



**National Contact Point for
Responsible Business Conduct
Peer Reviews
KAZAKHSTAN**



National Contact Point for Responsible Business Conduct Peer Reviews: Kazakhstan

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Foreword

The OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (the Guidelines) are recommendations addressed by governments to multinational enterprises operating in or from adhering countries. They provide non-binding principles and standards for responsible business conduct in a global context consistent with applicable laws and internationally recognised standards. The Guidelines are the only multilaterally agreed and comprehensive code of responsible business conduct that governments have committed to promoting.

Adhering governments to the Guidelines are required to set up a National Contact Point for Responsible Business Conduct (NCP) that operates in a manner that is visible, accessible, transparent, accountable, impartial and equitable, predictable, and compatible with the Guidelines. During the 2011 update of the Guidelines, NCPs agreed to reinforce their joint peer learning activities, in particular with respect to conducting voluntary peer reviews. The 2023 update of the Guidelines reinforced peer reviews of NCPs by making them mandatory and periodic, subject to modalities to be approved by the Working Party on Responsible Business Conduct (WPRBC). The commitment to undergo this peer review was made by Kazakhstan while the 2011 version of the Procedures was in effect. The basis for this peer review is the 2011 version of the Guidelines (including the Implementation Procedures).

The peer reviews are led by representatives of 2 to 4 other NCPs who assess the NCP under review and provide recommendations. The reviews give NCPs a mapping of their strengths and accomplishments, while also identifying opportunities for improvement. More information can be found online at <https://mneguidelines.oecd.org/ncppeerreviews.htm> .

This document is the peer review report of the Kazakhstan NCP. This report was prepared by a peer review team made up of reviewers from the NCPs of Egypt, France, and Korea, and with the support of the OECD Secretariat. The NCP of Egypt was represented by Nagla Fathi and Hisham ElShall. The NCP of France was represented by Pascal Carrere. The NCP of Korea was represented by Jae-Chang Oh. The OECD Centre for Responsible Business Conduct was represented by Nicolas Hachez and Emily Halstead. The report was informed by dialogue between the peer review team, the NCP of Kazakhstan and relevant stakeholders during an in-person mission on 24-26 October 2023. The peer review team wishes to acknowledge the NCP for the preparation of the peer review. The NCP of Kazakhstan was represented by Indira Beisekeyeva, Aliya Musina, Gulim Sman, Aziza Kassenova, and Dolores Tyulebekova. This report also benefited from comments by delegates to the WPRBC and institutional stakeholders (BIAC, OECD Watch, TUAC). It was discussed by the WPRBC at its 6-7 March 2024 meeting and declassified by the Investment Committee on 15 April 2024.

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1 Key findings and recommendations

Institutional arrangements

The NCP of Kazakhstan is established by a Ministerial Order of the Ministry of National Economy of the Republic of Kazakhstan. As of the onsite visit of the peer review, the NCP of Kazakhstan had a multipartite structure that contained 'Main' and 'Expert' members. The Main membership of the NCP was tripartite with representation from government and stakeholders from business and civil society. Expert membership of the NCP was quadripartite, also including representatives from trade unions. The Expert members of the NCP are brought in for the purposes of handling specific instances and are given decision-making powers. The NCP structure was therefore tripartite or quadripartite, depending on the Expert members selected to handle a specific instance.

A Ministerial Order, which will enter into force on 1st January 2024, amended the NCP structure. The amended structure is tripartite and includes representation from government, business, and civil society. The amended structure does not provide for an expert membership or established entity with further access to expertise or advice. Expert advice is expected to be accessed on an *ad hoc* basis. The structure therefore does not include representation from trade union stakeholders.

Stakeholder feedback on the NCP's institutional arrangements varied during the review. Stakeholders generally acknowledged the clear efforts made by the NCP and by the Ministry of National Economy to make the NCP central and to promote RBC as a priority. Other feedback expressed concerns based on the NCP's location in the Economic Research Institute (JSC), an institute under the Ministry of National Economy, and given the NCP's plans to remove trade union stakeholders from the institutional arrangements of the NCP.

Beyond composition of the NCP membership, the Ministerial order, effective as of 1 January 2024, amended the NCP's decision-making procedures, changing them from consensus-based to majority-based voting. Given that only two-thirds of NCP members are required to reach quorum for a vote, and NCP members may recuse themselves based on potential conflicts of interest, the voting procedures may lead to unbalanced NCP decisions, missing views from one or multiple stakeholder groups and possibly impacting the real or perceived impartiality of the NCP.

The actions of the NCP members, the NCP Chairman, and the NCP Secretariat are included in Ministerial Orders from the Ministry of National Economy. The Orders are not always aligned with expectations for NCPs as provided for by the Guidelines, and the structure and wording used in the English translations of the Orders, as available on the NCP website, is sometimes unclear and not aligned with the wording provided for in the Guidelines.

Table 1.1. Key findings on institutional arrangements

	Findings	Recommendations
1.1	Stakeholders clearly recognize the efforts of the NCP to establish and develop itself and its activities, particularly in recent years. The NCP composition, as entered into force in January 2024, is not balanced. The exclusion of trade union stakeholders within the NCP institutional arrangements excludes views from trade unions and workers and could limit confidence in the NCP mechanism from this group, which has already made multiple specific instance submissions.	The NCP should ensure representation from all stakeholder groups within its institutional arrangements by including trade union stakeholders in the NCP main membership.
1.2	Until January 2024, the NCP made decisions based on consensus when half of the NCP main members and selected expert members were present. The updated decision-making procedures allow for majority-based voting when two-thirds of the NCP members are present. Particularly in the case of an NCP member recusing themselves from the vote due to a conflict of interest, the decision-making could be unbalanced and lead to issues relating to the perception of impartiality of the NCP.	In order to avoid real or perceived issues of impartiality, and ensure a balanced vote where possible, the NCP should seek to make decisions based on consensus of all member groups. The NCP could further ensure a balance is maintained in voting by attributing an equal number of vote per member category, and by including at least two representatives per member group to ensure representation of all groups even in the absence or recusal of some members.
1.3	The NCP has showed a clear effort to establish its operating procedures and has included these procedures in Ministerial Orders, supporting the predictability and accountability of the NCP mechanism. However, the orders are not always aligned with the provisions and language provided for in the Guidelines. The updated orders additionally remove the expert membership of the NCP and contain less information on the provision of experts.	The NCP should revise its operating procedures, aligning internal wording for consistency and generally aligning with the wording and provisions of the Guidelines. The NCP should provide further details on provision of expert advice, for example by noting that the NCP maintains a list of relevant external experts to be called upon in case of need. Such a list would already have a basis in the previous list of expert NCP members.

Source: On-site visit of the peer review of the NCP of Kazakhstan

Promotional activities

The NCP has made clear efforts to improve its visibility and raise awareness of the Guidelines, particularly in the last few years. This is evidenced by the routine promotion of the NCP and the Guidelines, and extensive promotional materials produced by the NCP, including the comprehensive NCP website. The NCP additionally produces an action plan each year with a general strategy for NCP work, and a more in-depth roadmap for the NCP in 2022.

While the promotional work of the NCP has increased in recent years, stakeholder feedback considered that individual events often remained general and lacked targeted messages. The NCP did not note currently having a strategy to measure awareness of the Guidelines among different stakeholder groups, but doing so could provide it with necessary information for targeting promotion, both based on target audience and topics. The development of a more comprehensive promotional plan, which includes a methodology for measuring awareness, could support the NCP in its promotion, notably as the current action plan is constructed at a high level.

Feedback differed in terms of participation with the NCP in the context of its promotional work. Some feedback from the NCP membership suggested that there was a lack of cooperation concerning promotion, which was rather handled by the NCP Secretariat. Further cooperation of the NCP with its members in the development of promotional activities could enhance the NCP's promotional work and ensure that stakeholders are involved both in the development and implementation of promotional activities.

Table 1.2. Key findings on promotional activities

	Findings	Recommendations
2.1	The NCP has made clear efforts to conduct a variety of promotion to all different stakeholder groups and has developed promotional plans yearly. However, promotional planning has not always been strategic and does not provide for a strategy to measure awareness or promotional needs of different stakeholder groups, often resulting in high level promotional activities.	As the NCP continues to enhance its promotional work, it should develop a strategic promotional plan that contains provisions for measuring awareness of the NCP and the Guidelines among different stakeholder groups. Such information will inform the NCP's future promotional priorities and can allow for more tailored promotional events, for example on due diligence, targeting specific stakeholder groups and sectors.
2.2	The NCP has developed relationships with all different stakeholder groups, both through its institutional arrangements and through its promotional work. Despite having such connections, much of the NCP's promotional work is still developed and implemented by the staff of the NCP Secretariat.	The NCP should leverage its membership and stakeholder network to support the planning and implementation of its promotional work. The involvement of stakeholders in the development of the NCP's promotional plan and activities can increase stakeholder confidence and trust in the mechanism.

Source: On-site visit of the peer review of the NCP of Kazakhstan

Specific instances

As of the time of the onsite visit, the NCP had received seven specific instances. All seven specific instances had been received since 2021, suggesting an increase in visibility of the NCP mechanism in recent years. Three specific instances were not accepted and four were ongoing. One specific instance was not accepted by the NCP as the submitter requested the withdrawal of the specific instance due to an agreement reached during the initial assessment phase. The NCP supported this agreement by facilitating initial communications between the party where the company immediately addressed the issues raised. Despite the agreement, per the NCP's procedures on withdrawals, it considered the specific instance not accepted.

The NCP has information on specific instances on its website, including an online submission form, a specific instance database with statuses of pending submissions, the NCP's case-handling procedures, and an illustrative register of possible violations of the Guidelines. The NCP's case-handling procedures are unclear at times and have not been updated to align with the 2023 version of the Guidelines. A lack of clarity around some current provisions and wording may reduce the accessibility and predictability of the mechanism.

Given that the NCP only handled its first specific instance starting in 2021, it has limited experience with its case-handling procedures in practice. The NCP has not always engaged with Parties to specific instances or other interested parties, such as other NCPs where relevant, in an active manner. Active engagement with the Parties in specific instances ensures a clear understanding of the process by relevant persons and can increase trust and confidence in the mechanism.

Table 1.3. Key findings on specific instances

	Findings	Recommendations
3.1	The NCP has made efforts to increase the visibility of the NCP non-judicial grievance mechanism, as evidenced by recent increases in submissions and various supporting materials online. The NCP's case-handling procedures, at times, lack detail and clarity, and have not yet been updated to align with the 2023 version of the Guidelines.	The NCP should revise its case-handling procedures to align with the 2023 version of the Guidelines, notably on confidentiality, coordination, parallel proceedings, and reprisals. The revision should ensure also that the English version of the procedure is aligned with the terminology provided for in the Guidelines, such as with the Core Effectiveness Criteria. The revision should further ensure that selected wording does not limit the scope of potential submitters or enterprises, create an overly burdensome initial assessment procedure, or limit transparency of the mechanism.
3.2	The NCP has limited experience in handling specific instances. While the NCP has been using its case-handling procedures for the first time in recent years, it has not always communicated proactively with the Parties on expectations or feedback in the process.	The NCP should be more active with the Parties to specific instances in practice, notably by ensuring that the process is explained, and Parties are able to provide feedback, such as on draft statements. This engagement in practice should additionally extend to supporting NCPs where relevant, ensuring the NCP follows relevant provisions from the Guidelines on coordination.

Source: On-site visit of the peer review of the NCP of Kazakhstan

Government policies to promote RBC

The government of Kazakhstan is developing policies for sustainable economic development that clearly show the importance and relevance of responsible business conduct and the Guidelines. Notably, Kazakhstan is in the process of drafting their first National Action Plan on Business and Human Rights. While a number of RBC-related initiatives exist, the Guidelines and the NCP are not routinely referenced in the text of these documents.

The NCP plays a role in promoting policy coherence largely through its positioning within an institute under the Ministry of National Economy, which plays a coordinating role in disseminating RBC-related information throughout government. In that capacity, the Ministry of National Economy promoted the OECD Recommendation on the Role of Government within government, rather than the NCP itself. It is not clear how or if the recommendation was implemented or considered in practice.

Table 1.4. Key findings on government policies to promote RBC

	Findings	Recommendations
4.1	Kazakhstan has clearly shown RBC is a priority area through recent initiatives, such as the draft National Action Plan on Business and Human Rights. The NCP itself has not always played a major role in contributing to policy coherence and, while policies have related to the Guidelines or the NCP, they have not always included explicit references.	The NCP and its members should continue promoting policy coherence for RBC by actively promoting the Recommendation on the Role of Government in Promoting RBC and acting as a coordinating point for exchanges among relevant ministries to ensure implementation of the recommendation. In its role to support government policy, the NCP should seek to include references to the Guidelines and the NCP, where appropriate.

Source: On-site visit of the peer review of the NCP of Kazakhstan

2 Introduction

The Kazakhstan NCP at a glance

Established: 2012

Structure: Multipartite

Location: Economic Research Institute (JSC)

Staffing: 3-5 part-time staff

Webpage: https://economy.kz/en/Nacionalnyj_kontaktnyj_centr/Ob_NKC/ (English)

<https://economy.kz/kz/> (Kazakh)

<https://economy.kz/ru/> (Russian)

Specific instances received: three not accepted, four ongoing

The Implementation Procedures of the Guidelines require NCPs to operate in a manner that is visible, accessible, transparent, accountable, impartial and equitable, predictable, and compatible with the Guidelines. This report assesses conformity of the NCP of Kazakhstan with the core effectiveness criteria of NCPs and with the Implementation Procedures.

Kazakhstan adhered to the OECD Declaration on International Investment and Multinational Enterprises (Investment Declaration) in 2017. The OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (the Guidelines) are part of the Investment Declaration. The Guidelines are recommendations on responsible business conduct (RBC) addressed by governments to multinational enterprises operating in or from adhering countries. The Guidelines have been updated six times since 1976; the most recent revision took place in 2023.

Countries that adhere to the Investment Declaration are required to establish National Contact Points for Responsible Business Conduct (NCPs). NCPs are set up to further the effectiveness of the Guidelines and Adherents are required to make human and financial resources available to their NCPs so they can effectively fulfil their responsibilities in a way that fully meets the core effectiveness criteria, taking into account internal budget capacity and practices¹.

¹ Decision of the Council on the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, para I(4).

NCPs are agencies established by adhering governments to promote the Guidelines and act as a forum for discussion of all matters relating to the Guidelines”.² The OECD Council Decision on the Guidelines states that “NCPs shall have the following responsibilities:

- a) Promote awareness and uptake of the Guidelines, including by responding to enquiries;
- b) Contribute to the resolution of issues that arise in relation to the implementation of the Guidelines in specific instances.

In addition, where appropriate and in coordination with relevant government agencies, NCPs may also provide support to efforts by their government to develop, implement, and foster coherence of policies to promote responsible business conduct.³

The Procedures cover the role and functions of NCPs in six parts: institutional arrangements, information and promotion, specific instances, support for government efforts to promote responsible business conduct, reporting, and peer reviews. In 2023, the Procedures were updated. In particular, a new part on peer reviews was added providing for periodic mandatory peer reviews of NCPs, subject to modalities being approved by the WPRBC.⁴ The commitment to undergo this peer review was received by Kazakhstan while the 2011 version of the Procedures was still in effect and provided for a voluntary system of peer reviews.

The objectives of peer reviews as set out in the “Revised core template for voluntary peer reviews of NCPs”⁵ are to assess that the NCP is functioning and operating in accordance with the core criteria set out in the implementation procedures; to identify the NCP’s strengths and possibilities for improvement; to make recommendations for improvement; and to serve as a learning tool for all NCPs involved.

This report was prepared based on information provided by the NCP and in particular, its responses to the NCP questionnaire set out in the revised core template⁶ as well as responses to requests for additional information. The report also draws on responses to the stakeholder questionnaire which was completed by nine organisations representing government agencies, enterprises, civil society and academic institutions (see Annex A for a complete list of stakeholders who submitted written feedback) and information provided during the country visit.

The peer review of the NCP was conducted by a peer review team made up of reviewers from the NCPs of Egypt, France, and Korea along with representatives of the OECD Secretariat. An on-site mission took place on 24-26 October. This visit included interviews with the NCP, other relevant government representatives and stakeholders. A list of organisations that participated in the virtual visit is set out in Annex B. The peer review team wishes to acknowledge the NCP for the quality of the preparation of the peer review, the extensive supportive information provided, and successful efforts to ensure broad participation in the visit.

The basis for this peer review is the 2011 version of the Guidelines (including the Implementation Procedures) for any activity that took place before 8 June 2023, and the 2023 version of the Guidelines for any activity that took place thereafter. Recommendations for the future will generally be made in reference to the 2023 version of the Guidelines. The specific

² OECD Guidelines for Responsible Business Conduct, Chapter I. Concepts and Principles, para. 11.

³ Para. I.1.

