

## Introduction

Article 18 of the Constitution of the Republic of Kazakhstan establishes: [...] “3. State bodies, public associations, officials, and the mass media must provide every citizen with the possibility to obtain access to documents, decisions and other sources of information concerning his rights and interests.” Article 20 of the Constitution states: “2. Everyone shall have the right to freely receive and disseminate information by any means not prohibited by law. The list of items constituting state secrets of the Republic of Kazakhstan shall be determined by law.”

In May 2015, President of the Republic of Kazakhstan Nursultan Nazarbayev announced a “Plan of the Nation” to radically change the country with 100 concrete steps implementing 5 institutional reforms (creation of a modern and professional civil service; ensuring the rule of law; industrialisation and economic growth; a unified nation for the future; transparency and accountability of the state). The 94th step provides the introduction of “the open government” and commits to drafting a law on access to information that will allow access to any information of state agencies, except for highly confidential state documents and other information protected by law.

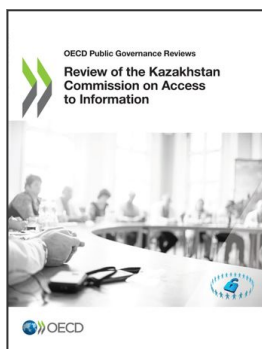
In this context, on 16 November 2015, Kazakhstan passed an Access to Information Law (ATIL). Although the drafting process was inclusive and benefited from the participation of local NGOs and international organisations, the law passed in 2015 received some criticism. The same year, the Government of Kazakhstan established a Commission on Access to Information (CATI) having to ensure the right to access information as per the ATIL (by Resolution No. 1175 of 31 December 2015).

Regulations guiding the mandate and operations of the CATI are the Law of the Republic of Kazakhstan “On Access to Information”, the Resolution of the Government of the Republic of Kazakhstan “On Approval of the Regulations on the Procedure for the Activity of the Commission”, the Resolution of the Government “On Approval of the Instruction on the Procedure for Establishment, Operation and Liquidation of Consultative and Advisory Bodies under the Government of the Republic of Kazakhstan”.

The commission began its work in 2016, and has held its meetings regularly, at least once a year (four meetings have been held between 2016 and 2018).

The Commission is an advisory body under the Ministry of Information and Communications. The Ministry is the working body of the Commission. The composition of the Commission was approved by the order of the Minister of Information and Communications. The current Chair of the Commission is the Deputy Prime Minister of the Republic of Kazakhstan.

The Commission's decisions are of a recommendatory nature. Decisions taken at the meeting of the Commission are registered in the official minutes and sent for execution to state bodies and organisations. The Chairman exercises overall control over the implementation of the decisions of the Commission. In practice, most of the decisions taken by the Commission have concerned the Ministry of Information and Communications itself.



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