

GUEST

THE MAIN DIRECTIONS OF KAZAKHSTAN'S ANTI-CORRUPTION POLICY – Mustafa MUSLIMOV*



* Head of International Cooperation Department of the Anti-Corruption Agency of the Republic of Kazakhstan, Graduate of USC Gould School of Law (USA)

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1. What factors shape anti-corruption policy in the country?

With the adoption of the Law “On Combating Corruption”, a system of anti-corruption measures with a reasonable balance of preventive and criminal law instruments was created.

Civil society is actively involved in the fight against corruption through anti-corruption education and the creation of an atmosphere of “zero” tolerance to any manifestations of corruption.

An independent authorized anti-corruption body – The Anti-Corruption Agency of the Republic of Kazakhstan, subordinate and accountable to the President of the Republic of Kazakhstan, has been established.

As the main conductor of the anti-corruption policy of the state, the Agency in its activities combines elements of effective prevention, large-scale education, constructive partnership with society and criminal law measures.

The introduction, within the framework of project management, of a model anti-corruption baseline for each state body has strengthened the coordinating capacity of the anti-corruption service.

2. Can you briefly talk about the achievements of the Republic of Kazakhstan in the prevention of corruption in recent years?

Preventive measures in Public Service

A Code of Ethics for Civil Servants is in force, and the institution of ethics commissioners has been established in local and central public authorities. Councils of ethics are functioning.

A new anti-corruption restriction to hold foreign bank accounts has been introduced for civil servants, members of Parliament and judges.

There is a complete ban on receiving and giving gifts in connection with the performance of official duties to persons holding responsible public office, as well as those authorized to perform public functions, and persons with equivalent status and their family members.

The norms on the inadmissibility of joint service (work) of the specified persons with close relatives, spouses and cousins have been strengthened. Candidates for public office are required to notify working relatives in a public organization.

Strengthening accountability for corruption and ensuring the inevitability of punishment

There is a lifetime ban on employment in the civil service and quasi-public sector entities for perpetrators of corruption offences.

Sanctions for corruption offences have been increased for law enforcement officers, judges, bribe-takers and bribery intermediaries.

Felony for those convicted and especially grave corruption offences, the possibility of parole was excluded. It was prohibited to serve a sentence for bribery immediately in an institution of minimum safety.

Personal liability of heads of state agencies, organizations and quasi-public sector entities for corruption of subordinates has been introduced.

3. How much attention is given to anti-corruption education in your country?

A collection of didactic games “Adaldyk əlippi” has been developed to develop values in preschool children.

An anti-corruption component has been incorporated into the basic content of primary school curricula.

Meanwhile, “Adal yʻrpak” school clubs and “Sanaly yʻrpak” student clubs operate in all regions of the country, the activities of which are aimed at developing intolerance to corruption in the education system.

Methodological guidelines for the implementation of the principles of academic integrity in higher and (or) postgraduate education institutions, including with the use of the tools of the Academic Integrity League (Order No. 587 of 10.12.2021) were developed.

At the same time, in order to promote the values of justice, honesty, integrity and trust on the example of the works of great thinkers and

successful contemporaries, within the nationwide campaign “The Hour of Integrity” video lectures have been broadcast (available on YouTube channel of the Agency).

The videos, prepared in cooperation with local executive bodies, have become an excellent basis for educational institutions. Showing them during training or meetings with young people and before cinemas has become an additional tool to promote the principles of integrity.

Joint action plans have been approved with the leading regional universities of the country, according to which interaction in terms of building an anti-corruption culture and analytical work, anti-corruption expertise and promotion of anti-corruption compliance, strengthening the work of public councils and implementation of the Anti-Corruption Policy Concept for 2022-2026 (hereinafter – the Concept) has been strengthened.

The Agency also organized training for civil servants at the branches of the Academy of Public Administration under the President of the Republic of Kazakhstan.

In order to ensure the practical orientation of training programs, the issue of updating the anti-corruption component with the development of special training programs and the formation of a “pool of lecturers” from among the employees of the Agency is being worked out with the Academy.

4. What areas do you think should be addressed in the fight against corruption in the future?

Administrative barriers, ambiguous and discretionary norms, insufficient openness of state bodies, gaps in automation of public administration business processes, lack of standards for accessible and understandable explanation to various social groups of their rights, obligations and procedures based on specific situations, regional, sectoral and other specifics persist.

All these factors give rise to everyday corruption due to the interaction of citizens and entrepreneurs with representatives of state bodies and organizations in everyday life.

One of the reasons for the lack of effectiveness of anti-corruption measures remains the insufficient involvement of state authorities and quasi-public sector actors.