⁴ Procedures I.F

⁵ OECD, Core Template For Voluntary Peer Reviews Of National Contact Points (2019), [DAF/INV/RBC(2019)4/FINAL]

⁶ *ibid.*

instances considered during the peer review date back to 2021. The methodology for the peer review is that set out in the core template.⁷

Economic context

Kazakhstan's economy is dominated by the wholesale and retail trade, and mining sectors, representing 16.4% and 14.5% of GDP in 2022, respectively⁸. Regarding foreign direct investment (FDI), the inward stock of FDI, which represents the accumulated value of FDI in the Kazakhstan economy over time, was USD 169 billion in 2022, equivalent to 75 percent of Kazakhstan's GDP. The outward stock of FDI was USD 37 billion in 2022, representing 17 percent of Kazakhstan's GDP.⁹ In 2022, Kazakhstan's exports of goods were USD 85.4 billion, and exports of services were USD 7.9 billion while imports of goods were USD 49.8 billion and imports of services were USD 9.4 billion.¹⁰

The main investors in Kazakhstan are The Netherlands, the United States, France, Japan, and the People's Republic of China (hereafter 'China') and the main inward investment sectors are crude oil and natural gas production, wholesale and retail trade, repair of cars and motorcycles, metallurgical industry and production of finished metal products, except machinery and equipment, mining of metal ores, and financial and insurance activities.¹¹ The main destinations for outward investment from Kazakhstan are The Netherlands, the Cayman Islands, the Russian Federation (hereafter, 'Russia'), Luxembourg, and Liechtenstein¹² and the most important sectors are financial and insurance activities, activities of households employing domestic workers and producing goods and services for their own production, and transport and warehousing.¹³ The most important partner countries for exports of goods are Italy, China, Russia, the Netherlands, and Türkiye, while the most important source countries for imports of goods are Russia, China, Germany, the United States, and Türkiye. The most important destinations for exports of services are Russia, Uzbekistan, the United States, Kyrgyzstan, and Switzerland and the most important sources for imports of services Russia, the United States, Türkiye, the United Arab Emirates, and the United Kingdom.¹⁴

⁷ *Ibid.*

⁸ Bureau of National Statistics, Agency for Strategic Planning and Reforms of the Republic of Kazakhstan. See: <https://stat.gov.kz/en/>

⁹ IMF Balance of Payment and International Investment Position database (FDI), and IMF World Economic Outlook (GDP)

¹⁰ IMF Balance of Payment and International Investment Position database

¹¹ Bureau of National Statistics, Agency for Strategic Planning and Reforms of the Republic of Kazakhstan. See: <https://stat.gov.kz/en/>

¹² IMF Coordinated Direct Investment Survey (CDIS)

¹³ Bureau of National Statistics, Agency for Strategic Planning and Reforms of the Republic of Kazakhstan. See: <https://stat.gov.kz/en/>

¹⁴ *Ibid.*

3 Institutional arrangements

Legal basis

Kazakhstan adhered to the OECD Investment Declaration in 2017. The NCP of Kazakhstan was formally established in 2012.

The NCP was established through a resolution of the Government of the Republic of Kazakhstan dated 12 November 2012, No. 1453.¹⁵ The resolution designates the Ministry of National Economy of the Republic of Kazakhstan as the entity responsible for the implementation of NCP functions. The NCP's organisational and work procedures, along with its composition, are regulated by Order No. 124 of the Ministry of National Economy of the Republic of Kazakhstan, dated Jun 18, 2020¹⁶ and amended by Order No. 177, dated September 24, 2020.¹⁷ Another ministerial order, Order No. 204, was approved on 24 August 2023 and will enter into force on 1 January 2024.¹⁸ The Order updates the NCP composition. Additional Ministerial Orders to further clarify and update the NCP function are being drafted. The purpose of the updates is to align with the 2023 version of the Guidelines and update practices following lessons learned in the NCP's first specific instances and after recent years of enhanced activity.

NCP Structure

The NCP consists of a collegial body, which contains 'Main' and 'Expert' members, and a Secretariat located in the Economic Research Institute JSC, which is under the responsibility of the Ministry of National Economy. The NCP does not have an advisory body. An infographic on the NCP structure is available on the NCP website (see: Figure 3.1). The NCP is a 'multipartite NCP' with a tripartite or quadripartite structure, as working membership of the NCP is selected based on the thematic content of a specific instance submission. The Main membership of the NCP, included in all NCP work, has representatives from business, civil society, and government. Trade union stakeholders are included in the NCP's Expert Membership and are included in the handling of specific instances where relevant according to their procedures.

Prior to its current structure, Order No. 124 of the Ministry of National Economy of the Republic of Kazakhstan established the NCP with only Main Members. The NCP membership represented five government ministries, one business organisation, two trade union organisations, and two civil society organisations. The amended membership following Order No. 177 included the provision for Expert Members of the NCP and adjusted the Main membership, notably removing representatives from trade unions and placing them in the

¹⁵ Available: <https://adilet.zan.kz/rus/docs/P1200001453>

¹⁶ Available: https://economy.kz/documents/OECD/NKC/Prikaz/Main_prikaz_124_eng.pdf

¹⁷ Available: https://economy.kz/documents/OECD/NKC/Prikaz/Prikaz_177_eng.pdf

¹⁸ Available : https://economy.kz/documents/OECD/NKC/Reports/NCP_file_1910.pdf

Expert Member list. The current structure came about following a five-year monitoring exercise of the NCP whereby, following Kazakhstan's adherence to the Guidelines, the OECD's Investment Committee invited Kazakhstan to report back five times between 2018 and 2021 on the establishment of a functioning NCP. The NCP considers the location of the NCP advantageous given that it still allows for stakeholder engagement, it includes access to businesses, and it is chaired by the Minister, which raises its status.

Figure 3.1. NCP Structure infographic



Source: Kazakhstan NCP website: https://economy.kz/en/Nacionalnyj_kontaktnyj_centr/Struktura_NKC/

The NCP considers that the multipartite structure allows it to access a variety of knowledge and experience from the different entities that it includes. The NCP notes that the inclusion of different groups allows for a balanced understanding of different stakeholder interests. The

engagement of expert members allows the NCPs to gain a deeper understanding of thematic issues in specific instances, which allows for a more accurate and comprehensive analysis of issues and contributes to more informed solutions and recommendations in the NCP specific instance process. The NCP further considers that its structure and access to a broad range of expertise enables it to handle specific instances in a timely manner.

Composition

The NCP is headed by a Chairman, the Minister of the National Economy of the Republic of Kazakhstan. The Main and Expert Members of the NCP include representatives that are designated by an Order of the Ministry of National Economy of the Republic of Kazakhstan (see: Legal basis). The main members of the NCP are as follows:

- Minister of National Economy of the Republic of Kazakhstan (Chairman),
- Vice Minister of National Economy of the Republic of Kazakhstan (Deputy Chairman),
- Vice Minister of Justice of the Republic of Kazakhstan,
- Deputy Minister of Foreign Affairs of the Republic of Kazakhstan,
- Deputy Chairman of the National Chamber of Entrepreneurs 'Atameken',
- and Director of the Public Foundation 'Legal Policy Research Centre'.

The Main members of the NCP therefore include government representatives, business stakeholders, and civil society stakeholders. There are no trade unions represented as NCP Main members. Feedback from non-governmental members of the NCP suggested that the structure was overly bureaucratic due to the inclusion of high-ranking officials, which limited the effectiveness of the NCP. Feedback from trade union stakeholders suggested they should be included in the main membership of the NCP, noting that they provide a different perspective from other stakeholder groups with a different mandate and representation in many sectors. The inclusion of trade union stakeholders would additionally be aligned with ILO standard practices for stakeholder inclusion,¹⁹ and from the International Trade Union Confederation (ITUC).²⁰ The 2024 update of the NCP composition (see Box 3.1) would remove all government ministries except the Ministry of National Economy. The NCP noted that this decision was made in cooperation with the involved ministries and was done to create more balance between stakeholder representatives. The NCP further noted that they considered the NCP to still be in an incubation phase, and that a longer-term goal for them would be a fully independent NCP that did not include any representatives from government.

The Expert members of the NCP include experts engaged by the NCP in the areas of the Guidelines, depending on the subject of submitted specific instances. The NCP noted that there are not specific criteria for the selection of experts. The NCP clarified that previous non-governmental members of the NCP expert membership were selected according to the criteria of accreditation in the Atameken National Chamber of Entrepreneurs, active participation in public and political issues, and positive feedback from state bodies on the activities and competence of organisations. Interaction with civil society is additionally regulated by laws such as The Laws of the Republic of Kazakhstan "On Public Councils",²¹ "On public associations"²²

¹⁹ See: <https://www.ilo.org/global/about-the-ilo/who-we-are/tripartite-constituents/lang--en/index.htm> .

²⁰ See : <https://www.ituc-csi.org/>

²¹ Available : <https://adilet.zan.kz/eng/docs/Z1500000383>

²²

Available : https://adilet.zan.kz/eng/docs/Z960000003_#:~:text=Public%20associations%20shall%20be%20created,artistic%20creativity%2C%20to%20protect%20human

and "On non-profit organizations",²³ and engagement with relevant expert members was in accordance with these laws. The NCP sends inquiries to relevant experts based on the issues raised in the specific instance. The possible Expert members designated by the Order of the Ministry of National Economy of the Republic of Kazakhstan are as shown in Table 3.1.

Table 3.1. Expert members of the NCP of Kazakhstan by stakeholder group

Member title	Entity represented	Stakeholder group
First Deputy Chairman	Anti-Corruption Agency of the Republic of Kazakhstan	Government
Vice Minister	Ministry of Labor and Social Protection of the Republic of Kazakhstan	Government
Vice Minister	Ministry of Trade and Integration of the Republic of Kazakhstan	Government
Director of the Department of International Cooperation	Ministry of Trade and Integration of the Republic of Kazakhstan	Government
Deputy CEO	QazTrade Center for Trade Policy Development Joint-Stock Company	Business
Chairman	Management Board of Chamber of Tax Consultants Public Association	Business
Chairman	Management Board of Union of Organizations of Tax Consultants and Experts in the Field of Taxation, Audit and Accounting Association of Legal Entities in the form of the Association	Business
President	Kazakhstan Association of Automation and Robotics Association of Legal Entities	Business
Deputy Chairman	Federation of Trade Unions of the Republic of Kazakhstan Republican Association of Trade Unions	Trade union
Advisor to the Secretary General	Kazakhstan Labor Confederation Republican Association of Trade Unions	Trade union
Chairman	Kazprofmetall Sectoral Mining and Metallurgical Trade Union	Trade union
Director	Formation of Tax Culture Public Association	Civil society
President	Adal Public Association for Consumer Rights Protection	Civil society
Executive Director	Public Fund Transparency Kazakhstan	Civil society
Executive Director	KazWaste Kazakhstan Association for Waste Management Association of Legal Entities	Civil society
Executive Director	EcoJer Kazakhstan Association of Regional Environmental Initiatives Association of Legal Entities	Civil society
Vice Principal	Law Enforcement Academy under the General Prosecutor's Office of the Republic of Kazakhstan	Academia

Note: Members are listed in the order in which they appear in the Ministerial Order.

²³ Available: <https://adilet.zan.kz/eng/docs/Z010000142>

Source: 'Experts of the National Contact Point' https://economy.kz/documents/OECD/NKC/Prikaz/Prikaz_177_eng.pdf

During the on-site visit, no interview session could be organised with the NCP's Expert membership. The NCP reported that this was due to the fact that the NCP Expert members, in practice, focus only on specific instances and had not had sufficient experience to contribute to the review in their capacity as Expert members of the NCP. Furthermore, the 2024 restructure of the NCP eliminates the Expert membership of the NCP. It is noted that some Expert members were invited to attend sessions relating to their stakeholder group in the context of this peer review.

Excluding the Chairman and Deputy Chairman, the Order notes that both Main and Expert members of the NCP join 'upon agreement.' The NCP regulations do not include provisions for an alternate participant should the listed member from each entity be unavailable. The NCP clarified that as the regulations include NCP members by position, rather than by name, it is possible to substitute a member with another individual from the entity holding an equivalent or similar position should the original member be unavailable. NCP members do not receive additional payment for their involvement and act as NCP members in addition to their regular roles.

The NCP Secretariat includes staff from the Institute for Economic Research (JSC) working part-time on the NCP agenda and provides organisational and technical support for the activities of the NCP. Since 2020, there has been a position for Head of the NCP and three to five employees have been allocated to perform the functions of the Secretariat in addition to their other duties with the Institute for Economic Research (JSC). The NCP noted that its Secretariat staff were selected based on their expertise in subject matter related to the NCP and RBC. This included such backgrounds as law and judicial, world economy, OECD work, and work with entrepreneurs.

General stakeholder feedback generally considered that the NCP structure allowed for sufficient engagement with stakeholders and was sufficient to avoid potential conflicts of interest, noting the necessity to maintain transparency and high ethical standards given its proximity to work in investment. Feedback further noted the utility of allowing for the engagement of external stakeholders where necessary. Certain business stakeholder feedback considered the institutional and organisational infrastructure of the NCP to be one of its most significant achievements.

Box 3.1. Change of composition as of 1 January 2024

Adjustments to include civil society

Following a new order by the Minister of National Economy of the Republic of Kazakhstan, adopted on 24 August 2023, and set to come into force on 1 January 2024, the composition of the NCP will be adjusted. The updates were made in part to address the need for additional resources following an increase in incoming inquiries to the NCP in recent years. The NCP indicated the new NCP membership would allow for further cooperation with civil society, noting that the Civil Alliance of Kazakhstan²⁴ includes more than 3000 non-profits organisations in Kazakhstan. The proposed Main NCP membership, as noted below, does not include representation from trade unions. The NCP noted the intentional exclusion of trade union stakeholders from its institutional arrangements due to the fact that the trade unions were still clarifying their own operations and working to increase their capacity. The NCP additionally noted that some trade unions in country had the tendency to engage in legal action with each other, which could create credibility issues for the NCP. The NCP currently considers cooperation with the trade unions to pose difficulties but indicated an interest in including them in the future. Feedback from trade union stakeholders nevertheless suggested they be included in the NCP's institutional arrangements.

The 2024 NCP membership will include:

- Minister of National Economy of the Republic of Kazakhstan (Chairman);
- Chairman of the Management Board of "Institute for Economic Research" (Deputy Chairman);
- Deputy Chairman of the Board of the Atameken National Chamber of Entrepreneurs of the Republic of Kazakhstan;
- President of the Civil Alliance of Kazakhstan Association of legal entities;
- Chief of Staff of Astana International Financial Center Court;
- and Director of Legal Policy Research Center public foundation.

The update does not include the expert membership with voting rights as in the previous Order. The NCP indicated that this was due to conflicts of interest arising when engaging expert members in the complaint handling process. The NCP noted that its updated procedures would still ensure access to relevant expertise should a specific instance warrant it, and a list of experts was under consideration but not yet publicly available.

The Head of the NCP will remain the Minister of National Economy of the Republic of Kazakhstan. The NCP Secretariat is foreseen to have its own permanent office within the Institute for Economic Research JSC and corresponding staff positions will be allocated.

The updates will additionally include the provision of a dedicated budget for the maintenance of the NCP Secretariat.

Source: Membership established by Order No. 204 of the Minister of National Economy of the Republic of Kazakhstan. https://economy.kz/documents/OECD/NKC/2023/NCP_sostav_eng.pdf

Functions and operations

The NCP indicated that its organisational and work procedures are regulated by Order No. 124 of the Ministry of National Economy of the Republic of Kazakhstan, dated Jun 18, 2020²⁵ and amended by Order No. 177, dated September 24, 2020.²⁶ The Orders establish both the

membership (see: Composition) and the functioning of the NCP. In terms of functioning, Chapter 2 of the Order designates the tasks of the NCP as the following:

1. Raising public and business community awareness of the Guidelines via media, seminars, and round tables;
2. Considering requests and appeals arising from alleged non-compliance by enterprises with the Guidelines;
3. Cooperating and interacting with NCPs of the member countries of the OECD when considering these alleged non-compliance, if necessary.

The tasks of the NCP as designated by the Ministerial orders are not yet aligned with the 2023 Guidelines. Notably, the tasks do not include the provision of support for government policies relating to RBC, or an acknowledgment of the expectation for the NCP to participate in a periodic peer review system. The NCP indicated it was in the process of updating its procedures to align with the 2023 version of the Guidelines.

The language used in Order No. 177 notes that the NCP of Kazakhstan will engage specifically with the NCPs of member countries of the OECD in the context of handling specific instances. The NCP's role should rather include cooperation with the NCPs of all countries that adhere to the Guidelines. The Chapter on tasks (Chapter 2, Order No. 177) continues to list methods for addressing these main tasks, as follows:

- The NCP is to address specific instances in a manner that is objective, comprehensive, and timely;
- The NCP interacts with all interested parties when considering a specific instance and making a decision;
- The NCP makes 'decisions' when handling specific instances;
- The NCP ensures the availability of relevant materials on the activities of the NCP on the NCP website;
- The NCP prepares annual reports on the activities of the NCP;
- And the NCP develops an NCP promotional plan annually.

