



## On approval of the Rules for organization and conduct of public control

### *Unofficial translation*

Order of the Minister of Information and Social Development of the Republic of Kazakhstan dated February 26, 2021 No. 73. Registered with the Ministry of Justice of the Republic of Kazakhstan on February 26, 2021 No. 22263

#### Unofficial translation

In accordance with subparagraph 5) of paragraph 2 of Article 2-1 of the Law of the Republic of Kazakhstan dated November 2, 2015 “On Public Councils”, **I HEREBY ORDER:**

1. To approve the attached Rules for organization and conduct of public control.

2. The Committee for civil society affairs of the Ministry of Information and Social Development of the Republic of Kazakhstan, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, shall ensure:

1) state registration of this order in the Ministry of Justice of the Republic of Kazakhstan;

2) placement of this order on the Internet resource of the Ministry of Information and Social Development of the Republic of Kazakhstan after its official publication;

3) submission of information on the implementation of measures provided for in subparagraphs 1) and 2) of this paragraph to the Legal department of the Ministry of Information and Social Development of the Republic of Kazakhstan within ten working days after the state registration of this order.

3. Control over the execution of this order shall be entrusted to the supervising Vice-Minister of Information and Public Development of the Republic of Kazakhstan.

4. This order shall enter into force upon expiry of ten calendar days after the date of its first official publication.

*Minister of Information  
and Social Development  
of the Republic of Kazakhstan*

*A. Balayeva*

"AGREED"

Ministry of Agriculture  
of the Republic of Kazakhstan

"AGREED"

Agency for protection  
and development of competition  
of the Republic of Kazakhstan

"AGREED"

Ministry of Education and Science  
of the Republic of Kazakhstan

"AGREED"

Ministry of Healthcare  
of the Republic of Kazakhstan

"AGREED"

Ministry of Labour and  
Social Protection of the Population  
of the Republic of Kazakhstan

"AGREED"

Ministry of Industry and  
Infrastructural Development  
of the Republic of Kazakhstan

"AGREED"

Ministry of Finance  
of the Republic of Kazakhstan

"AGREED"

Ministry of Culture and Sports  
of the Republic of Kazakhstan

"AGREED"

Agency for public service affairs  
of the Republic of Kazakhstan

"AGREED"

Agency for strategic planning and reforms  
of the Republic of Kazakhstan

"AGREED"

Agency on combating corruption  
(Anti-corruption service)  
of the Republic of Kazakhstan

"AGREED"

Ministry of National Economy  
of the Republic of Kazakhstan

"AGREED"

Ministry of Trade and Integration  
of the Republic of Kazakhstan

"AGREED"

Ministry of Foreign Affairs  
of the Republic of Kazakhstan

"AGREED"

Ministry of Emergency Situations  
of the Republic of Kazakhstan

"AGREED"

Ministry of Digital  
Development, Innovations  
and Aerospace Industry  
of the Republic of Kazakhstan

"AGREED"

Ministry of Internal Affairs  
of the Republic of Kazakhstan

"AGREED"

Ministry of Ecology,  
Geology and Natural Resources  
of the Republic of Kazakhstan

"AGREED"

Ministry of Energy  
of the Republic of Kazakhstan

Approved  
by the order of the Minister  
of Information and Social  
Development of the  
Republic of Kazakhstan  
dated February 26, 2021 No. 73

## **Rules for organization and conduct of public control**

### **Chapter 1. General provisions**

1. The rules for organization and conduct of public control (hereinafter - the Rules) have been developed in accordance with subparagraph 5) of paragraph 2 of Article 2-1 of the Law of the Republic of Kazakhstan dated November 2, 2015 “On Public Councils” (hereinafter-the Law).

2. 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 state bodies, subjects of the quasi-public sector on 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 participation of the Supreme Court of the Republic of Kazakhstan, the Constitutional Council of the Republic of Kazakhstan, the prosecution authorities, the Administration of the President of the Republic of Kazakhstan, the National Bank of the Republic of Kazakhstan, the Ministry of Defence of the Republic of Kazakhstan, the Administration of the President of the Republic of Kazakhstan, the Office of the Prime Minister of the Republic of Kazakhstan, the Department of Material and technical support, the National Centre for Human Rights of the Republic of Kazakhstan, the Accounts

Committee for Control over the Execution of the Republican Budget, 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 Kazakhstan.

