



NATIONAL REPORT ON COUNTERACTING CORRUPTION



«WE COMMITTED TO SERVE FOR PEOPLE»

ASTANA, 2018

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INTRODUCTION

The course of decisive and uncompromising fight against corruption that the President of Kazakhstan, Nation Leader Nursultan Nazarbayev has announced since the dawn of independence, forms key meaning of the republic's anti-corruption policy alongside the modern history of Kazakhstan.

Nowadays the basic vectors of anti-corruption policy have been built within developed tasks of anti-corruption resistance that the Head of State has put in the Kazakhstan 2050 Strategy, and The 100 Particular Steps Nation Plan.

The Anti-Corruption Strategy of Kazakhstan for 2015-2025, which today is the main program of the multilevel anti-corruption planning system consists of an algorithm of achieving target goals of minimizing corruption manifestations.

Systemic and consistent implementation of anti-corruption measures in Kazakhstan made it possible to form a unique model of anti-corruption policy, which is constantly on the way of self-improvement under accumulated national experience and using the best international anti-corruption practices.

At present, We have successfully completed the first stage of Anti-Corruption Strategy, which actualizes the need to comprehend the first results of its implementation. It reflected in the annual National Report on Counteracting Corruption, the basis for regular development of which is the requirements of the Law of the Republic of Kazakhstan on Counteracting Corruption of November 18, 2015.

The drafting process, structure and

content of this report made in accordance with Presidential decree of the Republic of Kazakhstan of December 29, 2015 No. 154 About approval of Rules of preparation, introduction of the National report on anti-corruption to the President of the Republic of Kazakhstan and its publication".

Representatives of non-governmental organizations, experts and scientists took part in the drafting of the report.

The Report draft has been previously discussed at all regions of the country.

The purpose of this National Report is an objective analysis of Kazakhstan's anti-corruption policy, the state and level of corruption spreading, to further elaboration of practical measures to prevent corruption and improve anti-corruption legislation in 2017.

According to the Law of the Republic of Kazakhstan On Counter-acting Corruption, the report was formed based on studying results of the work of the authorized body for counteracting corruption, as well as other entities for counter-acting corruption (governmental bodies, quasi-public sector subjects, public institutions, individuals and legal entities).

The report consists of introduction, the main part and conclusions.

CHAPTER 1.

KAZAKHSTAN ANTI-CORRUPTION POLICY: KEY GOALS AND TRENDS.

1.1. Anti-corruption policy of Kazakhstan in effect: Anti-Corruption Strategy's first stage outcomes

It was a solid will of Nursultan Nazarbayev, the First President - Nation's Leader, to eradicate sources of corruption, which undergirded the basis of Kazakhstan anti-corruption policy since the dawn of our Independence.

Currently, the ideology of Kazakhstan's anti-corruption policy has a powerful impetus to develop, thanks to the tasks that the Head of State put in The Kazakhstan 2050 Strategy and The 100 Particular Steps Nation Plan.

Formation of a single anti-corruption front as the Nation Leader has stated in the Kazakhstan Development Strategy 2050, is a key mission of Kazakhstan anti-corruption policy, the main purpose of which is to bringing together efforts of the state and society in confronting corruption manifestations.

Since 1993, the most important methodological tool of anti-corruption policy of Kazakhstan is a program-planned approach to systemic elimination of causes and conditions that bringing about corruption manifestations, as well as decisive suppression of corruption offenses at all levels of governmental management.

Now, programming and planning goals and objectives of Kazakhstan's anti-corruption policy bringing about within framework of the Anti-Corruption Strategy for 2015-2025 (hereinafter referred to as the Anti-Corruption Strategy) adopted by the

Head of State in 2014 and the Action Plan for 2015-2017 for its implementation.

The anti-corruption strategy has incorporated experience of implementing previous six state anti-corruption programs, and radically changed conceptual priorities of anti-corruption policy.

This document sets out issues of corruption prevention and involvement of all stakeholders, namely state bodies, quasi-public sector, business community and civil society on the new level.

The 2017, as a final year of implementation of the first stage of the Anti-Corruption Strategy, made it possible to estimate the first results of implementation of the updated anti-corruption policy in Kazakhstan for the three-year period.

We must say that the Anti-Corruption Strategy has originally set out mechanisms of both self-assessment of effectiveness of its implementation, and external evaluation to improve objectivity of practical results analysis.

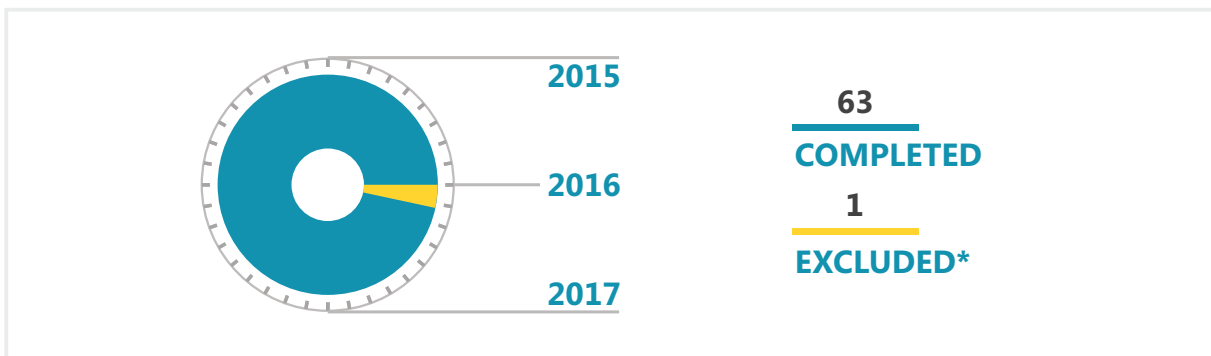
For that, in 2017 has been founded a special monitoring group, which included representatives of non-governmental organizations, the media, governmental agencies, and political parties.

IMPLEMENTATION OF TASKS OF THE ANTI-CORRUPTION STRATEGY CARRIED OUT IN THE FOLLOWING DIRECTIONS:



At this, the following successful results achieved during the first stage of bring about the Action Plan for 2015-2017 on completing Anti-Corruption Strategy:

OUT OF THE 64 MEASURES EXPECTED TO COMPLETE IN 2015-2017



* The measure was excluded by Kazakhstan Governmental Decree of 19.07.2016, № 414.

To keep attention on some results of the Anti-Corruption Strategy's fulfillment.

The adoption of the new Law of the Republic of Kazakhstan On Counteracting Corruption as of November 18, 2015, has definitely affected formation of the modern forms and methods of imple-

menting anti-corruption policy.

That law has brought the next valuable innovations: focusing on the use of preventive measures to combat corruption, as well as enlargement of participants circle in Counteracting Corruption; the new forms of Counteracting Corruption; anti-corruption monitoring;

analysis of corruption risks; formation and abiding anti-corruption standards; prevention and resolution of conflicts of interest; formation of anti-corruption culture; formation and publication of the National Report on Counteracting Corruption; a clear distinction between corruption offenses.

The adoption of the new law has finally determined new directions of anti-corruption approach for legislation development, both by improving existing regulatory legal acts, and adopting the new ones.

On November 23, 2015, the new Law on Public Service of the Republic of Kazakhstan adopted. It promoted to applying principles of meritocracy for public service via mechanisms of open competitive selection, career promotion based on competence, earnings based on results.

Besides, this year the two other conceptually interrelated drafts of the Republic of Kazakhstan were adopted, the law on Public Councils and the law on Access to Information. Thereby were enshrined principles of openness and transparency in policies of state bodies with defining effective public control measures as a legitimate means for assessing effectiveness of state bodies' policies at all levels.

The approval of the Decree of the President of the Republic of Kazakhstan on December 29, 2015,

The Ethical Code of Government Employees (Rules of Service Ethics of Government Employees) and the Regulation on Commissioner for Ethics, approved by Presidential decree of the Republic of Kazakhstan of December 29, 2015, made it possible to qualitatively improve and intensify ethical processes in public service and strengthening moral image of officeholders.

Under the task to reduce the level of

corruption risks in organizational and managerial policies of the state, and law enforcement and judicial bodies, a large amount of work has been made to review agency rules and internal regulations for selection, career advancement and conditions of service, intended to minimize corruption manifestations.

Law enforcement and judicial applying a polygraph study to identify hidden illegal intentions and negative dependencies among candidates.

Applying video shooting procedures for both the court proceedings and official activities of law enforcement officers favored to an effective monitoring potential offenses on their part.

Serious changes happened in organization of anti-corruption work of quasi-public sector. In particular, national companies have developed and begun to bring about anti-corruption plans, carry out an internal analysis of corruption risks, and revised principles of HR policy towards more openness.

Over the past three years, the call for intolerance against corruption has reached a new level and has become an important factor in increasing the degree of non-acceptance of corruption in society.

Kazakhstan engagements into monitoring procedures within the framework of the Istanbul Action Plan on fight against Corruption of the Organization for Economic Cooperation and Development (hereinafter - the OECD) considered as a serious factor in improving anti-corruption laws of Kazakhstan and lowering corruption-related administrative procedures. In particular, as of September 2017, the 16 recommendations out of 19 have been fully or partially completed, one is remained uncompleted (the two recommendations are expected to evaluate),

stated international experts.

Bringing about the first stage of Kazakhstan's Anti-Corruption Strategy significantly strengthened public confidence to the actions of state bodies in reducing corruption manifestations.

The results of sociological research over the first year of implementation of the Anti-Corruption Strategy have showed the growth of social supporting anti-corruption policy.

A confidence level in the state's anti-corruption policy in 2015 made up 57.9% (52% in 2013), 64.8% in the central government bodies anti-corruption policies, and 51% in anti-corruption policies of local executive bodies.

The share of citizens who expressed confidence to the state's anti-corruption policy increased in 2017, compared to 2015, by 15.5% (from 57.9% to 73.4%, respectively).

An important result was also the increased rejection of corruption over the years of implementation of the Anti-Corruption Strategy. As studies have shown, the overwhelming majority (81.4%) of the country's population considers corruption negatively. 55.5% of respondents expressed their readiness to make their personal contribution to reducing the level of corruption in state bodies.

In general, summarizing the first results of the implementation of the Anti-Corruption Strategy of Kazakhstan, we must emphasize the next.

First, the strengthening of public confidence in anti-corruption policy of the President of Kazakhstan – Nation Leader Nursultan Nazarbaev has significantly strengthened the social support of the state power.

Second, systemic legislative changes in the sphere of counteracting corruption have created serious legal grounds

for strengthening the system of prevention of corruption offenses.

Third, a qualitative reviewing HR policy in the civil service, in law enforcement, judicial bodies, in the quasi-public sector has created conditions for reducing the level of corruption of the HR staff in state administration.

Fourth, increasing the openness of state bodies coupled with legitimizing public control has increased the responsibility of government agencies for making decisions.

Fifth, an active involvement of population into anti-corruption activities and promotion of anti-corruption culture in the society made it possible to enhance the atmosphere of intolerance towards corruption.

1.2. The 20th anniversary of the first legislative act on Counteracting Corruption under evolution of Kazakhstan anti-corruption policy.

In July of this year, 20 years have passed since July 2, 1998, the adoption of the first Law of the Republic of Kazakhstan On Combating Corruption.

Reflection of historical experience is an important means for understanding modern processes. Therefore, turning for this significant date carries with it the need to comprehend the recent past to evaluate the process of counteracting corruption in Kazakhstan.

The history of anti-corruption policy of Kazakhstan stems from the Presidential Decree of the Republic of Kazakhstan of March 17, 1992, on measures to strengthen the fight against organized forms of crime and corruption.

An active fight against corruption, which the First President of Kazakhstan Nursultan Nazarbayev has declared, in fact, since the moment of gaining

independence in the 90s of the last century, faced serious resistance of the old nomenclature and newly emerged "businessmen" of the initial era of the emergence of a market economy.

The emergence of sovereign Kazakhstan Government had to solve many of the most difficult tasks in creating new institutions of power amid economic ruin and an acute political crisis.

Of course, it affected the level of corruption spreading, which flourished amid inflow of foreign capital interested in the national wealth of Kazakhstan.

In these conditions, only decisive actions could overcome the situation and outline ways to reduce the spread of corruption.

That is why in 1997 the First President of Kazakhstan, speaking with the first large-scale strategic document determining the development of the country until 2030, has outlined a resolute and ruthless fight against corruption as one of the most important priorities.

"It is necessary to mercilessly fight against corruption, regardless of persons and positions. The administrative community must be decisively cleaned and updated". These words of the Head of State served as a starting point for developing systematic legislative measures for counteracting corruption.

The Kazakhstan 2030 Strategy actually has laid the basis for the future anti-corruption policy and ensured the determination of the First President of Kazakhstan to achieve successful results in anti-corruption deterrence.

As a result, in July the Head of State has initiated the 1998 Law on Combating Corruption, considered as one of the first such legislative acts in the post-Soviet space.

The paradigm of fighting against corruption stems from the need to take

prompt and effective countermeasures, supposed to stop corruption and prevent it from growing to critical dimensions threatening the national security of the country.

The adoption of the law made it possible to separate anti-corruption policy as an independent branch of the state domestic policy.

The introduction of institutional support for this policy through creation of a specialized anti-corruption body in 2003, the Agency of the Republic of Kazakhstan on fight against Economic and Corruption Crimes (Financial Police), was a catalyst of the process.

The first Law of the Republic of Kazakhstan On Combating Corruption has been in force for 17 years and was constantly improved, and this allowed it to be relevant in modern realities for a long time.

The historical significance of this Law lies in the fact that it first clearly defined principles of combating corruption, subjectivity in corruption offenses, bodies fighting against corruption, restrictions that state employees must take to themselves, financial control measures, guarantees of the inviolability of persons providing assistance in the fight against corruption.

The period of the first Law on Fighting Corruption has laid the basis of anti-corruption policy and promoted to significant experience of active direct counteracting corruption.

At the same time, as the anti-corruption policy has expanded, it became clear that further successful promotion of anti-corruption resistance was largely depend on pre-emptive work, since the counteracting consequences has a short-term effect. In order to achieve long-term results in anti-corruption struggle, an emphasis on prevention of corruption is indispens-

able.

72% of Kazakhstan measures in counteracting corruption consisted of criminal prosecution steps, and 28% supposed to preventing corruption offenses, the experts stated in 2012.

That is why, in 2014, the President of Kazakhstan – Nation Leader Nursultan Nazarbayev spoken of an initiative about radically reviewing conceptual foundations of anti-corruption policy. It was the starting point of a new stage of anti-corruption policy, aimed at eradicating underlying factors that generate corruption.

We must also state that the first Law of Kazakhstan on Combating Corruption played a historical role in formation and achievement of anti-corruption policy success. Thanks to this law, it laid foundations of the modern Kazakhstan model of anti-corruption policy. We reached various forms of cracking down on corruption offenses and experience in systemic correction of legislation in terms of reducing its corruption-related nature.

The new 2015 Law of the Republic of Kazakhstan on Counteracting Corruption has brought together the best experience of law enforcement practice of the previous law. At a qualitatively new level, it introduced innovative preventive mechanisms, intended to prevent corruption. Thereby it has created a serious ground for strength-

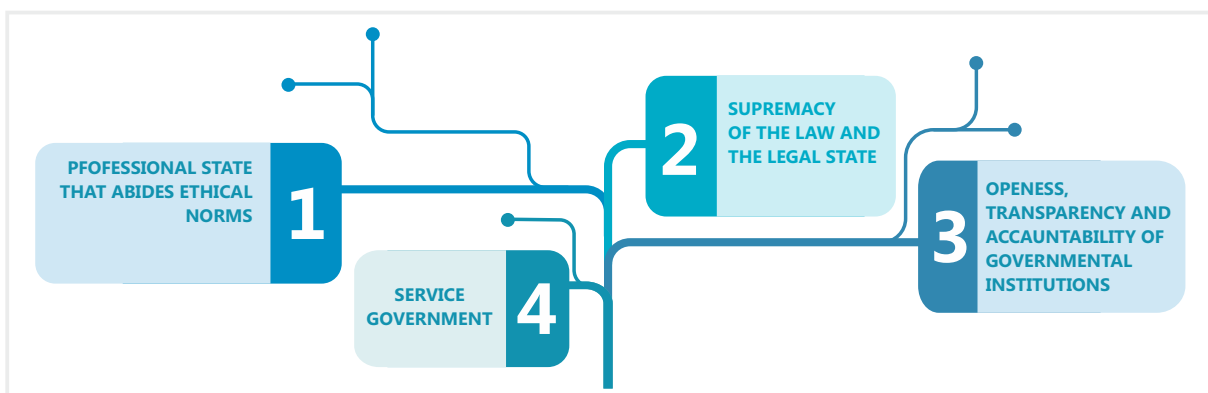
ening possibilities of anti-corruption policy under achieving goals for a radical reduction of corruption manifestations, as the President of Kazakhstan has set out in the Kazakhstan 2050 Strategy.