In addition, risks include non-competitive salaries for civil servants compared to the corporate sector, a lack of an effective mechanism for preventing conflicts of interest in the performance of public functions, and a lack of instruments for responding to the significant discrepancy between expenditures and revenues.

Preventive measures are predominantly aimed at counteracting corruption among civil servants, which reduces the effectiveness of preventing corruption by non-corrupt individuals, but which has a high impact on citizens' perception of the level of corruption.

Lack of transparency and citizens' access to information on the formation/expenditure of budgetary funds, lack of linkages between these processes, and inefficient planning increase the risk of corruption in public finance management.

The mechanisms of distribution of state support (subsidies, grants, guarantees, preferential loans) to entrepreneurship entities allow for its inefficient and inappropriate use.

The four-tier system of state audit and financial control bodies, which overlap to a large extent, does not allow for the prevention of corruption in the budget process.

At the same time, the current mechanism of privatization and transfer of assets in a competitive environment is rather closed, does not exclude conflicts of interest and allows the acquisition of objects for a price that does not correspond to market value.

The lack of sufficient legal regulation of the institution of public control and the closed nature of the data limit the possibility for citizens to participate directly in decision-making.

5. The fight against corruption is a global process, and international cooperation is becoming increasingly important. In this context, which international organizations does the country plan to increase cooperation with in the future?

The Republic of Kazakhstan represented by the Agency is a member of the Council of Europe GRECO of the International

Association of Anti-Corruption Agencies (IACCA, Beijing), the OECD Anti-Corruption Network for Eastern Europe and Central Asia (OECD ACN), the Asian Development Bank and OECD Anti-Corruption Initiative for Asia and the Pacific (Manila), International Anti-Corruption Academy (IACA, Laxenburg) and the CIS Interstate Council on Combating Corruption (CIS ICCC, Minsk).

The Agency's representatives actively participate in the annual meetings and other events of these organizations.

6. What is your opinion of the anti-corruption reforms undertaken in Uzbekistan in recent years?

Uzbekistan's experience draws attention to the strengthening of the protection of the rights and interests of citizens, the inviolability of private property, ensuring the inevitability of punishment, increasing the effectiveness of the anti-corruption system, especially with regard to eliminating domestic corruption, establishing strong links with international non-governmental organizations and establishing effective information exchange with them on the reforms and measures being implemented.

International experts have recognised the effectiveness of many initiatives voiced by President Mirziyoyev. Namely:

- transformation of the system of state administration;
- introduction of the practice of approving state development programmes with a long-term perspective and coordination of their implementation;
- combating corruption in HEIs and increasing salaries in education;
- tax reform (reduction of the tax burden, simplification of the tax system, improvement of tax administration);
- liberalization of the customs and tariff policy;
- intensification of the development of electronic government services, and others.

Also, international experts assess positively the efforts to eradicate domestic corruption, the introduction of income declarations for civil servants, the use of cameras in passport offices and on roads, and the simplification of document issuance.

In general, Uzbekistan's and Kazakhstan's anti-corruption policies are similar in many respects. Uzbekistan has introduced progressive instruments that can be implemented in Kazakhstan as well.

7. What measures are aimed at strengthening the role of civil society institutions in this field?

The mechanisms for implementing public control will not be limited to the activities of public councils.

In this line, the adoption of the Law "On Public Control" that will give tangible contours to this institution as an alternative to state control is important.

Effective public monitoring of the projects implemented at the expense of the state budget and the National Fund of the Republic of Kazakhstan will be introduced.

Publicity of information about the decisions of the state bodies will promote a constructive dialogue with the civil society and eliminate the need for unnecessary contacts of the population with officials.

The functions of public councils of state bodies and quasi-public sector entities should be objectively reviewed in terms of strengthening their role in the prevention of corruption.

Broad involvement of journalists and other representatives of mass media in combating corruption would help to strengthen the active citizenship of Kazakhstan.

It is necessary to promote the fullest use of.

8. Can you point to reforms that have had a positive impact on preventing corruption in business and the private sector?

To date, Kazakhstan is actively developing the institution of anti-corruption compliance, so in accordance with paragraph 3 of Article 16 of the Law "On Combating Corruption" (hereinafter – the Law), structural units that perform the functions of anti-corruption compliance services are determined in the subjects of the quasi-public sector, whose main task is to ensure compliance of the relevant organization and its employees with the legislation of the Republic of Kazakhstan on combating corruption.

According to the latest amendments to the Law, which entered into force on 1 January 2022, "the anti-corruption compliance service shall exercise its powers independently from the executive body, officials of the subject of the quasi-public sector and shall be accountable to the board of directors, supervisory board (if any) or other independent body".