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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**KAZAKHSTAN**

**DRAFT CONSTITUTIONAL LAW**  
**ON THE COMMISSIONER FOR HUMAN RIGHTS**  
*(as of 28 September 2022)*

CONSTITUTIONAL LAW OF THE  
REPUBLIC OF KAZAKHSTAN

**On the Commissioner for Human  
Rights in the Republic of  
Kazakhstan**

This Constitutional Law defines the legal status and organisation of the activities of the Commissioner for Human Rights in the Republic of Kazakhstan.

Chapter 1. GENERAL PROVISIONS

Article 1: Aims and purposes of the Commissioner for Human  
Rights in the Republic of Kazakhstan

The Commissioner for Human Rights in the Republic of Kazakhstan is a person holding a responsible public office, which is established by the Constitution of the Republic of Kazakhstan in order to provide state guarantees for the protection of human and civil rights and freedoms, their observance and respect.

The objectives of the Commissioner for Human Rights in the Republic of Kazakhstan are to assist in the restoration of violated human and civil rights and freedoms and to promote human and civil rights and freedoms.

Article 2: Principles and legal basis for the activities of the Commissioner  
for Human Rights in the Republic of Kazakhstan

1. The Ombudsman in the Republic of Kazakhstan in carrying out his activities shall be guided by the principles of legality, fairness, impartiality, objectivity, publicity, openness, transparency and other principles enshrined in the Constitution of the Republic of Kazakhstan.
2. The Commissioner for Human Rights in the Republic of Kazakhstan shall act in accordance with the Constitution of the Republic of Kazakhstan, the present Constitutional Law, other normative legal acts of the Republic of Kazakhstan, as well as international treaties and other obligations of the Republic of Kazakhstan.

## Chapter 2: THE LEGAL POSITION OF THE HUMAN RIGHTS OFFICER IN THE REPUBLIC OF KAZAKHSTAN

### Article 3: Guarantees of the activities of the Commissioner for Human Rights in the Republic of Kazakhstan

1. The Commissioner for Human Rights is independent in the exercise of his or her powers and is not subordinate to State bodies and officials.

2. The Commissioner for Human Rights in the Republic of Kazakhstan during his term of office may not be detained, subject to detention, house arrest, summoning, measures of administrative punishment imposed by a court of law, brought to criminal responsibility without the consent of the Senate of the Parliament of the Republic of Kazakhstan, except in cases of apprehension at the scene of a crime or committing grave or especially grave crimes.

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

Interference or obstruction in the lawful activities of the Commissioner for Human Rights in the Republic of Kazakhstan shall entail liability prescribed by the laws of the Republic of Kazakhstan and shall be reflected in the annual report of the Commissioner for Human Rights in the Republic of Kazakhstan.

4. The Commissioner for Human Rights in the Republic of Kazakhstan shall not be questioned as a witness about circumstances that have become known to him in connection with the performance of his official duties.

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

6. The Commissioner for Human Rights in the Republic of Kazakhstan has the right, upon presentation of official identification, to freely visit institutions and other facilities throughout the Republic of Kazakhstan.

When visiting sensitive State and strategic facilities, as well as prisons, the Parliamentary Ombudsman complies with the established requirements for access and intra-object security.

7. In the event that a state of emergency is imposed in the entire territory of the Republic of Kazakhstan or in certain parts thereof, the Commissioner for Human Rights in the Republic of Kazakhstan shall carry out his activities in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

### Article 4: Procedure for the election of the Ombudsman Human rights in the Republic of Kazakhstan

1. The Commissioner for Human Rights shall be elected for a term of five years by the Senate of the Parliament of the Republic of Kazakhstan according to nominated by President Republic of Kazakhstan.
2. A person elected to the post of Commissioner for Human Rights in the Republic of Kazakhstan must meet the following requirements:
  - 1) Have citizenship of the Republic of Kazakhstan and have resided permanently in the territory for the past ten years;
  - 2) have a higher education;
  - 3) have at least five years' experience in defending human and civil rights and freedoms;
  - 4) be at least thirty years old;
  - 5) be fluent in the national language;
  - 6) to be legally capable.
3. On assuming office, the Commissioner for Human Rights in the Republic of Kazakhstan shall take the following oath of office:

"On assuming the office of the Commissioner for Human Rights in the Republic of Kazakhstan, I solemnly swear to honestly and conscientiously protect human and civil rights and freedoms and perform my duties, being guided by the Constitution of the Republic of Kazakhstan, other legislation of the Republic of Kazakhstan, as well as justice and conscience. I pledge to act independently, impartially and objectively in the interests of human and civil rights and freedoms".