1.3. Kazakhstan model of anti-corruption policy

Consistent materialization of the anti-corruption ideology of the President of Kazakhstan, Nation Leader Nursultan Nazarbayev over the past 20 years has become the forerunner of formation of a unique national model on combating corruption in Kazakhstan. Given the local realities, it has brought together the best achievements of international experience and effective practices of anti-corruption deterrence of foreign countries.

The President of Kazakhstan plays a key role in Kazakhstan model of anti-corruption policy. He sets the main priorities for its implementation, determines vital anti-corruption legislative acts. He also controls the work of the authorized body and other entities on combating corruption (state and law enforcement agencies). The national model of combating corruption sets out systemic reform under achieving the following goals:

THE MAJOR PURPOSES OF THE NATIONAL MODEL OF COUNTERACTING CORRUPTION



Professional state that abides ethical norms

Under the 100 Particular Steps Nation Plan, the first institutional reform, we have adopted a new legislation on public service, which secured the transition to a career model has ensured the principle of meritocracy as effectively as possible.

Now, the candidates, who appointed in public service offices for the first time and had no work experience, should start their professional activity from low junior positions and pass a standard competition. At this, the career advancement carried out by internal competition in compliance with the principles of competitiveness and with experience in junior positions.

We introduced a new three-stage selection set for appointing in public service offices. It consists of the following stages of selection: testing for knowledge of legislation; assessment of personal qualities; an interview in a state body that has announced a competition.

These measures made it possible to increase threefold the number of people admitted to the civil service, to reduce the turnover of HR and reduce the number of transfers of civil employees by 18 times.

In 2017, the Agency for Civil Service and Anti-Corruption Affairs (hereinafter - the Agency) jointly with the central state bodies and Korn Ferry Hay Group developed the Factor Score Scale based project, which is expected to accomplish for the first time in January, 2018, on the basis of the Agency, Ministry of Justice, administrations of Astana city and Mangistau region.

This set of paying for work makes it

possible to take into account the scale, responsibility and complexity of functions and will become a motivating factor for increasing effectiveness of officeholders.

We are actively promoting ethical processes in the civil service, which have received an institutional support from ethical commissioners in central and local government bodies and ethics councils.

For the two years of existence, the institution of ethics commissioner proved its effectiveness. Since, the officeholders and citizens reached an opportunity to turn for consultations in case of a potential conflict of interests and other ethical issues.

From 2017 the ethics commissioners work in a new format. They are given an independent status, which significantly increased the effectiveness of their work and made it possible to forego other functional duties.

As it comes to Ethics Councils, we must say that more than 60% of their members are representatives of civil society institutions. Moreover, beginning from 2007, in 3 regions of the country, a new project started, which intended to encourage Ethical Council members to work independently.

Supremacy of law and the legal state

Over the last years under accomplishing the 100 Particular Steps Nation Plan the judicial system has been seriously modernized.

In particular, we accepted a three-leveled justice system, secured an independence of the selection and appointment of judges, as well as a new

¹ Tureckiy N.N., Anticorruption policy of Kazakhstan at the present stage of development // Actual problems of economics and law. - 2012. - №4

code of ethics for judges has been adopted. We have also introduced a full automation of court records and distribution of court cases, and accepted the continuous audio and video recording of all trials.

Candidates for judges now are obligated to both passing qualification exam and undergoing polygraph check and psychological testing. Candidates must have 5 years of work experience and participation in trials or 10 years of experience in legal sphere.

To improve professionalism of judges, a one-year internship and an assessment of professional activity after the first year of work have been introduced, and other categories of judges have to pass an assessment every 5 years.

The Supreme Judicial Council became an autonomous institution and has built its systematic work on the selection and appointment of judges. All stages of selection are most widely covered in the media, and public councils are also involved in this process.

Information technology has made it possible to significantly simplify proceedings, improve citizens' access to justice, reduce bureaucratic barriers and minimize procedural contacts. Over 73.5% of all claims filed in the courts completed via the Trial Cabinet service. Electronic notification of participants with SMS-messages allowed to exclude red tape and reduce complaints about late notification of court sessions.

We reformed the activity of the Jury. It allowed citizens to apply directly to this institution with their complaints about actions of judges. Besides, the Jury was charged to evaluate professional activities of acting judges and

consider issues of a disciplinary nature in case of a violating the Code of Judicial Ethics.

As a result, according to the Global Competitiveness Index and its indicator called "Judicial Independence", Kazakhstan has improved its position, moving from 111 to 79th place (mounted by 32 positions). In addition, in the World Bank's "Doing Business-2018" rating, and its indicator called "Enforcement of contracts", the judiciary system of Kazakhstan advanced by 29 positions (from 35th to 6th place, out of 190 places) for 3 years.

Along with the judicial system, the conceptual reforms carried out in the system of the Ministry for Internal Affairs, the Prosecutor General's Office and other law enforcement agencies that ensure the rule of law and order in society.

We made a serious step in giving up punitive-repressive methods and accusatory bias in the criminal trial. A fundamental change in the sphere of prosecute supervision is an exclusion of "general supervision" from functions of the Prosecutor's Office. The new image of the Prosecutor's Office meets the best practices of the OECD and considers protection and restoration of human rights and freedoms, as well as the legality of criminal process as priority.

We decentralized police functions and created a local police service accountable to local executive bodies. We have also created online maps, through which citizens can see all statistics on crimes in each region, as well as all applications the state bodies have received. The system of recruiting to law enforcement agencies has also changed. Now, candidates for law

enforcement bodies are subject to the same selection as other civil employees.

Openness, transparency and accountability of governmental institutions

Under the Fifth institutional reform about formation of an accountable state in Kazakhstan, an electronic platform "Open Government" has started.

We run the "Open Government" electronic platform, consisting of the five open data portals. That made it possible for every citizen to have access to information on budget expenditures, participating discussions about drafting normative acts, online applying consultations and complaints, and openly assessing effectiveness of the state bodies.

OPEN GOVERNMENT ELECTRONIC PLATFORM

OPEN BUDGETS	OPEN REGULATIVE LEGAL ACTS	OPEN DATA	OPEN DIALOGUE	EVALUATION OF THE STATE BODIES' EFFICIENCY
Public control over spending budget money (15 353 projects of budget programs)	Citizens engagements into discussions about regulative acts and solutions of state bodies (17 979 projects of regulative acts placed)	Availability of state bodies' data for all (2 404 records)	State bodies feedback with population (198 851 appeals came to executives blog, 281 Web conferences)	Strengthening interaction by way of public discussion of state bodies

The wide opportunities to participate in public control over activities of state bodies have been given to the civil society while we have adopted the law of the Republic of Kazakhstan on Public Councils.

By the late 2017, there were 229 public councils working on a permanent basis. At the national, regional and the level of Astana and Almaty cities there are 16, and 197 in other cities and rayons. Over 4 thousand people engaged into public councils activities, and 75% of them were representatives of civil society.

Permanent practice of reporting of both akims and executives of various state bodies introduced during public councils.

Alongside this, the councils conduct regular public monitoring issues such as

the work of public transport, the condition of water pipes, housing construction, repair of roads, activities of KSK (associations of owners of houses), monitoring prices for essential goods.

Consideration of all drafts of legal acts by public councils is an effective mechanism for ensuring transparency of decisions that state bodies have adopted. So, each state body is obliged to submit normative legal acts to the public council and take their comments while drafting them.

Since the foundation in 2015, public councils have become an effective and constructive platform for communication between population and state bodies, which ensures prompt consideration and a qualitative solution of problematic issues, both economic and social.

Service Government

The issues of improving the quality of public services and improving their fulfillment processes considered as a vital area of anti-corruption policy of Kazakhstan.

In 2017, citizens of Kazakhstan received over 34 million public services completed through e-government infrastructure, while the number of registered users of e-government portal reached 7 million.

Under transformation of CSCs, an electronic record introduced, and state

bodies' informational systems integrated, as well as self-service, admission and issuing documents sectors redistributed, and the working day continuity has been increased.

Today, the work of the State Corporation "Government for Citizens" is based on the principles of customer-oriented, transparency and barrier-free service of citizens.

Automation of public services resulted in reducing direct contacts between officeholders and citizens, thereby the conditions for corruption manifestations minimized.

	2015	2016	2017
FULLY AUTOMATED SERVICES (ELECTRONIC)	44	59	126
PARTLY AUTOMATED SERVICES (ELECTRONIC / PRINTED)	438	391	326
NON-AUTOMATED SERVICES (PRINTED)	257	260	294
THE TOTAL NUMBER OF STATE SERVICES 2015-2017	736	710	746

Currently 49% of services undergoing online, and all licenses and permissions provided for entrepreneurs solely in electronic form. 23% of all "one window" services provided through State Corporation "Government for Citizens".

In the next few years 90% of state services will be covered by electronic format, and the remaining 10%, according to the experience of Europe and the developed countries of the world, will be implemented on the principle of "one window".

On the whole, the systemic measures to improve quality of public services made it possible to two-thirds reduce the level of domestic corruption.

We have to say that advancement in public services and increasing popula-

tion's satisfaction with the quality of services in Kazakhstan is confirmed by international assessments. So, in the UN rating on the development of e-government, Kazakhstan took the 33th place from 190 countries of the world, and in the rating of easily doing business of the World Bank - 36th out of 190 countries.

Thus, a planned implementation of current tasks of the anti-corruption policy defined by the President of Kazakhstan Nursultan Nazarbayev made it possible for today to build an effective model of anti-corruption policy.

It is based on the Nation Leader's anti-corruption ideology, constantly improving anti-corruption legislation, institutional support (anti-corruption

actors, including the authorized anti-corruption body), strategically verified conceptual justification (Anti-Corruption Strategy), and multi-level planning anti-corruption measures (Plan of measures to implement Anti-Corruption Strategy, departmental and regional anti-corruption plans).

Kazakhstan model of counteracting

corruption is intended to systemic reforming an entire vertical of the state power via modernization and introduction of ethical processes in civil service, law enforcement and judicial systems based on supremacy of the law, openness, transparency, accountability, and client biased work.

CHAPTER 2.

STATE AND TRENDS OF CORRUPTION SPREAD AT INTERNATIONAL AND NATIONAL LEVELS

2.1. Measuring corruption at international level

Corruption is an acute problem of the global society and it is presented in

almost all countries of the world.

International practice consists of three methodologies in measuring the level of corruption:

THE INTERNATIONAL PRACTICE SUGGESTS THE THREE METHODOLOGIES IN MEASURING CORRUPTION LEVEL:



The indicator of corruption level in the world "Corruption Perception Index" (hereinafter — CPI), completed by Transparency International (hereinafter — TI), the international rating organization, is one of the most well-known assessment systems in the study of prevalence of corruption.

For a comparative analysis of the state of corruption in foreign countries and in Kazakhstan, the CPI level between 2012 and 2017 should be considered in the context of 7 countries groups:

- developed countries;
- CIS and Baltic states;
- Asian countries;
- Oil producing countries, etc.

Such a structuring has a purpose, to assess achievements of Kazakhstan in relation to developed and relatively developing countries.

Currently, there is a tendency to

increase the level of corruption spreading in many countries of the world, especially in those where sustainable economic development has been achieved.

According to the 2017 CPI, 126 countries out of 180, engaged into the rating, have scored less than 50 points out of 100 possible, while 50 countries have scored less than 30 points, which corresponds to a high level of corruption.

The problem of corruption is very sensitive for North Korea, Somalia, Sudan, which have less than 15 points. Developed countries with more than 80 points correspond to a very low level of perception of corruption. This group includes Denmark, New Zealand, Finland, Sweden, Switzerland, Norway, Singapore, Canada and Germany.

The rate results suggest an existence

of a certain correlation between corruption and the level of countries development. Over 40 percent of countries that reached less than 30 on the CPI scale classified by the World Bank as a group of low-income countries.

At the same time, some developing countries with a low level of economic development are capable to successfully counteracting corruption. It suggests that the welfare is not a necessary

prerequisite for a successful fight against corruption.

An analysis of global corruption trends and identified CPIs suggests that over the past decade, it is estimated that the level of corruption has significantly decreased in low-income countries. This can be seen in Myanmar, Pakistan, Indonesia, Albania, Paraguay and Laos (Figure 1).

DEVELOPING COUNTRIES RATING BY CPIS BETWEEN 2012 AND 2017

Picture 1

COUNTRIES	2012	2017	CHANGES
MYANMAR	172	130	+42
PAKISTAN	139	117	+22
INDONESIA	118	96	+22
ALBANIA	113	91	+22
PARAGUAY	150	135	+15
LAOS	160	135	+25

At the same time, in developed countries such as Spain, Australia, South Korea, there has been a noticeable decrease in the corruption perception index over the past decade (Figure 2).

This fact is about the need for even economically successful countries occupying high places in the rating, to constantly make efforts to maintain anti-corruption climate.

DEVELOPED COUNTRIES RATING BY CPIS BETWEEN 2012 AND 2017

Picture 2

COUNTRIES	2012	2017	CHANGES
SPAIN	30	42	-12
AUSTRALIA	7	13	-6
SOUTH KOREA	45	51	-6
HUNGARY	46	66	-20
TURKEY	54	81	-27

Despite the fact that many developed countries have received a fairly high number of CPI scores, the number of corruption scandals in some states is

increasing.

TI states that corruption cases sharply increased in Turkey, an economically prosperous country, which runs

several investigations against high-level politicians.

In recent years, there have been significant improvements in perception of corruption in Eastern Europe countries, such as Poland, Czech Republic, Montenegro, Kosovo, Romania, Slovakia

and Croatia (table 3). The fact that Eastern European countries have demonstrated a certain progress, and reflects a serious positive consequences of European Union engagements into the fight against corruption.

RATING OF EASTERN EUROPEAN COUNTRIES BY CPI FOR 2012-2017.

Picture 3

COUNTRIES	2012	2017	CHANGES
POLAND	41	36	+5
CZECH REP.	54	42	+12
MONTENEGRO	75	64	+11
KOSOVO	105	85	+20
ROMANIA	66	59	+7
SLOVAKIA	62	54	+8
SERBIA	80	77	+3
CROATIA	62	57	+5

In recent years, in terms of consistency and effectiveness in implementing anti-corruption reforms such African countries as Niger, Senegal, Cote d'Ivoire, Burkino Faso reached success.

The main factors for reducing corruption in these countries are the following reforms:

- Increasing salary of governmental employees and contracting their number at a time;
- Optimization of public administration system;

- Creation of an effective and independent judicial system;
- Combating nepotism;
- Strengthening control and supervision, development of a system of accountability.

Such results reflect the progress made through efforts to confront corruption in Africa and suggest that the political will to fight corruption and consistent anti-corruption reforms inevitably reduce the level of perception of corruption.

RATING OF AFRICAN COUNTRIES BY CPI FOR 2012-2017.

Picture 4

COUNTRIES	2012	2017	CHANGES
BENIN	94	85	+9
SENEGAL	94	66	+28
COTE D'IVOIRE	130	103	+27
BURKINA FASO	83	74	+9
TOGO	128	117	+11

Despite the progress in overall, the level of corruption spread in Africa remains high. The cumulative annual losses from corruption are a quarter of the GDP of all countries, or 148 billion US dollars.

Corruption hugely undergoes in BRICS countries - Brazil, Russia, India,

China, South Africa. The problem of corruption here is crucial and puts obstacles on the way to further economic strengthening of these countries. According to the CPI, the BRICS countries are not among leaders in the systemic struggle against corruption practices.

RATING OF BRICS COUNTRIES BY CPI FOR 2012-2017.