Chapter 3 of the Order outlines the specific responsibilities of the NCP Secretariat as follows:

- Processes requests for specific instances according to its case-handling procedures and approved with the decision of the NCP Main, and any relevant Expert members;
- Processes materials relating to specific instances in accordance with the NCP decision;
- Prepares draft decisions of the NCP;
- Provides organisational and technical support for NCP meetings;
- Draws up requests to convene NCP meetings, including supporting documentation;
- Requests and receives necessary information from interested parties in a timely manner;
- Holds seminars to ensure awareness of the Guidelines and activities of the NCP;
- And maintain the NCP website.

The language the NCP uses to differentiate between its Secretariat, Main Members, and Expert members is at times unclear. Aside from noting the selection of Expert Members for specific

²⁴ See : <https://civilalliance.kz/o-nas/>

²⁵ Available: https://economy.kz/documents/OECD/NKC/Prikaz/Main_prikaz_124_eng.pdf

²⁶ Available: https://economy.kz/documents/OECD/NKC/Prikaz/Prikaz_177_eng.pdf

instances based on thematic relevance, there is no clarification on the practical differences between Main and Expert Members. The Order references that decisions are made by the 'NCP members' in some places and by the 'NCP main composition' in others, without clear differences in the context of the decision-making. It is not clear then if some decisions are taken only by the Main Members of the NCP while others are taken by Main and Expert Members, and when and why these differences would occur. The NCP indicated that the order had been drafted in a way to avoid limiting the possible roles of the different NCP components, given that the NCP produced the rules without yet having handled a specific instance. The NCP noted that the updated procedures establishing the function of the NCP would take into account the experiences of the last three years and clarify the roles of the NCP components. The NCP further clarified that only the Main NCP members played a role in promotion and development of operating procedures, while the Expert members focused on specific instance handling, and both had the same voting rights in the context of handling specific instances.

Stakeholder feedback indicated a disconnect between the work of the NCP Secretariat and the NCP members in general. Feedback suggested a perception that the membership of the NCP was underutilised, particularly concerning promotional activities. The NCP noted that, given the NCP membership included many high-level officials, they contributed to the NCP function via their core norm-setting activities, and other activities were assigned to the NCP Secretariat with the support of non-governmental NCP members.

In Chapter 3, the Order further establishes that the NCP is chaired by a Chairman who exercises general control over the NCP work process. The Chairman determines the composition of the NCP for each specific instance handling procedure, choosing the relevant NCP expert members from the approved list to attend. There are also not specific provisions in the functioning of the NCP on how these Expert Members are chosen in an impartial manner. As the Expert Members are chosen at the discretion of the Chairman, and the NCP Main Members do not represent all stakeholder groups, there is no guarantee that the resulting group of NCP members handling a given specific instance will have representation from all stakeholder groups, or that all groups will be represented in a balanced manner. Additionally, selection based purely on expertise does not ensure an impartial and equitable process as there can still be differences in how experts decide depending on their backgrounds. Meetings of the NCP are held upon necessity based on the work of the NCP. Minutes of the meetings are maintained by the NCP Secretariat. The meeting of the NCP reaches quorum if at least half of the main NCP members and relevant expert members are in attendance. An NCP Deputy Chairman may be designated in case of absence of the Chairman.

Decision making by the NCP is done by consensus. If the presence of an external independent expert is warranted at a related discussion, the decision to invite the expert is made by the Chairman of the NCP. The external expert would not have the right to vote in the meeting. NCP decisions are drafted in a 'protocol' signed by the NCP Chairman. The NCP indicated that consensus-based decision-making had been a challenge and there were plans to revise their decision-making process to make decisions based on a qualified majority. The NCP clarified that their proposed updated regulations of the NCP, to take effect as of 1 January 2024, included voting provisions by qualified majority when two-thirds of the NCP membership is present.

The proposed updated decision-making procedures of the NCP raise concerns given the possibility to lose a balanced vote when members are absent or have been removed from the vote due to a conflict of interest (see: Confidentiality and transparency). Removing the provision for consensus-based voting could damage the perception of the NCP's impartiality. The NCP indicated that it would try to reach consensus but also considered that the NCP membership was comprised of entities that fell under Kazakhstan jurisdiction and civil service and corruption laws, meaning there was trust among the membership and they were expected to act with

impartiality. The impartiality of the NCP could still be called into question given that there is not a balance within the NCP's structure between stakeholder groups and a vote by majority could exclude a stakeholder group.

In Kazakhstan, the Ministry of National Economy of the Republic of Kazakhstan is the responsible entity for managing and formulating policy in the areas of development, supporting for private entrepreneurship, and attracting investment. The Investment Committee of the Ministry of Foreign Affairs of the Republic of Kazakhstan is the entity responsible for implementing state policy to attract investment. While both of these Ministries are represented in the Main Members of the NCP, the NCP has indicated that its members remain separate from these functions and, as the NCP Secretariat is also external to these Ministries, the NCP does not consider there to be a potential conflict of interest based on the NCP location or composition. Some civil society stakeholder feedback suggested the NCP further clarify the additional tasks of its Secretariat staff outside of the NCP function to create transparency and reduce the risk of a perceived conflict of interest based on the NCP's location. The 2024 restructure (see Box 3.1) is expected to allocate full-time staff members to the NCP. In this case, it would not be necessary to clarify other tasks.

The NCP indicated that the maintenance of the website including relevant NCP documents is a main tool that the NCP uses to preserve institutional memory. The NCP clarified that this has been the practice since June 2020 when the NCP Secretariat was appointed in the Institute for Economic Research and information prior to that appointment had been lost in the transfer of functions. In 2022, the NCP celebrated the 10th anniversary of its founding and developed a scientific monograph, 'National Contact Centre: Experience and Prospects for Development', which contains the history of the formation and development of the NCP as well as recommendations for its further improvement. The monograph would serve as an additional onboarding tool to ensure a smooth transition for staff joining the NCP function.

Resources

Since 2020, the NCP Secretariat has had a dedicated Head and 3-5 employees have been allocated to perform the functions of the NCP Secretariat in addition to their other duties. NCP Secretariat staff spend approximately 50-65% of their time on the NCP function. The 2024 restructure of the NCP foresees a separate permanent office for the NCP Secretariat within the Institute for Economic Research (JSC) with dedicated staff. Civil society stakeholder feedback noted a switch to dedicated staff members of the NCP could strengthen the work of the NCP.

NCP resources are primarily allocated for the functions for the NCP Secretariat. Financial resources are allocated as part of a state order implemented between the Ministry of National Economy of the Republic of Kazakhstan and the Institute for Economic Research (JSC). The NCP noted that the state order did not provide a breakdown of resources and therefore did not specify resources allocated to the NCP. This funding scheme will change in 2024 (see: Box 3.1), within the framework of the same state order, when the Ministry of National Economy of the Republic of Kazakhstan will allocate funding specifically to the NCP Secretariat function. The new allocation of resources within the state order will additionally enable the designation of a separate unit for the NCP Secretariat within the Economic Research Institute (JSC). Information on budget execution is provided to the Ministry of National Economy of the Republic of Kazakhstan, the Ministry of Finance of the Republic of Kazakhstan, and the Supreme Audit Chamber of the Republic of Kazakhstan as part of standard budgetary procedure.

Government representative feedback noted that sufficient resources were essential to the success of the NCP. The NCP indicated that up until 2023 resources were sufficient to maintain

the NCP function, which was mostly focused on promotion, but with an increase in specific instances it became necessary to establish a permanent staff structure and increase financial resources. These challenges are expected to be addressed in the 2024 restructure of the NCP.

Reporting

The NCP reports to the OECD every year and makes its reports publicly available. These reports are published on the NCP's webpage since 2020. The reports are additionally translated into Kazakh and Russian. The NCP indicated reporting to an executive body on its activities, as noted below.

The Chairman of the NCP presents the NCP's annual reports to the OECD, as noted above, to a meeting of the Council for Cooperation with the OECD, chaired by the Prime Minister of the Republic of Kazakhstan. Reports from 2020-2022 are available on the Kazakh language version of the NCP website.²⁷ The NCP further noted that the Economic Research Institute (JSC) closely cooperates with the Institute of Parliamentarism, which is a working body of the parliament of Kazakhstan. This cooperation enabled the sharing of information on ongoing NCP and RBC-related work. The NCP indicated its intention to sign a Memorandum of Cooperation with the body to formally establish the relationship. The NCP considered that this relationship sufficiently enabled it to report to other government agencies on its activities.

	Findings	Recommendations
1.1	Stakeholders clearly recognize the efforts of the NCP to establish and develop itself and its activities, particularly in recent years. The NCP composition, as entered into force in January 2024, is not balanced. The exclusion of trade union stakeholders within the NCP institutional arrangements excludes views from trade unions and workers and could limit confidence in the NCP mechanism from this group, which has already made multiple specific instance submissions.	The NCP should ensure representation from all stakeholder groups within its institutional arrangements by including trade union stakeholders in the NCP main membership.
1.2	Until January 2024, the NCP made decisions based on consensus when half of the NCP main members and selected expert members were present. The updated decision-making procedures allow for majority-based voting when two-thirds of the NCP members are present. Particularly in the case of an NCP member recusing themselves from the vote due to a conflict of interest, the decision-making could be unbalanced and lead to issues relating to the perception of impartiality of the NCP.	In order to avoid real or perceived issues of impartiality, and ensure a balanced vote where possible, the NCP should seek to make decisions based on consensus of all member groups. The NCP could further ensure a balance is maintained in voting by attributing an equal number of vote per member category, and by including at least two representatives per member group to ensure representation of all groups even in the absence or recusal of some members.
1.3	The NCP has showed a clear effort to establish its operating procedures and has included these procedures in Ministerial Orders, supporting the predictability and accountability of the NCP mechanism. However, the orders are not always aligned with the provisions and language provided for in the Guidelines. The updated orders additionally remove the expert membership of the NCP and contain less information on the provision of experts.	The NCP should revise its operating procedures, aligning internal wording for consistency and generally aligning with the wording and provisions of the Guidelines. The NCP should provide further details on provision of expert advice, for example by noting that the NCP maintains a list of relevant external experts to be called upon in case of need. Such a list would already have a basis in the previous list of expert NCP members.

²⁷ Available: https://economy.kz/kz/Nacionalnyj_kontaktnyj_centr/NCP_reports_kaz/ (Kazakh)

4 Promotion of the Guidelines

Promotional plan

The NCP developed an action plan for 2023. The plan, along with the action plans from 2020-2022, can be found on the dedicated NCP webpage (see: NCP action plan). The NCP indicated that the NCP mechanism was not well-known or widely promoted until 2020. The plan is structured in a grid that lists the activities that the NCP plans to undertake one-by-one, including the name of the activity, how its completion is verified, the deadline for completion, and the persons responsible for the activity. The activities are broken down into the following four categories:

1. Regulatory legal support of NCP activities;
 - a. This includes approving NCP and Secretariat regulations and approving the case-handling procedures.
2. Operational and organisational issues;
 - a. This includes reporting annually to the OECD Secretariat and attending WPRBC and NCP Network meetings.
3. Promotion and popularisation of NCP;
 - a. This includes items such as general promotional seminars and meetings on the NCP and the Guidelines, promotion to diplomatic missions abroad, involvement of the NCP in events organised by others, support for MNEs, and translation work.
4. Case studies in the NCP.
 - a. This includes maintaining NCP meeting minutes, NCP publications, and coordination with other NCPs in the context of handling specific instances.

While the plan provides an overview for the NCP's activities during the year, only the third section is strictly related to promotion, focusing on promotion and popularisation of the NCP itself, and including promotion on the Guidelines. There is no category dedicated to promotion of the Guidelines or the Due Diligence Guidance as included in the Procedures (I.B.1.). Moreover, it does not include many specifics on targeted audiences, targeted sectors, specific events, information on baseline levels of awareness, or other information considered as best practices for promotional planning. The NCP noted that each year a report was made on the completion of activities in the action plan, results of which would indicate if activities needed to be carried into the next action plan or could be considered complete. The NCP invites its main membership to comment on the draft and expert members to comment on the parts related to specific instance handling. Feedback from civil society suggested that the plan could be more informative and rely more on the support of the entire NCP membership for its development.

In the case of section 3 on promotion of the NCP, specific events to be held during the year are not included in the promotional plan. Except in the case of support for MNEs, specific

stakeholder groups to target are not included in the plan. A key is additionally provided for abbreviations used in the plan.

In addition to its action plan, in 2022 the NCP developed a 'Roadmap to promote and publicise the National Contact Point (NCP) as well as the OECD Guidelines for Multinational Enterprises in Kazakhstan'.²⁸ The roadmap uses the abbreviation 'MNE' to refer both to the Ministry of National Economy and to multinational enterprises, which is at times confusing. The NCP noted that this similarity does not exist in the Kazakh or Russian versions of the roadmap. The roadmap included the names of activities, the form of completion, deadlines, and responsible parties. The activities were broken into four categories, working with multinational enterprises (MNEs) and SMEs, working with civil society, enshrining the NCP into the legal system, and international cooperation.

- Activities relating to work with MNEs included making a list of MNEs in Kazakhstan, development of concepts and industry agreements with the Ministry of National Economy relating to RBC, and disseminating and raising awareness of ESG principles. Specific events were not included. Work with SMEs included such plans as analysing RBC standards by sector of growth, developing a program for achieving RBC for SMEs, and exploring the possibility of providing a package of state support measures for SMEs that comply with RBC standards. While the activities considered the possible development of tools for companies relating to RBC, they did not include specific events for the promotion of such tools.
- Proposed activities with civil society included developing a register of possible Guidelines' violations (see Box 4.1), informational meetings with MNE actors on possible violations, and the development of a joint action plan for dialogue between civil society and the Ministry of National Economy. The plan does not specify cooperation with any specific civil society actors or note specific events targeted towards civil society stakeholders.
- The section on enshrining the NCP into the legal system contains activities such as proposals to the Ministry of Justice on the principle of mandatory application of RBC standards, inclusion of the NCP into the national mediation system, and work to improve compliance with RBC and the NCP.
- The final section on international cooperation includes proposed cooperation with the OECD on a joint study of application of the Guidelines, and a proposal to hold a joint meeting with the NCP of South Korea to share experiences.

The plan does not include any promotional work with or directed at workers or trade union stakeholders. The responsible party for implementing each activity is the NCP Secretariat alone or with another government entity. None of the NCP's main or expert members from business, civil society, or trade unions are included to support the implementation. While the plan provides some more detail as compared to the NCP's action plan, it lacks strategy in terms of targeting all stakeholder groups, identifying specific events, and targeting specific sectors and regions. The plan notably does not include a strategy for promoting the NCP grievance mechanism to potential submitters. A 2023 roadmap was not released.

²⁸ Available: https://economy.kz/documents/OECD/NKC/Doroznaja_karta_po_razvitiju_NKC/DK_eng.pdf

Box 4.1. Illustrative register of possible violations of the OECD Guidelines

The NCP of Kazakhstan developed a brochure, with civil society in mind but available to all stakeholder groups, which identifies possible examples of violations of the Guidelines by enterprises. The register is arranged by thematic chapter of the Guidelines and seeks to provide plausible examples of violations.



Source: https://economy.kz/documents/OECD/NKC/MNP/Reestr_vozmozhnyh_narushenij_ENG.pdf

The NCP has indicated signing Memoranda of Cooperation (MOC) with partner organisations to determine joint actions for promotion. The most recent Memorandum of cooperation was signed with the International Arbitration Centre and agreed to strengthen cooperation in promoting alternative dispute and conflict resolution methods and mechanism.²⁹ Organisations that share such joint plans of actions with the NCP have reported promoting the NCP and the Guidelines among their own stakeholders. Feedback from business stakeholders that had entered into MOCs with the NCP reported having conducted joint events with the NCP and receiving continued correspondence from the NCP. Feedback from stakeholders with which the NCP cooperates noted having extensive networks in country, which allowed them to spread information to different regions in the country and possibly extend the NCP's reach.

The NCP does not monitor or measure actual awareness or use of the Guidelines and related OECD due diligence guidance by enterprises. The NCP did indicate that the Secretariat had developed a draft methodology for conducting surveys, which was being considered by the NCP members. The methodology would aim to obtain information on awareness of the Guidelines and NCP activities among the group targeted in the survey.

²⁹ See: https://economy.kz/en/Nacionalnyj_kontaknyj_centr/Sobytaja_NKC/id=5525

Whilst civil society stakeholders noted the important efforts that the NCP has made in promotion, particularly through its comprehensive website, feedback noted that there was still a need to strengthen the promotion of information on the Guidelines and NCP. General stakeholder feedback noted that the NCP's promotional work had been strategic, and its operations were well-defined. Business stakeholder feedback considered that more work could be done with sectoral employers' associations, notably if their representatives were also explaining and circulating the Guidelines within their own networks. Generally, the NCP considered there was a particular importance to focus on SMEs, given their rapid development in the country. Further importance was placed on Kazakhstan's focus on the development of new technologies and mass media, and relevant RBC-related considerations.

Feedback from trade union stakeholders noted some key issues from workers, and therefore possible target areas for promotion, were violations of the labour code and rights of employees, prevention of organisation of trade union meetings, threat of being fired for joining a trade union, and prevention of the creation of trade unions. Additional issues were noted and foreseen in relation to the digital transition, which could result in the mass release of workers. Feedback noted that, in the context of promoting the NCP grievance mechanism, workers would need to understand their rights and possible provisions to protect them from reprisals.

