

Presidential Decree No. 2340 "On Procedure for Review of Formal Requests from Citizens" of 19 June 1995

In accordance with the **Article 1** of the Law of the Republic of Kazakhstan "On Temporary Delegation of Additional Authority to President of the Republic of Kazakhstan and Heads of Local Administrations" of 10 December 1993 and in order to define formal requests of citizens as an important mean of implementation and protection of human rights, freedom and legal interests, and to define the uniform procedure for their review in government bodies and organizations, I hereby DECREE:

Article 1. The Laws on the Procedure for Review of Citizens' Formal Requests
The **Constitution** of the Republic of Kazakhstan, this Decree and other **laws of the Republic of Kazakhstan** regulate the procedure for review of citizens' formal requests.

Article 2. Main Definitions

This Decree uses the following terms:

1. A *proposal* is a formal document aimed to draw attention to the need to improve the work of some government bodies and organizations (hereinafter organizations), to recommend specific methods and solutions for their tasks.
2. A *formal application* is a formal document submitted by citizens to organizations or their executives and other officials (hereinafter officers) to implement other rights not related to infringement of citizens' rights and legal interests.
3. A *complaint* is a document stating an infringement of citizens' rights, freedoms, and legal interests, failures to implement resolutions made upon formal applications, **illegal actions** of the public officials.
4. A *comment (remark)* is a document used by citizens to express their attitude to the internal and external policy implemented by the state as well as to the events of public importance.
5. A request is a document expressing citizens' need in obtaining information on personal or public issues.

Article 3. Citizens' Right for Appeal

To protect their rights and legal interests as well as to protect the legal interests of other natural persons and legal entities, society or the state, citizens have the right to appeal to organizations and officers.

Article 4. Limits of this Decree

Citizens' appeals on actions of the government bodies and organizations without superior organizations above them shall be processed in court.

The following appeals shall not be processed: the appeals to be processed in accordance with the **administrative**, **criminal**, and **civil procedural** legislation, as well as anonymous appeals with no full name, signature, and reference to the place of residence, work or study.

Article 5. Procedure and Form of Application

The appeals submitted hereunder must be registered and processed. It is prohibited to refuse to receive appeals.

An appeal/application must have a full name, reference to the place of residence, work or study of the applicant, the name of the organization or officer in question, the reason and request/claim. The applicant must sign the appeal/application.

Appeals may be individual and collective, in written or oral form. A citizen has the right to authorize another person to appeal. To protect the interests of the under-aged their **legal proxies or representatives** shall appeal.

An appeal shall be addressed to the organization or officer whose competence includes solving the issues stated in the appeal.

Citizens have the right to submit proposals, formal applications, complaints, comments and requests in the **official language**, in the language of international communication, in the native language or in any other language they know. The answers will be either in the official language or in the language of international communication.

Article 6. Terms for Processing of Appeals

Citizens' appeals shall be processed and resolutions shall be made within one month since the day of its submission, and appeals requiring no additional investigation shall be processed and resolutions shall be made within 15 days. If a matter requires some further investigation the executive of the applied organization may prolong the term of processing of the appeal for up to one month, about which the applicant shall be notified.

If an appeal comes to an organization that has no competence to solve such issue, such organization shall forward the appeal to the right organization within 5 days and notify the applicant about redirection.

A citizen may submit a complaint on actions of an official or resolutions of an organization to a superior organization or official within one year since the day when the action or resolution in question became known to the complaint. If a citizen could not make a complaint within this period due to a reasonable excuse, the organization processing the complaint shall prolong this term.

Article 7. Discontinuance of an Appeal

An appeal is considered to be resolved when the issues stated in it are resolved, necessary measures taken and answers sent to the applicant.

If solving the issues requires additional time, the appeal shall be under special supervision until the final resolution is made.

Resubmitted appeals without new statements or new evidence shall not be investigated if there are exhaustive investigation materials on such cases and applicants were sent responses in accordance with the established procedure.

An executive of an organization or his/her deputy has the right to decide to discontinue or dismiss an appeal.

Article 8. Personal Reception

Officials of the government bodies and organizations must hold meetings with citizens at least once in a month.

Such meetings shall be held on the date and time previously announced to people at their work place or residence.

If an official cannot solve the issues stated in oral appeal or complaint during the meeting hours, such issues should be made in writing and be reviewed as written appeals¹.

Article 9. Review Citizens' Appeals

Review of citizens' appeals and formal applications shall be separate from review of other appeals under the corresponding **legislation**.

Executives of organizations are personally responsible for organization and procedure of citizens' appeals review.

Article 10. Rights of the Citizens in Appeals' Review Process

An applicant has the right to:

- personally state the reasons to the person examining the complaint or formal application;
- provide additional material;
- receive a reasonable response in writing or in oral form regarding the resolution made;
- appeal decision in question in the superior organization or officer;
- appeal illegal decisions and actions made by organizations and officials in the court in accordance with the established procedure.

Article 11. Rights and Liabilities of the Government Bodies, Organizations and their Officials

The government bodies, organizations and their officials have the right to:

- request and obtain the information necessary for review of appeals in accordance with the established procedure;
- inform people, employees and mass media regarding review of citizens' appeals;
- in accordance with the court decision, charge a citizen the costs of conducting an investigation on incorrect/fake information, deliberately submitted by such citizen.

The organizations and officials shall:

- receive and review citizens' appeals within their competence in accordance with the procedure and in terms defined herein;
- make lawful and reasonable decisions/resolutions;
- control the implementation of their resolutions;
- notify citizens in writing or in oral form on the resolutions made;
- **allow no use of the complaint against or to the detriment of the applicant or the person, in the interest of whom the appeal/application was made;**

¹ See Government Resolution No. 974 "On Organization of Reception Hours for Citizens in Central and Local Executive Bodies of the Republic of Kazakhstan" of 4 September 2002.

- never send complaints to the officials accused in the complaint;
- allow no assignment of investigation to persons who might be presumed to be biased towards an investigation;
- allow no persecution of the citizens and their families because of their appeals/applications;
- never divulge private information without the consent of the persons concerned, governmental secret and other legally protected confidential information. It is prohibited to identify a person and investigate his/her private data if this has nothing to do with the appeal/application;
- analyze and summarize citizens' appeals and critical comments in them, take into account the public opinion in order to improve the work procedures and remove the causes of complaints;
- systematically check the work on processing of citizens' appeals.

Article 12. Applications by Foreigners and Persons without Citizenship

Until otherwise agreed in the international agreements of the Republic of Kazakhstan, the provisions of this Decree shall also apply to the appeals/applications by foreign citizens and persons without citizenship with or without the residence permit.

Article 13. Enforcement Procedure

This Decree becomes effective on the **day of its publication**.

President of the Republic of Kazakhstan