

LAW OF THE REPUBLIC OF KAZAKHSTAN

On military service and the status of the military personnel of February 16, 2012 No. 561-IV ZRK

(amended as of 04-07-2018)

This Law governs the public relations in the field of passing of military service by citizens of the Republic of Kazakhstan and determines bases of state policy by social security of the military personnel.

Chapter 1. General provisions

Article 1. The basic concepts used in this Law In this Law are used the following basic concepts:

1) the graduated in a military academy - the serviceman of lists of officers and sergeants (foremen) studying in the foreign military educational institution realizing educational programs of postgraduate education;

2) variable structure - category of the military personnel of the Armed Forces of the Republic of Kazakhstan (further - Armed Forces) studying in the military educational institutions which are not entering the number of staff of Armed Forces;

3) the military personnel undergoing military military service - the citizens of the Republic of Kazakhstan called on military service in Armed Forces, other troops and military forming of the Republic of Kazakhstan (further - Armed Forces, other troops and military forming) for the term determined by this Law;

4) delay - transfer of term of appeal of citizens on military service on the bases provided by this Law;

5) youths of premilitary age are the citizens of the male Republic of Kazakhstan having training for military service before acceptance on military accounting;

6) recruits are the citizens of the male Republic of Kazakhstan attributed to draft sites of local authorities of military management and who are subject to appeal on conscription military service;

7) military rank - the sign of military distinction appropriated to the serviceman and the person liable for call-up;

8) the military ID - the single undated personal accounting and military document of the citizen determining its belonging to military service and the relation to conscription;

9) staff of military unit - the document determining structure, organizational and regular structure, number of staff and quantity of the fixed main arms and military equipment according to the inventory of arms;

10) military accounting - system of accounting and the analysis of quantitative and high-quality data about recruits, the military personnel and mobilization resources;

11) military charges - the events held by bodies of military management, authorized state bodies for military preparation for the purpose of acquisition and enhancement of military knowledge by persons liable for call-up and citizens and also in other cases provided by the laws of the Republic of Kazakhstan.

Military charges share on:

training sessions - type of the military charges which are carried out for the purpose of preparation and retraining of persons liable for call-up, recruits in case of receipt to military educational institutions and students of military departments;

testing charges - type of the military charges which are carried out for the purpose of check of readiness of the military units intended to accomplishment of tasks in organizational and regular structure of wartime;

special charges - type of military charges, the events for introduction and providing emergency rule, liquidation of emergency situations and their effects held for the purpose of accomplishment and in other cases determined by the President of the Republic of Kazakhstan;

12) the military intern - the serviceman studying in military internship;

13) military internship - the form of training of the military personnel on clinical specialties within basic higher medical education for receipt of the admission to clinical practice performed by structural division of the highest military educational institution;

14) military department - the department in case of higher educational institution of the Republic of Kazakhstan performing military training of citizens according to the program of reserve officers;

15) military uniform of clothes - the uniform approved by the President of the Republic of Kazakhstan with distinctions and the distinctions (regimentals) and equipment determining belonging of the military personnel to Armed Forces, other troops and military forming;

16) military service - special type of the public service of the military personnel of Armed Forces, other troops and military forming aimed at direct providing the military safety connected with the armed protection of sovereignty, territorial integrity and immunity of Frontier of the Republic of Kazakhstan;

17) the term of military service - the entire period of passing of military service in the status of the serviceman in Armed Forces, other troops and military forming;

18) the contract on passing of military service - the contract between authorized body and the citizen of the Republic of Kazakhstan on passing of military service in voluntary procedure establishing the rights, obligations and responsibility of the parties for passing by the citizen of military service;

19) dismissal from military service - the serviceman's exception of lists of military unit with transfer in inventory or resignation on the bases provided by this Law;

20) the military personnel is the citizens of the Republic of Kazakhstan who are in the military service in Armed Forces, other troops and military forming;

21) military position - established post of public institution of Armed Forces, other troops and military forming to which ex-officio full powers and job responsibilities for accomplishment of functions of military service are assigned;