Information and promotional materials

The NCP includes links and information on both the Guidelines and the OECD due diligence guidance on its website in Kazakh, Russian, and English. However, the documents themselves are only provided in English. Civil society stakeholder feedback noted the importance of translations into national languages to ensure visibility and accessibility of the NCP. The NCP noted that there was ongoing work to translate the 2023 version of the Guidelines into Russian, which would then be followed by a translation into Kazakh. The NCP did not cooperate with other NCPs to make these translations.

On the basis of the due diligence guidance, the NCP of Kazakhstan has prepared 'The Code of Conduct for Multinational Enterprises', which was drafted to disseminate, promote, and summarise the key elements of the OECD due diligence materials. The code contains the following chapters:

- Introduction
- OECD Due Diligence Guidelines
- OECD Integrated assessment Guidelines for Effective Engagement with Stakeholders in the Extractive Sector
- OECD Guidelines on Due Diligence of Responsible Mineral Supply Chains from High-Risk Areas
- The OECD-FAO Guide to Responsible Value Chains in Agriculture
- OECD Due Diligence Guidelines for Supply Chains in the Clothing and Footwear Sector
- Practical Measures to Identify and Counteract the Worst Forms of Child Labour Exploitation in the Mineral Supply Chains
- OECD due Diligence Guidelines for Responsible Corporate Lending and Securities Underwriting
- Responsible Business Conduct for Institutional Investors
- Prevention of Corruption and Promotion of RBC in the Organisation of Sports Events

The code is not yet updated to reflect terminology used in the 2023 Guidelines. The English version additionally contains some typos, unclear language, and does not always use the language provided for in the related guidances. The code is available for download on the NCP's webpage targeted at multinational enterprises (see: MNE). The NCP indicated that this code is also printed and used in meetings with MNEs. Feedback from business stakeholders suggested that due diligence was a relatively new concept in Kazakhstan and there was an opportunity for the NCP to further promote due diligence among businesses.

In addition, the NCP has developed the following materials:

- An information booklet on NCP issues, responsible business conduct, and the Guidelines;³⁰
- A summary checklist on due diligence procedures for MNEs;³¹
- A brochure illustrating possible example violations of the Guidelines;³²
- A video about the activities of the NCP.³³

Civil society stakeholder feedback indicated a positive perception of the NCP's efforts to develop and distribute materials related to the promotion of the OECD due diligence guidance and related sectoral projects. Feedback indicated that information was additionally sent via e-mail.

Promotional events

The NCP considers that its structure enables it to cooperate frequently with different stakeholder groups, including by inviting stakeholders to participate in NCP events as experts where relevant. The NCP otherwise indicates maintaining promotional work with stakeholders through meetings, round tables, and webinars. The NCP indicated an openness to explore different ideas for future promotion and noted efforts to improve its activities in general. The NCP noted an increase in specific instances following some of its larger promotional events.

Promotional events for the NCP are published on a dedicated page of the NCP website (see: NCP events). The NCP noted holding meetings between the NCP Secretariat and MNEs to introduce them with the functions and activities of the NCP, the standards of responsible business conduct, and the Guidelines. The NCP promotes the positive role of the NCP as a non-judicial grievance mechanism in this context. The NCP indicated that similar meetings were held with other stakeholder groups. While some feedback from business stakeholders noted a perception that the NCP has been organising more customised events, other business stakeholders expressed interested in more tailored events on topics of interest, such as due diligence in the mining sector. General feedback from business stakeholders indicated a willingness to continue engaging with the NCP on promotional work.

Over the last few years, the NCP has both organised and participated in promotional events relating to the promotion of the Guidelines of the NCP. The NCP has reported participating in such events relating to strategies of sectoral trade unions, new trends in mediation, and climate-smart agricultural technologies. The NCP noted that it had also travelled to other regions of the country to promote the NCP and the Guidelines. The NCP was additionally involved in the

³⁰ See: https://economy.kz/documents/OECD/NKC/Otvvet_vedenie_biznessa_ENG.pdf

³¹ See: https://economy.kz/documents/About/Complaens/ENG_OtvvetVedeniye_check_list.pdf

³² See: https://economy.kz/documents/OECD/NKC/MNP/Reestr_vozmoznyh_narushenij_ENG.pdf

³³ See: <https://youtu.be/cqJ43Rs8UaA>

development of a mediation training with stakeholders in academia, considering NCP case examples from other NCPs.

The NCP has held promotional events on a range of topics, such as thematic discussions with other parts of government, general webinars, and seminars for enterprises. The NCP has organised events targeting all stakeholders in recent years.

Recent events hosted by the NCP have included:

- A meeting with the Union of Youth of Kazakhstan in August 2023 to promote the NCP activities and its role as a non-judicial grievance mechanism. The Union expressed interest in the NCP as a platform to resolve disputes.³⁴
- A seminar for the factory Böhmer Armature Kazakhstan LLP in June 2022 to familiarise plant employees with the NCP activities and RBC. At the end of the event, the parties agreed to continue cooperation to promote and implement RBC standards.³⁵
- A meeting with the Chief Executive Officer of Adilet Public Association of the Consumer Rights Protection in September 2022 to discuss NCP activities and the importance of partnerships with public organisations given their important role in economic, environmental, and social progress.³⁶
- A 10th anniversary conference for the NCP organised in November 2022.³⁷ The conference discussed the achievements of the NCP, challenges, and prospects for further improvement. The scientific monograph on the NCP was presented in the framework of this conference. The monograph is currently available as a printed book in Russian.

General stakeholder feedback noted the perception that the NCP was frequently engaged in promotional activities, both its own events and as a participant in events organised by others. Civil society stakeholder feedback noted a lack of broad representation from the full membership of the NCP at promotional events, given many events involved only the NCP Secretariat. Trade union stakeholder feedback indicated a willingness to increase engagement with the NCP on promotional activities and noted that they had promoted the Guidelines independently. General feedback noted that more events could be held focusing on the role of the NCP as a non-judicial grievance mechanism.

Website

The NCP of Kazakhstan webpage is featured prominently as part of the website for the Economic Research Institute. The webpage is additionally linked on the website of the Ministry of National Economy of the Republic of Kazakhstan,³⁸ and on the website of NCE Atameken³⁹ The NCP indicated that it regularly updated the website to promote transparency around its activities and provide access to relevant information for stakeholders.

Stakeholder feedback noted that the website was a helpful tool that included all necessary information in a user-friendly interface. Further feedback noted the necessity of actively using

³⁴ See: https://economy.kz/kz/Nacionalnyj_kontaktnyj_centr/Sobytija_NKC/id=5850 (Kazakh)

³⁵ See: https://economy.kz/en/Nacionalnyj_kontaktnyj_centr/Sobytija_NKC/id=4746

³⁶ See: https://economy.kz/en/Nacionalnyj_kontaktnyj_centr/Sobytija_NKC/id=5243

³⁷ See: https://economy.kz/en/Nacionalnyj_kontaktnyj_centr/Sobytija_NKC/id=5497

³⁸

See:

<https://www.gov.kz/memleket/entities/economy/press/article/details/18646?directionId=6109&lang=en>

³⁹ See: <https://atameken.kz/ru/pages/1142-nacional-nyj-kontaktnyj-centr-kazahstana>

social media to inform citizens. Government representatives further noted the use of media to promote information and reach a wider audience, and notably reach potential submitters of specific instances. The NCP did not indicate using its own social media for promotion, but it noted being referenced in media by promotional partners, such as in an online article concerning the pharmaceutical industry in Kazakhstan.⁴⁰ The NCP further noted the possibility for it to post on the Facebook of the Economic Research Institute (JSC).⁴¹ The NCP considered the social media accounts of its partners to be sufficient to support promotion, but will consider creating its own accounts in the future.

The NCP of Kazakhstan website contains the following sections:

- 'About NCP
- OECD Guidelines
- OECD Due Diligence Guidance
- Procedures for considering appeals to NCP
- Online appeals submission
- NCP action plan
- Claim consideration progress
- MNE
- Media about NCP
- NCP events
- Reports on the NCP activities
- F.A.Q.
- Contacts of NCP'

About NCP

The 'about NCP' page of the NCP webpage includes a basic description of the NCP, a promotional video (see Information and promotional materials), the main tasks of the NCP, and various downloadable support materials. The wording used to describe the NCP function is at times unclear with some typos additionally in the text of the website.

Per the NCP's website, the NCP is described as a 'collegial body that makes decisions on pending appeals on violations of the provisions' of the OECD Guidelines. Such wording could lead the ready to mis-understand the NCP function, such as by believing that a specific instance handled by the NCP automatically constitutes a violation of the provisions of the Guidelines, rather than an alleged violation. The NCP indicated that this language is adjusted in its draft updated case-handling procedures. The NCP website should be adjusted accordingly. The term 'appeal', which is used across various information materials published by the NCP may also lead to confusion as to the non-judicial nature of the NCP's role as a grievance mechanism. The NCP indicated that the terms were used in accordance with national legislation and established practice among the population in Kazakhstan. The NCP considered that the use of the term would not cause confusion for possible submitters.

The page lists part of the NCP's activities as 'considering complaints from individuals and (or) legal entities...' This language differs from that of the Guidelines which state that 'the NCP will

⁴⁰ See: <https://pharm.reviews/ru/stati/sobytiya/item/7797-farmatsevticheskaya-otrasl-rk-nuzhdaetsya-v-peresmotre-podkhodov-k-regulyatornoj-politike>

⁴¹ See: <https://www.facebook.com/economic.research.kz/>

offer a forum for discussion and its expertise on the Guidelines to assist the business community, worker organisations, other non-governmental organisations, and other interested parties concerned,⁴² possibly narrowing the scope of potential submitters. The NCP noted that, in accordance with the Civil Code of Kazakhstan,⁴³ various types of public organisations and NGOs are formed as legal entities and the wording therefore would not exclude them.

NCP Structure (webpage)

The page on the NCP structure contains an infographic (see: Figure 3.1) on the member entities of the Kazakhstan NCP. The page does not contain further explanatory text. The 'Expert' members additionally include 'Trade Unions' and 'NGO', though specific trade unions and NGOs that engage with the Kazakhstan NCP are not specified. The specific trade union and NGO members are named within the relevant ministerial order on the About NCP webpage.

OECD Guidelines

The dedicated page to the Guidelines provides an overview of the Guidelines. As of the time of writing, the page has not been updated to reflect the 2023 version of the Guidelines. Additionally, language does not always reflect that which is provided in the Guidelines, such as the use of 'compliant countries' instead of 'Adherents'. The NCP noted that some inaccuracies in terminology existed as the NCP materials are originally prepared in Kazakh and Russian and translated into English by the press services of the Economic Research Institute (JSC). The NCP indicated that the Secretariat would soon carry out work to address these inaccuracies.

The page provides additional information on the OECD Due Diligence Guidance. Beneath this, the webpage includes brief descriptions of each chapter of the Guidelines. These chapters are identified under the heading 'OECD Guiding Principles for Multinational Enterprises,' which is not language consistent with the Guidelines. The chapter titles additionally show slight variation from the 2011 Guidelines chapter titles, for example, as Chapter VI (Environment), is listed as 'Environmental Protection.'

OECD Due Diligence Guidance

The NCP webpage on OECD Due Diligence Guidance includes a brief description of the development of Guidance and associated sectoral guides. The webpage includes due diligence-related OECD publications (as shown below), which can be selected to view a brief description and download the related guidance.

⁴² OECD Guidelines (2023), Procedures I.C., https://www.oecd-ilibrary.org/finance-and-investment/oecd-guidelines-for-multinational-enterprises-on-responsible-business-conduct_81f92357-en

⁴³ Available : <https://adilet.zan.kz/eng/docs/K940001000>

Figure 4.1. Kazakhstan NCP webpage on OECD Due Diligence Guidance



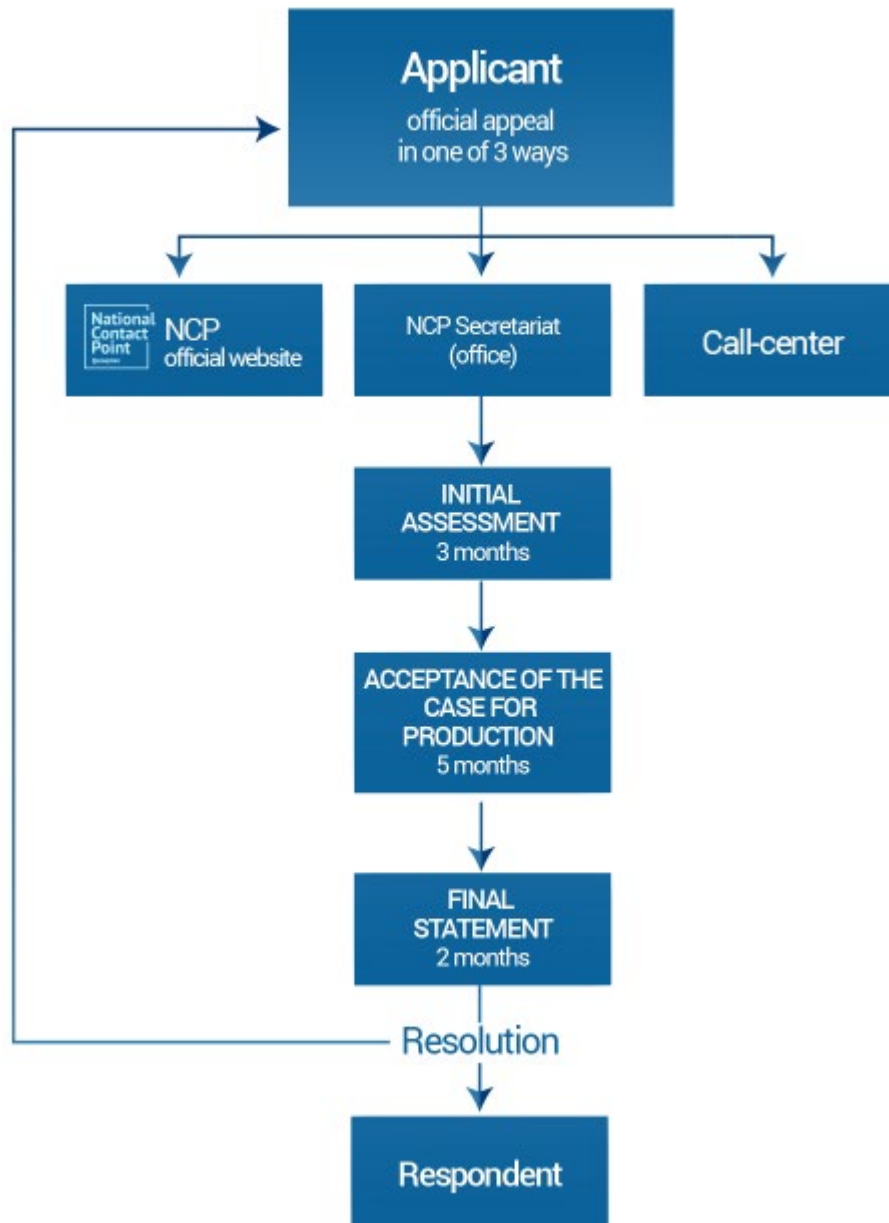
Note: Each image is clickable to view more information on the guidance and a link to the related document

Source: Kazakhstan NCP website: https://economy.kz/en/Nacionalnyj_kontaktnyj_centr/OECD_Due_Diligence_Guidance/

Procedure for considering appeals to NCP & online appeals submission

This section of the NCP webpage contains an infographic related to the NCP's case handling procedures, a link to download a word document specific instance submissions form, and the full version case handling procedures.

Figure 4.2. Infographic for the NCP's case-handling procedures



Source: https://economy.kz/en/Nacionalnyj_kontaktnyj_centr/Procedure_for_considering_appeals_to_NCP/

The page on 'online appeals submission' includes an online form to submit a specific instance. Analysis of these materials can be found in the section on Specific instances.