#### Article 5: Removal from office of the Commissioner for Human Rights in the Republic of Kazakhstan

1. The Commissioner for Human Rights in the Republic of Kazakhstan shall be dismissed by the Senate of the Parliament of the Republic of Kazakhstan on the proposal of the President of the Republic of Kazakhstan.

2. The grounds for dismissal of the Commissioner for Human Rights in the Republic of Kazakhstan are as follows

- 1) non-compliance with the requirements and restrictions established by this Constitutional Law and other laws of the Republic of Kazakhstan;
- 2) the entry into force of a court conviction against him;
- 3) a court ruling declaring him legally incompetent or of diminished capacity, or imposing compulsory medical measures on him or her, has come into force;
- 4) death;
- 5) he or she has been declared missing or deceased by an enforceable court decision;
- 6) termination of citizenship of the Republic of Kazakhstan;
- 7) appointment, election to another post or transfer to another job;
- 8) leaving Kazakhstan for permanent residence outside the Republic of

Kazakhstan;

- 9) submitting a letter of resignation at his or her own request;
- 10) the expiry of the term of office established by the Constitution of the Republic of Kazakhstan.

Article 6: Restrictions on the activities of the Ombudsman in the Republic of Kazakhstan

The Commissioner for Human Rights in the Republic of Kazakhstan shall not have the right to carry out his/her activities:

- 1) engage in political activities;
- 2) be a member of a representative body;
- 3) do other paid activities other than pedagogical, scientific and other creative work, other than teaching, research and other creative activities;
- 4) engage in business activities;
- 5) participate in the management of a commercial organisation, irrespective of its organisational and legal form;
- 6) to carry out the duties of the post in the presence of a conflict of interest;
- 7) use for off-duty purposes material, technical, financial and information support for its official activities, other state property and official information;
- 8) use the services of citizens and legal persons for personal purposes;
- 9) Participate in activities that interfere with the functioning of public authorities and the performance of official duties, including strikes.

The Commissioner for Human Rights in the Republic of Kazakhstan shall cease to be a member of a political party or trade union for the duration of his or her term of office.

If the Commissioner for Human Rights in the Republic of Kazakhstan is a member of a political party or trade union at the time of his/her election to office, he/she must cease to be a member of such a party or trade union within ten days of his/her appointment.

### Chapter 3: THE COMPETENCE OF THE HUMAN RIGHTS OFFICER IN THE REPUBLIC OF KAZAKHSTAN

Article 7: Competence of the Commissioner for Human Rights in the Republic of Kazakhstan

The Commissioner for Human Rights in the Republic of Kazakhstan in his activities:

- 1) Submits proposals to the President of the Republic of Kazakhstan, the Parliament of the Republic of Kazakhstan and the Government of the Republic of

Kazakhstan on the development of draft legislation and the improvement of the legislation of the Republic of Kazakhstan on the promotion and protection of human and civil rights and freedoms;

2) ensures that an annual report on its activities, as well as special reports, are prepared and disseminated;

3) participates, upon invitation, in joint and separate meetings of the Chambers of the Parliament of the Republic of Kazakhstan in accordance with the Constitutional Law of the Republic of Kazakhstan "On the Parliament of the Republic of Kazakhstan and the Status of its Deputies", meetings of the working bodies of the Parliament of the Republic of Kazakhstan and its Chambers and other events with the participation of the Deputies of the Parliament of the Republic of Kazakhstan;

4) have the right to attend plenary sessions of the maslikhats of regions, cities of republican significance or the capital in accordance with the laws of the Republic of Kazakhstan;

5) participates, upon invitation, in meetings of the Government of the Republic of Kazakhstan, the Constitutional Court of the Republic of Kazakhstan, collegial state bodies and other bodies formed within state bodies;

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

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

8) coordinates the activities of the national preventive mechanism against torture and other cruel, inhuman or degrading treatment or punishment;

9) examines complaints about violations of human and civil rights and freedoms in accordance with the procedure laid down in this Constitutional Act;