22) persons liable for call-up are the citizens of the Republic of Kazakhstan staying on the military registry and staying in inventory to age limit of condition on military accounting;

23) stocked persons liable for call-up (further - inventory) - the persons liable for call-up of the age established by this Law staying on the military registry in local authorities of military management of areas, cities of regional value, used for the purpose of fitting, mobilization expansion and completion of losses of Armed Forces, other troops and military forming in wartime;

24) conscription - the constitutional obligation of citizens of the Republic of Kazakhstan on protection of the Republic of Kazakhstan;

25) military educational institution - the organization of education subordinated to the Ministry of Defence, the Border service of Committee of homeland security and National guard of the Republic of Kazakhstan and realizing educational programs of different levels;

25-1) faculty of military educational institutions - the military personnel and the faces of civil personnel of Armed Forces which are engaged in educational, scientific, methodical activities;

26) basic military and technological training - obligatory subject of training (subject matter) in fundamentals of military science, robotics and IT technologies in the organizations of secondary, technical and professional education determined by authorized body in the field of education;

27) field exit - classes in programs of combat, mobilization and operational training in field conditions, and also accomplishment of special field works for the benefit of Armed Forces, other troops and military forming;

28) the doctoral candidate - the serviceman studying in doctoral studies;

29) length of service - duration of finding of the citizen on military service, service in special state and law enforcement agencies, courier service, and also in other cases provided by the laws of the Republic of Kazakhstan, estimated as in calendar, and preferential calculation;

30) general military education - compulsory education of citizens of the Republic of Kazakhstan to military preparation during introduction of warlike situation;

31) staff - the military personnel and faces of civil personnel of Armed Forces, other troops and military forming;

32) the cadet - the serviceman studying in the military educational institution realizing educational programs of technical and professional or postsecondary education;

33) the military personnel passing military service under the contract - the citizens of the Republic of Kazakhstan who voluntarily arrived on military service in Armed Forces, other troops and military forming for the term determined by this Law;

34) the cadet - the serviceman studying in the military educational institution realizing educational programs of the higher education or in foreign military educational institution after which termination the first military rank of officers is given;

35) course preparation - the form of additional education of the military personnel and faces of civil personnel of Armed Forces performed in military educational institutions, training centers or in the organizations of formation of foreign states according to international treaties or invitations;

35-1) Presidential reserve of the high command of Armed Forces - the list of the military personnel of the Armed Forces which passed the special procedure for selection determined by the Rules of passing of military service in Armed Forces, other troops and military forming approved by the President of the Republic of Kazakhstan (further - Rules of passing of military service), for promotion to positions of the high command of Armed Forces;

36) the operating reserve - the military personnel who is carrying out the assigned operational tasks within intelligence activities;

37) the specialized organization of the Ministry of Defence - the organization performing preparation, retraining of citizens on military and technical and other specialties for the purpose of training of recruits, persons liable for call-up at non-paid, paid bases, and also in control of vehicles on the basis of economic activity and according to educational programs of technical and professional education;

38) the undergraduate - the serviceman studying in magistracy;

39) conscription military service - the military service of male citizens based on their conscription, other troops and military forming to military positions of ordinary and sergeant structures according to the procedure determined by this Law;

40) resignation - condition of the persons dismissed from military service or excluded from military accounting, who reached age limit of stay in inventory or persons recognized not suitable for military service with exception from military accounting;

41) officers are the military personnel to whom the corresponding military ranks of officers are given;

42) psychophysiological and polygraphological researches - set of the checking actions directed to comprehensive assessment of individual and psychological and psychophysiological qualities of the military personnel and citizens of the Republic of Kazakhstan performed in case of selection for passing of military service on positions which list affirms the head of authorized body;

43) rotation - movement of the military personnel of equivalent and other positions in Armed Forces, other troops and military forming;

44) soldiers (sailors) are the military personnel holding military positions of list of soldiers (sailors);

45) sergeants (foremen) are the military personnel holding sergeant (foreman) positions;