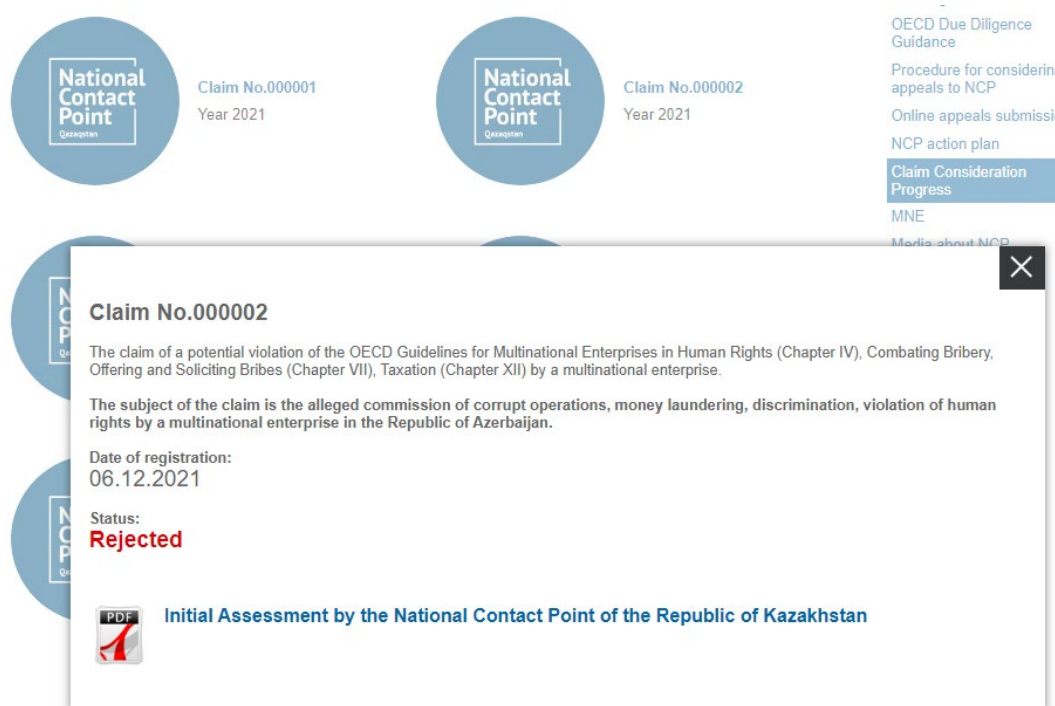
NCP action plan

This page includes the NCP's yearly promotional action plans. At the time of writing, the page contained plans for 2020-2023. The English language plan for 2023 was added to the NCP website around half-way through the same year. The plans are analysed in the section on Promotional plan.

Claim consideration progress

This page contains the specific instance currently, or previously, handled by the Kazakhstan NCP. As shown in Figure 4.3, the specific instances are listed on the page by claim number and submission year. By clicking on the claim number, the reader gains access to a brief description of the issues raised, the date of submission, the current status of the submission, and a link to any relevant NCP statement.

Figure 4.3. Kazakhstan NCP webpage on specific instances



Source: Kazakhstan NCP website: https://economy.kz/en/Nacionalnyj_kontaktnyj_centr/Claim-progress/

MNE

The 'MNE' page of the Kazakhstan NCP website contains support materials directed at MNEs. There are three documents available for download:

5. Code of Conduct for Multinational Enterprises: OECD Due Diligence Guidelines (Economic Research Institute)⁴⁴
6. Summary Checklist: OECD Guidelines for Multinational Enterprises (Economic Research Institute)⁴⁵
7. Illustrative Register of Possible Violations of the OECD Guidelines for Multinational Enterprises (Economic Research Institute)⁴⁶

⁴⁴ Available: https://economy.kz/documents/OECD/NKC/MNP/ENG_kodeks_povedenija_predpriyatij.pdf

⁴⁵ Available: https://economy.kz/documents/About/Complaens/ENG_OtvetVedeniye_check_list.pdf

⁴⁶ Available: https://economy.kz/documents/OECD/NKC/MNP/Reestr_vozmoznyh_narushenij_ENG.pdf

Media about NCP

This page is dedicated to relevant media published relating to the Kazakhstan NCP. At the time of writing, the page included a link to a written interview with the head of the NCP Secretariat, published in the government-backed newspaper 'Kazakhstanskaya Pravda'.⁴⁷

NCP events

This page contains events held by the Kazakhstan NCP. The page does not appear to promote future events. NCP events from 2023 were only available as of September 2023 on the English version of the website. Events from 2023 were available on the Kazakh and Russian language websites prior to this, suggesting the different language versions of the website may not be updated simultaneously or with equal regularity. Details on the Kazakhstan NCP's promotional events are included in the section on Promotional events.

Reports on the NCP activities

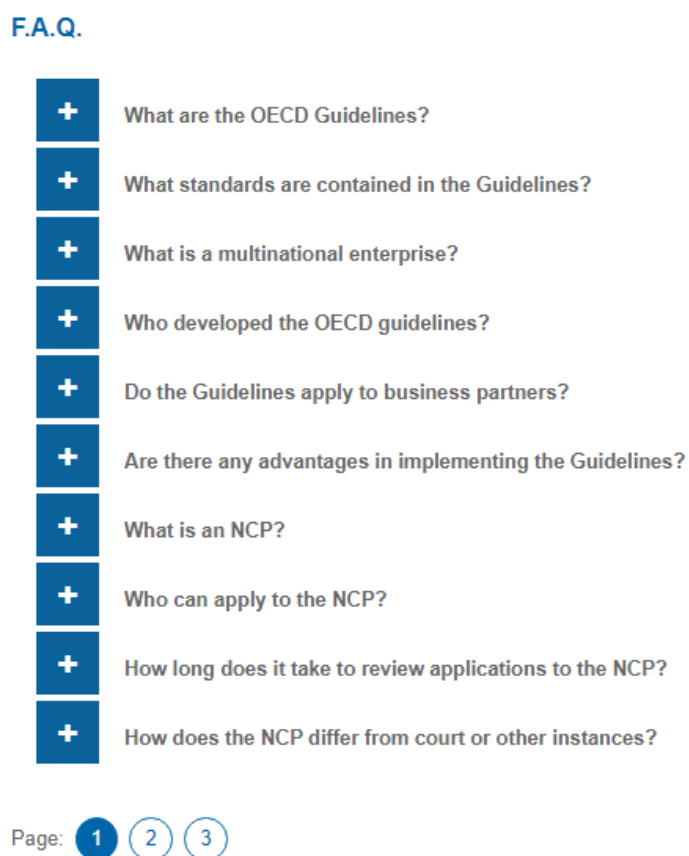
This page contains the NCP's annual reports to the OECD from 2020, 2021, and 2022.

F.A.Q.

This section contains three pages of frequently asked questions with brief answers available. Examples of questions included on the page can be seen in Figure 4.4.

⁴⁷ Available: <https://economy.kz/documents/OECD/NKC/SMI/Otvstvnst.pdf> (Kazakh)

Figure 4.4. Page one of the F.A.Q. included on the Kazakhstan NCP website



Source: Kazakhstan NCP website: https://economy.kz/en/Nacionalnyj_kontaktnyj_centri/faq/p=0

Contacts of NCP

This page of the Kazakhstan NCP website contains the NCP contact information including, a physical address, email, and telephone.⁴⁸ The NCP has indicated that the telephone number is specific to the NCP, rather than being a centre-wide contact. The page additionally contains a link to the 'NCP Telegram bot', which notes it can be used to inquire about information relating to NCP issues or matters related to responsible business conduct.⁴⁹

Responding to enquiries

The NCP has their contact details listed on the webpage (email, telephone, and mailing address). It invites users to contact for any enquiries. The NCP additionally provides an 'NCP Telegram Bot' for questions, as noted above. Feedback from business stakeholders noted using the Telegram channel as a way to receive news from the NCP.

⁴⁸ NCP call centre: +77172-9999-12

⁴⁹ The Bot is available here: https://t.me/ERIQeng_bot (English)

Cooperation with other NCPs

The NCP engages with other NCP in the context of NCP events organised by the OECD Secretariat. The NCP of Kazakhstan reported not having had other experience cooperating with other NCPs in a promotional or peer-learning capacity, although one other NCP indicated that a member of the NCP of Kazakhstan had attended a webinar of theirs in June 2023 on RBC and Public Procurement. The NCP of Kazakhstan has indicated working to increase cooperation with other NCPs by holding meetings to exchange on experiences and best practices.

In this regard, the NCP noted that in April 2022, it sent an invitation to nineteen newer NCPs via email to organise a working meeting to exchange experiences and discuss challenges faced by newer NCPs. The NCP reported that it did not receive any responses to this email. Another invitation was sent in August 2022 to the same recipients, of which three NCPs agreed to participate in such a meeting. Specific topics for such a meeting are under discussion.

	Findings	Recommendations
2.1	The NCP has made clear efforts to conduct a variety of promotion to all different stakeholder groups and has developed promotional plans yearly. However, promotional planning has not always been strategic and does not provide for a strategy to measure awareness or promotional needs of different stakeholder groups, often resulting in high level promotional activities.	As the NCP continues to enhance its promotional work, it should develop a strategic promotional plan that contains provisions for measuring awareness of the NCP and the Guidelines among different stakeholder groups. Such information will inform the NCP's future promotional priorities and can allow for more tailored promotional events, for example on due diligence, targeting specific stakeholder groups and sectors.
2.2	The NCP has developed relationships with all different stakeholder groups, both through its institutional arrangements and through its promotional work. Despite having such connections, much of the NCP's promotional work is still developed and implemented by the staff of the NCP Secretariat.	The NCP should leverage its membership and stakeholder network to support the planning and implementation of its promotional work. The involvement of stakeholders in the development of the NCP's promotional plan and activities can increase stakeholder confidence and trust in the mechanism.

5 Specific instances

Overview

As compared to national legal in-court options to address grievances, the NCP is considered a fast mechanism to address specific issues. The NCP has indicated challenges related to the handling of specific instances as it has noted difficulties in engaging the parties of specific instances. The NCP additionally noted that, as the mechanism is not built into national legislation, interested parties have questioned the force of the decisions that the NCP can make. The NCP believes that submissions would increase if the mechanism was included in national legislation. The NCP noted the presence of other grievance mechanisms in country, such as to handle complaints received by individuals relating to consumer protection involving SMEs⁵⁰, handled by the Committee of Consumer Protection under the Ministry of Trade.⁵¹ General stakeholder feedback indicated that there was a place for the NCP within the grievance mechanism landscape in Kazakhstan, particularly as an alternative to in-court dispute settlements.

As of the date of the on-site visit, the NCP had received seven specific instances in total. The NCP indicated that high levels of submissions had necessitated the allocation of more resources to the NCP function. All of the specific instances had been received between 2021-2023. In total, three specific instances were not accepted, and four are ongoing. Civil society stakeholder feedback indicated that the number of specific instances was still low enough to suggest a lack of awareness of the mechanism from the public, particularly civil society, which did not account for any submissions, and trade union representatives. Government representatives additionally noted that a lack of awareness among civil society was decreasing specific instance submissions. Feedback from business stakeholders expressed an interest to see the NCP receive more specific instances and noted an interest in learning also about cases submitted to other NCPs. Some feedback indicated a willingness of business stakeholders to participate in the mechanism if necessary and highlighted the importance of mediation in Kazakhstan. Other feedback from business stakeholders noted feeling that more trust would need to be built with the mechanism.

The main sector concerned by specific instances handled by the NCP is Manufacturing (three cases), followed by Financial and insurance activities, Information and communication, Professional, scientific and technical activities, and Wholesale and retail trade, with one case each. In terms of submitters, individuals have submitted the most cases to the NCP (four). They are followed by trade unions (three).

The most frequently raised chapters of the Guidelines in cases handled by the NCP are the chapters on Human Rights (Chapter IV) (five cases), General Policies (Chapter II) (three cases),

⁵⁰ See: <https://adilet.zan.kz/eng/docs/Z100000274> (Law on Consumer Rights), <https://e-tutyushy.kz/main> (complaints platform)

⁵¹ See: <https://www.gov.kz/memleket/entities/mti-kzpp/activities/2640?lang=ru> (Russian)

Employment and Industrial Relations (Chapter V) (three cases), and Consumer Interests (Chapter VIII) (three cases).

An overview of all cases handled by the NCP is available in Annex D.

Case-handling procedures

Overview

The Case-handling procedures of the NCP of Kazakhstan are published on the NCP website and are available in both English⁵² and Kazakh language. The NCP indicated that the case-handling procedures are approved by NCP decision No.1, dated 25 August 2020. The NCP noted that a draft amendment to the Order had been developed to address the 2023 targeted update of the Guidelines and is expected to come into force in 2024. The following analysis will focus on the English language procedures as currently publicly available. The NCP's case-handling procedures are organised into five sections ('chapters'). Civil society stakeholder feedback noted that the case-handling procedures and submission process were generally simple and accessible. The Chapters are as follows:

1. 'Chapter 1. General Provisions
2. Chapter 2. Complaint submission and consideration
3. Chapter 3. Procedure on handling with complaints submitted to the NCP
4. Chapter 4. Monitoring of the agreement of the Parties
5. Chapter 5. Final Provisions.'

The first chapter, General Provisions, establishes that the case-handling procedures have been developed in accordance with the Regulations on the National Contact Point approved by the order of the Minister of National Economy.⁵³ The chapter proceeds to clarify terminology used in the procedure.⁵⁴ Noted terms include:

- OECD Guidelines for Multinational Enterprises;
- Responsible business conduct;
- Multinational enterprise;
- National Contact Point of the Republic of Kazakhstan;
- NCP Secretariat;
- Complainant;
- Complaint;
- Anonymous complaint (relates to a complaint where the submitter cannot be identified);
- Repeat complaint (the same person and the same issues);
- OECD National Contact Point;
- NCP website.

There is a typo in the list of terminology as two '9s' appear and there is not a term '7'. The term on complainant (Term 6) notes that 'The Complainant may not be a person directly affected by the activities of a multinational enterprise, but he/she must demonstrate his/her connection with

⁵² See: https://economy.kz/documents/OECD/NKC/Poryadok_rassmotreniya_obr_ENG.pdf

⁵³ Order No. 124, 18 June 2020, as amended by Order No. 177 dated September 24, 2020.

⁵⁴ Chapter 1. General Provisions, para. 2, 1-11

the case in the complaint.’ The wording suggests that an individual directly impacted by an enterprise cannot submit a specific instance. The provision is unclear and possibly restrictive. The NCP clarified that the wording was intended to expand the pool of potential applicants by specifying that the submitter did not have to be directly affected as long as they could demonstrate a connection. The English translation nevertheless remains unclear and should be revised. Generally, terminology and definitions used should be better aligned with the 2023 version of the Guidelines.

The fifth chapter, Final Provisions, notes some overarching principles which apply to the case-handling process. The chapter states that the NCP will ensure the protection of confidential information obtained during the processing of the complaint. Details of the proceedings will not be disclosed to third parties without the consent of the Parties and the NCP. Current information on the status of the complaint is posted on the NCP website. All documentation relating to the complaint is stored by the NCP Secretariat, but only statements as agreed upon with Parties are made public. The chapter lastly notes that consultations on the activities of the NCP, the Guidelines, and the specific instance procedure, can be made to the NCP call-centre. The final provisions are not fully aligned with the 2023 version of the Guidelines in terms of wording on confidentiality, or to ensure that transparency remains the default in the process.

Filing a complaint

The process to file a specific instance is included in *Chapter 2. Complaint submission and consideration*. Submissions to the NCP can be sent in three ways:

1. Directly to the administrative office of the NCP Secretariat
2. Through the NCP website
3. Through the NCP Call Centre

The chapter notes that each submission should include the full name, email address, and phone number of both the complainant and the multinational enterprise, an indication of the provision of the Guidelines that have been violated, and the ‘circumstances through which a violation of the OECD Guidelines was discovered.’⁵⁵ It is unclear whether this wording intends to request a description of the issues raised that led to a violation of the Guidelines, or if it is required to explain how a submitter came to learn of such issues, an addition which is not provided for in the Procedures. The NCP clarified that this provision is for the submitter to clarify the circumstances under which an enterprise had not observed the Guidelines.

If the complaint is missing any of the information as noted above, the NCP Secretariat will request the missing information within three business days of receiving the complaint. The complainant will then have fifteen calendar days to submit the missing information.⁵⁶ It is later noted in Para. 11.1 that a failure to provide the missing information within the timeframe would result in the rejection of the complaint. The chapter notes that complainants may choose to attach supplemental documents to confirm factual circumstances of the complaint. This is not listed as a requirement.

The chapter clarifies that a complaint submitted to the NCP of Kazakhstan may concern either a Kazakhstan multinational enterprise or a foreign multinational enterprise operating in the Republic of Kazakhstan, if the head office of the foreign multinational enterprise is located in a country that adheres to the Guidelines.⁵⁷ This provision is contrary to the Guidelines as a foreign

⁵⁵ Chapter 2. Complaint submission and consideration, para. 4, 1-4

⁵⁶ Chapter 2. Complaint submission and consideration, para. 5

⁵⁷ Chapter 2. Complaint submission and consideration, para. 7

multinational enterprise operating within the Republic of Kazakhstan would not also need to have a head office in an Adherent country to fall under the scope of the Guidelines.

The case-handling procedures note that development of a complaint form, available in Kazakh, Russian, and English⁵⁸, to ensure a uniform approach to filing complaints. The form is accessible both as a downloadable Word document and as an online submission form.

The case-handling procedures already note reasons to reject a complaint during this submission process. A case could be rejected if:

- Information is not provided within the specified timeframe (per para. 5);
- It is a repeat complaint (same submitter and same issues) if the previous submission was concluded or not accepted;

The NCP concludes this chapter noting that, if a complaint is subject to rejection due to the aforementioned reasons, the complainant will be notified within five business days, indicating the reasons. The NCP notes that complaints may be withdrawn by the complainants.⁵⁹ It is not specified what procedure is followed for a withdrawal or if such a withdrawal would only be considered as such prior to the initial assessment phase of the case-handling procedures. The NCP clarified that withdrawals could be made at any point before a final statement had been issued and the NCP would still publish a 'press release' detailing the work done on the case. The chapter lastly notes that no anonymous complaints (where the submitter is unidentifiable to the NCP) will be considered.⁶⁰ A provision is not specified to allow for the identity of the submitter to remain confidential from the company. The NCP clarified that in practice submitters were able to request that their identity remain confidential to the MNE, which the NCP also noted was implied based on national legislation on confidentiality.⁶¹ Provisions surrounding confidentiality generally need to be aligned with the 2023 version of the Guidelines.