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

11) participates, at the invitation of the authorized bodies, in the preparation and discussion of national reports submitted to United Nations bodies and committees and to regional institutions pursuant to treaty obligations of the Republic of Kazakhstan, and expresses an independent opinion on these matters in accordance with the procedures of the said bodies and committees;

12) Cooperates with international, regional and other organisations, as well as national human rights institutions of other states, including by concluding agreements (memoranda), in order to contribute to the promotion and protection of

human and civil rights and freedoms;

13) contributes to the development of training and research programmes on human and citizens' rights, and participates in their implementation in educational and other organisations;

14) asserts:

the rules for handling complaints;

regulation of Coordination

Council at The Commissioner

for Human Rights in the Republic of Kazakhstan;

Regulations on the Expert Council of the Commissioner for Human Rights in the Republic of Kazakhstan;

rules for selecting participants to the national preventive mechanism; rules

for formation of groups of participants national

preventive mechanism

Preventive Mechanism for Preventive Visits; Methodological Guidelines

for Preventive Visits;

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

15) Appeals to the Constitutional Court of the Republic of Kazakhstan concerning the conformity of normative legal acts affecting human and civil rights and freedoms enshrined in the Constitution with the Constitution of the Republic of Kazakhstan;

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

17) Requests expert and analytical studies on human and civil rights and freedoms, where available, from State bodies, academic institutions and other organizations;

18) visit without hindrance organisations and institutions providing special social services, which provide temporary isolation from society or are intended for the execution of sentences, which are subject to preventive visitation;

19) Make film, photo and video recordings and interviews, including with the use of audio and video equipment, with the consent of persons in relevant organisations and institutions providing special social services, ensuring temporary isolation from society or intended for the execution of sentences;

20) participates in public dialogue on the settlement of a dispute between state bodies, local state administration and self-government bodies, other organisations and citizens of the Republic of Kazakhstan and makes recommendations, guided by the aims, objectives and principles of its activities;

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

## Article 8: Reports of the Commissioner for Human Rights in the Republic of Kazakhstan

1. The Ombudsman for Human Rights in the Republic of Kazakhstan shall annually submit to the President of the Republic of Kazakhstan reports on his activity, containing the results of analysis of normative legal acts, consideration of complaints and implementation of other powers in accordance with the present Constitutional Law.

2. The Commissioner for Human Rights in the Republic of Kazakhstan may prepare and disseminate special reports on specific issues relating to respect for human and civil rights and freedoms in the Republic of Kazakhstan.

3. The reports of the Commissioner for Human Rights in the Republic of Kazakhstan are forwarded to the authorised state bodies for consideration on matters within their competence.

Within three months of receiving the report of the Commissioner for Human Rights in the Republic of Kazakhstan in accordance with the laws of the Republic of Kazakhstan, the authorised state bodies shall inform him/her of the results of the consideration of the report.

4. The Commissioner for Human Rights in the Republic of Kazakhstan shall approve the procedure for the preparation and dissemination of reports referred to in this article.

5. The Ombudsman has the right to engage, on a contractual basis, organisations and specialists to prepare reports in accordance with the legislation of Kazakhstan.

6. The reports are to be published on the Ombudsman's website and disseminated in the manner prescribed by law.

## Article 9: National Preventive Mechanism

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

takes measures to ensure the necessary capacity and expertise among the members of the national preventive mechanism through their selection, training and exchange of experience;

Ensures the establishment of the Coordination Council and its interaction with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the United Nations Committee against Torture;

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

engage specialists and exercise other powers in accordance with the



legislation of the Republic of Kazakhstan.

2. The Ombudsman assists in the preparation and publication of the annual consolidated report of the national preventive mechanism participants, arranges for its discussion with the authorised state bodies and monitors the implementation of the recommendations specified therein.

3. On the basis of reports by members of the national preventive mechanism on the results of preventive visits, the Commissioner for Human Rights in the Republic of Kazakhstan has the right to apply to authorized state bodies or officials for the initiation of disciplinary or administrative proceedings or criminal proceedings against an official who has violated human and civil rights and freedoms in the Republic of Kazakhstan.

