

**LAW OF THE REPUBLIC OF KAZAKHSTAN**  
**About the order of consideration of judicial bodies and individuals petitions**

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This Law regulates social relations associated with the filing and consideration of petitions of individuals and judicial bodies to exercise and protect their rights, freedoms and legitimate interests.

## **Article 1.** Basic concepts used in this Law

In this Law, the following basic concepts used:

- 1) Application - the person's petition for assistance in realizing their rights and freedoms or the rights and freedoms of others or notification about violation of laws and other regulations, defects in the work of individuals, considering petition, officials, or criticism of their activities;
- 2) An anonymous petition - a petition by which it is impossible to recognize the authorship, without signature, including digital signature, e-mail address of the applicant;
- 3) The repeated petition - a petition received from the same person on the same question at least twice, in which:  
appealed against the decision taken on the previous petition;  
reports on the untimely considering of previous petition, if from the date of its submission the time for consideration has expired, but the response is not received by the applicant yet;  
indicating other defects in the consideration and resolution of previous petition;
- 4) Petition- sent to the person considering the petition or to official individual or collective written, verbal or in electronic format certified with electronic signature proposal, petition, complaint, request or response;
- 5) Entities, considering petitions, (hereinafter - the actors) – state bodies, local self-administration bodies, judicial bodies, with one hundred percent state participation or providing provision of goods (works, services) in accordance with the terms of state order and (or) state procurement, which have right in accordance with their competencies to consider and make decisions on the petitions of individuals and judicial bodies;
- 6) Recording of petition - recording information on the acceptance and consideration of petition and their repercussions in the state legal statistical reporting;
- 7) Acceptance of petition - the action of the actor, an official for receiving of the petition from individuals and (or) judicial bodies;
- 8) Consideration of petition- taking by the actor, an official within its competencies the decisions on the registered petitions in accordance with the legislation of the Republic of Kazakhstan;
- 9) Registration of the petition- fixation in the recording and information document short data on the content of the petition and assigning of the number to each of the petitions;
- 10) Request – a request of the individual to provide information on issues of interest of personal or public nature;
- 11) Proposal - a recommendation of the person on improving of laws and other regulations, activities of state bodies, development of social relations, enhancement of socio-economic and other spheres of state and society;
- 12) Response - expression by a person of his attitude toward the state's domestic and foreign policy, as well as facts and events of public nature.
- 13) Complaint – the petition of the individual to restore or protect the violated rights and freedoms or legitimate interests, to eliminate the illegal actions or inactions of officials, as well as the cancellation of illegal decisions of subjects.

**Article 2.** Legislation of the Republic of Kazakhstan on the order of consideration of individuals and judicial bodies' petitions

1. Legislation of the Republic of Kazakhstan on the order of consideration of individuals and judicial bodies' petitions based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulations of the Republic of Kazakhstan.
2. If an international treaty ratified by the Republic of Kazakhstan stipulates other rules than those established by this Law, the rules of international treaty will be applied.

**Article 3.** The scope of this Law

1. This law applies to individuals and judicial bodies filed a petition against actors and officials considering petition.
2. This Law shall not apply to petitions of individuals and judicial bodies, the order of consideration for which is set by the legislation of the Republic of Kazakhstan on administrative violations, criminal procedure and civil procedure.
3. Legal entities that provide goods (works, services) in accordance with the terms of state order and (or) state procurement, consider petitions for the provision of such goods (works, services) in accordance with this Law, unless otherwise stipulated by the laws of the Republic of Kazakhstan.

**Article 4.** The principles of this Law

The basic principles of control of legal relations related to the consideration of petitions of individuals and judicial bodies are as follows:

- 1) legality;
- 2) the unity of the requirements for petition;
- 3) guarantees of the observance of the rights, freedoms and legitimate interests of individuals and judicial bodies;
- 4) inadmissibility of bureaucracy and bureaucratic delays in the consideration of petitions;
- 5) the equality of individuals and judicial bodies;
- 6) transparency of the activity of actors and officials in considering petitions.

**Article 5.** Petitions, not to be considered

1. Not to be considered:
  - 1) the anonymous petition, except those where such petition provides information about preparing or committed crime or the threat of national security or public safety, and which is subject to immediate redirection to the state authorities in accordance with their competence;
  - 2) petition, in which substance of the matter is not shown.
2. If the conditions giving rise to the abandonment of the petition without consideration were subsequently removed, the actor or the officer must consider this petition.