Picture 5

COUNTRIES	2012	2017	CHANGES
INDIA	94	81	+13
BRAZIL	69	96	-27
CHINA	80	77	+3
SOUTH AFRICA	69	71	-2
RUSSIA	133	135	-2

According to TI experts, corruption deprives the country of the potential for development. This is evidenced by low positions in the CPI ranking countries

that have rich mineral resources: Angola, Ecuador, Iran, Nigeria, Venezuela, Yemen.

RATING OF THE LARGEST OIL EXPORTERS BY CPI FOR 2012-2017.

Picture 6

COUNTRIES	2012	2017	CHANGES
ANGOLA	157	167	-10
ECUADOR	118	117	+1
IRAN	133	130	+3
VENEZUELA	165	169	-4
NIGERIA	139	148	-9
YEMEN	156	175	-19

In these countries, the system of concluding public contracts related to oil production, is corrupted, resulting in a large share of income from production and sales of oil arrives in pockets of managers of Western oil companies,

intermediaries and local officials.

Countries that facing period of deep crisis related to military or post-war activities are also experiencing corruption. Among them Afghanistan, Iraq, Somalia, Sudan, Syria and Libya.

RATING OF COUNTRIES IN CRISIS, BY CPI FOR 2012-2017

Picture 7

COUNTRIES	2012	2017	CHANGES
AFGHANISTAN	174	177	-3
IRAQ	169	169	0
SOMALIA	174	180	-6
SUDAN	173	175	-2
SYRIA	144	178	-34
LIBYA	160	171	-11

According to TI experts, the countries torn apart by conflicts paying for this a significant decrease in the quality of management. In terms of lack of state institutions, high-ranking officials turn public resources in their favor, which leads to growing corruption.

Among post-Soviet countries, the lowest level of corruption in 2017 recorded in Estonia (21st place), Lithuania (38), Latvia (40), Georgia (46). Further, Belarus (68) and Armenia (107) are far behind. In the line of dynamics, Georgia remains a leader. For 10 years, this country managed to mount its ranking by 84 positions.

Despite improvements in a number of countries, in many states of the former USSR - Uzbekistan, Turkmenistan, Kyrgyzstan, Tajikistan, Ukraine, Azerbaijan - there is still a high level of corruption.

In 2017, in ranking of countries by Corruption Perception Index Kazakhstan gained 31 points and took the 122nd place, having improved its indicators by 11 positions (133rd place in 2012) compared to the period under review.

Kazakhstan reached the best achievements in the 2017 ranking of Transparency International.

TI experts say that main positive changes in the rating, first of all, associ-

ated with adoption of a new anti-corruption legislation, as well as with introduction of public control institution, implementing systematic and consistent work to eliminate causes and conditions of corruption, and improving delivery of public services.

We need also to say that the results of Kazakhstan in CPI coincide with the results of another TI study, The World Corruption Barometer, which also shows a significant improvement in perception of corruption in 2016 compared to 2013.

The barometer of global corruption implies a poll of citizens and considers practical experience of their stumbling into corruption, finds out the level of perception of corruption, gives assesses of respondents about corruption in different sectors of society.

As it comes to practical experience of citizens stumbling into corruption, its level reduced by 10.9%. So, if 29% respondents replied that they gave bribes in 2016, this figure made up 39.9% in 2013.

Replying to the question whether the level of corruption in Kazakhstan decreased, 37% respondents answered in 2016 they agreed with this statement, while in 2013 only 19% noticed positive changes in this sphere.

The perception of corruption among institutions suggested that law enforce-

ment bodies (35% of respondents), business leaders (29%), judges and court employees (28%) considered most corrupted. The least number of respondents who admitted high-level officials involvements into corruption was 11%.

The number of pessimistic citizens, convinced that no ordinary person can do anything to counteract corruption, has decreased in 2016 by 43%, and by 56% in 2013.

Also in 2016, compared with considered period, the number of citizens ready for active actions - protest actions, and signing petitions has decreased by 20%.

On the whole, World Corruption Barometer study suggests an improving the level of perception of corruption in Kazakhstan, and the respondents highly appreciate effectiveness of government's anti-corruption activities and express their readiness to contribute in the fight against this phenomenon.

Away from TI studies, currently Kazakhstan included in ratings of other authoritative international organizations which involved into defining the level of corruption. These include the World Bank, the World Justice Project and the Institute for Management and Development.

Quality of public administration of the World Bank.

Evaluating quality and efficiency of public administration is calculated on the basis of six indicators:

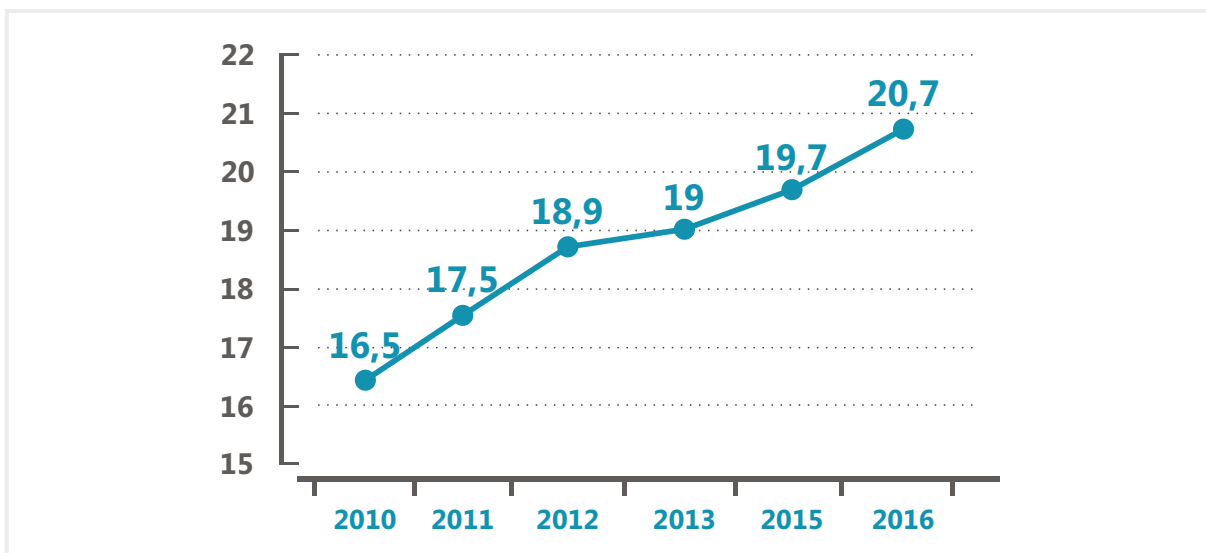
- considering opinions of population and accountability of state bodies,
- political stability and lack of violence,
- effectiveness of the government,
- quality of legislation,
- law supremacy
- containing corruption.

The Containment of Corruption indicator is intended to judge about the level of perception of corruption in society and determining the extent to which corruption affects the economy. Countries rank on a scale from 0 to 100 points, where zero denotes the highest level of corruption, and one hundred the least one.

According to recent results, Kazakhstan has 20.7 points, 1 point higher than 2015 indicator (19.7), and 4 points more than 2010 result (17.5).

A steady growth of this indicator largely characterizes effectiveness of anti-corruption policy, which is aimed at creating effective institutions and mechanisms of counteracting corruption that correspond to world standards.

KAZAKHSTAN IN THE STUDY OF PUBLIC ADMINISTRATION QUALITY BY AN INDICATOR OF CONTAINING CORRUPTION.



In order to further improve the quality of public administration and reduce corruption, Kazakhstan needs to strengthen its efforts to ensure transparency and accountability of government agencies, as well as to improve the quality of customer-oriented public services, suggested World Bank experts.

Law supremacy index

Law supremacy index of the World Justice Project characterizes the legal environment level in world countries by 8 indicators: lack of corruption, order and security, limitation of state power, openness of government, law enforcement, fundamental rights, civil and

criminal justice.

Last year, Kazakhstan law supremacy index reached 0.51 points and our country took 64th place among 113 nations, and mounted by 9 positions compared to the 2016 results (73rd place).

It was the best achievements among post-Soviet space countries. Only Estonia (12) and Georgia (38) are above Kazakhstan in the ranking, while Belarus (65), Ukraine (77), Russia (89) and Uzbekistan (91) placed after.

Kazakhstan has noticeably improved its lack of corruption indicator by 0.02 points (0.45) compared to 2016 (0.43), a key factor in achieving such results.

KAZAKHSTAN LAW SUPREMACY INDEX

Picture 8

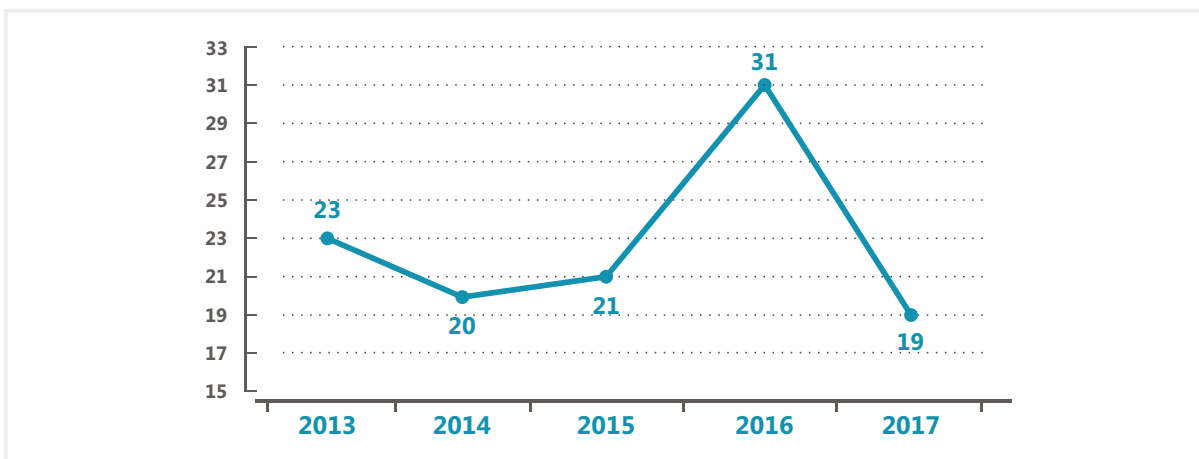
INDICATORS	2016	2017	CHANGES
RESTRICTED POWER OF A STATE	91	85	+6
LACK OF CORRUPTION	71	66	+5
ORDER AND SECURITY	40	36	+4
OPENNESS OF THE GOVERNMENT	73	70	+3
ENFORCEMENT	57	51	+6
FUNDAMENTAL RIGHTS	92	94	-2
CIVIL JUSTICE	53	50	-3
CRIMINAL JUSTICE	73	70	-3
TOTAL INDEX	73	64	+9

Under further improving country's legal system, a special role should be given to preventing corruption offenses

in executive and judiciary power, as well as to effective investigations and increasing the speed of consideration of

ANNUAL GLOBAL COMPETITIVENESS RATING OF INSTITUTE OF MANAGEMENT DEVELOPMENT.

EFFECTIVITY OF THE GOVERNMENT



The study considers countries in 342 indicators, which divided into four groups: economic state (including macroeconomic indicators), effectiveness of government (including the level of corruption), business environment state and infrastructure.

In 2017, Kazakhstan was 32nd in the global competitiveness ranking, in other words has been placed 15 positions higher compared to 2016 (47).

Among countries improving their positions in the rating, Kazakhstan made the biggest breakthrough, and now is placed above developed countries such as Spain (34), Poland (38), Italy (44), Turkey (47), etc.

We must say that the index of corruption in this rating is included in the group called "Government efficiency", in which a significant progress has been made in Kazakhstan (in 2017 — 19th place, in 2016 — 31st).

In order to further improving effectiveness of government, the Institute for Management Development experts recommend improving institutional and social environment, doing business legislation and paying special attention to national security and anti-corruption issues.

Thus, corruption measurement

indicators are an important data source about factors that generate corruption at international and national levels and help to develop adequate anti-corruption measures.

In international practice, away from above rating methods, there is a large number of studies assessing the level of corruption. For example, Index of Transformation from the International Bertelsmann Foundation (Germany), Democracy Index of The Economist Intelligence Unit (UK), the World Bank's "Enterprise Surveys" survey and others.

A large number of proposed methods bring certain questions about reliability of these measurement instruments. This is primarily related to the lack of a monotonous (linear) relationship between results of some studies.

Given the above, let's keep a close eye on the need to conduct sociological surveys in Kazakhstan on a systematic basis to determine level of corruption perception. Upon building methodology, a key attention should be paid to measuring the level of perception of corruption at both national and regional levels. The corruption should be equally evaluated in public, private and quasi-public sectors.

Such a methodological approach

seems to be a necessary condition for effective counteracting corruption in Kazakhstan.

2.2. Dynamics and nature of corruption offenses in Kazakhstan

Analysis of state and trends in the spread of corruption has a great practical importance in developing anti-corruption measures and identifying priority areas for combating corruption.

This section provides an analysis of dynamics and level of corruption spread in Kazakhstan, based on official legal statistics and sociological measuring the level of perception of corruption in Kazakhstan society.

2.2.1. Statistics of corruption offenses

The Committee on Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan has registered 2,452 corruption offenses in 2017, 13% less than in 2016 (2807 in 2016).

At the same time, the number of serious and particularly serious corruption crimes increased.

Among registered corruption crimes prevailed the bribery - 51% (1245), theft and fraud - 21% (516) and abuse - 16% (388).

According to the Anti-Corruption Service, the number of completely investigated criminal cases has increased. Thus, out of the total number of criminal cases, 87% completely investigated, whereas in the last year this figure was 79%. At the same time, the number of cases submitted to courts increased from 27% to 38%.

The procedural dealing institute is widely used. The number of cases completed as a deal of recognizing the

guilty has increased from 313 to 502.

Out of the 1,146 individuals involved into investigation for corruption, 828 transferred to the court, which is 13% more than in 2016.

19 heads of central state bodies and subordinate organizations, 98 — of regional, 152 — of city and rayon authorities exposed in 2017.

The number of corruption is prevailed among employees of akimats of all levels, employees of law enforcement agencies and workers of quasi-public sector.

The spheres of education, agriculture, construction and public health remain among areas with high corruption risks.

As a result of bringing about deep operational investigations 108 systemic facts of corruption suppressed in 2017 (92 - in 2016), and the whole chain of executors and organizers revealed.

In regional aspect, the city of Almaty, Almaty, Kyzylorda, Atyrau and Zhambyl regions most exposed to systemic manifestations of corruption.

In 2017, we enhanced an intensified response work in areas where the population most often faced with manifestations of corruption.

So, we revealed 201 facts of corruption in education, 101 facts of corruption in public health, 183 in agriculture, 290 in law enforcement and judicial bodies.

Protecting business from illegal interference of state bodies is a priority direction of anti-corruption policy. In this direction, 352 facts revealed, which is one third higher than in 2016 (262).

The taken measures allowed to protect the rights of more than 270 entrepreneurs.

In general, following 2017 results, the corruption acts mainly manifested in bribes for protecting business entities, assistance in evading responsibility,

issuing permits, as well as embezzlements and abuse of official powers in allocating budget under public procurement.

2.2.2. Sociological measurement of corruption prevalence

Sociological surveys are a universal tool for obtaining objective information about state and main trends of corruption prevalence through the prism of public opinion.

In 2017, the PREKO Consulting company released a sociological study called "Determining level of perception of corruption".

The study was intended to determine the level of perception of corruption in Kazakhstan, to assess sustainability of anti-corruption values of population, and to evaluate satisfaction with state anti-corruption policies, and informational openness of state bodies.

The resulting report of sociological survey suggested a positive trend compared to a similar study of 2016.

For example, the number of people who are negatively about corruption increased by 20.7% (from 60.7% in 2016 to 81.4% in 2017), and the number of people assessing the level of country's

corruption as average and high reduced from 72.7% in 2016 to 70.1% in 2017.

We can also say about improving anti-corruption activity of civil society. Thus, in 2017, 55.5% surveyed population confirmed readiness to personal support the reduction of corruption level, whereas in 2016 this figure was 53.1%. Such results largely achieved thanks to the new approaches in involving society into anti-corruption movement.

Entrepreneurship subjects attending this sociological survey called the corruption in state bodies as a barrier to business development and placed it in fifth place (16.7% of respondents). In 2016, according to results of a similar study, the corruption was on the 4th place in rating of key barriers to business development in the country.