Initial assessment

The initial assessment phase of the specific instance procedure is detailed in *Chapter 3. Procedure on handling with complaints submitted to the NCP* in the NCP's case-handling procedures. The title of the chapter in the English case-handling procedures may reflect a poor translation from another language and lacks grammatical clarity. The NCP clarified that translations in English were often made from Russian or Kazakh language and they intended to review this for future drafts. The beginning of the chapter notes that it will contain the following information:

1. Preparation of an initial assessment
2. Acceptance of a case for further processing
3. Preparation of the final statement

Within five business days of obtaining all necessary information, the NCP will confirm the receipt of the case for further processing to the complainant. In parallel, the NCP will send a copy of the complaint to the relevant multinational enterprise with a request to express a written position on the case. If the enterprise is located in another country, the NCP will inform the relevant

⁵⁸ See: https://economy.kz/documents/OECD/NKC/Application_form_ENG.docx

⁵⁹ Chapter 2. Complaint submission and consideration, para. 13

⁶⁰ Chapter 2. Complaint submission and consideration, para. 14

⁶¹ See: <https://adilet.zan.kz/eng/docs/Z1300000094> (On Personal Data and their Protection), <https://adilet.zan.kz/eng/docs/K940001000> (Civil Code of the Republic of Kazakhstan, Article 126, Article 1017)

other NCP about the complaint.⁶² The NCP clarified that an explanatory meeting could be arranged with the enterprise, if necessary.

The NCP Secretariat 'verifies' the complaints within two months from the moment the submission is considered complete for processing. It is noted that the case-handling procedures use the term 'verify' in place of 'accept,' as is provided for in the Procedures. The NCP notes the following criteria when deciding whether to 'verify' the complaint:⁶³

- Identity of the complainant;
- Materiality and validity of the complaint;
- Presence of a link between the MNE and complaint;
- Applicability of other legal procedures;
- If proceedings are conducted in another body, verification of the possibility to conduct proceedings in the NCP;
- Consideration of similar complainants as part of other internal or international procedures;
- Analysis of similar cases reviewed by NCPs in other countries;
- Whether the participation of the NCP in consideration of the issues raised would contribute to the introduction of new best practices in responsible business conduct.

The criteria for deciding to accept a complaint are broadly not in line with the Procedures. The inclusion of criteria on the 'materiality and validity of the complaint' could set a high threshold for the amount of 'proof' a submitter needs to provide early in the process. Additionally, the last noted criteria on the participation of the NCP contributing to best practices in RBC is not provided for in the Procedures (Commentary, para. 33). The criterion relating to parallel proceedings does not reflect all of the related provisions included in the Commentaries on the Implementation Procedures I. Para, 35, which would need to be updated and expanded in the case-handling procedures in order to align them with the 2023 version of the Guidelines.

The case-handling procedures note that, if necessary, the NCP Secretariat will arrange separate meetings with each Party during the 'verification period' to provide initial arguments.⁶⁴ The results of the 'verification' are submitted to the NCP at a meeting. The NCP can make one of the following decisions:⁶⁵

1. Decision to accept the complaint for further processing and drafting of an initial assessment statement; or
2. Decision not to accept the complaint for further proceedings and drafting of an initial assessment statement that closes the procedure.

Feedback from civil society stakeholders, and members of the NCP, noted that they were not responsible for any of the initial processing of the case and had only been contacted online for voting procedures. The feedback considered that a lack of in-person meetings and case discussions of the NCP was partially due to the high status (Ministers, Vice Ministers) of NCP members making it difficult to promptly convene meetings on such issues. The NCP noted that there was a ban on in-person meetings due to the Covid19 pandemic in Kazakhstan until mid-2022. Meetings were therefore held virtually, and voting was conducted by emailed voting sheets sent to the voting NCP members.

⁶² Chapter 3. Procedure on handling with complaints submitted to the NCP, Para. 16, 3

⁶³ Chapter 3. Procedure on handling with complaints submitted to the NCP, Para. 17, 1-8

⁶⁴ Chapter 3. Procedure on handling with complaints submitted to the NCP, Para. 18

⁶⁵ Chapter 3. Procedure on handling with complaints submitted to the NCP, Para. 20, 1-2

While the case-handling procedure notes an initial assessment statement to accompany both decisions, a decision not to accept would rather be accompanied by a 'final statement', as per the terminology provided for in the Procedures⁶⁶. The NCP confirmed that such terminology would be aligned in their updated case-handling procedures.

When the case is accepted, the NCP makes an initial assessment statement with the names of the Parties and relevant details, a description of the subject of the complaint including relevant chapters of the Guidelines, a summary of actions taken by the NCP, a justification of the decision of the NCP to accept the complaint, and a description of the next stages of the proceedings.⁶⁷

When the case is not accepted, the NCP makes an initial assessment statement with the names of the Parties and relevant details, unless it was decided not to disclose the names of the Parties, a description of the subject of the complaint including relevant chapters of the Guidelines, a summary of actions taken by the NCP, and a justification for the NCP's decision not to accept the complaint.⁶⁸ Contrary to the terminology used in the NCP's case-handling procedures, it is again noted that, according to the Procedures, a statement issued after a specific instance is not accepted is considered a Final Statement.

Following either decision from the NCP, a draft statement is prepared by the NCP Secretariat and is shared with the Parties for agreement. The Parties are invited to provide written comments or suggestions within ten business days. If the Parties do not provide comments, the statement is considered agreed. The case-handling procedures note that the draft initial assessment is considered received by Parties seven calendar days from the day of sending.⁶⁹

Once the initial assessment is agreed upon by all Parties, it is subject to approval by the NCP. The NCP approval process is not noted. The NCP noted that NCP decisions are made by consensus and each member of the NCP, as invited to attend the specific instance-related NCP meeting, is able to speak in discussions. The case-handling procedures go on to state that the total period of consideration for the complaint and preparation of the initial assessment cannot exceed three months. In case there is a need for further clarification, the period may be extended, but not for more than an additional three months.⁷⁰

If the complaint process involved another NCP, the NCP of Kazakhstan will send the approved initial assessment to the involved NCP. There is no provision allowing for comments from the supporting NCP on draft statements. Provisions on NCP coordination are included in *Chapter 5. Final Provisions* of the case-handling procedures, rather than being included as a stage of the specific instance handling process as is indicated in the 2023 version of the Guidelines. The approved initial assessment will be published on the NCP website in Kazakh, Russian, and English. The NCP Secretariat additionally notifies the OECD Secretariat of the publication of the initial assessment. The case-handling procedures note that in special cases the NCP may decide that it is not necessary to publish an initial assessment, and in such cases, the initial assessment will not be submitted to the OECD Secretariat.⁷¹ The case-handling procedures do not indicate what might be grounds to keep an initial assessment completely confidential. The Procedures do not provide for this exception, but rather note that NCPs have flexibility on what the statement includes. In the case where the specific instance is not accepted, the NCP would

⁶⁶ Procedures I.C.4.

⁶⁷ Chapter 3. Procedure on handling with complaints submitted to the NCP, Para. 21, 1-5

⁶⁸ Chapter 3. Procedure on handling with complaints submitted to the NCP, Para. 22, 1-4

⁶⁹ Chapter 3. Procedure on handling with complaints submitted to the NCP, Para. 23

⁷⁰ Chapter 3. Procedure on handling with complaints submitted to the NCP, Para. 25

⁷¹ Chapter 3. Procedure on handling with complaints submitted to the NCP, Para. 29

be required to publish a statement and such an exception to not publish based on NCP decision would be contrary to the Guidelines.

In the case the Parties reach an agreement during the initial assessment stage, the proceedings of the complaint are terminated, and the subsequent steps of the process are not carried out. This happened in practice and the NCP considered therefore the case not accepted for further examination and published a final statement to that effect.⁷²

Good offices

The good offices procedures of the NCP of Kazakhstan are included in *Chapter 3. Procedure on handling with complaints submitted to the NCP* of the case-handling procedures. After accepting a complaint, the NCP makes an effort to reach a mutual agreement between Parties. The NCP begins by inviting the Parties to hold meetings, explains the procedures for considering the complaint and how to resolve the dispute, and can:

- Hold consultations regarding the complaint with government authorities, business representatives, labour organisations, NGOs, and other experts;
- Hold consultations regarding the complaint with other NCPs operating in countries relating to the complaint;
- Seek interpretation from the OECD Investment Committee in order to interpret the Guidelines in a specific situation;
- Request additional information from the Parties and third parties, if necessary.⁷³

Depending on conclusions drawn from the analysis of the complaint, the NCP may offer mediation or conciliation to the Parties. Mediation conducted by the NCP is subject to the following conditions:

1. The Parties participate on a voluntary basis;
2. The mediation procedure is confidential;
3. The NCP supports the Parties in their efforts to reach agreement in accordance with the Guidelines.

Mediation services can be provided by;

- An employee of Institute of Economic Research JSC with appropriate qualifications and skills provided for by the legislation of the Republic of Kazakhstan in the field of mediation, free of charge;
- An external mediator who has the appropriate qualifications and skills provided for by the legislation of the Republic of Kazakhstan in the field of mediation, the cost of which is covered by the Parties.⁷⁴

While the NCP provides an option for mediation within the entity in which its NCP Secretariat is housed, access to external mediation poses potential barriers to access for a Party that may wish to employ the option but does not have the resources to do so. The case-handling procedures do not specify if mediation must be conducted in person. Civil society stakeholder feedback suggested the NCP specify that mediation could be offered in-person or online to facilitate access to all parties.

⁷² Indira Beisekeyeva & Amadeo Central Asia LLP. See: <http://mneguidelines.oecd.org/database/instances/kz0003.htm>

⁷³ Chapter 3. Procedure on handling with complaints submitted to the NCP, Para. 31, 1-4

⁷⁴ Chapter 3. Procedure on handling with complaints submitted to the NCP, Para. 34, 1-2

When an agreement is reached as a result of mediation, the agreement or summary is drawn up. Conciliation with the support of the NCP is conducted noting the following:

- The NCP provides effective communication between the Parties and a space for conciliation;
- The NCP supports the Parties in reaching agreement that is consistent with the Guidelines;
- Conciliation is confidential.⁷⁵

The Parties may agree to hold conciliation without the NCP's participation. In this case, the Parties would inform the NCP of progress. Following conciliation, the minutes of conciliation are drawn up and include the mutually beneficial solution reached by the Parties.⁷⁶

If the MNE refuses to participate in mediation or conciliation, the NCP will independently review the complaint. The NCP may continue to make offers of mediation or conciliation to the MNE during this time. The NCP forms conclusions based on its independent review and submits them to the Parties. The case-handling procedures do not specify what outcomes might be expected from an NCP's independent review. The duration of this process should not exceed five months. The NCP then moves to make its final statement. Civil society stakeholder feedback encouraged the NCP to include specific provisions on determinations in the next update of its case-handling procedures.

Conclusion of the specific instance

Details on the drafting and publication of a final statement to conclude a specific instance are included in *Chapter 3. Procedure on handling with complaints submitted to the NCP* of the case-handling procedures. The final statement contains:

- The date of submission of the complaint;
- The names of the Parties and relevant details;
- The reference chapters of the Guidelines;
- A summary of actions taken by the NCP;
- A summary of the complaint;
- Information about the Parties' participation in mediation or conciliation;
- Conclusions of the NCP;
- Information on planned monitoring and the deadline for the Parties to provide information on the progress made and implementation of the agreement;
- Additional information, if necessary.⁷⁷

The text of the agreement will only be published with the final statement if the Parties consent to such publication. If the Parties have not reached an agreement, the NCP details this in the final statement. The case-handling procedures indicate that the final statement will also include recommendations for the company on further actions it can take to avoid future violations of the Guidelines. The decision on whether or not to include recommendations in the final statement is made by the NCP. As the NCP had not handled a case through to the good offices phase, it has not yet made recommendations in practice.

⁷⁵ Chapter 3. Procedure on handling with complaints submitted to the NCP, Para. 36, 1-3

⁷⁶ Chapter 3. Procedure on handling with complaints submitted to the NCP, Para. 37

⁷⁷ Chapter 3. Procedure on handling with complaints submitted to the NCP, Para. 43, 1-12

The draft final statement is made by the NCP Secretariat and sent to the Parties for agreement. The Parties have ten business days to submit written comments or suggestions. After the specified period, the statement is considered agreed if no comments have been submitted. The final statement on the complaint as agreed by the Parties is subject to approval by the NCP.⁷⁸ There are again no details on the approval process of the NCP in this provision. The NCP clarified that the NCP members do not provide approval for statements, but rather discuss the content and make relevant decisions. The Chair of the NCP provides the final approval for the statement. The NCP noted that this approval process would be excluded from the updated case-handling procedures as an excessively bureaucratic additional step. The stage of drafting the final statement should not exceed two months. The period may be extended in special circumstances but not for more than two months. The NCP will notify any other relevant NCPs of the final statement and report it to the OECD Secretariat. The final statement will be published on the NCP website in Kazakh, English, and Russian.

Case follow-up

Details on the follow-up and monitoring phase of the specific instance process are included in *Chapter 4. Monitoring of the agreement of the Parties* in the case-handling procedures.

The Parties provide the NCP with information on progress made towards the implementation of the agreement within the timeframe specified in the final statement.⁷⁹ The NCP may hold consultations with the Parties to discuss the implementation of the agreement or to discuss the progress of the company in implementing the OECD Guidelines. It is not specified if such a meeting would be pursuant to recommendations issued by the NCP.

After receiving information on the implementation of the agreement, the NCP Secretariat will prepare a draft statement containing:

- Basic information about the complaint and Parties;
- Information about the agreement;
- Information on the steps taken by the Parties towards implementation;
- Explanation if the plan for implementation was not followed as expected or if the company did not fulfil the arrangements in the agreement.⁸⁰

The draft statement is sent to the Parties for agreement. The Parties have ten business days to provide comments or suggestions on the draft. If no comments are received, the draft is considered agreed. The statement is subject to approval by the NCP. The approval process is confirmed by the NCP Chairman, however, the NCP noted that this provision would not be included in the pending update of the case-handling procedures. The NCP will notify any other relevant NCPs of the final statement and report it to the OECD Secretariat. The final statement will be published on the NCP website in Kazakh, English, and Russian.

The chapter and information relating to follow-up does not specify if the NCP is permitted to follow up on recommendations or in cases where the Parties did not reach an agreement. Civil society stakeholder feedback suggested the NCP revise its follow up provisions, in alignment with the 2023 Guidelines, to ensure that a follow up may be conducted where relevant even if an agreement was not reached.

⁷⁸ Chapter 3. Procedure on handling with complaints submitted to the NCP, Para. 48

⁷⁹Chapter 4. Monitoring of the agreement of the Parties, Para. 53

⁸⁰Chapter 4. Monitoring of the agreement of the Parties, Para. 55, 1-4

Specific Instances in Practice

Since 2021 and as of the time of writing, the Kazakhstan NCP had received seven specific instances. Three had not been accepted for further examination and four were ongoing. The NCP had not yet reported bringing a specific instance through to good offices.

The NCP noted that it considered the specific instance mechanism as a tool to identify larger problems within the country, or specific sectors that needed more attention beyond an NCP case.

Non-accepted cases

Since 2021, three out of seven specific instances received have not been accepted by the NCP. Where specified, reasons for not accepting cases were:

- in one specific instance, the individual employee alleged to cause the issues was removed and the NCP considered its further involvement would not contribute to a resolution, also as the issues rather fell under national labour legislation;⁸¹
- in one specific instance, the company concerned neither operated in or from the Republic of Kazakhstan;⁸²
- in one specific instance, the submitter withdrew from the NCP process after the enterprise had addressed the issues to the submitter's satisfaction during the NCP's initial assessment procedures.⁸³ (See Box 5.1).

The NCP noted that it had handled a specific instance where one of the Parties did not want to cooperate with the NCP. The NCP Secretariat made attempts to hold meetings and explain the nature of the procedure. Despite the NCP Secretariat's efforts, the Party did not agree to continue with the procedure. The NCP rejected the specific instance as the Party had not voluntarily joined the process.

⁸¹ L.T. Abdibayeva & PreventAge International Institute of Integrative Preventive and Anti-Aging Medicine. See: <http://mneguidelines.oecd.org/database/instances/kz0001.htm>

⁸² An individual & Telia Company AB. See: <http://mneguidelines.oecd.org/database/instances/kz0002.htm>

⁸³ Indira Beisekeyeva & Amadeo Central Asia LLP. See: <http://mneguidelines.oecd.org/database/instances/kz0003.htm>

Box 5.1. Indira Beisekeyeva & Amadeo Central Asia LLP

Agreement reached between parties during an initial assessment.