3. The following concepts are used in these Rules:

1) hearing a report on the results of work of a state body, a subject of the quasi-public sector - a public control procedure and represents a public discussion at a meeting of the Public Council of the results of activities of state bodies, local self-government bodies and their officials on the issues provided for in subparagraphs 2) and 3) of paragraph 1 of Article 5 of the Law, subjects of the quasi-public sector on the issues provided for by sub-paragraphs 2) and 3) of paragraph 1 of Article 5-1 of the Law;

2) public control - the activities 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;

3) an object of public control - 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;

4) a subject of public control - public councils, as well as non-profit organizations, citizens on behalf of public councils;

5) public monitoring - the 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 ;

6) public expertise - a public control procedure based on the use by the subjects of public control of special knowledge and (or) experience for research, analysis and evaluation for the observance of public interests in preserving an environment favourable for the life and health of citizens, as well as the exclusion of factors that have negative impact on the security of individuals, settlements and production facilities;

7) public hearing - a public control procedure carried out by holding a meeting for public discussion of 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 the Law, as well as socially significant decisions of state bodies, subjects of the quasi-public sector on the issue of their compliance with public interests.

## **Chapter 2. The procedure for organization and conduct of public control**

### **Paragraph 1. The procedure for organization and conduct of public monitoring**

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

5. The Public Council shall develop and approve a plan for conducting public monitoring, which contains the object of public control, timing, goals and objectives.

6. When conducting public monitoring, members of the Public Council shall 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 in the field of access to information.

7. Based on the results of public monitoring, the persons who carried it out shall draw up a conclusion. 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 provision of public services;
- 2) recommendations for eliminating the causes and conditions identified in the course of public monitoring of violations of the legislation of the Republic of Kazakhstan;
- 3) proposals for improving the efficiency of controlled facilities;
- 4) proposals for making changes and additions to regulatory legal acts, internal documents of subjects of the quasi-public sector.

8. Based on the conclusion of public monitoring, the Public Council shall adopt recommendations and within ten calendar days from the date of adoption they shall be sent to the relevant state bodies, subjects of the quasi-public sector.

Within a month, state bodies 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 replacing him/her.

Subjects of the quasi-public sector within a month shall give a reasoned response, signed by the first head of the corresponding subject of the quasi-public sector or a person replacing him/her.

9. The Presidium of the Public Council shall monitor the implementation of these recommendations.

## **Paragraph 2. The procedure for organization and conduct of a public hearing**

10. A public hearing shall be held at the initiative of the Public council within the terms agreed with the republican or local state body, a subject of the quasi-public sector.

11. The procedure for organization and conduct of a public hearing should provide for:

- 1) advance notification of the participants of a public hearing about the time and place of its holding through the mass media and (or) written invitations, but no later than ten calendar days before the day of its holding;
- 2) advance familiarization with draft regulatory legal acts and decisions submitted for public hearing, but no 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 protocol of a public hearing, including a reasoned justification for the decisions made.

12. The Chairman of the Public council (or a person authorized by him/her) (hereinafter- the Chairman) opens a public hearing, announces the topic of its holding, the agenda, the time limit for the speeches of participants.

13. During the public hearing, a protocol shall be kept, which records:

1) the date and place of a public hearing;

2) the number of people present;

3) surnames, names, patronymics (if it is indicated in the identity document) of the chairman and secretary of the public hearing;

4) agenda, content of speeches.

14. Based on the results of a public hearing, a final protocol shall be adopted, which is signed by the chairman and secretary of the public hearing.

15. The final protocol shall be considered adopted if more than half of members of the Public council present voted for it.

16. The final protocol of the public hearing includes:

1) information on compliance with 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 for the elimination of provisions identified during 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.

17. Recommendations adopted on the basis of the final protocol, within a period of not more than ten working days shall be sent to:

1) state bodies, subjects of the quasi-public sector, subjects of public control;

2) state bodies authorized to carry out control over the activities of state bodies for studying and taking measures;

3) the mass media.

### **Paragraph 3. The procedure for organization and conduct of a public expertise**

18. The objects of public expertise are drafts of decisions taken by state bodies, subjects of the quasi-public sector for the observance of the rights and legitimate interests of individuals and legal entities, preservation of a favourable environment for the life and health of citizens, as well as the exclusion of factors that have a negative impact on ensuring the safety of individuals, settlements and industrial facilities.