The share of citizens facing corruption in state bodies of Kazakhstan is 19.9%. In 2017 the individual entrepreneurs faced with corruption offenses the most (29.9%).

Comparing results of similar studies over the past two years, there has been a general decrease in the share of citizens facing corruption in state bodies by 18.3%.

SHARE OF CITIZENS OF KAZAKHSTAN FACED CORRUPTION IN STATE BODIES IN 2015-2017

Picture 1

TARGET GROUPS	2016	2017
INDIVIDUALS	40,9%	18,1%
INDIVIDUAL ENTREPRENEURS	34,4%	29,9%
LEGAL ENTITIES	39,2%	13,3%
COMMON DATA	38,2%	19,9%

Respondents from Kyzylorda, South Kazakhstan, Kostanay and Atyrau regions most often faced with corruption offenses in 2017.

At this, the citizens are common to deal with corruption offenses in government agencies, accomplishing their activities in the areas of tax services, health care, law enforcement, education, labor inspection and land relations.

Along with the PRECO Consulting company, some other research institutes conducted sociological measurements of corruption in 2017:

- Center for Study of Inter-ethnic and Inter-Confessional Relations in Central Asian Region.

- Institute for Economic Studies.

- Socium-Zertteu Strategic Center.

The resulting report of the Center for Study of Interethnic and Inter-Confessional Relations in Central Asian Region, called "Sociological Dimension of Corruption: Causes, Forms, Level of Distribution", consists of certain positive trends in the field of counteracting corruption.

Thus, 80% respondents claimed that they have never given money or gifts.

At the same time, 83% respondents attribute a decrease in corruption over the past 10 years to administrative reforms and increasing anti-corruption culture.

This shows that citizens see the results of the work carried out by the state and support it.

In 2017, the Institute for Economic Studies published the results of sociological survey called Business Climate 2016, during which over 4000 thousand entrepreneurs across the country interviewed.

A separate research unit devoted to analysis of corruption in the following areas: defining level of corruption in different regions, measuring the volume

of bribes, establishment of most corrupt industries.

According to the resulting report, the respondents rated effectiveness of anti-corruption programs quite high, 71% of respondents think so.

Such a result indicates that the impulse of anti-corruption work has received a response from the business community.

As it comes to prevalence of corruption in regions, for the last 5 years the corruption in Pavlodar, Akmola and North-Kazakhstan oblasts has significantly decreased. A large potential for reducing corruption is available for other regions.

The Socium-Zertteu Strategic Center has evaluated the impact of information campaigns to the state of corruption in the republic.

Thus, the study showed that 56.7% respondents were positive about social anti-corruption advertising as a channel for combating corruption, especially among NGOs representatives (62.4% respondents).

Respondents recognized explanatory activities in work collectives and broadcasting videos on local TV channels and LED screens as the most effective tools.

Also, the study assesses perception of level of corruption by different groups of population. In general, a large part of NGO representatives (78.8%), civil employees (76.2%), individuals (63%), entrepreneurs (62.2%) never faced corruption situation over the past year.

Thus, the results of sociological research allow us to conclude that the society has formed a consciousness of intolerance towards corruption, and the measures taken by the state to form an anti-corruption culture are effective.

Besides, in order to further increasing level of citizens' trust in the activities of

state bodies, the following should be taken first: anti-corruption education and formation of younger generation, strengthening public control and raising the level of legal literacy of population.

CHAPTER 3.

MEASURES ON PREVENTING AND STOP CORRUPTION IN KAZAKHSTAN

The 2016 National Report on Counteracting Corruption presents an analysis of situation on causes of corruption, and provides recommendations for their elimination. These measures made it possible to further work to minimize corruption risks.

Given the high effectiveness of preventive mechanisms of combating corruption in the previous period, in 2017 the Agency analyzed corruption risks in 340 state bodies and organizations and developed specific recommendations.

In 2017, the representatives of civil society, business community, NGOs, the Nur Otan Party and the Federation of Trade Unions of the Republic of Kazakhstan began to be involved into this work.

In particular, under the Roadmap on implementing Agreement on Cooperation between Anti-Corruption Department and Atameken National Industry Chamber, a joint analysis carried out in 16 areas relevant for business development (health care, agriculture, architecture and town planning, energy and housing, land relations, public procurement, tax and customs administration, nature management and ecology, veterinary control, sanitary and epidemiological supervision, fire safety, industrial safety, execution of judicial acts, transport control).

According to the results of The joint work resulted in 3028 recommendations on minimizing corruption risks, of which 2837 (94%) have been completed. The

overwhelming part of recommendations is aimed at protecting and realizing rights of citizens and entrepreneurs. A number of recommendations were taken into account when developing and adopting the Tax and Customs Codes in a new edition.

The most important results of recommendations are liberalization of relations between the state and the taxpayer, 62% reduction in the number of grounds for conducting unscheduled inspections (from 32 down to 12), introduction of a differentiated approach to tax administration for different categories of taxpayers, introduction of restrictive norms aimed at ensuring stability of tax legislation.

The practice of involving independent experts into working groups for implementation of external analysis of corruption risks was highly effective.

In 2017, the Agency jointly with experts from Institute for Humanitarian Studies and Projects carried out an external analysis of corruption risks in activities of the Committee for Emergency Situations of the Ministry of Internal Affairs, Ministry of Culture and Sports, Ministry of Education and Science, and KazAgro National Managing Holding JSC.

An important component in preventing corruption is anti-corruption monitoring and operational and investigative practices.

Today, the Agency's recommendations have been taken into account in developing 9 laws (4 adopted), 42

agency's acts (24 adopted), including 9 new public service standards (3 adopted).

3.1. Secondary education and preschool upbringing

Heads of the regional departments for control in the sphere of education in the cities of Aktobe, Almaty and Shymkent were prosecuted for corruption during certification of secondary schools, kindergartens, and colleges.

Away from control sphere, the corruption risks have been identified in the sphere of budgetary funds applying (in the sphere of state procurement and distribution within the framework of state programs).

The prevalence of offenses is facilitated by unjustifiably wide financial and administrative and managerial powers of officials. They are often accompanied by such corruption offenses as bribes for recognition as winner of competition, signing fictitious acts, stealing money in criminal conspiracy, etc.

For such crimes, the rayon heads of educational divisions in Kostanay, Karaganda, Aktobe, Kyzylorda oblasts are brought to a criminal responsibility.

In Mangistau, South-Kazakhstan, Kyzylorda oblasts a corruption scheme

of stealing budgetary funds and the National Fund money, intended for the Balapan program, has been revealed as an artificial increasing the number of children in kindergartens.

The analysis also found that abuses and stealing money in the secondary education system are associated with solution of HR issues, payment of wages to "dead souls", issuance of forged certificates and diplomas.

Lack of normative consolidation of personal responsibility of managers for compliance with anti-corruption legislation, as well as preventive anti-corruption mechanisms in strategic documents in the sphere of education, hampers effectiveness of measures taken to reduce corruption risks

- To effectively reduce the level of corruption in the sphere of secondary education and preschool education, it is recommended:

- to undertake extra measures to secure transparency of making decisions and control over the work;

- to provide a set of measures for improving quality of education and achieving target indicators for the effective implementation of the 100 Particular Steps Nation Plan;

- on the basis of own experience and internal analysis, the authorized body is to develop mechanisms to minimize corruption risks.

THE EXECUTION OF RECOMMENDATIONS:

01

ON THE JANUARY 1, 2017, THE ASTANA AUTOMATED PROJECT STARTED. THE NEW SYSTEM ALLOWS PARENTS TO GET IN LINE AND SELECT A DAYCARE CENTER, AND GET A PERMISSION. (SUCH AN ORDER IS EXPECTED TO RUN ACROSS THE COUNTRY FOLLOWING AMENDMENTS TO APPROPRIATE STANDARDS OF THE STATE SERVICES).

02

THE SYSTEM OF FUNDING PRESCHOOL ORGANIZATIONS RECONSIDERED. BUDGET FUNDS ARE EXPECTED TO SEND DIRECTLY TO ACCOUNTS OF CHILDREN SIMILAR TO EDUCATIONAL GRANTS, NOT TO DAYCARE CENTERS.

03

WE DEVELOPED A PROJECT OF STANDARD RULES FOR ARRANGING THE WORK OF BOARDS OF TRUSTEES, WHICH ESTABLISHES PROCEDURE FOR SPENDING CHARITABLE FUNDS.

04

AN AUTOMATED SYSTEM OF BUDGET CLOUD ACCOUNTING IS EXPECTED TO RUN IN 2017 FOR A NUMBER OF SECONDARY SCHOOLS. THE FULL START IS EXPECTED IN 2018.

05

REPRESENTATIVES OF COMMUNITIES ARE EXPECTED TO ENTER THE BOARDS OF TRUSTEES

SOCIO-ECONOMIC EFFECT OF UNDERGOING MEASURES

UNDER THE ASTANA PILOT PROGRAM OVER 20000 PERMISSIONS ISSUED FOR POPULATION. NEARLY 40000 PARENTS MANAGED TO AVOID A DIRECT CONTACT WITH OFFICIALS. THAT MEANS SIMPLIFYING THE PROCEDURE OF STATE SERVICE AND AFFORDING ITS TRANSPARENCY.

INTRODUCTION OF A NEW MECHANISM OF FINANCING PRESCHOOL ORGANIZATIONS MADE IT POSSIBLE TO SIGNIFICANTLY REDUCE ABUSES RISKS ON THE PART OF OFFICIALS AND PRESCHOOL ORGANIZATIONS, AS WELL AS FAVORED TO INCREASING COMPETITION AMONG DAYCARE CENTERS FOR MAKING THE BEST SERVICES.

GOING INTO THE ORDER OF SPENDING CHARITABLE FUNDS EXCLUDED FAVORABLE CONDITIONS FOR ILLEGAL REQUISITIONS IN SCHOOLS.

THE INTRODUCTION OF CLOUD ACCOUNTING AFFORDS TRANSPARENCY OF SPENDING BUDGET FUNDS IN EDUCATIONAL INSTITUTIONS AND EXCLUDES FINANCIAL VIOLATIONS.

3.2. Health care and circulation of medical drugs

Health care system development, improving quality of medical services and ensuring access to medical drugs are key priorities of the state's social policy.

At the same time, over half of the crimes in this sphere connected with corruption risks in the process of financial and economic functions of officials when purchasing medicines, medical equipment, food for patients and other

purchases under the guaranteed volume of free medical help (hereinafter - GVFMH).

This category of purchases excluded from the Law of the Republic of Kazakhstan On Public Procurement and regulated by separate Rules approved by the Government (Decree No. 1729 of October 30, 2009). Conducting these procedures without the use of electronic format allows officials to abuse authority in making decisions. Besides, the attending of only representatives of the customer in the tender commissions

composition (paragraph 21 of the Rules) creates conditions for subsequent abuses.

Such phenomenons like bribery for service patronage, employment, setting extra payments, illegally paying wages, associated with implementation of organizational and administrative functions, became common in the health care system. Such criminal actions suppressed by heads of regional health departments of the East Kazakhstan and Zhambyl regions.

The analysis also revealed real corruption risks in the activity of the Payment committees for medical services and pharmacies, which account for a quarter of the total number of corruption manifestations in medicine.

In particular, the systemic facts of corruption in the activities of the South

Kazakhstan Department for paying medical services revealed, where a deputy head and an executive of the department created a criminal scheme for obtaining bribes for successful delivery of reports, involving 72 medical institutions.

To effectively reduce the level of corruption in the health care system, it is recommended to:

- increase responsibility of heads of state bodies and institutions, including by strengthening their accountability before public councils;
- create a specialized electronic portal for procurement of medical services and drugs;
- take urgent measures aimed at effective state anti-corruption policy and elimination of identified corruption risks.

THE EXECUTION OF RECOMMENDATIONS:**01**

THE DRAFT LAW OF KAZAKHSTAN, DEVELOPED BY THE MINISTRY FOR HEALTHCARE OF RK, IMPLIES

Going into the system of state regulating prices for all medical drugs (prescription medications from October 2018, and non-prescription medications from 2023)

Introduction of the European system of inspecting drugs producers (one time in 3 years instead of a check upon registration)

Imposing an obligation for farm-producers to online registering medications prices and reporting reasonable grounds.

Installation of clear limits of extra charges (from 20 down to 10 % for whole sales, from 50 down to 10 % for retail business. The more the prices, the less the charges)

a phased transition to electronic procurement of medical drugs and medical products (from January 2018 for a single distributor, and from July 2018 for all healthcare entities);

In order to optimize costs and effective transition use a single access point of the Ministry for Finance of Kazakhstan (hereinafter - MF RK) (in accordance with instruction of the Head of State on introduction of a centralized service principle based single procurement system).

02

THE MINISTRY FOR HEALTHCARE OF KAZAKHSTAN DEVELOPS RULES OF ETHICAL CIRCULATION OF MEDICAL DRUGS

03

AMENDMENTS (GOVERNMENTAL DECREE AS OF NOVEMBER 8, 2017, N719) INTO THE RULES OF PROCUREMENT OF MEDICAL DRUGS AND THE RULES OF PROCUREMENT OF SERVICES FOR THEIR STORAGE AND TRANSPORTATION. THOSE RULES IMPOSES EVALUATION OF POTENTIAL SUPPLIERS OVER COMPLIANCE WITH QUALIFICATION REQUIREMENTS BEFORE ARRANGING THE TENDER. (THE UNISEF IS ACTIVELY APPLYING SUCH A PRACTICE UPON PROCUREMENT OF DRUGS)

04

THE NEW RULES OF SELECTING SERVICE SUPPLIER ON ACCOMPLISHING GUARANTEED VOLUME OF FREE MEDICAL HELP, WHICH IMPLIES FEATURING NGOS REPRESENTATIVES IN CONTEST COMMISSIONS.

05

UNDER THE GUARANTEED VOLUME OF FREE MEDICAL HELP AND THE SYSTEM OF OBLIGATED SOCIAL AND MEDICAL ASSURANCE, THE RULES OF PROCUREMENT OF SERVICES FROM HEALTHCARE SUBJECTS HAVE BEEN APPROVED. (THE ORDER OF THE MINISTER OF HEALTHCARE OF RK AS OF AUGUST, 2017, N591). (TEMPLATES OF REPORTS REDUCED BY 22 %, AND TEMPLATES OF FIRST MEDICAL DOCUMENTATION REDUCED BY 30 %).

06

WE ARE GOING INTO THE QUESTION OF AUTOMATING STATE SERVICES OF THE MINISTRY FOR HEALTHCARE OF KAZAKHSTAN








07

TOTALLY 28 WRONG SANITARY RULES CANCELLED

08

14 STATE FUNCTIONS EXPECTED TO GO INTO COMPETITIVE ENVIRONMENT

SOCIO-ECONOMIC EFFECT OF UNDERGOING MEASURES

-  MORE AFFORDABLE MEDICATIONS FOR POPULATION, A HUGE DIFFERENCE BETWEEN PRICES OF THE SAME TITLE EXCLUDED.
-  WE ARE GOING INTO THE QUESTION OF CREATING CONDITIONS FAVORABLE FOR INCREASING TRANSPARENCY AND OPENNESS DURING PROCUREMENT OF MEDICAL DRUGS AND GOODS, EXCLUSION OF DIRECT CONTACT WITH A POTENTIAL SUPPLIER, SIMPLIFYING PROCEDURES AND DECREASING ADMINISTRATIVE OBSTACLES.
-  CONDITIONS FOR DOUBTFUL PRESCRIBING DRUGS EXCLUDED.
-  DEADLINES FOR CONSIDERATION OF TENDER APPLICATIONS HAVE SIGNIFICANTLY REDUCED, AS WELL AS FLEXIBILITY AND OPERATIONS OF A PROCESS.
-  TEMPLATES OF REPORTS REDUCED BY 22 %, AND TEMPLATES OF INITIAL MEDICAL DOCUMENTATION REDUCED BY 30 %
-  OUT OF 39 STATE SERVICES THE 22 OR 56 % GET COMPLETELY AUTOMATED. IT MADE IT POSSIBLE TO EXCLUDE CONTACT WITH OFFICIALS UPON PROCUREMENT AND TO MAKE THEM AUTOMATED.
-  CONDITIONS FOR ELIMINATION OF MEDICAL BUSINESS OBSTACLES HAVE BEEN CREATED.