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

1. The Commissioner for Human Rights in the Republic of Kazakhstan promotes legal education in the field of human and civil rights and freedoms, participates in the development of educational programmes and raising public awareness of the legislation of the Republic of Kazakhstan and the most important international acts on human and civil rights and freedoms.

2. The Commissioner for Human Rights in the Republic of Kazakhstan may initiate the establishment of a scientific and educational centre and other organisations to promote knowledge of human and civil rights and freedoms, organise scientific and applied research, and regularly improve knowledge and skills in the protection of human and civil rights and freedoms.

3. The Ombudsman interacts with government bodies and civil society organisations, and associations and other organisations as part of information campaigns and projects to promote and encourage human and civil rights and freedoms.

Article 11. Proposals for improving legislation and concluding  
international treaties

The Commissioner for Human Rights in the Republic of Kazakhstan, within the framework of its activities on issues of human and civil rights and freedoms and in accordance with the procedure established by the laws of the Republic of Kazakhstan "On Legal Acts" and "On International Treaties of the Republic of Kazakhstan":

1) develops and submits to the interested state bodies proposals for the improvement of legislation or the conclusion of international treaties of the Republic of Kazakhstan;

2) considers proposals from public authorities, organisations and citizens.

Article 12. Consultative and advisory bodies of the Human Rights Ombudsman in the Republic of Kazakhstan, as well as its participation in advisory and consultative bodies of state bodies and organisations

1. An expert council with advisory and analytical functions, consisting of persons with experience in defending human and civil rights and freedoms, is set up under the Office of the Commissioner for Human Rights in the Republic of Kazakhstan.

2. A Coordination Council shall be established under the Office of the Commissioner for Human Rights in the Republic of Kazakhstan in order to ensure effective coordination of the activities of the national preventive mechanism.

3. The Commissioner for Human Rights in the Republic of Kazakhstan may establish working groups and commissions with the participation of representatives of interested state bodies and organisations and citizens.

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

#### Chapter 4. ASSISTANCE OF THE COMMISSIONER HUMAN RIGHTS IN KAZAKHSTAN TO RESTORE VIOLATED HUMAN RIGHTS

Article 13. Consideration of the complaint

1. The commissioner for human rights in Kazakhstan, within the limits of his or her competence, shall consider complaints from citizens of Kazakhstan and foreign nationals and stateless persons present in Kazakhstan, submitted in person and/or through representatives (hereinafter referred to as "complainants"), within fifteen working days of their receipt.

In order to protect a citizen's rights and with his or her written consent, public associations may approach the Commissioner for Human Rights in the Republic of Kazakhstan.

2. The Ombudsman shall not consider complaints against the actions (omissions) and decisions of the President of the Republic of Kazakhstan.

3. The complaint must contain details of the applicant's surname, first name, patronymic (if it appears on the identity document) and place of residence or work, a statement of the merits of the decisions or actions (omissions) that have violated or are violating, in the applicant's opinion, his or her rights and freedoms.

The complaint shall be accompanied by documents and other materials supporting the applicant's arguments.

4. On receipt of a complaint, the Commissioner for Human Rights in the Republic of Kazakhstan takes one of the following decisions

1) accepts the complaint for consideration in accordance with the rules

for handling complaints;

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

3) sends appeals to the competent public authorities or officials to verify the circumstances to be clarified;

4) refuse to entertain a complaint, which must be reasoned. A refusal to accept a complaint shall not be subject to appeal.

5. The time limit for consideration of a complaint may be extended by a reasoned decision of the Ombudsman for Human Rights in the Republic of Kazakhstan for a reasonable period, but no longer than two months, of which the applicant shall be notified within three working days from the date of the extension. The Ombudsman of the Republic of Kazakhstan shall notify the applicant and the relevant state bodies, bodies

local public administration and self-government, officials whose decisions and (or) actions (inaction) are appealed against.

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

1. The Ombudsman for Human Rights in the Republic of Kazakhstan is entitled to consider the complaint:

1) request and obtain from state authorities, local state administration and self-government bodies, other organisations and officials documents, materials and information necessary for the examination of the complaint, with the exception of cases and materials p e n d i n g before a court;

2) Obtain access, in accordance with the established procedure, to documents of State organisations and public associations relating to issues of human and civil rights and freedoms;

3) Organise prompt reception of complainants, including by inviting representatives of state bodies, local state administration and self-government bodies, as well as other organisations (joint receptions);

4) Consider, on their own initiative, questions concerning violations of human and civil rights and freedoms if there is evidence of a mass violation or if such a violation has public significance or involves the need to protect the interests of such persons, who are unable to avail themselves of legal remedies for the protection of their rights and freedoms;

5) To submit recommendations and petitions to State and local authorities and self-government bodies and organizations and to officials on matters relating to the protection of human and civil rights and freedoms.