On 15 February 2022, Indira Beisekeyeva, an individual, submitted a specific instance to the Kazakhstan NCP alleging that Amadeo Central Asia LLP, a leading import company with headquarters in Ukraine and operations in Kazakhstan and an official distributor of Pandora, a Danish jewellery manufacturer and retailer in Kazakhstan, had not observed the Human Rights (Chapter IV) and Consumer Interests (Chapter VIII) provisions of the Guidelines. Specifically, issues raised relate to an instance in which the submitter was asked to pick up an order after cleaning services from the company without entering the retail premises, thereby not distorting the entrance/exit statistics.

The NCP communicated with the parties and notified the Danish NCP of the specific instance. The enterprise in Kazakhstan brought disciplinary action against the staff involved in the instance and expressed a willingness to resolve the situation with the submitter.

The NCP invited the submitter to further discuss the instance but, on 15 April 2022, the submitter requested the withdrawal of the specific instance due to an agreement reached during the initial assessment phase. The NCP supported this agreement by facilitating initial communications between the party where the company immediately addressed the issues raised. Despite the agreement, per the NCP's procedures on withdrawals, it considered the specific instance not accepted. Feedback related to the specific instance noted the utility of addressing the issues to the NCP mechanism as it allowed for broader changes, including the provision of a customer service hotline on the webpage of the related company, rather than individual level remedy that might not prevent the issues from occurring again in the future.

The NCP thus considered the specific instance closed and published a final statement on 1 July 2022.

Source: <http://mneguidelines.oecd.org/database/instances/kz0003.htm>

Companies involved in specific instances noted receiving much of their information about the NCP and its case-handling procedures through internal research and not from the NCP directly. Feedback noted that the NCP website provided sufficient information for these purposes. Feedback further noted a perception that the issues could have been solved without the NCP, but still noted seeing the usefulness of the mechanism and noted that the complaint was handled clearly and quickly. The company further considered involvement in the case to be beneficial given it allowed it to become more familiar with RBC frameworks.

Among the closed cases, Expert members of the NCP had not been involved in the case-handling procedures or decision-making. They had not been invited to convene or otherwise hold a discussion on the matter.

The NCP noted that it had not been possible to reach consensus in recent cases handled by the NCP given divergences of views between stakeholder representatives among voting members of the NCP at the time. This inability to reach agreement then gave rise to the perception that the NCP was stalling and raised concerns over the credibility of the mechanism. Contrary to its case-handling procedures, the NCP Chairman made the final decision in such cases.

Follow-up

The NCP has not concluded any specific instances to date and has not carried out any follow-up procedures or issued a follow-up report. The NCP does have provisions for follow-up in its case-handling procedures (see: Case follow-up).

Keywords in specific instances

The seven specific instances reported by the Kazakhstan NCP up to the date of the onsite visit were tagged against the keywords contained in Figure 5.1.⁸⁴

In terms of substantive issues, the NCP most often tagged specific instances as relating to national law (3 tags), labour rights (3), and labour conditions (3). In terms of sectoral issues, the NCP most often tagged heavy industry (3), garment (1), and project finance (1). In terms of procedural issues, the NCP tagged parallel proceedings in three specific instances. In terms of types of companies involved in submissions, the NCP most often tagged non-corporate entity (5), local subsidiary (2), and fortune 500 (1). In terms of outcomes, the NCP has tagged policy change in one submission.

The NCP has not used many keywords relating to outcomes of specific instances given that all three closed cases were not accepted.

Figure 5.1. Tagged keywords in specific instances as reported by the Kazakhstan NCP



Note: The size of each keyword corresponds to the frequency in which it appeared in specific instance submissions. Frequency of tagged words ranges from 1-5 tags.

Source: Generated from the OECD NCP specific instance database (2023). <https://www.freewordcloudgenerator.com/generatewordcloud>

⁸⁴ A full list of keywords NCPs may use to tag specific instances is available here: https://mneguidelines.oecd.org/ncps/NCP_Public_keywords_.pdf

Timeliness

The NCP's case-handling procedures differ slightly from the timelines provided in the Guidelines. The case-handling procedures allot two months for the reception of all relevant information to open a specific instance, three months for initial assessment, five months for good offices, and two months for conclusion, totalling one year for case-handling. The procedures have not yet been updated to include a possible additional step for NCP coordination, as provided for in the 2023 Guidelines.

The average overall duration of cases closed by the NCP since 2021 is 188 days. All of these cases were not accepted. At the time of writing, the NCP had not yet reported on the initial assessments of the four ongoing specific instances, which were received between December 2022 and August 2023.

The NCP website includes information on the progress and status of specific instances being handled by the NCP. The NCP notes that any delays in progress beyond indicative timeframes would be communicated to the parties.

Confidentiality and transparency

The NCP noted that, in the context of handling specific instances, only the statements posted on the NCP website are public and other documents obtained during the process are considered confidential and are not subject to disclosure.

The NCP's case-handling procedures do not specify what steps an NCP member would follow in case of a potential conflict of interest when handling a specific instance. The NCP indicated that NCP members are regulated by the laws of the Republic of Kazakhstan relating to issues of potential conflicts of interest. Specifically, as the majority of the NCP staff are civil servants, the law dated 23 November 2015: 'On the Civil Service of the Republic of Kazakhstan' contains provisions on avoiding conflicts of interest for civil servants. Issues relating to conflict of interest are additionally covered in the law dated 18 November 2015: 'On Combating Corruption.' In addition, Expert Members are chosen by the Chairman of the NCP but there are no provisions around how these decisions are made in an impartial manner ensuring no risk of real or perceived conflict of interest, decreasing transparency around the NCP's procedures.

The NCP noted that it had previously faced issues with breaches in confidentiality when handling a specific instance. This breach then led to a lack of consensus among voting members of the NCP when making a decision on a specific instance. The submitter was a member of one trade union that was involved in handling the specific instance as an expert member, creating issues of impartiality. There were further attempts to alter the opinions of other NCP members. By decision of the Chairman, the specific instance was voted upon only by 'basic staff' of the NCP. This method went contrary to the NCP's own case-handling procedures as they opted out of a consensus-based decision.

Civil society feedback suggested that the NCP pay special attention to the language it uses around allowing for confidentiality when revising its case-handling procedures to align with the 2023 Guidelines, ensuring that transparency is the default.

Parallel proceedings

The NCP has not dealt with parallel proceedings in practice. The NCP's case-handling procedures does request such information be submitted when making a request for a specific instance. The case-handling procedures do not specify how the NCP would respond on the case of parallel proceedings.

Civil society stakeholder feedback suggested that the NCP update its provisions around parallel proceedings to align them with the 2023 Guidelines, notably ensuring that the presence of parallel proceedings alone is not a basis for rejecting a specific instance.

Coordination with other NCPs on specific instances

The NCP's case-handling procedures note the possibility to contact other NCPs when a specific instance warrants such contact. The provisions are largely based on informing other relevant NCPs of the existence of a specific instance that relates to their country. The NCP had not always done this in practice as they had one case involving a subsidiary of a Ukrainian company and did not contact the Ukrainian NCP, though the NCP did notify the Danish NCP as the parent company was in Denmark. The NCP specified that it would reach out to another NCP if it needed assistance in obtaining relevant contact information from companies involved in the submission. In practice, the NCP has also noted assisting other NCPs to clarify legislation in Kazakhstan. The case-handling procedures do not include provisions for supporting NCPs to provide feedback on draft statements. The NCP noted that its updated case-handling procedures foresaw the inclusion of provision on coordination in line with the 2023 version of the Guidelines.

Two NCPs provided feedback on their cooperation with the NCP of Kazakhstan. One NCP had cooperated with the NCP in the context of a specific instance. The feedback noted a limited interaction with the NCP of Kazakhstan but indicated the perception of adequate case-handling on the part of the NCP.

Table 5.1. Specific instances where the NCP of Kazakhstan has coordinated with other NCPs

Specific instances	Lead NCP	Supporting NCP(s)
A natural person & GM Korea	Korea, Republic of South	Kazakhstan
Indira Beisekeyeva & Pandora, official representative in Kazakhstan LLP "Amadeo Central Asia"	Kazakhstan	Denmark
Industrial Trade Union of Mechanical Engineers & LLP «Alstom Kazakhstan»	Kazakhstan	France

Source: OECD NCP Database (2023)

	Findings	Recommendations
3.1	The NCP has made efforts to increase the visibility of the NCP non-judicial grievance mechanism, as evidenced by recent increases in submissions and various supporting materials online. The NCP's case-handling procedures, at times, lack detail and clarity, and have not yet been updated to align with the 2023 version of the Guidelines.	The NCP should revise its case-handling procedures to align with the 2023 version of the Guidelines, notably on confidentiality, coordination, parallel proceedings, and reprisals. The revision should ensure also that the English version of the procedure is aligned with the terminology provided for in the Guidelines, such as with the Core Effectiveness Criteria. The revision should further ensure that selected wording does not limit the scope of potential submitters or enterprises, create an overly burdensome initial assessment procedure, or limit transparency of the mechanism.
3.2	The NCP has limited experience in handling specific instances. While the NCP has been using its case-handling procedures for the first time in recent years, it has not always communicated proactively with the Parties on expectations or feedback in the process.	The NCP should be more active with the Parties to specific instances in practice, notably by ensuring that the process is explained, and Parties are able to provide feedback, such as on draft statements. This engagement in practice should additionally extend to supporting NCPs where relevant, ensuring the NCP follows relevant provisions from the Guidelines on coordination.

6 Support for government policies to promote RBC

In line with the Implementation Procedures,⁸⁵ NCPs may support efforts by their government to develop, implement, and foster coherence of policies aimed at promoting RBC. NCPs may thus assist with implementation of the Recommendation on the Role of Government in Promoting Responsible Business Conduct [OECD/LEGAL/0486] (the Recommendation). The Recommendation recognises the important role of NCPs in ensuring policy coherence for RBC, notably by facilitating coordination within government, disseminating information on the NCP's activities and specific instances, engaging or exchanging with other public authorities on RBC-related issues (e.g. public procurement officers, state-owned enterprise officials, trade and investment officials), and promoting stakeholder participation in the implementation, monitoring and promotion of RBC.

As of the time of writing, the NCP noted that it had not yet disseminated the OECD Recommendation on the Role of Government in Promoting Responsible Business Conduct at all levels of government. The NCP clarified that such promotion was under the responsibility of the Ministry of National Economy of Kazakhstan, which was familiar with the Recommendation and had promoted it among government. Feedback from government representatives reported having heard of the Recommendation and noted efforts to promote it within their own ministries.

Recent governmental policies enabling and promoting RBC

The NCP considered that the NCP was a tool to support the National Development Strategy 'Kazakhstan-2050', as approved in 2012, and which is the key document for the country's long-term vision for development.⁸⁶ One priority for Kazakhstan will be continuing the digitalisation process in the country, which is handled by the dedicated ministry on digitalisation. Part of the process is focused on maintaining a balance between transparency and protecting the country from cybersecurity risks.

National Development Plans covering shorter term objectives, such as from 2018-2025, are also developed. The NCP informed that the strategic planning was coherent with OECD standards and guidelines. The National Development Plan 2018-2025⁸⁷ does contain references to OECD standards, such as on public procurement and ant-corruption, but does not contain a reference to the Guidelines or the NCP specifically.

⁸⁵ Decision I.1; Procedures I.D.

⁸⁶ See: https://www.akorda.kz/en/addresses/addresses_of_president/address-by-the-president-of-the-republic-of-kazakhstan-leader-of-the-nation-nnazarbayev-strategy-kazakhstan-2050-new-political-course-of-the-established-state

⁸⁷ Available: <https://faolex.fao.org/docs/pdf/kaz191496.pdf> (Russian)

Kazakhstan has announced other RBC-related initiatives in recent years, such as at the UN Climate Ambition Summit in December 2020, where Kazakhstan announced its intention to reach carbon neutrality by 2060. The NCP considers it has a role to play in achieving these goals. Part of this role might include awareness raising among businesses and the public about actions to support the preparation for carbon neutrality.

The Ministry of National Economy of the Republic of Kazakhstan noted RBC is one of its priority areas related to policy making. RBC-related implementation is taken into account when forming frameworks related to entrepreneurship and the development of SMEs.

Feedback from government representatives noted that strategies to attract international investors took the Guidelines into consideration. They specified that their goal when attracting international investors was to build a long-term relationship on the basis of RBC, the sustainable development goals, and the Guidelines. In this regard and through work with investors, they noted promoting the NCP and the Guidelines. A specific framework for provision of international investors was not specified. Such cooperation would be highly relevant given Kazakhstan's goal to double the GDP by 2050, including through foreign direct investments. This would further support that RBC and the NCP's work would be beneficial for economic growth in Kazakhstan.

Thematic areas of the Guidelines and the activities of the NCP were included in the 2022 plan: 'Program for Increasing the Income of the Population until 2025.'⁸⁸ The plan did not contain specific reference to the Guidelines of the NCP.

In 2022, amendments to the Law of the Republic of Kazakhstan On Mediation,⁸⁹ were developed that allowed the NCP to be a part of the national mediation system. The amendments are under consideration by the authorised body, the Ministry of Information and Social Development of the Republic of Kazakhstan. The amendments are not yet publicly available. The NCP considers that including itself in legislation will improve the credibility of the NCP as a mediation platform. The NCP noted that the process for implementation could be long and that the parliament was not bound by a time limit to make the decision, and finalisation of the initiative is not known at this time.

The NCP additionally noted that the practice for adopting legal acts in Kazakhstan always includes the opportunity for public discussion, as regulated by the Law of the Republic of Kazakhstan on Legal Acts.⁹⁰

National Action Plan on Business and Human Rights

The Republic of Kazakhstan, with the support of the UNDP, is carrying out activities aimed at developing a draft National Action Plan (NAP) on Business and Human Rights. The NCP indicated that it assists and participates in the development of the draft NAP and works to familiarise stakeholders with the subject matter. Contrarily, a non-governmental NCP member noted that the work was largely carried out by international organisations and NGOs and did not have visibility on the NCP's involvement. The NCP clarified that it supported the NGOs working on the draft NAP by assisting with promotional events and public consultations. The NAP is currently in its second stage of production wherein the composition of the NAP is being drafted and a finalisation date is not yet foreseen. It is not yet clear if the NAP itself will mention

⁸⁸ Approved by the Decree of the Government of the Republic of Kazakhstan dated 14 April 2022, No. 218. Available: <https://adilet.zan.kz/rus/docs/P2200000218>

⁸⁹ Available : <https://adilet.zan.kz/eng/docs/Z1100000401>

⁹⁰ Available: <https://adilet.zan.kz/eng/docs/Z1600000480>

the NCP or the Guidelines. The National Centre for the Protection of Human Rights is responsible for the NAP.

The role of the NCP

At the time of the onsite visit, the regulations that guide the functioning of the NCP did not include specific provisions relating to the NCP's role in supporting government policies to promote RBC. Updates to the regulations foreseen to take effect in 2024 do include specific provisions to give the NCP a role to provide recommendations and support to the government on the development, implementation, and consistency of RBC-related policies. These provisions include coordination with relevant government agencies.

The NCP noted that its functions and proximity to the Ministry of National Economy of the Republic of Kazakhstan enables it to support the Ministry in improving policy in the field of entrepreneurship and investment. The NCP specified that it fact-checked each policy produced by the Ministry of National Economy, particularly those with a focus on RBC implementation. As the Ministry of National Economy is the ministry in charge of RBC-related issues, other ministries come to them for expertise if necessary. The NCP further considered that the NCP Secretariat location enabled it to foster coherence among RBC-related initiatives as the Institute for Economic Research (JSC) is in touch with government bodies that submit frameworks of draft laws for economic expertise. The proximity of the NCP can then enable the implementation and coherence of policies that encourage responsible business conduct.

Feedback from government representatives noted that they had regularly received information from the NCP regarding RBC and the Guidelines. They were additionally informed of relevant events. Feedback further noted that the Economic Research Institute (JSC) released a monthly digest, which included OECD-related outputs such as the Recommendation on the role of government in promoting RBC and cooperation with the Ministry of National Economy.

In relation to its work to promote and popularise the NCP and the Guidelines (see: Promotional plan), the NCP developed a draft Program for Achieving Responsible Entrepreneurship in SMEs and a draft Concept of Corporate Social Responsibility of MNEs. The drafts were shared with the Ministry of National Economy of the Republic of Kazakhstan. The drafts are not yet publicly available. The NCP considered it essential to increase competitiveness of SMEs given recent global challenges, and noted the importance of having adaptive business that can withstand such challenges.

The NCP indicated that its case-handling procedures enable it to provide recommendations to state bodies regarding the conduct of individual companies, however, as no specific instances have been handled through the good offices phase, this has not yet been done in practice. The NCP noted that it was not possible to send such recommendations without handling a case to conclusion as such an action would not be permitted by the regulatory legal act that establishes the NCP. The NCP clarified that it was working to provide such authority to the NCP in light of the 2023 targeted update of the Guidelines.