3.3. Agriculture

Ensuring veterinary and sanitary security of the country is a priority task of the Ministry of Agriculture of the Republic of Kazakhstan (hereinafter — MA RK). Despite undergoing measures, an epizootic (prevalence degree of an animal disease in a certain area) situation in the country is still unfavorable.

One of the reasons is the illegal issuance of permits to import agricultural products into the country. Illegal actions of officials create additional corruption risks inside the country when selling meat products that do not meet veterinary and sanitary requirements.

The analysis of agency rules in this

area indicates a lack of transparency in decision-making.

Extensive powers to issue permits and a direct contact of the official with entrepreneurs create conditions for corruption.

A high level of corruption risks remains in the sphere of subsidizing agricultural producers. Corruption crimes in this sphere of relations mainly related to stealing budgetary funds by overgrowing actual volumes of agricultural production under subsidies, imperfection of the special commissions work in arranging subsidies, as well as loopholes, collisions and contradictions of normative acts.

THE EXECUTION OF RECOMMENDATIONS:

- 01 THE MINISTRY FOR AGRICULTURE OF KAZAKHSTAN IS GOING TO COMPLETELY ENGAGED INTO ELECTRONIC TEMPLATES OF STATE SERVICES CONCERNING ISSUANCE OF PERMISSIONS ON MOVEMENTS OF MEAT PRODUCTION AND SUBSIDIZING FERTILIZERS.
- 02 HECTARES BASED SUBSIDIZING PROCEDURE FOR CEREALS EXCLUDED IN FAVOR OF TRANSITION TO GIVE LOANS FOR FINAL PRODUCTS.
- 03 TWO NEW STANDARDS OF STATE SERVICES ON SUBSIDIZING MANUFACTURING AGRICULTURE COMPANIES ARE UNDER DEVELOPING.
- 04 A SINGLE DATA SYSTEM, WHICH ALLOWS TO OBJECTIVELY CONSIDERING APPLICATIONS FOR FINANCIAL SUPPORT, IS UNDER INTRODUCING.
- 05 THE NEW RULES OF SUBSIDIZING DEVELOPMENT OF LIVESTOCK BREEDING, IMPLYING AN ELECTRONIC APPLICATION, DEVELOPED IN THE SPHERE OF LIVESTOCK FARMING.
- 06 A DRAFT PROJECT OF THE LAW OF KAZAKHSTAN ON AMENDMENTS AND ADDITIONS INTO SEVERAL LEGISLATIVE ACTS OF KAZAKHSTAN CONCERNING REGULATION OF AGRICULTURE COMPLEX, INTENDED TO ELIMINATION OF OLD, RISKY FOR CORRUPTION AND INEFFECTIVE NORMS, WAS DEVELOPED.

SOCIO-ECONOMIC EFFECT OF UNDERGOING MEASURES

- CREATED CONDITIONS FAVORABLE FOR TRANSPARENCY AND OPENNESS OF MAKING DECISIONS IN THE SPHERE OF SUBSIDIZING AND ISSUING LANDS OF AGRICULTURE PURPOSE
- A NUMBER OF ADMINISTRATIVE BARRIERS CANCELLED
- NUMBER OF DOCUMENTS OF APPLICANTS APPLYING FOR EASY SUBSIDIES FOR SEED PRODUCTION THREEFOLD REDUCED (FROM 3 DOWN TO 1);
- EXCLUDED CONDITIONS FAVORABLE FOR STEALING BUDGET FUNDS BY WAY OF ARTIFICIAL INCREASING CROP ACREAGE
- IMPROVED CONDITIONS FOR DOING BUSINESS IN AGRICULTURE;
- IMPROVED CONDITIONS FOR SUBSIDIZING SUBJECTS OF AGRO-INDUSTRIAL COMPLEX

To effectively reduce the level of corruption in agricultural system, it is recommended to:

- introduce mechanisms of transparency and public control in veterinary control and observance;
- create a departmental commission for issuance of permits, provided the

procedure of filing an application is solely in electronic form;

- reduce terms of making public services;
- undertake urgent measures aimed at effective state anti-corruption policy and elimination of identified corruption risks.

3.4. Land relations

Bribery, fraud and abuse of official powers during allocation of land are common for the sphere of land relations.

Analysis of law enforcement practice suggested the presence of a number of conditions facilitating corruption offenses.

Thus, officials of local executive bodies widely violating requirements of Art. 44-1 of the Land Code of the Republic of Kazakhstan.

No information about free lands is available, there are manipulations with the list of claimants to obtain lands.

Another corruption risk stems from exclusive right of local executive bodies to provide lands, which excludes objectivity and impartiality, and hinders public control in decision-making.

In order to effectively reduce the level of corruption in the sphere of land relations, it is recommended to:

- radically revise the mechanisms for awarding lands in favor of citizens;
- rise administrative responsibility of officials for concealing information on availability of lands;
- amend normative acts as it comes to including representatives of NGOs in commissions complexion;
- develop an automated database on availability of free lands (indicating location, purpose and boundaries), ensuring free access of the population to it;
- reconsider the terms of making public services (downward) in awarding lands;
- check on legality of awarding lands on a systematic basis.

THE EXECUTION OF RECOMMENDATIONS:

01

THE DRAFT LAW OF KAZAKHSTAN THAT IMPLIES OPEN PROCEDURES OF AWARDING LANDS OF AGRICULTURAL PURPOSE, INCLUDING ENGAGEMENT OF REPRESENTATIVES OF COMMUNITIES INTO THE CONTEST COMMISSION WAS DEVELOPED (NO LESS THAN 50 % OF THE TOTAL NUMBER OF THE COMMISSION MEMBERS)

02

UNDER THE DRAFT LAW ON AMENDMENTS AND ADDITIONS INTO SEVERAL LEGISLATIVE ACTS OF KAZAKHSTAN CONCERNING REGULATION OF LAND RELATIONS, WE ARE GOING INTO THE QUESTION OF SELLING LANDS OR THE RIGHT OF RENTING LANDS IN ELECTRONIC FORMAT ONLY.

03

IN 2018 EXPECTED THE TRANSITION TO AN AUTOMATED FORMAT OF RECEIVING STATE SERVICES ON DEVELOPING AND ISSUING ACTS WITH THE RIGHT OF PRIVATE OWNERSHIP OVER LAND, CONSTANT AND TEMPORARILY USING OF LANDS (A PILOT PROJECT IS CURRENTLY INTRODUCED IN AKTOBE, ZHAMBIL, SOUTHERN KAZAKHSTAN REGIONS AND IN ASTANA CITY)

04

CREATING A SINGLE DATABASE OF PERSONS ON THE WAITING LIST TO GET LANDS FOR INDIVIDUAL HOUSING CONSTRUCTION WITH AUTOMATION OF THE WHOLE PROCESS.

05

AFFORDED A FREE ACCESS TO DATA ABOUT LANDS AT WWW.AISGZK.KZ, THE WEBSITE WITH AUTOMATED DATA SYSTEM OF STATE LAND REGISTRY OF KAZAKHSTAN.

06

WORKING AT CREATION OF A SINGLE SYSTEM OF STATE URBAN CADASTRE, COVERING THE FULL DATA ABOUT CONDITIONS OF TERRITORY (BUILDINGS) AND PLANS OF THEIR DEVELOPMENT.

07

A SPECIAL PILOT SERVICE FOR POPULATION, WHICH AFFORDS AN ACCESS TO DATA ABOUT FREE LANDS STARTED IN AQMOLA REGION.

SOCIO-ECONOMIC EFFECT OF UNDERGOING MEASURES

CREATED CONDITIONS FAVORABLE FOR TRANSPARENCY AND OPENNESS OF MAKING DECISIONS IN THE SPHERE OF LAND RELATIONS

AFFORDED AN OPENNESS DURING THE ISSUANCE OF LANDS

A NUMBER OF ADMINISTRATIVE BARRIERS CANCELLED IN THE SPHERE OF LAND RELATIONS

CREATED CONDITIONS FAVORABLE FOR REDUCING TENSION AMONG POPULATION

3.5. Road construction

Transport infrastructure development is a key priority of the country and it has a strategic importance for the state.

Analysis of law enforcement practice suggested that corruption risks rooted in public procurement upon determining provider of services, rising the cost of the project upon developing design package, presence of bribes to officials, saving funds intended to building materials, which subsequently negatively affects the quality of roads.

Away of that, there are a number of problems upon taking objects into operation, monitoring construction of roads and responsibility for violations, as well as the lack of control on the part of society in making decisions.

As a corruption risk, it is also neces-

sary to highlight the lack of availability of information on formation and expenditure of funds from national and local budgets in the field of road construction.

In order to exclude corruption risks and increasing the quality of building highways, it is recommended to the Ministry for Investments and Development of Kazakhstan (hereafter referred to as MID RK) and other responsible state bodies and organizations:

- radically reconsider control mechanisms over building highways;
- consider the question of attributing them the right to make independent expert conclusions about undergoing projects;
- ensure the implementation of the

Law of the Republic of Kazakhstan on Access to Information by KazAvtoZhol JSC, national operator and local executive bodies regarding publication on their websites of complete information on road construction;

- rise an administrative responsibility of legal entities and experts (technical inspections) for violation of legislation during expert works and engineering services;

- make appropriate changes and amendments to the Rules (Rules and licensing requirements on accreditation of organizations engaged in engineering services for technical supervision ...

approved by Order of MNE No. 709 of November 23, 2015), regarding an obligatory requirement for accreditation of organizations engaged in engineering services on technical supervision, the mandatory presence in the personnel of certified experts majoring in construction of highways;

- reconsider the existing standards, norms and rules (SNiP) for construction of highways as the new advanced technologies have introduced;

- MID RK, other executive bodies must enhance control over the quality of building highways.

THE EXECUTION OF RECOMMENDATIONS:

01

THE MINISTRY FOR INVESTMENTS AND DEVELOPMENT STARTED AN ELECTRONIC SYSTEM OF APPLYING DOCUMENTS FOR PROCUREMENT IN ROAD BUILDING.

02

THE NATIONAL CENTER FOR ROAD ASSETS QUALITY UNDER CREATION.

03

A MANDATORY CONDITION ABOUT ACCREDITATION OF EXPERT ORGANIZATIONS AND PRESENCE IN THE STUFF OF CERTIFIED EXPERTS IN HIGHWAYS BUILDING WERE INTRODUCED.

04

INITIATED AMENDMENTS INTO THE CODE OF ADMINISTRATIVE OFFENCES CONCERNING ACCURATE COST OF FINES AND THE EXCLUSION OF DISCRETIONAL NORMS DURING IMPOSING ADMINISTRATIVE RESPONSIBILITY FOR VIOLATING LICENSE NORMS IN ARCHITECTURE, CONSTRUCTION AND URBAN DEVELOPMENT (ARTICLE 464 OF THE CODE).

05

GIVEN THE BEST FOREIGN EXPERIENCE, THE AMENDMENTS INTO APPROPRIATE STANDARDS AND RULES OF HIGHWAYS BUILDING ARE ON THE WAY.

SOCIO-ECONOMIC EFFECT OF UNDERGOING MEASURES

CREATED EQUAL CONDITIONS FAVORABLE FOR SUPPLIERS DURING PROCUREMENT IN ROAD BUILDING

CREATED CONDITIONS FAVORABLE FOR SETTING OUT A CENTRAL CONTROL OVER THE QUALITY OF CONSTRUCTION AND REPAIR WORKS ON ROADS.

THE FULL AND AUTOMATED ACCOUNTING DATA IN A SINGLE DATABASE COULD MAKE POSSIBLE TO INCREASE EFFICIENCY OF SPENDING BUDGET FUNDS, AND REDUCE THE RATE OF ACCIDENTS AND PROBABILITY OF OFFICE ABUSES.

SETTING OUT OF ACCURATE FINE SANCTIONS UNDER ARTICLES OF THE CODE OF ADMINISTRATIVE OFFENCES CAN MINIMIZE CORRUPTION RISK PRESENTED IN DISCRETIONAL AUTHORITIES DURING CONSIDERATION OF CASES ABOUT ADMINISTRATIVE OFFENCES.

INTRODUCED RESTRICTIONS ON ACCESS TO TECHNICAL CONTROL OF NON-MAJORING EXPERTS

3.6. Sports

Physical culture and sports development is a key direction of the state's social policy. Its effective bringing about affects the creation of a strong consolidated society and formation of a nation of a united future.

All revealed facts suggest about systemic problems in financing and organizing the activities of professional football clubs, which ultimately reduces the competitiveness of Kazakhstan football in the world arena.

Another condition, which has favored to corruption crimes, is too widely powers of akimat officials and the lack of transparency in their activities.

Consideration of legal acts regulating activities of physical culture and sports divisions of akimats suggested that their executives are entitled to appoint and dismiss directors of subordinate sports organizations, impose penalties on them, approve cost estimates and sign accounts for payments, as well as accredit local sports federations, form and approve regional lists of national teams, etc.

The combination of such broad powers in one hand, of course, creates corruption risks.

Considering the above, in order to exclude corruption prerequisites in the sphere of sports, it is recommended to:

- radically reconsider approaches to financing sports organizations, by ensuring transparency and objectivity of budget allocation system;
- consider the question of a gradual decrease of state funding professional football clubs with an increase of private capital share (following the experience of England, Germany, Italy);
- reviewing functions and powers of physical culture and sports divisions of akimats with the introduction of mechanisms that exclude the appearance of corruption risks in decision-making;
- establish maximum limits of salaries and bonuses for executives of sports organizations, the founder of which is the state;
- ensure the implementation of the Law of the Republic of Kazakhstan on Access to Information by posting on the official Internet resources a full information on financing physical culture and sports;
- The Ministry of Culture and Sports, as well as local executive bodies, must strengthen control over financing sports organizations and their activities.

01

ADOPTED THE LAW OF KAZAKHSTAN OF MAY 11, 2007, N65-VI ON ENTERING CHANGES AND ADDITIONS INTO SEVERAL LEGISLATIVE ACTS OF RK CONCERNING THE ISSUES OF PHYSICAL CULTURE AND SPORTS, WHICH IMPLIES THE NEW SYSTEM OF FINANCING THE SPHERE OF SPORTS AND DISTINCTION OF FUNCTIONS OF THE STATE BODIES.

02

APPROVED THE RULES OF RANKING TYPES OF SPORTS IN RK (THE ORDER OF THE MINISTER FOR CULTURE AND SPORTS OF KAZAKHSTAN AS OF JULY 26, 2017, N 216), AS WELL AS THE SIZE OF COST OF PRIZES FOR CHAMPIONS AND WINNERS OF SPORTIVE CONTESTS, UNDERTAKEN BY AUTHORIZED BODY IN PHYSICAL CULTURE AND SPORTS AND LOCAL EXECUTIVE BODIES (THE ORDER OF THE MINISTER FOR CULTURE AND SPORTS OF KAZAKHSTAN AS OF JULY 28, 2017, N 219).

03

EIGHT FOOTBALL CLUBS STARTED TO ACT IN COMPETITION ENVIRONMENT.

04

THE LIST OF STANDARDS OF STATE SERVICES IN PHYSICAL CULTURE AND SPORTS WAS ADDED BY THE THREE NEW STANDARDS: ASSIGNMENT OF STATUS "SPECIALIZED" FOR SPORTIVE SCHOOLS THEIR DEPARTMENTS; AWARDING TO CHAMPIONS AND WINNERS OF OLYMPIC, PARA-OLYMPIC, AND SURDLYMPIC GAMES BY HOUSING; COMPENSATIONAL PAYMENTS TO MEMBERS OF KAZAKHSTAN UNITED TEAMS IN DIFFERENT TYPES OF SPORTS (NATIONAL UNITED TEAMS IN TYPES OF SPORTS) IN CASE OF SPORT INJURIES AND WOUNDS DURING INTERNATIONAL SPORT CONTESTS (THE ORDER OF THE MINISTER FOR CULTURE AND SPORTS OF KAZAKHSTAN AS OF JULY 3, 2017, N 203)

05

DEVELOPED THE PLAN OF MEASURES ON OPTIMIZATION AND AUTOMATION OF STATE SERVICES IN SPORTS FOR 2018.