**Article 6.** Requirements for written petitions

1. Petition should be addressed to the actor or official competent to resolve the issues mentioned therein.
2. In the petition of the individual the following information shall be presented: surname, name, middle name (optional), postal address; of the judicial body- its title, postal address, reference number and the date. Petition shall be signed by the applicant or certified digital signature.

Filed petition shall include the title of body or position, surname and initials of officials whose actions are appealed, the reasons for petition and demands.  
3. The document with date, time, surname and initials of the person accepted the petition shall be given to the applicant in case of his direct written appeal to the authority.

**Article 7.** Admission, registration and consideration of the petitions of individuals and judicial bodies

1. Petitions filed in accordance with established in this Law order are subject to mandatory reception, registration, recording and consideration.

Refusal to accept petition is prohibited.

2. Recording of petitions of the individuals and judicial bodies shall be in order, prescribed by the state authority which is responsible, within its jurisdiction, for the statistical activity in the field of legal statistics and special recordings.

3. The heads of the authorities and officials are personally responsible for organization of the work with petitions of individuals and judicial bodies, situation with acceptance, registration and recording of petitions.

4. Petition may be filed through the representative of an individual or judicial body. Appointing of representative shall be made in the order prescribed by the civil legislation of the Republic of Kazakhstan.

5. Petitions of individuals and judicial bodies received by public information systems and which are meeting the requirements of legislation of the Republic of Kazakhstan on electronic document and digital signature are subject to review in the order prescribed by this Law.

6. Petitions received by the authorities or officials whose competence does not include resolving of questions raised, is to be send to the appropriate authorities not later than in 3 days period with notification about it sent to the citizen.

**Article 8.** Timeframes for consideration of petition

1. Petitions of the individuals or judicial bodies not requiring the receiving of information from other authorities and on-site checking are considered within fifteen calendar days

2. Petitions of the individuals or judicial bodies requiring the receiving of information from other authorities, officials and on-site checking are considered within thirty calendar days from the date of its receipt by official.

In cases where it is necessary to conduct additional investigation, time for consideration may be extended but not more than for thirty calendar days, authority have to inform an applicant about it within three calendar days from the date of extension of the time of consideration.

3. Timeframe of the petition consideration is extended by the head of the authority or his deputy.

4. If the issues outlined in the petition require a longer period for consideration, the petition shall be put to additional control until its final performance; applicant shall be informed about it within three days.

5. Laws of the Republic of Kazakhstan may establish other timeframes for processing petitions.

**Article 9.** Consideration of the petitions of individuals and judicial bodies

1. Actors and officials within its jurisdiction:

- 1) provide an objective, comprehensive and timely consideration of petitions of individuals and judicial bodies, if necessary - with their participation;
  - 2) take measures aimed to restore the violated rights and freedoms of individuals and judicial bodies;
  - 3) inform the applicants about results of their petitions and the actions taken;
  - 4) notify the applicants about redirection of their petitions for consideration to other authorities or officials in accordance with their competence.
2. Acts, documents and other materials relevant to the consideration of petitions, except those containing state secrets or other information protected by law, shall be submitted within fifteen calendar days to actors or officials, directly considering petitions.
- Petitions about violation of rights, freedoms and legitimate interests of individuals and judicial bodies, numerous or gross violations of the law can be verified on-site as per request of the head of the authority
3. Upon consideration of petitions one of the following decisions should be made:
- 1) about full or partial satisfaction of the petition;
  - 2) about refusal to satisfy the petition with justification of the decision;
  - 3) to provide clarification on the substance of petition;
  - 4) about termination of consideration of the petition.
4. in case of receiving petitions on the same subject, in the interests of the same person, first petition will be registered as main petition and following petitions will be attached to it and considered as one petition with notification of applicants about results of its consideration within the prescribed timeframe, from the date of receipt of the first petition.

**Article 10.** Responses to petitions

1. Responses to petitions must be on the content justified and motivated in the state language or the language of the petition with reference to the legislation of the Republic of Kazakhstan, include specific facts to refute or confirm the applicant's arguments, explaining their right to appeal the decision.
2. In the absence of any advices, claims, petitions, appeals are taken in consideration and fill in dossier by the head of the authority his deputy.