46) pupils are the citizens of the Republic of Kazakhstan studying in the organizations of education realizing educational programs of general secondary, technical and professional, postsecondary education with additional educational programs for military preparation;

47) exit in the sea - exit of crews of the ships and courts, the military personnel to the high sea for accomplishment of tasks;

48) the authorized officer - the official who is granted the right of the conclusion of the contract on the passing of military service according to the procedure determined by Rules of passing of military service;

49) authorized body - state body in which structure passing of military service is provided;

50) organizational and regular actions - the events held in Armed Forces, other troops and military forming on creation, liquidation, reorganization, re-deployment, resubordination, change of states of public institutions and their structural divisions and also for change of structure and the number of staff of Armed Forces, other troops and military forming;

51) the uhlan - person studying at the first or second year in the military educational institution realizing educational programs of technical and professional education based on the main secondary education.

Article 2. The legal basis of military service in Armed Forces

2. If the international treaty ratified by the Republic of Kazakhstan establishes other rules, than those which are provided in this Law then are applied rules of the international treaty.

Article 3. Principles of military service and status of the military personnel

The principles of military service and the status of the military personnel are:

- 1) legality;
- 2) complete, sufficient and timely providing the military personnel taking into account conditions of passing of military service for accomplishment of the task set for them;
- 3) protection of the rights and freedoms of the serviceman against criminal and other illegal encroachments, its immunity in case of fulfillment of duties of military service;
- 4) one-man management and subordination;
- 5) independence of activities of political parties and other public associations.

Article 4. Coverage of this Law

Operation of this Law extends to all military personnel of the Republic of Kazakhstan, including to the military personnel of the Republic of Kazakhstan passing military service as a part of the joint (coalition) armed forces, and also peacekeeping forces according to the international treaties ratified by the Republic of Kazakhstan and the persons liable for call-up called on military charges.

Operation of this Law extends to political government employees in the part which is not contradicting the legislation of the Republic of Kazakhstan on public service.

Separate provisions and regulations of this Social security act of the military personnel extend to members of their families, persons dismissed from military service and also members of families of the military personnel who died, died, were missing during passing of military service or became disabled people as a result of fulfillment of duties of military service.

The status of the citizens of the Republic of Kazakhstan dismissed from military service from Armed Forces, other troops and military forming and who moved to the permanent residence to other states is determined by international treaties of the Republic of Kazakhstan with the states elected for permanent residence.

Article 5. Status of the serviceman

1. The status of the serviceman includes common laws, freedoms and the serviceman's obligations as citizen of the Republic of Kazakhstan with the established laws withdrawals and restrictions, and also its rights, obligation and the responsibility caused by features of military service.

Withdrawals and restrictions of the rights and freedoms, special obligations and responsibility of the military personnel are compensated by the additional rights and privileges established by this Law.

The status of the serviceman is acquired by citizens:

called on military service (charges) – from the date of the publication of the order of the corresponding chief on departure from local body of military management to the place of passing of military service (charges);

arrived on military service under the contract – from the date of the publication of the order of the commander (chief) of military unit (organization) on transfer in lists of staff of part;

arrived in the military educational institutions realizing programs of technical and professional, postsecondary and higher education if before they were not military personnel, - for military educational institutions from the date

of the publication of the order of the chief of military educational institution on transfer in lists of educational structure, except for uhlans, and in case of receipt in foreign military educational institution - from the date of the publication of the order of the head of authorized body on the direction for study;

the uhlans who completed the second year of training in the military educational institutions realizing educational programs of technical and professional education based on the main secondary education - from the date of the publication of the order of the chief of military educational institution on training continuation, transfer into third year and appointment to military position of variable list of the cadet.

The citizen loses the status of the serviceman from the date of exception of lists of military unit in connection with dismissal from military service (the end of military charges), and also in case of transfer in special state and law enforcement agencies of the Republic of Kazakhstan.

2. The military personnel in case of fulfillment of duties of military service is under protection of the state. They submit only to persons who according to all-army regulations are for them chiefs, and nobody else has no right to interfere with their office activities, except as specified, provided by the laws of the Republic of Kazakhstan.

