

**APPROVED**

Chairman of the Agency of  
the Republic of Kazakhstan  
For Anti-Corruption

(Anti-Corruption Service)

A.Zh. Shpekbayev \_\_\_\_\_

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**Methodological Guidelines  
on the Organization of the Anti-Corruption Compliance  
Institution in Quasi-Public Sector Entities**

**Chapter 1. General Provisions**

1. These Methodological Guidelines on the Organization of the Anti-Corruption Compliance Institution in Quasi-Public Sector Entities (hereinafter – the Methodological Guidelines) have been developed to provide assistance in the implementation of anti-corruption compliance and to establish a unified approach to the implementation of anti-corruption policy in quasi-public sector entities.

2. The Methodological Guidelines have been developed in accordance with the requirements of the legislation of the Republic of Kazakhstan, take into account international practice, and are recommendatory in nature.

3. For the purposes of these Methodological Guidelines, the following terms shall have the meanings set forth below:

1) anti-corruption compliance – a function aimed at ensuring that the relevant organization and its employees comply with the legislation of the Republic of Kazakhstan in the field of combating corruption, assigned to one of the structural subdivisions of a quasi-public sector entity;

2) quasi-public sector entities – state enterprises, limited liability partnerships, and joint-stock companies, including national managing holdings, national holdings, and national companies, in which the state is a founder, participant, or shareholder, as well as subsidiary, affiliated, and other legal entities affiliated with them in accordance with the legislative acts of the Republic of Kazakhstan;

3) conflict of interest – a contradiction between the personal interests of persons holding responsible public positions, persons authorized to perform state functions, persons equated thereto, and officials, and their official powers, whereby such personal interests may lead to failure to perform or improper performance of their official duties;

4) corruption offense – an unlawful and culpable act (action or omission) containing elements of corruption for which administrative or criminal liability is established by law;

5) corruption risk – the possibility of the emergence of causes and conditions facilitating the commission of corruption offenses;

6) corruption prevention – activities of anti-corruption entities aimed at studying, identifying, limiting, and eliminating the causes and conditions facilitating the commission of corruption offenses through the development and implementation of a system of preventive measures.

## **Chapter 2. Goals, Objectives, and Principles of Anti-Corruption Compliance Services**

4. In quasi-public sector entities, structural subdivisions responsible for anti-corruption compliance shall be designated in accordance with the legislation of the Republic of Kazakhstan on combating corruption and the internal documents of the quasi-public sector entity (hereinafter – the anti-corruption compliance service).

5. The main purpose of the anti-corruption compliance service is to ensure compliance by the relevant quasi-public sector organization and its employees with the legislation of the Republic of Kazakhstan on combating corruption, as well as to monitor the implementation of anti-corruption measures.

6. The objectives of the anti-corruption compliance service are as follows:

1) ensuring compliance with external regulatory requirements and best international practices in the field of combating corruption;

2) ensuring compliance with the basic principles of combating corruption in accordance with the Law of the Republic of Kazakhstan “On Combating Corruption” (hereinafter – the Law);

3) identification, assessment, and reassessment of corruption risks;

4) effective implementation of a system of anti-corruption measures in accordance with the Law.

7. When implementing anti-corruption compliance, it is recommended to be guided by the following principles:

1) commitment of the management of the quasi-public sector entity to the effectiveness of anti-corruption compliance;

2) adequacy of authority and resources necessary to perform the tasks of the anti-corruption compliance service;

3) regular assessment of corruption risks;

- 4) transparency and openness of the activities of the anti-corruption compliance service;
- 5) continuity of anti-corruption compliance in the quasi-public sector entity;
- 6) continuous improvement of anti-corruption compliance.

### **Chapter 3. Procedure for Organizing the Activities of Anti-Corruption Compliance Services**

8. The decision to assign anti-corruption compliance functions to a structural subdivision of a quasi-public sector entity shall be made by the head or the collegial executive body (if any) of the quasi-public sector entity.

The relevant act on the anti-corruption compliance service shall be posted on the official Internet resource of the quasi-public sector entity and communicated to all employees of the organization.

9. The number of employees of the quasi-public sector entity involved in anti-corruption compliance shall be determined depending on the staff size of the organization and in the quantity necessary for the effective performance of the functions and tasks of the anti-corruption compliance service in all subdivisions of the organization, including subsidiaries, branches, representative offices, and other separate structural units of the quasi-public sector entity.

10. It is recommended to ensure that the anti-corruption compliance service is accountable to a collegial body (if any) or another person authorized to exercise control over compliance with the legislation of the Republic of Kazakhstan on combating corruption.

11. The functional duties, rights, and responsibilities of an employee of the anti-corruption compliance service shall be defined in the employee's job description or in other documents determining the employee's official rights and obligations.

