of heads of law-enforcement and other state structures on executing the Law of the Republic of Kazakhstan “On Combating Corruption”.
- 8) To submit proposals on disciplinary responsibility of officials who committed corruption offenses and failed to execute the Law of the Republic of Kazakhstan “On Combating Corruption” by relieving them of their posts.
- 9) To **coordinate** activities of the disciplinary councils under the akims of oblasts (regional governors), and those of Astana and Almaty Cities.

With the nationwide system of measures on combating corruption being gradually established we are to accomplish the following:

- to study and analyze the condition of corruption in Kazakhstan, to develop specific measures to strengthen combating corruption and submit proposals to appropriate state structures

- to facilitate the organization of the nationwide combating corruption on all levels of the state activities, including the creation of conditions for the public non-acceptance of corruption
- to constantly analyze the work of law-enforcement structures of the Republic of Kazakhstan and to control investigation of corruption offenses so that every criminal case can be resolved in a legal way
- to control the Law “On State Service” to be appropriately executed by all state officials
- to use information and complaints of citizens on corruption offenses to the maximum in mass media, to check up on them in detail so that appropriate measures are to be taken
- to inform the public of the process of implementation of Law “On Combating Corruption” and the State Program on Combating Corruption
- to make sure that the accused are called to account after corruption offenses have been revealed
- to submit proposals on further development and improvement of legal basis on combating corruption
- to study and analyze economic, political and legal conditions encouraging the emergence of corruption, and to submit proposals on the removal of these conditions
- to improve the activities of the Commission on a regular basis

International cooperation plays an important role in combating corruption. To achieve this goal Kazakhstan is ready to take all the steps aimed at improving mechanisms of interactions. These mechanisms are meant to establish international information exchange, to sign agreements on mutual assistance in developing anti-corruption programs, to join international agreements on combating corruption.

At this point, we do rely on the global support of international organizations and societies.