2. Information constituting a state or other legally protected secret shall be provided to the Commissioner for Human Rights in the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan.

Article 15. Specifics of the examination of a complaint

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

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

2. Recommendations and applications by the Ombudsman are to be considered within fifteen working days of their receipt, and the results are reported to the Ombudsman in the Republic of Kazakhstan in the manner prescribed by the legislation of the Republic of Kazakhstan.

In cases where further investigation is required, the period for consideration of a recommendation and application by the Commissioner for Human Rights in the Republic of Kazakhstan shall be extended by the subject to whom it was sent for no more than thirty calendar days, which shall be reported to the Commissioner for Human Rights in the Republic of Kazakhstan within three working days from the date of the extension.

3. Material obtained during the consideration of a complaint shall not be disclosed until the Commissioner for Human Rights in the Republic of Kazakhstan renders a final decision.

4. The Ombudsman of the Republic of Kazakhstan shall not disclose information about the private life of the complainant or other persons, which has become known to him in the course of consideration of the complaint, without their written consent.

#### Article 16. Results of the examination of the complaint

Following consideration of the complaint, the Commissioner for Human Rights in the Republic of Kazakhstan, depending on the decision he/she takes:

1) sends recommendations to State agencies, local authorities and self-government bodies, officials and civil servants whose actions (inaction) violated the rights and freedoms of the applicant, concerning the measures to be taken to restore the violated rights and freedoms of man and citizen;

2) Appeals to an authorised State body or official for disciplinary, administrative or criminal proceedings against a person who has violated human and civil rights and freedoms;

3) shall file a statement of claim (action) in court in defence of the rights and freedoms of an unlimited number of persons violated by the decisions or actions (inaction) of state bodies, local state administration and self-government bodies, officials, and civil servants. The statement of claim (action) sent by the Ombudsman to

Human rights in the Republic of Kazakhstan are not subject to State duty in accordance with the tax legislation of the Republic of Kazakhstan.

#### Article 17. Summary of the outcome of complaints

1. Following a summary of the outcomes of the complaints, the Commissioner for Human Rights in the Republic of Kazakhstan:

1) sends comments and suggestions of a general nature to State and local government bodies and officials concerning the safeguarding of human and civil rights and freedoms and the improvement of administrative procedures;

2) Addresses the subjects who have adopted (issued) legal acts with proposals to introduce amendments and additions to them, if the Commissioner for Human Rights in the Republic of Kazakhstan believes that decisions or actions (inaction) of state bodies, local state administration and self-government bodies or officials that violate human and civil rights and freedoms are committed due to its imperfection or existing gaps or contradictions with the legislation of the Republic of Kazakhstan or other obligations

2. In cases of particular public importance or involving massive violations of the human and civil rights and freedoms guaranteed by the Constitution of the Republic of Kazakhstan, the Human Rights Commissioner of the Republic of Kazakhstan shall take the following measures

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

2) appeals to the Supreme Court of the Republic of Kazakhstan for clarification on issues of jurisprudence;

3) other measures in accordance with this Constitutional Law.

#### Article 18. Duties of public authorities, local public administration and self-government, organisations and their officials

1. State bodies, local state administration and self-government bodies, organisations and their officials must submit the necessary materials, documents, information and explanations to the Commissioner for Human Rights in the Republic of Kazakhstan in the manner prescribed by the legislation of the Republic of Kazakhstan.

2. The materials, documents and information requested by the Commissioner for Human Rights in the Republic of Kazakhstan shall be sent to him within ten working days from the date of receipt of the request, unless his request specifies another term. In this case, the period specified in the request may not be less than two working days.

3. The Ombudsman and his representatives in the oblasts, cities of national significance and the capital city shall, within the limits of their powers,

enjoy the right to receive prompt assistance from state agencies, local state administration and self-government bodies, organizations and officials. On the request of the Office of the Commissioner for Human Rights in Kazakhstan these bodies and officials are obliged to provide immediate assistance to the Commissioner for Human Rights in Kazakhstan or his/her representatives.