**Article 11.** Termination of consideration of petition

1. Consideration of the petition is subject to termination if no new arguments or newly discovered facts present, there are extensive materials of inspection on them and answers were provided to authors in right order.
2. Decision-making right on termination of proceeding on the petitions has the head of authority or his deputy.

**Article 12.** Appeals against decisions taken on the consideration of petitions

The complaint against the actions (inaction) of officials, as well as the decisions of the authority is appealed to a higher authority or a superior officer, not later than 3 months from the date of when individual or judicial body became acquainted with committed action or decision of appropriate actor or official.

Missed deadlines for appeal can not serve as ground for the actor or official to refusal of the complaint consideration. Reasons for missing the term clarified when considering the merits and may be one of the grounds for denial of the appeal.

Reasons for the omission of the period are reviewed when considering the complaint on substance and may be one of the causes to refuse to satisfy the complaint

In the absence of a superior officer or the actor or in case of applicant's disagreement with the decision, the application is submitted directly to the court.

**Article 13.** Personal reception of individuals and representatives of judicial bodies  
The heads of the state authorities, local self-administration bodies, and their deputies are obliged to carry out personal reception of representatives of judicial bodies, including employees of these entities, not less than once a month according to the schedule of reception, approved by the head of this state authority.  
2. Reception must be conducted within the established days and hours and bring to the attention at work or at home.  
3. If the petition or complaint can not be resolved by an official during the meeting, it shall be presented in written form and considered as written petition.

**Article 14.** The rights of individuals and judicial bodies during consideration of petitions

Individual or judicial body who filed the appeal, is entitled to:

- 1) to submit additional documents and materials in support of their petition or ask for their returning;
- 2) to present arguments to the person, considering the petition;
- 3) to get acquainted with the materials associated with the consideration of his appeal, to participate in the consideration of petition if it does not violate the rights and freedoms of others;
- 4) to get a reasonable response in writing or verbally of the decision;
- 5) to claim damages if they were the result of violations of established procedure for consideration of petition;
- 6) appeal against actions (inaction) of officials or the decision on petition;
- 7) to appeal to dismiss the petition.

**Article 15.** Rights and responsibilities of entities and officials

1. Actors, officials are entitled to:

1) request and receive necessary information for consideration of petition in due course;

2) appeal to the court to recover expenses incurred in connection with the verification of messages containing deliberately misleading information;

2. Actors and officials must:

1) receive and consider petitions from individuals and judicial bodies in order and terms established by this Law;

2) to take reasonable and legal decisions;

3) to ensure the control on implementation of decisions taken;

4) to inform individuals and judicial bodies on decisions made in writing or in the form of an electronic document;

5) stop the persecution of individuals, including those acting in the interests of judicial bodies, their family members in connection with filing petition to the actors and officials with criticism of their activities or to protect the rights, freedoms and legitimate interests;

6) not to send complaints to the officials whose actions are appealed;

7) exclude the possibility of the appointment for inspection of actions appealed persons in relation to whom there is a ground to suppose that they are not interested in objective consideration of the question;

- 8) prevent turning of the complaint to the harm of the plaintiff or in whose interest it was filed;
  - 9) not to disclose information about the private lives of individuals, including those acting in the interest of judicial body, without their consent or information containing state or any other legally protected secret, and other information. Identification of the person, not related to petition is also forbidden;
  - 10) analyze and summarize the petitions of individuals and judicial bodies, contained herein criticisms, to explore public opinion in order to improve the workflow and eliminate the causes of individuals' and judicial bodies' petitions;
  - 11) to systematically give public legal information on the number received, considered petitions and results of their outcome in terms and amounts as are established by public authority,
- Established by the state authority, carrying out within its competence, the statistical work in the field of legal statistics and special recordings.

**Article 16.** Documentation of the petitions of individuals and judicial bodies  
Documentation on individuals' and judicial bodies' petitions conducted separately from other types of documentation in accordance with established by the law order.

**Article 17.** Responsibility for violation of the law of the Republic of Kazakhstan  
Violation of legislation of the Republic of Kazakhstan on the order of consideration of individuals and judicial bodies is punishable under the laws of the Republic of Kazakhstan.

**Article 18.** The order of entry into force of this Law.  
This Law shall enter into force from the date of its official publication.

President of the Republic of Kazakhstan    N.A. Nazarbayev

Astana, Akorda, January 12, 2007  
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