3. The serviceman is in case of fulfillment of duties of military service in cases:

- 1) execution of job responsibilities;
- 2) participations in fighting, accomplishment of tasks in the conditions of emergency or warlike situation, and also in the conditions of armed conflicts;
- 3) participations in peacekeeping peace support operations and safety;
- 4) participations in anti-terrorist operations;
- 5) participations in liquidation of emergency situations;
- 6) field exits (exits in the sea), participations in doctrines or campaigns of the ships;
- 7) stays in the territory of military unit during the working hours established by daily routine or in other time if it is caused by office need;
- 8) stays on official journey;
- 9) followings to the duty station and back;
- 10) stays on treatment, followings to the place of treatment and back;
- 11) passings of military charges;
- 12) stays in captivity, in provision of the hostage or interned;
- 13) assistance to law enforcement agencies on protection of rights and freedoms of man and citizen, protection of law and order and ensuring public safety;
- 14) stays in the operating reserve;
- 15) stays on advanced training, retraining, retraining, study, army training;
- 16) carrying out researches, stays on army and other testing.

The status of the military personnel at the call of officers is determined by the status of contract servicemen.

The serviceman of conscription service is in case of fulfillment of duties of military service during the whole time of passing of conscription service, and the person liable for call-up – during the whole time of passing of military charges.

4. Commanders (chiefs) are forbidden to give orders (orders) and orders which do not have relations to fulfillment of duties of military service or directed to violation of the law of the Republic of Kazakhstan.

5. Counters with personal numbers, identity certificates of the serviceman (military IDs) and (or) official IDs are issued to the military personnel for the certificate of their status in the procedure established by authorized body.

6. The serviceman of officers of bodies of military investigation of the Ministry of Defence of the Republic of Kazakhstan, authorized to perform operational search and intelligence activities, in confirmation of their personality and powers official IDs of bodies of military investigation of the Ministry of Defence of the Republic of Kazakhstan are issued.

The procedure for issue, use and the description of the official ID are determined by the Minister of Defence of the Republic of Kazakhstan.

The official ID of the serviceman of body of military investigation of the Ministry of Defence of the Republic of Kazakhstan confirms its right to carrying and storage of weapon, special means, other powers conferred according to the laws of the Republic of Kazakhstan.

7. Official IDs and counters are issued to military personnel and the staff of bodies of military police, military prosecutor's office and military investigating bodies for the purpose of accomplishment of legislatively fixed tasks in confirmation of their personality and powers.

The procedure for issue, use and the description of the official ID and counter are determined by the head of authorized body.

The official ID of the military personnel and staff of bodies of military police, military prosecutor's office and military investigating bodies confirms their right to carrying and storage of weapon, special means, other powers conferred to military personnel and employees according to the laws of the Republic of Kazakhstan.

Article 6. Rights of the military personnel

1. The military personnel has all rights and freedoms provided by the Constitution and the legislation of the Republic of Kazakhstan taking into account the restrictions determined by the laws of the Republic of Kazakhstan.

Military personnel has the right:

1) on providing at the expense of the state cash allowance based on single system of compensation of employees of the bodies of the Republic of Kazakhstan containing at the expense of the government budget, the Republic of Kazakhstan approved by the Government in coordination with the President of the Republic of Kazakhstan, according to the procedure, provided by the first heads of authorized bodies;

2) on providing at the expense of the state ware and other types of property on the regulations approved by the first heads of authorized state bodies in coordination with the central authorized body on budgetary planning;

3) on job development taking into account qualification, capabilities, fair execution of the job responsibilities;

3-1) on appeal of the decisions and actions made on them to higher officials and (or) in court no later than three months from the date of when they learned about violation of the rights;

4) in coordination with the authorized officer to arrive in military educational institutions, to have course training, professional training, retraining and advanced training, and also to arrive not on military specialties (except the military personnel of conscription service, cadets and cadets) in the organizations of education realizing training programs of technical and professional, postsecondary, higher and postgraduate education, according to the procedure, established by the legislation of the Republic of Kazakhstan;

5) on the health protection and conditions of service meeting the requirements of safe engineering and hygiene;

6) on indemnification, caused to life and health or personal property in case of the fulfillment of duties of military service according to the procedure determined by the legislation of the Republic of Kazakhstan;

7) on provision of housing during passing of military service according to this Law;

8) on storage, carrying and use of weapons in case of fulfillment of duties of military service.