4. Authorised state bodies, local state administration and self-government bodies, institutions and organisations, their officials shall be obliged to provide the Ombudsman for Human Rights in the Republic of Kazakhstan or his representative in the oblast, city of republican significance, the capital with an unhindered visit and communication with persons staying in relevant organisations and institutions providing special social services, ensuring temporary isolation from society or intended for execution of n The Ombudsman or his/her representative in the oblast, city of national significance and the capital city shall interview the persons in question in person or, if necessary, through an interpreter as well as any other person who can provide relevant information. Conducting interviews with the use of audio, photo and video recordings shall be carried out with the consent of the persons in the relevant organisations and institutions. Listening and audiorecording of the Ombudsman's conversations by other persons is prohibited.

Chapter 5. organising the activities of the human rights ombudsman in the Republic of Kazakhstan and its representative in the region,  
the city of national significance, the capital and the national centre for human rights

Article 19. Representative of the Commissioner for Human Rights in the Republic of Kazakhstan in the oblast, city of republican significance and the capital

1. The Commissioner for Human Rights in the Republic of Kazakhstan shall have a representative in the oblast, city of republican significance, the capital (hereinafter - the representative), appoint and dismiss him in accordance with the legislation of the Republic of Kazakhstan on public service.

2. The representative is a civil servant and directs the activities of the offices of the National Centre for Human Rights.

The functional responsibilities of the representatives are approved by the Commissioner for Human Rights in the Republic of Kazakhstan.

3. A representative on behalf of the Commissioner for Human Rights in the Republic of Kazakhstan exercises powers within the limits of his or her functional responsibilities and on his or her instructions within the relevant administrative- territorial unit.

## Article 20. National Centre for Human Rights

1. A working body, the National Centre for Human Rights (the National Centre), which is a state institution, has a seal and letterheads bearing the State Emblem of the Republic of Kazakhstan and its name in the state and Russian languages, as well as appropriate bank accounts, is established to support the activities of the Commissioner for Human Rights in the Republic of Kazakhstan.

2. The Regulations of the National Centre shall be approved by the President of the Republic of Kazakhstan as advised by the Commissioner for Human Rights in the Republic of Kazakhstan. The structure of the National Centre and its representative offices are approved by the Ombudsman.

3. The Head of the National Centre and his deputies are appointed to and removed from office by the Commissioner for Human Rights in the Republic of Kazakhstan.

4. The National Centre carries out informational-analytical, organizational- legal and other support for the activities of the Commissioner for Human Rights in the Republic of Kazakhstan, as well as on his instructions provides assistance for the implementation of the activities of the Commissioner for Human Rights in the Republic of Kazakhstan stipulated by Chapter 3 of this Constitutional Law.

5. The staff of the National Centre are civil servants who carry out their activities on the basis of the legislation of the Republic of Kazakhstan in the field of civil service.

## Article 21. Financial and logistical support

1. The activities of the Commissioner for Human Rights in the Republic of Kazakhstan, his representatives as well as the working body are financed from the national budget.

2. The salary of the Commissioner for Human Rights in the Republic of Kazakhstan, his medical and welfare services, as well as logistical support for his activities shall be determined at the level of guarantees established by laws and other normative legal acts of the Republic of Kazakhstan for officials holding public office, but not lower than a member of the Government of the Republic of Kazakhstan.

3. The national budget allocates annually in a separate budget programme the funds required to support the activities of the Commissioner for Human Rights in the Republic of Kazakhstan, his representatives as well as the working body.

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

## Article 22. Acts of the Commissioner for Human Rights in the Republic of Kazakhstan and the Head of the National Centre

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

2. The Ombudsman for Human Rights in the Republic of Kazakhstan has a letterhead of a standard pattern with the image of the State Emblem of the Republic of Kazakhstan, indicating the name of the position in the state and Russian languages.

## Chapter 6. FINAL PROVISION

### Article 23. Procedure for the enactment of this Constitutional Law

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

2. To declare the Law of the Republic of Kazakhstan on the Commissioner for Human Rights in the Republic of Kazakhstan of 29 December 2021 null and void.

**President  
Republic of Kazakhstan**