	Findings	Recommendations
4.1	Kazakhstan has clearly shown RBC is a priority area through recent initiatives, such as the draft National Action Plan on Business and Human Rights. The NCP itself has not always played a major role in contributing to policy coherence and, while policies have related to the Guidelines or the NCP, they have not always included explicit references.	The NCP and its members should continue promoting policy coherence for RBC by actively promoting the Recommendation on the Role of Government in Promoting RBC and acting as a coordinating point for exchanges among relevant ministries to ensure implementation of the recommendation. In its role to support government policy, the NCP should seek to include references to the Guidelines and the NCP, where appropriate.

7 Annex Documents

- A. List of organisations submitting responses to the NCP peer review questionnaire
- B. List of organisations that participated in the NCP peer review on-site visit
- C. Promotional events
- D. Overview of specific instances handled by the Kazakhstan NCP as the leading NCP
- E. Government policies to promote RBC discussed during the NCP peer review

Annex A. List of organisations that submitted a response to the NCP peer review questionnaire

Table A A.1. Questionnaire submitters for the NCP of Kazakhstan peer review by stakeholder group

Business
Association of Pharmaceutical and Medical Products Manufacturers "PharmMedIndustry of Kazakhstan".
JSC "NAC Kazatomprom"
National Chamber of the Entrepreneurs of the Republic of Kazakhstan «Atameken»
Civil society
Academy of Public Administration under the President of the Republic of Kazakhstan
Civil Alliance of Kazakhstan
Legal Policy Research Center
OECD Watch
Government
Ministry of Justice of the Republic of Kazakhstan
Ministry of National Economy of the Republic of Kazakhstan
NCPs
Czechia
Sweden

Annex B. List of organisations that participated in the NCP peer review on-site visit

Table A B.1. Participants of the Kazakhstan NCP peer review by stakeholder group

Government
Committee on consumer protection of the Ministry of trade and integration of the Republic of Kazakhstan
Investment Committee of the Ministry of Foreign Affairs of the Republic of Kazakhstan
Ministry of Ecology and natural resources of the Republic of Kazakhstan
Ministry of Finance of the Republic of Kazakhstan
Ministry of Justice of the Republic of Kazakhstan
Ministry of National Economy of the Republic of Kazakhstan
Business
"Amadeo Central Asia" LLP
Association of legal entities "Association" Chamber of Commerce "BeNeLux"
"Boehmer Armature" LLP
JSC "Association of Manufacturers of pharmaceutical and medical products of Kazakhstan, Pharmaindustry of Kazakhstan"
"Kazpost" JSC
JSC "NAC Kazatomprom" (KZAP)
National Confederation of Employers Paryz
NC <<KazMunayGas>>
Trade unions
Federation of Trade Unions of the Republic of Kazakhstan
Civil society
The Academy of Public Administration under the President of the Republic of Kazakhstan
Human Rights Commissioner in the Republic of Kazakhstan
International bureau of mediation
"Kogamdyk kelisim" RSI
OUL "Civil Alliance of Kazakhstan"

Annex C. Promotional events 2021-2022

Table A C.1. Promotional activities organised or co-organised by the NCP in 2022

Title	Date	Location	Size of Audience	Organised or co-organised	Targeted Audience
Meeting with the association of legal entities "Civil Alliance of Kazakhstan"	2 March 2022	The building of the Secretariat of the NCP – Economic Research Institute (JSC)	3	Organised	Representatives of the association of legal entities
Meeting with international experts of the UN Development Program	1 April 2022	The building of the Secretariat of the NCP – Economic Research Institute (JSC)	6	Co-organised	International experts of UNDP
Meeting with the American Bar Association (ABA)	5 May 2022	The building of the Secretariat of the NCP – Economic Research Institute (JSC)	4	Co-organised	Representatives of the association
Field seminar for the plant of "Bohmer Armature Kazakhstan" LLP	10 June 2022	Administrative building of the plant "Bohmer Armature Kazakhstan" LLP, Karaganda region	15	Organised	Representatives of the "Bohmer Armature Kazakhstan" LLP
Seminar for the Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan	6 August 2022	Online	5	Organised	Government
Meeting with the association of legal entities "Kazakhstan Association of Regional Environmental Initiatives "EcoJer"	19 August 2022	Online	5	Organised	Representatives of the "Kazakhstan Association of Regional Environmental Initiatives "EcoJer"
Meeting with the public association "Human Rights and Consumer Protection Center – Atakent"	25 August 2022	Online	3	Organised	NGOs
Seminar for regional leaders of the association of legal entities "Civil Alliance of Kazakhstan"	8 September 2022	Online	17	Organised	Regional leaders of the association of legal entities "Civil Alliance of Kazakhstan"
Meeting with the public association for Consumer Protection "Adilet"	27 September 2022	Online	3	Organised	Representatives of the public association for Consumer Protection "Adilet"
Meeting with the Committee of Technical Regulation and Metrology under the Ministry of Trade and Integration of the	3 October 2022	The building of the Secretariat of the NCP – Economic Research Institute (JSC)	3	Organised	Government

Republic of Kazakhstan					
Meeting with the International Arbitration Center of the Astana International Financial Center (IAC AIFC)	4 October 2022	The building of IAC AIFC	4	Organised	Representatives of the International Arbitration Center of the Astana International Financial Center
Seminar for enterprises belonging to the association of legal entities "BeNeLux Chamber of Commerce"	7 October 2022	Online	15	Organised	Enterprises included in the association of legal entities "BeNeLux Chamber of Commerce"
Meeting with M.S. Narikbayev KAZGUU University	17 October 2022	Online	5	Organised	Representatives of M.S. Narikbayev KAZGUU University
Meeting with JSC "National Company "KazMunayGas"	21 October 2022	Online	11	Organised	Heads and employees of the departments of strategy and portfolio management, legal support of international activities, management of organizational and sustainable development, compliance service of JSC "National Company "KazMunayGas"
The first anniversary conference of the NCP	21 November 2022	Online	41	Organised	Representatives of civil servants, representatives of multinational companies, trade unions, industry societies and associations, AIFC "Astana"
Meeting with the public organization "Industrial Professional Union of Machine Builders"	23 November 2022	The building of the Secretariat of the NCP – Economic Research Institute (JSC)	5	Organised	Trade unions

Source: NCP Annual Report (2022)

Table A C.2. Promotional activities participated in by the NCP in 2022

Title	Date	Location	Size of Audience	Organiser	Targeted Audience
International Spring Scientific School "New trends in mediation: science and the potential of application in practice"	27 May 2022	L.N. Gumilyov ENU University	40	L.N. Gumilyov ENU University	Representatives of state bodies, professional mediators, political scientists, members of ethno-cultural centers, teachers and students of the L.N. Gumilyov ENU University.
Conference dedicated to the launch of projects 21 September 2022 with the support of the Government of	12 September 2022	Astana Marriott Hotel, Conference Hall	70	UNDP in Kazakhstan	Business representatives, NGOs, Government

Japan: "Global project "Business and Human Rights" (B+HR) in the Republic of Kazakhstan" and "Promotion of climate-smart agricultural technologies in Kazakhstan"					
Republican scientific and practical conference "Culture and values in the conditions of interethnic interaction in the New Kazakhstan", dedicated to the 90th anniversary of Professor M.M. Suzhikov	21 September 2022	RSE on PCV "Institute of Philosophy, Political Science and Religious Studies" of the KN of the Ministry of Internal Affairs of the Republic of Kazakhstan, Almaty, Kurmagazy str., 29	40	RSE at the PHV "Institute of Philosophy, Political Science and Religious Studies" of the KN of the Ministry of Foreign Affairs of the Republic of Kazakhstan	Political scientists, professors and doctors of political sciences, academic circles
Conference "New Kazakhstan – an effective state with a strong civil society"	7 October 2022	Conference hall of the Ramada by Wyndham Hotel	50	Association "Civil Alliance of Kazakhstan"	Leaders of Civil Alliances of all regions of Kazakhstan
II International Pharmaceutical Forum "GLOBAL PHARM"	26 October 2022	IEC EXPO	70	Ministry of Health of the Republic of Kazakhstan and SK-Pharmacy LLP	International pharmaceutical experts, scientists and practitioners, major manufacturers of medical products, heads of central government agencies and national companies, Kazakhstani and foreign entrepreneurs, representatives of WHO, UNICEF, public medical organizations and communities, international pharmaceutical companies of Kazakhstan and other countries.
International Scientific and Practical Conference "Law, Ecology and Sustainable Development: State and Prospects"	10 November 2022	Hybrid format. Offline building L.N. Gumilyov ENU University	30	L.N. Gumilyov ENU University	Representatives of academic and scientific circles, students
UNDP training on human rights due diligence	16-17 November 2022	Conference hall of the Park Inn Hotel	35	UNDP in Kazakhstan	Representatives of the quasi-public sector, Japanese multinational companies operating in the territory of the Republic of Kazakhstan, public associations and industry centers
International Scientific Autumn School of Mediation "New trends in mediation. Science and application"	26 November 2022	Hybrid format. Offline building L.N. Gumilyov ENU University	6	L.N. Gumilyov ENU University	Representatives of state bodies, professional mediators, political scientists, members of ethno-cultural centers, teachers and students of

potential in the educational environment"					the L.N. Gumilyov ENU University.
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Source: NCP Annual Report (2022)

Table A C.3. Promotional activities organised or co-organised by the NCP in 2021

Title	Date	Location	Size of Audience	Organised or co-organised	Targeted Audience
Meeting with the Chairman of the Coordinating Council "YNTYMAQ" for the modernization of the institution of social partnership and the wage system in the Republic of Kazakhstan	26 January 2021	Online	10-50	Organised	Trade unions
Development day #21	12 February 2021	Online	10-50	Co-organised	Master's students of the academy
Meeting with the Ministry of National Economy of the Republic of Kazakhstan, the YNTYMAQ Coordinating Council, the Kasipkorgan trade union and ArgymakTransService LLP	2 April 2021	Online	10-50	Organised	Representatives of Government, business and trade unions
Meeting with representatives of the academic community	7 April 2021	Online	<10	Organised	Academia
Online webinar	13 august 2021	Online	10-50	Organised	Representatives of the Republican State Enterprise "Kazakhstan Institute of Standardization and Metrology"
Online webinar	6 October 2021	Online	10-50	Organised	Business representatives and NGOs represented by NCE "Atameken" and its regional divisions, industry associations
Online webinar	8 October 2021	Online	<10	Organised	NGO represented by the Union of Legal Entities and Individual Entrepreneurs "National Association of Light Industry Enterprises "Qaz Textile Industry"

Meeting	9 November 2021	Online	10-50	Organised	Commissioner for Human Rights, Secretariat of CHR, Ministry of National Economy of Kazakhstan
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Source: NCP Annual Report (2022)

Table A C.4. Promotional activities participated in by the NCP in 2021

Title	Date	Location	Size of Audience	Organiser	Targeted Audience
Meeting of the working group to discuss the implementation of the recommendations following the defense of the Second Report on the implementation of the UN International Covenant on Economic, Social and Cultural Rights by the Republic of Kazakhstan	1 January 2021	Online	10-50	Ministry of Labor and Social Protection of Population of the Republic of Kazakhstan	Representatives of the Ministries of Labor and Social Protection of the Population, National Economy, Trade and Integration, Health, Education and Science, Information and Social Development, Industry and Infrastructure Development, Internal Affairs, Finance, the General Prosecutor's Office), representatives of the Supreme Court, the Anti-Corruption Agency of the Republic of Kazakhstan, Agencies for Civil Service and Non-Governmental Organizations
Commercialization of scientific developments and participation of the departments of the ANC and the Association in the implementation of grant scientific and applied projects	30 January 2021	Online	50-100	Republican public association "Association of Departments of the Assembly of the People of Kazakhstan "Shanyrak" and Non-Public Joint Stock Company "Toraigyrov University"	Academia
Strategy of sectoral trade unions of the mining and metallurgical complex of Kazakhstan to improve working conditions and promote social dialogue in multinational enterprises	29 June 2021	Online	10-50	Coordinating Council for the modernization of the institution of social partnership and the system of remuneration in the Republic of Kazakhstan "YNTYMAQ"	Representatives of trade unions, international organizations, foreign experts

Source: NCP Annual Report

Annex D. Overview of specific instances handled by the Kazakhstan NCP as the leading NCP

Table A D.1. Overview of the specific instances handled by the Kazakhstan NCP

Enterprise	Submitter	Host Country	Chapter (s) of the Guidelines	Date of submission	Date of initial assessment	Date of conclusion	Outcome	Description	Follow-up
International Institute of Integral Preventive and Anti-Aging Medicine "PreventAge"	L.T. Abdibayeva A.	Kazakhstan	Consumer Interests (Chapter VIII)	10 June 2021	N/A	26 October 2021	Not accepted	The specific instance was not accepted as the individual employee alleged to cause the issues was removed and the NCP considered its further involvement would not contribute to a resolution.	No
Telia Company AB	Guliyev J.G.	Azerbaijan	Human Rights (Chapter IV), Combating bribery, bribe solicitation and extortion (Chapter VII), Taxation (Chapter XI)	6 December 2021	N/A	23 September 2022	Not accepted	The specific instance was not accepted as the company concerned neither operated in or from the Republic of Kazakhstan. The Kazakhstan NCP recommended the submitters contact the NCP of Sweden, where the company is	No

								headquartered.	
Pandora, official representative in Kazakhstan LLP "Amadeo Central Asia"	Indira Beisekeyeva	Kazakhstan	Human Rights (Chapter IV), Consumer Interests (Chapter VIII)	15 February 2022	N/A	1 July 2022	Not accepted	The specific instance was not accepted as the submitter withdrew from the NCP process during the initial assessment phase.	No
LLP «Alstom Kazakhstan»	Industrial Trade Union of Mechanical Engineers	Kazakhstan	Human Rights (Chapter IV), Employment and Industrial Relations (Chapter V)	1 December 2022	N/A	N/A	In progress	This specific instance, involving the Kazakhstan country office of a French MNE, is ongoing.	N/A
TOO Kazakhstan Paramount Engineering	Branch Professional Union of Machine Builders	Kazakhstan	Concepts and Principles (Chapter I), General Policies (Chapter II), Human Rights (Chapter IV), Employment and Industrial Relations (Chapter V)	5 December 2022	N/A	N/A	In progress	This specific instance, involving a Kazakhstan manufacturer specialized in the production of armored vehicles, is ongoing.	N/A
JSC «EPK Stepnogorsk»	Branch Professional Union of Machine Builders	Kazakhstan	Concepts and Principles (Chapter I), General Policies (Chapter II), Human Rights (Chapter IV), Employment and Industrial Relations (Chapter V)	5 December 2022	N/A	N/A	In progress	This specific instance, involving a manufacturing company in Kazakhstan, is ongoing.	N/A

"Astana Finance" JSC	An individual	Kazakhstan	General Policies (Chapter II), Disclosure (Chapter III), Consumer Interests (Chapter VIII)	1 August 2023	N/A	N/A	In progress	This specific instance, involving a finance services company in Kazakhstan, is ongoing.	N/A
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Annex E. Government policies to promote RBC discussed during the NCP peer review

Table A E.1. Main government policies discussed during the NCP peer review

Name of policy/act/initiative	Competent authority	Role of the NCP	Contains reference to the NCP and/or the Guidelines?	Link (if available)
Recommendation on the Role of Government in Promoting Responsible Business Conduct at all levels of government	Ministry of National Economy	Does not play an active role in the promotion of the Recommendation.	N/A	https://mneguidelines.oecd.org/oecd-recommendation-on-the-role-of-government-in-promoting-rbc.htm
National Development Strategy 'Kazakhstan-2050' & The National Development Plan 2018-2025	Government of Kazakhstan	NCP considered as a tool to achieve strategies.	No.	https://www.akorda.kz/en/addresses/addresses_of_president/address-by-the-president-of-the-republic-of-kazakhstan-leader-of-the-nation-nazarbayev-strategy-kazakhstan-2050-new-political-course-of-the-established-state/ & https://faolex.fao.org/docs/pdf/kaz191496.pdf
Program for Increasing the Income of the Population until 2025	Adopted by members of the Cabinet of Ministers of Kazakhstan with implementation functions at different ministries.	Not specified. Plan contains themes relevant to the Guidelines.	No.	https://adilet.zan.kz/rus/docs/P2200000218
Law of the Republic of Kazakhstan On Mediation	Ministry of Information and Social Development of the Republic of Kazakhstan	Proposed amendments to include the NCP in the law.	Proposed.	https://adilet.zan.kz/eng/docs/Z110000401 (current version)
National Action Plan (NAP) on Business and Human Rights	The National Centre for the Protection of Human Rights and NGOs	NCP assists with the related promotion and public consultations.	Unknown.	Not available.

National Contact Point on Responsible Business Conduct Peer Reviews: Kazakhstan

This document is the peer review report of the National Contact Point (NCP) of Kazakhstan. The objectives of NCP peer reviews are to assess that the NCP is functioning and operating in accordance with the core effectiveness criteria set out in the implementation procedures; to identify the NCP's strengths and possibilities for improvement; to make recommendations for improvement; and to serve as a learning tool for all NCPs involved. The peer review of the NCP of Kazakhstan was conducted by a team of reviewers from the NCPs of Egypt, France, and Korea, along with representatives of the OECD Secretariat.