SOCIO-ECONOMIC EFFECT OF UNDERGOING MEASURES



DISTINCTION OF FUNCTIONS OF A CENTRAL AUTHORIZED BODY (COORDINATION AND CONTROL OVER DEVELOPMENT OF BUDGET FUNDS) AND AKIMATS (MASS SPORT DEVELOPMENT)



REDUCED THE STATE FINANCING PROFESSIONAL FOOTBALL



EXCLUDED CONDITIONS FAVORABLE FOR DIRECT CONTACT WITH A SERVICE SUPPLIER DURING MAKING THE STATE SERVICE



UNDERTAKEN MEASURES MADE IT POSSIBLE TO MINIMIZING CORRUPTION RISKS UPON ALLOCATION OF BUDGET FUNDS IN SPORTS.

3.7. Governmental audit

The governmental audit and financial control considered as the most vital

components of the system of ensuring economic security of the country.

Monitoring budget funds and assets development on the part of the

Accounts Committee for Control over Republican Budget Execution (hereinafter referred to as the Accounts Committee) suggested that the more control, the more violations would be detected during development of these funds. It indicates the important role of controlling bodies in state budget policy.

At the same time, corruption manifestations on their part significantly reduce effectiveness of such a work, which negatively affects the successful implementation of the state's strategic objectives.

For example, the Chairman of the Visiting Republican Commission for Financial Control Committee of the Ministry of Finance of the Republic of Kazakhstan convicted for 10 years of imprisonment in Karaganda region. Similar crimes took place and in Akmola, Almaty, Atyrau, Mangistau, Zhambyl, Kyzylorda regions.

Analysis of law enforcement practice suggested that there are a number of reasons and conditions conducive to corruption in the activities of the state audit and financial control agencies.

First, it is about imperfection of the system of state bodies, the presence of duplicating functions in the activities of the state bodies.

Second, such an analysis is about discretionary norms in normative legal acts conducive to corruption manifestations.

Thus, according to the Law on State Audit and Financial Control, at the initiative of audit commissions chairmen, the changes can be made to the approved list of objects of state audit of the appropriate year.

Besides, head of state body can prolong a period for holding the state audit during inspection (paragraph 3, Article 17 of the Law).

Such discretionary norms also

revealed in subordinate regulatory legal acts.

In accordance with the Rules of Internal State Audit and Financial Control (Regulation No. 76 of the Government of the Republic of Kazakhstan of February 18, 2016) (hereinafter referred to as the Rules), the auditors are entitled to exclude certain audit activities from the list of state audit (paragraphs 24, 38, 39 of the Rules). They also can expand the list of issues to be checked (paragraph 66 of the Rules).

Similar norms also revealed in the Rules of external state audit and financial control (normative order of the Accounts Committee No. 17-K of November 30, 2015) (paragraphs 52, 54, 55).

Third, facts of direct contacts between auditors and officials of inspected objects are common.

Fourth, there is a lack of transparency in the activities of controlling bodies.

No control authority places the full information on the results of state audit in the public domain. They are commonly placing press releases, plans and brief information about the work.

All this, of course, creates corruption risks in the activities of controlling bodies.

Considering the above, in order to exclude reasons and conditions for corruption and improve the system of state audit and financial control, there are some recommendations for responsible state bodies to:

- reconsider an existing system of state audit and financial control bodies by eliminating duplicating links;
- automate all processes of state audit and financial control by using electronic format to exclude direct contacts;

- Under the principle of transparency (Subparagraph 7 of the Law's Article 6) and access to information (Article 4 of the Law on access to information), the state audit and financial control bodies must publish full reports on activities, namely about undergoing inspections

and resulting reports in the media and their WEB resources (audit reports, audit conclusions and internal audit reports);

- The Accounts Committee must consider the issue of assessing activities of state and financial control bodies about their effectiveness.

THE EXECUTION OF RECOMMENDATIONS:

01 ADOPTED THE LAW OF KAZAKHSTAN ON AMENDMENTS AND ADDITIONS INTO THE LAW OF KAZAKHSTAN ON GOVERNMENTAL AUDIT AND FINANCIAL CONTROL, INTENDED TO:

- ◆ IMPROVING THE SYSTEM OF GOVERNMENTAL AUDIT AND FINANCIAL CONTROL
- ◆ DECREASING CORRUPTION RISKS BY WAY OF IMPROVING PROCEDURES OF GOVERNMENTAL AUDIT, ELECTRONIC GOVERNMENTAL AUDIT, PRELIMINARY AUDIT, WITHDRAWAL OF A STATE CERTIFICATE, AS WELL AS IMPROVING HR OF GOVERNMENTAL AUDIT AND FINANCIAL CONTROL BODIES AND ELIMINATION OF LEGAL LOOPHOLES
- ◆ CONSOLIDATION OF COMPETENCE OF AN AUTHORIZED BODY CONCERNING APPROVAL OF RULES FOR MAKING GOVERNMENTAL AUDIT AND PROCEDURES OF ELECTRONIC GOVERNMENTAL AUDIT.

02 APPROVED QUALIFICATION REQUIREMENTS TO CANDIDATES CLAIMED TO BE APPOINTED AS A STATE AUDITOR.

03 PROVIDED AMENDMENTS INTO THE RULES OF INTERNAL STATE AUDIT AND FINANCIAL CONTROL, EXCLUDING DISCRETIONAL COMPETENCES OF AUDITORS ON REDUCING AND ENLARGEMENT OF THE LIST OF CHECKING ISSUES DURING INSPECTIONS SUBPARAGRAPHS 24, 38, 39, 66 OF THE RULES), AS WELL AS AMENDMENTS INTO THE PLAN OF AUDIT, PROGRAM AND AUDIT ASSIGNMENT DURING THE INSPECTION (PARAGRAPH 68 OF THE RULES)

04 A PROCEDURAL STANDARD OF INTERNAL STATE AUDIT, CALLED "EVALUATION OF EFFICIENCY OF INTERNAL AUDIT SERVICES", IS GETTING APPROVAL OF INTERESTED STATE BODIES.

SOCIO-ECONOMIC EFFECT OF UNDERGOING MEASURES

UNDERTAKEN MEASURES HAVE CREATED CONDITIONS FAVORABLE FOR OPTIMIZATION OF THE SYSTEM OF GOVERNMENTAL AUDIT, INCREASED ITS EFFECTIVENESS, AND MADE IT POSSIBLE TO MINIMIZE CORRUPTION RISKS IN THE SPHERE OF GOVERNMENTAL AUDIT.

3.8 Ecology

Ensuring environmental security is a vital priority of public policy. Inadequate control in this area entails a noticeable deterioration of the environment and, as a consequence, affects the life and health of citizens.

In this aspect, the corruption is an essential factor affecting environmental security.

The analysis of law enforcement practices revealed real corruption risks in this area.

In particular, this is the presence of "direct contact" between officials and audited entity during state environmental inspections, existence of broad discretionary powers without transparency mechanisms, imperfection of procedures of state environmental expertise and public services, inaccessibility of environmental information, and a large number of non-transparent, unscheduled inspections.

Given the above, in order to exclude corruption risks and increase entrepreneurial activity of nature users, it is recommended to:

- improve the procedure of state ecological expertise and of issuing permits for emissions into environment, taking into account identified corruption risks;

- change the methodology for determining the emission limit to the environment, excluding its reduction, based on the remaining period of the calendar year.

- eliminate revealed gaps and collisions of laws on procedures for issuing an integrated environmental permit and the re-issuance of emission permits;

- The Ministry of Energy and local executive bodies should take measures to eliminate identified shortcomings and strengthen state environmental control.

THE EXECUTION OF RECOMMENDATIONS:

01

PROVIDED BY AMENDMENTS INTO THE LAW OF KAZAKHSTAN ON AMENDMENTS AND ADDITIONS INTO CERTAIN LEGISLATIVE ACTS OF KAZAKHSTAN ON ISSUES OF IMPROVING REGULATION OF ENTREPRENEURIAL ACTIVITY:

- ◆ CONSOLIDATION OF STATE SERVICE ON ISSUING PERMISSIONS FOR EMISSION INTO ENVIRONMENT AND CONCLUSION OF ECOLOGICAL EXPERTISE WITH FULL TRANSITION TO 'ONE WINDOW' PRINCIPLE BASED ELECTRONIC FORMAT.
- ◆ REDUCED THE DEADLINES OF MAKING THESE STATE SERVICES ALMOST IN 3 TIMES (FROM 120 DOWN TO 45 DAYS)
- ◆ EXCLUDED THE PROCEDURE OF REJECTION OF ISSUING THE CONCLUSION OF EXPERTISE BY WAY OF INTRODUCTION OF A MECHANISM OF FINALIZING AND FIXING REMARKS (IN 10 WORKING DAYS) UNDER A SINGLE APPLICATION.

02

THE MINISTRY FOR ENERGY OF KAZAKHSTAN IS GOING INTO THE QUESTION OF MAXIMUM USING OF VIDEO FIXATION OF ECOLOGICAL INSPECTIONS.

03

THE QUESTION OF AUTOMATED CONTROL OF EMISSIONS BY WAY OF INSTALLING SENSORS AT SOURCES OF EMISSION OF USERS OF NATURAL RESOURCES.

SOCIO-ECONOMIC EFFECT OF UNDERGOING MEASURES

THE DEADLINES OF RECEIVING EXPERT CONCLUSION EXPECTED TO REDUCE BY SEVERAL MONTHS

CREATED CONDITIONS FOR ONLINE GETTING DATA ON EMISSIONS. IT ALLOWS TO EXCLUDE A DIRECT CONTACT WITH USERS OF NATURAL RESOURCES UPON INSPECTION

CREATED CONDITIONS FOR TRANSPARENCY OF ECOLOGICAL INSPECTIONS

UNDERTAKEN MEASURES MADE IT POSSIBLE TO IMPROVE CONDITIONS FOR MAKING BUSINESS AND TO DECREASE ADMINISTRATIVE BARRIERS FOR SERVICE TAKERS

3.9. Quasi-state sector

Analysis of criminal statistics suggested that procurement (55 % of all quasi-corruption crimes in this sphere) is a particularly corruption-vulnerable area in quasi-state sector.

The root cause of the current situation is the lack of unified approaches to hold procurement, information and analytical platform, low transparency, prevalence of administrative regulation means, and lack of control mechanisms.

The situation in quasi-state sector indicates corruption risks, loopholes and conflicts in legislation, lack of transparency, accountability and control.

Given the above, in order to exclude corruption risks in this sphere, it is recommended to responsible state bodies and subjects of quasi-state sector to:

- radically reconsider approaches to procurement in a quasi-state sector, develop of a separate legal act and hold modern electronic procurement mechanisms;

- make amendments to Rules for selection and financing housing construction projects within the framework of the Nurdy Jol Program, which exclude corruption and discretionary norms.

To include into the Rules the mechanisms of openness and transparency upon making decisions and run the institution of public control.

THE EXECUTION OF RECOMMENDATIONS:**01**

DEVELOPED THE DRAFT LAW OF KAZAKHSTAN ON AMENDMENTS AND ADDITIONS INTO SEVERAL LEGISLATIVE ACTS OF KAZAKHSTAN ON ISSUES OF STATE PROCUREMENT AND PROCUREMENT OF SUBJECTS OF QUASI-STATE SECTOR, WHICH IMPLIES:

- ◆ SINGLE RULES AND ELECTRONIC FORMAT OF PROCUREMENT
- ◆ TO ATTRIBUTE THE COMMITTEE OF INTERNAL STATE AUDIT OF THE MINISTRY FOR FINANCE OF KAZAKHSTAN BY FUNCTIONS OF AN AUTHORIZED STATE BODY OVER CONTROL FOR MAKING PROCUREMENT OF SUBJECTS OF QUASI-STATE SECTOR
- ◆ INTRODUCTION OF A SINGLE SYSTEM OF PROCUREMENT AND ADMINISTRATIVE RESPONSIBILITY FOR VIOLATION OF IT
- ◆ INTRODUCTION OF A SPECIAL PROCEDURE FOR CONSIDERING COMPLAINTS OF SUPPLIERS
- ◆ CREATION OF A SINGLE DATABASE FOR MONITORING PROCUREMENT, REGISTRY OF DISHONEST PARTICIPANTS AND SERVICE OF PROCUREMENT CONTROL

02

AMENDMENTS INTO THE "NURLY ZHER", THE HOUSING CONSTRUCTION PROGRAM (GOVERNMENTAL DECREE AS OF OCTOBER 23, 2017, N674). THESE AMENDMENTS EXCLUDED A DIRECT INTERACTION OF THE BAITEREK DEVELOPMENT JOINT STOCK COMPANY WITH CONSTRUCTORS.

03

TO AVOID CORRUPTION RISKS IN POLICIES OF THE BAITEREK DEVELOPMENT JOINT STOCK COMPANY:

- ◆ Amendments into the rules of selecting and financing projects of housing construction under the state program of infrastructure development, called "Nurly Zhol" for 2015-2019 (Institute of public control, reducing the number of documents from 52 down to 35, requested from potential constructors, exclusion of the right to demand additional documents)
- ◆ Actualization of the Policy of counteracting corruption and adoption of the new documents (anti-corruption standards, Code of business ethics and corporate management)
- ◆ An operational system, called "Digital Baiterek", developed and started jointly with Baiterek Development National Management Holding. This system provides an online portal for interaction with private partners (constructors) and automation of business processes on receiving and consideration of applications to finance the new projects, as well as accepting and paying for performed works on current projects.
- ◆ Established the position of Ombudsman for ensuring compliance with the Code of business ethics.

SOCIO-ECONOMIC EFFECT OF UNDERGOING MEASURES



CREATED CONDITIONS FOR ONGOING CONTROL OVER
SPENDING BUDGET FUNDS



SIGNIFICANTLY REDUCED CORRUPTION RISKS IN ACTIVITIES IN QUASI-
STATE SECTOR SUBJECTS

CHAPTER 4.

THE ROLE OF KAZAKHSTAN SOCIETY IN COUNTERACTING CORRUPTION

4.1. The main approaches of engagements of civil society into counteracting corruption

In his Message "The Third Modernization of Kazakhstan: Global Competitiveness", the Head of State stated that the fight against corruption will largely depend on the active participation of the whole society.

Ensuring transparency and openness of government bodies is an absolutely indispensable condition for the effective anti-corruption interaction between civil society institutions and the state.

In this regard, the Agency has adopted a course of maximum openness and search of optimal models of partnership between society and the state.

The first Congress of Civil Initiatives on Anti-Corruption was an important event of 2017 and it brought together a large number of representatives of civil sector, trade unions, ethno-cultural and other institutions of civil society.

The Agency arranged partnership relations with university community, the Assembly of the Peoples of Kazakhstan, Federation of Trade Unions of the Republic of Kazakhstan, Zhangaru NGO, religious confessions and started a lot of joint projects.

The Congress sets out and offered the new approaches to form a comprehensive rejection of corruption and involvement of society into implementation of anti-corruption initiatives.

Package of initiatives that the Con-

gress has proposed includes Unknown Customer Method Based Public Audit Project, consideration of conflict of interests in public service, public monitoring public procurement, the project of 10 steps to reduce corruption on the roads.

It is commonly beliefs that the quality of public services affects the level of public confidence in government bodies, so there is a need of constant monitoring quality and accessibility of public services, with wide public involvement in this process.

So, in 2017, Unknown Customer Method based Civil control over the quality of public services carried out together with representatives of public society.

Under the project period 718 visits to various organizations bringing about public services completed.

This work resulted in 758 facts of violations, among them: mediation services for illegal awards (pomogayki), overburden queues, bureaucratic barriers, non-compliance with a schedule of work, facts of incorrect consultations, publishing incorrect data about services order, unequipped waiting rooms, lack of ramps and others.

In order to eliminate identified shortcomings, the Agency has sent appropriate recommendations to all organizations, and controlled over their implementation.

Jointly with the Federation of Trade Unions of Kazakhstan, a large-scale campaign "To the future without bribes.

"Together!" started. Under the campaign, an anti-corruption mobile groups began to receive citizens and hold explanatory measures in labor collectives. Today, 1,075 raids carried out, 3344 labor collectives or about 460 thousand people involved into anti-corruption enlightenment, and 237 written appeals have been received.

During the 2017 First Congress of Civil Initiatives for Combating Corruption the Agency jointly with public organizations has declared the project called "Prevention and Resolving Conflicts of Interest" started. Since the early year, the Agency has explored 2211 state bodies and institutions concerning joint work of close relatives and likelihood of other forms of conflict of interest.