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

20. The initiators of the public expertise are 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 petition to the Public council.

21. The initiators of the public expertise shall send a petition to the relevant Public council for the conduct of public expertise.

22. The Public council shall consider a petition for a public expertise and send a notification (an extract from the protocol) of the decision made to the initiator of public expertise. When a negative decision is made, a reasoned refusal shall be sent to the initiator.

23. To conduct a public expertise, a public association shall create an expert commission on behalf of the Public council, which is created for the period of public expertise.

24. The head of the expert commission (hereinafter - the head) shall be appointed and a plan for conducting a public expertise shall be formed at the first meeting of the expert commission, which shall be posted on the Internet resources of a state body, local representative body, subject of the quasi-public sector.

25. The head distributes the functions of members of the expert commission for conducting public expertise, ensures their interaction, informs about the documents and materials received, controls the timing of implementation of individual activities and the plan as a whole.

26. The Public council organizes informing of state bodies and other organizations, subjects of the quasi-public sector about the conduct of a public expertise.

27. In accordance with the plan for conducting a public expertise, the head shall send requests on the provision of necessary documents and materials to the relevant state bodies, local state bodies, subjects of the quasi-public sector.

28. Meetings of the expert commission shall be held according to the approved plan. The head notifies about the venue and time of the meeting, the agenda, and also prepares necessary materials for the meeting.

29. The meeting of the expert commission shall be considered competent in the presence of more than half of members of the total number of its members.

30. In the absence of the head of the expert commission, the meeting shall be held by a member of the expert commission authorized by the decision of the Chairman of the Public council.

31. The decision of the expert commission shall be made by a majority vote of the total number of its members present at the meeting.

32. Members of the Public council shall take part in the meetings of the expert commission.

33. Representatives of state bodies, local state bodies, subjects of the quasi-public sector, as well as representatives of non-profit organizations and other persons shall be present at the meeting of the expert commission at the invitation of the head.

34. Based on the results of meeting of the expert commission, a protocol shall be drawn up, which is signed by the head of the expert commission or a person authorized by the head.

35. On the basis of the work, the expert commission prepares a draft conclusion based on the results of the public expertise.

36. The draft conclusion based on the results of the public expertise shall be signed by the head and members of the expert commission.

37. The prepared draft conclusion shall be submitted by the expert commission to the Public council for consideration.

38. The Public council shall make a decision by open voting by a majority of votes on approval or disapproval of the draft conclusion.

The approved draft conclusion shall be sent to the interested state bodies, subjects of the quasi-public sector within no more than ten working days.

**Paragraph 4. The procedure for organization and conduct of hearing reports on the results of work**

39. The hearing includes the report of the first head of a state body of the republican level, the head of the executive body of a subject of the quasi-public sector and the co-report of the chairman of the Public council, and on the territories - the report of the akim of the administrative-territorial unit and the co-reports of the secretary of the maslikhat, the chairman of the Public council in accordance with the powers provided for paragraph 4 of Article 18 of the Law.

40. During the hearing of the report on the results of work, a protocol shall be kept, which records:

- 1) the date and place of the report hearing of;
- 2) the number of people present;
- 3) surname, name, patronymic (if any) of the officials who spoke;
- 4) agenda, content of the report and speeches.

41. Based on the results of the report hearing, a resolution shall be adopted that contains:

- 1) assessment of the activities of controlled bodies and their officials on the issues within their competence;
- 2) recommendations for elimination of provisions identified during the report hearing 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

42. An open vote of members of the Public council shall be held at a meeting of the Public council, following the results of report hearing on the results of work of a state body.

43. If more than half of the present members of the Public council vote, the report shall be considered adopted.

The approved report on the results of work shall be published on the Internet resources of a state body, a subject of the quasi-public sector, the local representative body.

44. If the Public council does not accept a report on the results of the work, the Public council shall notify the relevant state body, a subject of the quasi-public sector of the decision



taken with the direction of recommendations prepared within the powers of the public councils.

45. Public councils shall initiate the issue of re-hearing the report on the results of work of a state body, a subject of the quasi-public sector in case the Public council does not accept the report on the results of work.