12. It is recommended to assign the following functions to the anti-corruption compliance service:

- 1) development of internal documents on anti-corruption issues within the quasi-public sector entity;
- 2) development and updating of standards and policies in the field of anti-corruption compliance;
- 3) conducting awareness-raising activities on anti-corruption issues and fostering an anti-corruption culture;

- 4) taking measures to identify, monitor, and manage conflicts of interest;
- 5) monitoring compliance by employees of the quasi-public sector entity who fall under the category of persons equated to persons authorized to perform state functions with anti-corruption restrictions in accordance with the Law;
- 6) development of corporate ethical values;
- 7) monitoring compliance by employees of the quasi-public sector entity with anti-corruption legislation, as well as with the corporate code of ethics (if any);
- 8) conducting an internal analysis of corruption risks in accordance with Order No. 12 of the Chairman of the Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption dated 19 October 2016 “On Approval of the Standard Rules for Conducting Internal Analysis of Corruption Risks,” with the involvement of representatives of civil society institutions and the business community;
- 9) ensuring public disclosure of information on the results of the conducted internal analysis of corruption risks;
- 10) conducting official investigations based on appeals (complaints) regarding facts of corruption and/or participation therein;
- 11) coordination of activities aimed at reducing corruption risks in the operations of the quasi-public sector entity;
- 12) providing assistance to the authorized anti-corruption body in conducting an external analysis of corruption risks in the activities of the quasi-public sector entity;
- 13) monitoring and analyzing changes in anti-corruption legislation and judicial practice in cases related to corruption.
- 14) ensuring the inclusion in civil-law contracts concluded by the quasi-public sector entity, including procurement contracts, of provisions requiring the parties to comply with anti-corruption legislation, business ethics and integrity standards, and the principles of fair competition.

13. For the implementation of the assigned task, it is recommended to grant the anti-corruption compliance service the following rights and obligations:

- 1) to request and receive from structural subdivisions of the quasi-public sector entity information and materials, including those constituting commercial or official secrets, within the framework of approved procedures regulated by the internal documents of the organization;
- 2) to initiate the submission of issues within its competence for consideration by the head of the quasi-public sector entity or another person (body) to which the anti-corruption compliance service is accountable;

3) to initiate official investigations based on received reports of possible corruption offenses or violations of the legislation of the Republic of Kazakhstan on combating corruption;

4) to participate, within its competence, in the development and implementation of draft state programs and regulatory legal acts;

5) to organize and conduct meetings on issues within its competence;

6) to maintain confidentiality of information about the quasi-public sector entity and its affiliated persons, as well as insider information obtained in the course of performing the functions of the anti-corruption compliance service;

7) to ensure confidentiality of persons who apply to the anti-corruption compliance service regarding alleged or actual facts of corruption, violations of the corporate code of ethics, and other internal policies and procedures related to anti-corruption compliance;

8) to promptly inform the head of the quasi-public sector entity and/or another person (body) to which the anti-corruption compliance service is accountable of any situations involving the existence or potential risk of violations of anti-corruption legislation;

9) to perform other actions not contrary to the legislation of the Republic of Kazakhstan.

14. The anti-corruption compliance service is recommended to establish reporting channels (for example, a hotline or “whistleblowing line”) through which citizens may report information on existing or potential violations of anti-corruption legislation within the relevant quasi-public sector entity or submit proposals to improve the effectiveness of anti-corruption measures.

15. Employees of the anti-corruption compliance service should not participate in activities (inspections, official investigations, etc.) that may result in a conflict of interest, including the existence of financial, property-related, family, or any other personal interest in the activity being conducted.

16. The anti-corruption compliance service should ensure systematic training of employees of the organization on the requirements of anti-corruption legislation, starting from the moment of hiring, upon appointment to another position, and during professional development (at least once a year).

The methods and formats of training shall be determined independently by the anti-corruption compliance service (lectures, seminars, trainings).

17. The procedure for interaction between anti-corruption compliance services and state authorities shall be established in the internal documents of the quasi-public sector entity in accordance with the applicable legislation.

18. Methodological and informational support to anti-corruption compliance services shall be provided by the authorized anti-corruption body and its territorial subdivisions.

19. The anti-corruption compliance service is recommended to submit reports on implemented corruption prevention measures:

1) on a quarterly basis – to the person (body) to which the anti-corruption compliance service is accountable, as well as to the head of the quasi-public sector entity;

2) annually, by the 10th day of the month following the reporting period – by publishing the report on the official Internet resource of the quasi-public sector entity.

20. The quasi-public sector entity is recommended to continuously inform its counterparties, business partners, and civil society institutions about the corruption prevention measures being implemented.

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