The monitoring (analysis of corruption risks, exploring official duties and personal data of employees of state bodies and institutions, analysis of appeals of individuals and legal entities, scheduled inspections) resulted in 153 facts of conflicts of interest.

Above facts of conflicts of interest refer to the following areas: employment or joint work - 133, state procurement (presence or participation of close relatives in competitive commissions) - 7, imposing disciplinary sanctions (official investigation by an interested person) - 4, bonuses (preferences in favor of close relatives) - 3, land relations (attending land commissions) - 2, housing relations (attending housing commissions) - 2, agriculture (attending the Commission on assessing diagnostic animal diseases) - 2.

A project called "10 Steps to Reduce Corruption on the Roads" that the First Anti-Corruption Media Center has initiated considered as one of the key directions of public control in the regions.

This project is intended to identify

and minimize corruption risks in relations of participants of road circulation with traffic police, transport inspection and customs authorities. For that, completed an explanatory work with car owners about requirements of modern anti-corruption legislation on criminal and administrative responsibility for corruption offenses, and procedure of turning for Agency's Call Center calling on a phone number 1424, as well as data booklets have been distributed.

Besides, under the project, the raids were regularly conducted to stop violations of official ethics rules, the use of official vehicles by civil employees.

Today, we can firmly say that a pool of active representatives of civil society has been formed in Kazakhstan. They make a significant contribution to the development of Kazakhstan's anti-corruption legislation, participate in monitoring groups on implementation of measures plans under the Anti-Corruption Strategy. They also actively participate in working groups and advisory bodies and so on.

The 2018-2020 Draft Plan development on implementation of Anti-Corruption Strategy of Kazakhstan for 2015-2025 highly exemplified consolidation of civil society.

Over 70 round tables and other events were held throughout the country to discuss the draft of a new three-year plan with participation of representatives of civil institutions, academic community and other interested persons with wide coverage in the media.

Every citizen of the country reached an opportunity to contribute to the fight against corruption by offering activities for inclusion in the draft Plan. In total, within the framework of undertaken measures, more than five hundred proposals were submitted to the draft Plan.

The resulting report of this work has emerged during public hearings "Strategy for Combating Corruption: bringing together efforts of the State and Society", which took place in an updated format.

In 2017 for confirmed reports on the facts of corruption, 226 persons were awarded with 31 million tenge, which is 22% more than in 2016 (185 persons by 27 million tenge).

According to sociological research results, it can be stated that over the past few years, the anti-corruption activity of civil society has increased. So, in 2017, 55.5% of surveyed population declared their readiness to personally support the reduction of corruption, whereas in 2016, this figure was 53.1%.

4.2. Formation of anti-corruption culture

Creating an atmosphere of intolerance to any manifestation of corruption and promoting anti-corruption culture in the society is one of the key areas of the Anti-Corruption Strategy.

Nowadays, the country has created institutional and legal foundations for anti-corruption culture, which based on a rational combination of anti-corruption enlightenment, education and upbringing.

At all levels of the educational system we hold anti-corruption upbringing programs in order to solve the tasks of forming anti-corruption mindset, sustainable skills of anti-corruption behavior and increasing the level of legal culture of students.

The current anti-corruption policy focused in institutions of preschool education. Children competitions on drawings, sculptures, compositions are regularly held in all regions of Kazakhstan. The best works are placed

at the exhibition, which is held in the building of the Academy of Public Administration under the President of the Republic of Kazakhstan.

In order to form an anti-corruption culture in schools, the concept of educational work among students was approved, on the basis of which voluntary school clubs called "Adal Urpaq" created in all schools of the republic. Today, they bring together 800 thousand students and more than 23 thousand anti-corruption measures took place.

Anti-corruption education among youth student environment undergoes. Under the training, students are helped to discern the nature and essence of corruption, as well as socio-economic, legal, cultural and moral and ethical aspects of counteracting corruption.

Many students, who inspired with the idea of non-acceptance of corruption, for their scientific papers choose topics related to anti-corruption issues.

For the first time, cultural institutions, museums, theaters, libraries, exhibitions and art galleries, as well as educational organizations, acted as active conductors (agents of changes) of principles of respectableness, honesty and incorruptibility.

Thus, special corners of corresponding works of literature and art created in cultural institutions for anti-corruption education of citizens. Theater performances, book exhibitions in libraries, etc. are held.

It allowed to create a favorable educational and cultural environment for anti-corruption upbringing of citizens.

The Agency encourages informational and educational projects, namely, From University to University, Adal Bol, Door-to-Door, Antibribe, and so on, which playing an important role in the

formation of anti-corruption culture. They all have the same goal, to bring together efforts of country's all citizens in the fight against corruption, to develop sustainable immunity and a general rejection of corruption.

To consolidate efforts of the university community in promoting principles of academic honesty and zero tolerance, an anti-corruption space bridge was held featuring more than 50 leading higher educational institutions of the country.

The TV space bridge resulted in launching of anti-corruption relay race, called Adal Bol, within which students filmed and shared videos on anti-corruption theme in the Internet.

Anti-corruption relay race gained a great popularity among students, and by late 2017 it covered practically all higher educational institutions of the country.

Launching the site "Adaldi alangi" favored to create an educational platform, where it is possible to find social projects, educational, creative works, video materials, information about conducted and expected activities aimed at formation of anti-corruption culture. The site also contains such unique pages as "Agreement with Civil Society", "Honor and Ethics".

All of this is intended to ethical education of civil employees, entrepreneurs and workers of other spheres.

Together with the Alliance of bloggers of Kazakhstan in the social network Facebook, a flash mob "#ANTIVZYATKA" was held, during which participants explained to children what corruption was, what harm it affected to society and how to counteract it. The action was supported by more than 15 thousand active users of social networks from all regions of the country, including well-known TV personalities,

sportsmen, public figures, scientists, as well as representatives of state organizations.

Upon formation of comprehensive rejection of corruption an important significance has a spiritual and moral education of youth. Meetings with representatives of religious and ethnic and cultural associations, which today make a significant contribution to anti-corruption education by warning the danger and calling on believers to forego bribes, became common.

In order to increase the legal literacy of the population and formation of zero tolerance among citizens to corruption in early year, the Republican program "Door to door" started. The action consisted in distribution of anti-corruption memos and informational booklets with explanatory information along with utility receipts. Today, more than 13.5 million memos and booklets distributed in all regions of the country.

The program "Door to door" was encouraged by great artists, famous public figures and athletes of our country. More than 300,000 anti-corruption posters and banners with images and motto "Hit Corruption to Deep Knockout" and "With every bribe you steal dreams of our children" installed in places of mass gathering in all regions of the country.

The experience of recent years suggests that information and explanatory work could highly affect the formation of anti-corruption consciousness.

Organized in 2017 for different target groups 10,950 explanatory meetings covered 776,372 citizens.

About 144 media conferences and briefings were held featuring republican and regional mass media.

6425 papers in printing editions, and 12544 notes published in WEB, as well as 2514 TV trailers and 2023 radio records

fbroadcast on anti-corruption topics.

Along with this, a broadcast of anti-corruption video trailers and audio clips arranged via 28 TV channels and 11 radio stations.

Such a work resulted in positive formation of anti-corruption culture, highly exemplified by the annual sociological survey called "Determining the level of perception of corruption in

the Republic of Kazakhstan".

The number of people who negatively related to corruption increased by 20.7% (from 60.7% in 2016 to 81.4% in 2017). The number of people estimating the level of corruption in the country as averaged and high leveled reduced (from 72.7% in 2016 down to 70.1% in 2017).

CHAPTER 5.

PROSPECTS AND TRENDS OF ANTI-CORRUPTION POLICY AND LEGISLATION'S DEVELOPMENT

5.1. Implementation of international anti-corruption standards into the national legislation

International anti-corruption standards, which reflected in global and regional anti-corruption acts, recommendations of authoritative international organizations, form the guidelines for development of national anti-corruption laws and unify approaches to counteracting corruption.

Kazakhstan has ratified the basic anti-corruption act of the United Nations - the Convention against Corruption (May 4 2008), as well as the United Nations Convention against Transnational Organized Crime (June 4, 2008), the Council of Europe Convention on Laundering, Identification, Seizure and Confiscation of the Proceeds from Crime (May 2, 2011), part of the main provisions of which have been already implemented in national legislation.

Besides, Kazakhstan is actively involved in monitoring the "Istanbul Action Plan to Combat Corruption", the sub-regional mutual assessment program launched within the OECD Anti-Corruption Network in 2003.

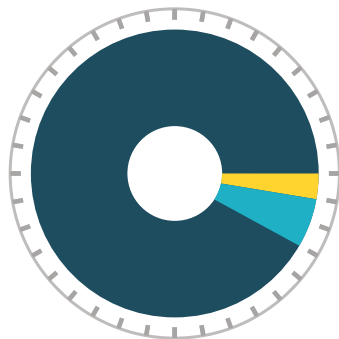
It should be noted that substantive recommendations of international experts within the framework of the Istanbul plan play an important role in the process of improving anti-corruption legislation of Kazakhstan.

By 2018, four rounds of monitoring anti-corruption reforms in Kazakhstan have already been carried out.

The results of the third round summed up at the plenary meeting of the Istanbul Action Plan against Corruption on September 13, 2017 in Paris at the OECD headquarters.

It sets out the following assessments of the level of completing recommendations of the Third Monitoring Round.

OUT OF THE 19 RECOMMENDATIONS DELIVERED BY OECD EXPERTS FOLLOWING RESULTS OF THE THIRD ROUND OF MONITORING:



16
COMPLETED (full and partially)

1
UNCOMPLETED

2
NOT ESTIMATED*

* Assessment of implementation of two recommendations was not carried out, since the Fourth round of monitoring did not cover the topics of state financial control and audit, political corruption.

The Fourth Monitoring Round made 22 new recommendations and recognized 7 previous recommendations as still in force due to their partial implementation.

The OECD recommendations cover



Anti-corruption policy. Within the framework of this direction, the criticism of OECD experts is aimed at the necessity of simultaneously fixing state responsibility in the Anti-Corruption Strategy for developing and implementing a comprehensive anti-corruption policy, as well as extending the notion of corruption to private sector. It will require fixing in criminal legislation responsible officials from private sector as responsible subjects of corruption offenses.

Intra-corporate corruption causes significant damage to both the business environment and interests of the state and society. And counteraction to it by methods undertaken in the state sphere, will allow to struggle more effectively against it.

Prevention of corruption. Most of the OECD recommendations dealt with this particular area.

In particular, OECD experts stated the need to establish detailed rules of integrity for political employees, and to implement an effective mechanism to monitor compliance with the rules.

the following four areas in which their actualization in anti-corruption policies and legislation has been determined.

The following recommendations are the most important.

In this case, it is about the need to improve rules of parliamentary ethics, as well as introduction of deputy ethics commissions with the appropriate powers. At this, these functions should be excluded from the Central Election Commission of the Republic of Kazakhstan.

In addition, the Law of the Republic of Kazakhstan on Combating Corruption needs to be amended with mechanism for implementation of norms and sanctions for violations of rules of conflict of interests.

In judicial sphere, it is necessary to carry out reforms aimed at strengthening internal self-government and, accordingly, increasing the independence of the judiciary. At the legislative level it will require to consolidate the principle of random distribution of cases between judges and to establish responsibility for unauthorized interference into the work of automated system of distribution of cases in courts.

In the area of prosecutors' supervision, the measures will be required to increase guarantees for protecting

prosecutors from unlawful interference in their activities, tighten selection procedures, introduce evaluation systems for prosecutors, including ethical issues, creation of the prosecutor's council as a body of procurator's self-government, mandatory declaration of property, incomes and expenses of prosecutors and members of their families with subsequent publication of such declarations.

We need to make anti-corruption expertise of normative legal acts obligated for all law drafts submitted to the Parliament, and continue its practice for the other legal acts, including current acts.

In the field of access to information, there is a need to make laws of the RK corresponded to international standards.

In the sphere of public of a quasi-state and public sectors procurement, we need to reduce the level of procurement from a single source, to adopt the law on procurement in a quasi-state sector, to improve procurement system towards greater openness, exclusion of conflicts of interest.

Besides, it is crucial to strengthen anti-corruption in quasi-state sector by effective organizational and legal mechanisms of accountability, control and transparency of decision-making procedures, as well as disclosure of information, internal and external audit, measures of compliance with fair competition principles, norms of business ethics and integrity, as well as the introduction and compliance with corporate rules (compliance).

Criminal responsibility for corruption and its application. In this direction, in accordance with the OECD recommendations, we need to take the following measures:

- Exclusion of administrative responsibility for corruption (except criminal);
- Exclusion of monetary threshold for application of a criminal responsibility for corruption (2 MCI), since no award for making official duties is acceptable;
- Criminalization of promises and offers of bribes, giving bribes and corrupt payment in favor of third parties, offering influence;
- Inclusion of juries into the number of subjects of corruption offenses;
- Establishment of a procedure for prosecution for legalization (laundering) of money, regardless of responsibility for predicate crimes;
- Introduction of criminal liability of legal entities for corruption offenses;
- Adoption of a norm that excludes possibility of exemption from criminal liability for corruption offenses in connection with active repentance, as well as in case of corrupted payment in favor of foreign officials;
- Making criminal legislation corresponded to international standards in criminal prosecution of foreign officials for corruption crimes in Kazakhstan and citizens of Kazakhstan for corruption offenses committed abroad;
- Mandatory confiscation of property of corrupt officials and third parties for giving bribes;
- Create an agency or unit responsible for search, identification, arrest and management of criminal incomes subject to confiscation, including abroad;
- Increasing periods of prescription for bringing to administrative responsibility for corruption offenses because of the latency of this type of offenses;
- Improvement of procedures for removing criminal immunity of Parliament deputies, Prosecutor General in terms of their clear regulation;

- Extend a definition of a public official by adding heads of quasi-state sector subjects, political parties, as well as members of the family and close (connected) persons of a public official with the purpose of extending legislation on countering legalization (laundering) of criminal incomes;

- Simplify procedure for accessing the investigation to financial monitoring data;

- Consider a possibility to create a central register of bank accounts for effective detection and tracking criminal incomes;

- Implement in legislation the procedure and conditions of returning assets and their disposal in accordance with Article 57 of the United Nations Convention against Corruption;

- Exclude a possibility of releasing corrupt officials from liability in the form of deprivation of liberty in case of compensation of material damage;

- Make an amendment in the Criminal Procedure Code of the RK concerning a clear distinction between permissible imitation of bribery and its provocation and detailed rules for imitating criminal activity.

Preventing and prosecuting corruption in a particular sector - Higher education.

Keeping a close eye on the high level of corruption in higher education, the OECD experts suggested the need to take serious measures to prevent corruption in this area.

In particular, there is a need for a large-scale analysis of corruption risks in this area, improving anti-corruption planning, ensuring transparency of activities and conducting accreditation, eliminating unscheduled inspections, improving procurement procedures, etc.

A balanced approach to implement the best world experience based on a deep analysis of the situation in Kazakhstan, regional peculiarities, would allow to improve the quality of national legislation, add the new content and bring it in compliance with generally recognized principles and norms of international law, create conditions for improving effectiveness of anti-corruption policy.

5.2. New approaches and trends of anti-corruption planning

World and domestic experience in counteracting corruption exemplifies the high importance of a set of anti-corruption planning, which is an effective tool for implementing anti-corruption measures on a systematic basis with a constant correction of the methodology of anti-corruption resistance.

Given the results and outcomes of the first implementation period of the Anti-Corruption Strategy of the Republic of Kazakhstan for 2015-2025, the second stage of strategic planning of anti-corruption measures might be intended to solve tasks of combating corruption, of national, sectoral and local significance, as well as concentrating resources of all subjects of anti-corruption resistance, including public institutions and citizens of the country.

We have to carry out such a work purposefully, comprehensively and systematically.

We have the next key sources and guidelines upon formation of directions and anti-corruption measures for the Action Plan for 2018-2020 under implementation of Anti-Corruption Strategy of Kazakhstan for 2015-2025 and counteracting the shadow economy:

- Instructions of the Head of State Nursultan Nazarbayev, that he has delivered in the Messages to the people of Kazakhstan;

- Obligations of Kazakhstan within the framework of ratified international legal acts;

- Recommendations of the OECD Anti-Corruption Network under in the Istanbul Action Plan against Corruption, to which Kazakhstan is a participant;

- Outcomes of the analysis of implementation of the first stage of strategic planning anti-corruption measures, as well as departmental and regional anti-corruption plans;

- Results and recommendations generated following anti-corruption monitoring, internal and external analyzes of corruption risks, sociological and other scientific studies;

- Analysis of the best international practices in countering corruption and the legislation of Kazakhstan on the existence of corruption-related norms;

- Proposals of central state and local executive bodies, subjects of quasi-state sector, public institutions, national and international experts.

The structure of the Second stage plan is intended, first of all, to the implementation of six directions defined by the Anti-Corruption Strategy.

Anti-corruption measures in all six areas, based on targeted goals of measures, should support the implementation of the OECD Anti-Corruption Network recommendation within the framework of the Istanbul Action Plan to Combat Corruption, prevention of corruption and corruption risks, further development of public services, as well as improving anti-corruption planning and monitoring anti-corruption measures.

Among them, we should state the

measures such as improving effectiveness of procedures for monitoring reliability of information on income and property of persons subject to financial control, the introduction of a single priority register for awarding lands for individual housing construction and optimizing procedure for changing designation of lands, defining the register of public services subject to inclusion in the register of state service.

A large block of measures is aimed at excluding legal gaps, collisions and other corruption-related norms facilitating corruption.

We should develop a number of draft laws, reconsider, amend and change agency's legal acts.

In particular, it is planned to improve legislation in the areas of public service and counteract corruption, construction, automobile transport, architecture and urban development, agriculture, as well as in the sphere of public councils, tax and customs legislation, legislation on enforcement proceedings and the status of bailiffs.

The Code of ethics for civil employees will be developed.

In the Action Plan for 2018-2020 we should keep a close eye on the issues of development of public control, prevention of corruption in quasi-state and private sectors, in courts and law enforcement agencies, formation of anti-corruption culture level and transformation of public consciousness towards all possible rejection of corruption, development of international cooperation on issues of counteracting corruption.

Taking into account the high importance of departmental and regional anti-corruption plans, as well as the large role of special monitoring groups designed to assess the effectiveness of

anti-corruption measures and their timely correction, we have provided organizational arrangements in the first block of the Plan for the second phase of the Strategy implementation and algorithms for their implementation.

The planned measures are aimed, first of all, at overcoming shortcomings and drawbacks in departmental and regional anti-corruption planning, revealed during analysis of the first stage of the Anti-Corruption Strategy implementation.

The activities of special monitoring groups are designed to ensure effective control over implementation of a wide range of practical anti-corruption measures by central and local executive bodies, as well as by subjects of quasi-state sector.

It should be noted that practical measures aimed, first of all, at preventing corruption manifestations are the main trend of the new Plan.

A new approach in the system of strategic planning is the clear establishment of target indicators, as well as quantitative and qualitative indicators, providing an opportunity to assess effectiveness and availability of goals.

The main target indicator in the sphere of combating corruption is a decrease of level of perception of corruption down to 65%.

The Kazakhstan society itself, rather than state institutions that focused on sectoral indicators or official legal statistics, could evaluate efficiency and effectiveness of anti-corruption measures.

Such an innovation will become a new trend of anti-corruption planning in Kazakhstan, both on a nationwide and sectoral and regional scale.

Under fulfilling task of entering the 30 most developed countries in the

world, which requires a new innovative development and accelerated technological renewal, as well as in fulfillment of instructions of the Head of State, announced in the Message to the people of Kazakhstan called "The Third Modernization of Kazakhstan: Global Competitiveness", the use of digital technologies can be considered as an innovative measure of the second stage of Anti-Corruption Strategy fulfillment.

The Action Plan has a large block of practical measures for technological ensuring anti-corruption measures.

In particular, it is planned to improve the Open Government portal and its components, the Hospitalization Bureau portal in terms of automatically determining the date of hospitalization of patients, posting on the Open Government portal of records of broadcasts of meetings of Government, Parliament, maslikhats of regional centers and meetings of state bodies.

We are intended to automate processes of enforcement proceedings, procedures for admission to educational organizations, implementing educational programs of technical, vocational, post-secondary and higher education, as well as subsidy systems in agro-industrial complex, and procedures for collection by local governors of cities of district significance, towns and communities of taxes on property, vehicles, land, excluding the possibility of their payment in cash.

We are intended to develop a mobile application for increasing legal literacy and clarify anti-corruption legislation.

Also, during the second stage of the Anti-Corruption Strategy, we are going into the questions on moving from paper criminal cases to "electronic criminal cases", expanding possibilities of "Trial Cabinet", the Internet service

single window for access to electronic services of judiciary bodies of Kazakhstan, as well as improving processes of automated distribution of court cases in the Torelik, an automated informational and analytical system.

Along with this, we are going into the question of establishing a communication and tracking system in respect of goods and vehicles upon their transit through the territory of Kazakhstan.

Customs service divisions employees of the state incomes bodies will be equipped with portable DVRs.

Thanks to the new innovative and technological approaches into the system of anti-corruption planning corresponding to the best world and domestic practices, we are going to improve the work of all anti-corruption actors and focus them on solving only practical tasks that can make possible it to increase efficiency of anti-corruption measures in Kazakhstan.

5.3 Applying project management in anti-corruption policies

In the Address to the People of Kazakhstan "New Opportunities for Development in terms of the Fourth Industrial Revolution," the Head of State positively assessed the ongoing work on preventing corruption, and he sets out the task of digitizing processes in government agencies, including their interaction with population and business, which will undoubtedly require from all actors in counteracting corruption an active participation in practical applying new approaches that based on the best world and domestic practices in the field of combating corruption.

The Agency, given the importance of strengthening preventive direction, is going into the new format of minimizing

causes and conditions for corruption prevalence on the basis of project management within the principle "region" - "center".

Going into project management, which implies involving resources and capabilities of all subjects in corruption resistance both vertically and horizontally, can favor to structure anti-corruption policies of state bodies, business structures and public institutions.

Under the new approach in fight against corruption, the Agency jointly with Astana akimat are intended to start the Astana-Adaldy Alangi pilot project.

The planned project, according to its Mission, Strategy, as well as goals and objectives is a set of interlinked practical measures aimed at preventing corruption, strengthening interaction of all actors in the fight against corruption, which, should undoubtedly create conditions for reducing "field" of corruption, increasing anti-corruption culture and education, effectiveness of government agencies, strengthening public control mechanisms and, accordingly, increasing the level of public confidence to state institutions.



THE PROJECT MISSION "ASTANA – ADALDIQ ALANGI" FOR 2018-2020

REDUCING THE LEVEL OF CORRUPTION, FORMATION OF COMPREHENSIVE REJECTION OF CORRUPTION, INCREASING THE CONFIDENCE OF CITIZENS TO THE STATE POWER INSTITUTIONS



THE PROJECT STRATEGY

BASED ON APPROBATION AND COMPETING PILOT PROJECTS IN ASTANA CITY FOR THE FOLLOWING USING OF THE BEST PRACTICE IN OTHER ADMINISTRATIVE TERRITORIAL UNITS.



TASKS AND TARGETS OF THE PROJECT "ASTANA – ADALDIQ ALANGI" FOR 2018-2020

BASED ON APPROBATION AND COMPETING PILOT PROJECTS IN ASTANA CITY FOR THE FOLLOWING USING OF THE BEST PRACTICE IN OTHER ADMINISTRATIVE TERRITORIAL UNITS.

TASK 1. COMFORTABLE ENVIRONMENT

GOAL: CREATION OF NON-BARRIER AND COMFORTABLE CONDITIONS

TASK 2. AN APPROPRIATE LABOR PAYING

GOAL: INCREASING WAGES TO EXCLUDE ANY HUMAN NEED AS A CORRUPTION FACTOR

TASK 3. PERSONAL RESPONSIBILITY

GOAL: INCREASING PERSONAL RESPONSIBILITY AND INSPIRATION OF LEADERS

TASK 4. OPENNESS AND PUBLIC CONTROL

GOAL: ENSURING TRANSPARENCY AND LARGE-SCALE PUBLIC CONTROL

TASK 5. STATE PROCUREMENT

GOAL: EXCLUDING CORRUPTION FACTORS UNDER STATE PROCUREMENT

TASK 6. SUPREMACY OF HUMAN RIGHTS

GOAL: INCREASING CONFIDENCE OF POPULATION TO COURTS AND LAW ENFORCEMENT BODIES, STATE BODIES WITH CONTROL AUTHORITIES

TASK 7. ANTI-CORRUPTION CULTURE

GOAL: MAKING EFFECTIVE MEASURES ON FORMATION OF COMPREHENSIVE REJECTION OF CORRUPTION

In order to implement the seven goals and objectives, it is supposed to form project teams from the Agency's employees, National Anti-Corruption Bureau, state bodies and organizations, with a clear definition of 15 areas of work and 56 measures.

For the first time in anti-corruption practice, we are going into a register of job titles, which high risky in committing corruption crimes and personal responsibility of executives.

As practical measures, it is also supposed to take measures to optimize structure of state bodies, increasing wages, automate public services and popularizing them, ensure openness of state bodies and organizations, and going into new public control mechanisms, monitoring the quality and prices of goods and services for public procurement, analysis of effectiveness of existing information systems and anti-corruption informational work.

The project teams policies is supposed to be subject to external and internal control and analysis.

For comprehensive going into the question of transparency, openness and public control, an Expert Council is supposed to run, featuring scientists, representatives of business associations, expert community and civil sector. Coordination and maintenance of project groups are expected to be carried out by the project office. A responsible employee of the Agency is supposed to appoint as its head.

We have reasonably picked Astana, the capital of the country, as a pilot platform for the project "Astana-Adaldiq Alangi".

In recent years, Astana has become a platform for running of many new anti-corruption initiatives and approaches.

The akimat of the city started a factor-point scale pilot project upon

calculating salaries of civil employees, which could increase it twofold.

We run an electronic line for distributing seats in kindergartens. We also launched "Open Akimat" Project in the city, which created conditions for accessible servicing people without barriers.

Started for the first time the Astana Digital Public Service Center has significantly reduced direct contacts with population upon receiving government services by transferring them into electronic format.

Transformation of bodies in government incomes, migration, public service centers, natural monopolies created conditions for improving the quality of public services and comfortable serving the population.

Optimization of state institutions of the city's akimat, aimed at increasing the overall labor efficiency, as well as more efficient using budgetary funds, made it possible to reduce the total number of state bodies from 30 down to 21 and saving about 125 million tenge.

A well-established feedback communication with capital's population and the law enforcement agencies participation in digital technologies, representing a vital and determining factor of effectiveness of anti-corruption work.

We started the two pilot projects, Electronic Protocol and Sergek, an intelligent system of video monitoring, analysis and forecasting. They made it possible to reduce corruption risks in traffic sphere, as well as to decrease the number of crimes by 35%, and to reduce the number of road accidents by 30%, to reduce deaths and injured in accidents twofold.

Such an experience is currently propagated and develops in all regions of Kazakhstan.

Following detailed approbation,

emergence of model samples and approaches, the Astana-Adaldy Alangi Project experience is expected to widely propagate and practical applying at the next two levels:

- In all regions of the country as regional project of the city of Astana;
- In all central state bodies as a project of central state body.

Applying the project management set into anti-corruption activities will increase transparency of state institutions activities and in their reports, can bring more accurate planning results

and determining roles and responsibilities of executives, effective management of human resources as much as possible and motivate personnel to achieve meaningful results, make reasonable decisions based on operational information and reduce consequences of deviations and manage risks, control over implementation of projects and programs, including those that designed for anti-corruption campaign.

As a result, we are expected to obtain a competitive country advantage by optimally built management.

CONCLUSIONS

The results of the first stage of the Anti-Corruption Strategy exemplify the transition of the state anti-corruption policy to a qualitatively new level.

One of the key successful factors was a legislative ensuring the state's anti-corruption policy and creation of the new effective institutions for preventing corruption, given the best foreign experience and high world standards.

The Kazakhstan 2050 Strategy, the 100 Particular Steps Nation Plan and Addresses to the People of Kazakhstan, in which the Head of State NA. Nazarbayev sets out goals and tasks for eradicating corruption as a direct threat to national security, and also clarifies pivotal guidelines and principles for uniting universal efforts in this direction, consist of the most important trends in the sphere of combating corruption.

The main emphasis in combating corruption implies a systematic preventive work and effective measures to prevent corruption.

There was a major peculiarity of the Anti-corruption Strategy during its first stage implementation, that was, completing instructions of the Head of State, Nursultan Nazarbayev, concerning uncompromising fight against corruption within the supremacy of the law and inevitability of punishment, as well as implementing recommendations of the OECD Anti-Corruption Network under the second and third round of monitoring the Istanbul Action Plan against Corruption.

As a result, the analysis of corruption

risks in the activities of state bodies and subjects of quasi-state sector was introduced and implemented on a systematic basis, as well as monitoring implementation of recommendations on eliminating causes and conditions conducive to commit corruption offenses.

The new institutions on corruption prevention, the results of sociological studies, as well as the results of activities of subjects of counteracting corruption for 2015-2017 made it possible to identify a set of factors, causes and conditions that affects corruption relations in Kazakhstan.

Public evaluation of the Draft Anti-Corruption Strategy Implementation Plan for the period 2018-2020 can be considered as an important indicator of the openness and transparency of anti-corruption measures planning system, as well as of involvement of civil society and business institutions representatives.

Proposals and recommendations of public and business sectors representatives, as well as national and international experts and organizations have been taken into account during forming directions and activities of the second stage of the Anti-Corruption Strategy.

The new stage of Anti-corruption strategy of the state is intended to raise effectiveness of anti-corruption measures aimed, first of all, at practical effectiveness and attainability of goals.

The new trends in anti-corruption planning will be the public evaluation of

effectiveness of anti-corruption activities, technological ensuring anti-corruption measures, going into digital technologies and project management upon formation of a comprehensive anti-corruption system.

First, it is recommended to phase in the entire planned package of measures of legal, organizational, information-explanatory and control nature in accordance with the Plan of Measures for 2018-2020 on the Anti-Corruption Strategy of the Republic of Kazakhstan for 2015-2025 and counteracting shadow economy. Such a step is indispensable for successful implementation of Anti-Corruption Strategy, and to obtain target goals and quantitative and qualitative indicators.

Second, given their peculiarities, all governmental agencies, local executive bodies, and subjects of quasi-state sector have to elaborate departmental, sectoral and regional anti-corruption plans with clear defining target goals and quantitative and qualitative indicators.

Third, state bodies, subjects of quasi-state sector should carry out the work on implementation of recommendations made under internal and external analyzes of corruption risks conducted at the first stage of Anti-Corruption Strategy.

Fourth, in order to implement international anti-corruption standards in national legislation, we recommend to the authorized state bodies, taking into account peculiarities of national legislation, to consider, on the basis of a thorough and balanced analysis, the possibility and necessity of adopting recommendations of the OECD Anti-Corruption Network under the Fourth Monitoring Round of the Istanbul Action Plan against Corruption, and to prepare an agreed strategy of actions.

Fifth, we recommend to central state bodies and Astana city akimat to start pilot project called Astana-Adaldiq Alangi, and to introduce principles and elements of project management into the anti-corruption system.

Sixth, central and local executive bodies should ensure a multiplicative effect of propagating the experience of implementing Astana-Adaldiq Alangi Project in all state bodies and regions of the country.

Seventh, under improving measures to implement the sixth direction of the Anti-Corruption Strategy, the authorized state bodies should to:

- Going into the question of Kazakhstan's accession to the Group of States against Corruption (GSECO);

- Prepare proposals on strengthening cooperation of the Republic of Kazakhstan with other countries under within bilateral agreements ensuring the return of assets and persons who committed corruption crimes.

Eighth, given proposals delivered during discussion of the draft Report from non-governmental organizations, experts and scientists, and authorized state bodies, we recommend:

- In order to ensure transparency and openness of government agencies policies, given all aspects of ensuring informational and other kind of security, to consider a more open access regime in state bodies for citizens;

- To go into the question of feasibility, legality and effectiveness of introducing a ban on the passage with a smartphone and use it in buildings of state bodies and institutions;

- Ensure compliance with laws requirements on access to information, concerning placement of detailed information about spending funds of republican and local budgets.