2. Rules of carrying weapon by the military personnel are determined by all-army regulations. The military personnel as last resort has the right to use weapon personally or as a part of division in cases:

1) reflections of armed attack on the protected military and civil facilities, guard, rooms and constructions of military units;

2) suppression of attempt of violent occupancy by weapon and military equipment;

3) protection of the military personnel and civilians against the attack threatening their life or health including against attack of animals if different ways and means to protect them it is impossible;

4) the detention of the person who made criminal offense, showing armed resistance or overtaken when making heavy, especially serious crime, and also the armed individual refusing to fulfill legal requirements about surrender of weapons if different ways and means to overcome resistance, it is impossible to detain the criminal or to withdraw weapon;

5) releases of the hostages taken the protected objects, constructions and particular (military) loads;

6) escape suppression from custody persons concerning whom the measure of restraint in the form of detention, suppression of escape of convicts to imprisonment, and also for suppression of attempts of their violent release is chosen;

7) giving of alarm signal or challenge of the help;

8) justifiable defense and emergency.

Use of weapons shall provide the warning of intention to apply it, except for sudden armed attack, attack with use of military equipment, vehicles, ocean and river crafts, and also escape from custody with weapon.

In case of application and use of weapon the serviceman shall take all feasible measures for safety of surrounding citizens, and in case of need provide emergency medical service by the victim.

It is forbidden to use weapon concerning women and minors, except as specified making of the act of terrorism, armed attack, rendering by them by them armed resistance or making of the group attack posing threat of life to the serviceman or other persons by them if different ways and means to reflect such attack it is impossible.

The serviceman reports on each case of application or use of weapon on the commander (chief).

3. Other rights of the military personnel can be established by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 7. General obligations of the military personnel

1. The serviceman shall:

1) to observe the Constitution and other regulatory legal acts of the Republic of Kazakhstan, and also to observe requirements of all-army regulations;

2) to take the military oath in accordance with the established procedure;

3) precisely and in time to execute orders of commanders (chiefs);

3-1) to execute the decision of the head of authorized body on its rotation according to the procedure and the terms determined by Rules of passing of military service;

4) to participate in structure of military units and divisions of Armed Forces, other troops and military forming, the joint (coalition) armed forces according to international treaties in armed conflicts;

5) to be disciplined, vigilant and not to allow disclosure of the state secrets;

6) to comply with terms of the contract about passing of military service;

7) to follow rules of wearing military uniform of clothes;

8) to observe requirements and to carry out the standard rates on physical training approved by heads of authorized bodies;

9) to be able to use the weapon entrusted to it, arms and military equipment, to ensure its safety and the correct operation.

2. Obligations of officials of Armed Forces, other troops and military forming are determined by all-army regulations.

3. The contract serviceman within a month after revenues to military service shall deliver for passing of military service in trust management the shares which are in property of the serviceman (share in the authorized capital) the commercial organizations and other property which use attracts receipt of the income, except for money, bonds, shares of the open and interval mutual investment funds which are legally belonging to it and also other property transferred to property employment. The contract for property trust management is subject to the notarial certificate.

4. Other obligations of the military personnel can be established by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 8. The restrictions of the rights of the military personnel connected with passing of military service

The serviceman has no right:

1) to be the deputy of representative bodies and the member of local government bodies, to consist in political parties, labor unions, religious associations, to support any political party;

2) to be engaged in other paid activities, except the pedagogical, scientific and other creative activities which are not interfering fulfillment of duties of military service;

3) to be engaged in business activity, including to participate in management of the commercial organization irrespective of its form of business;

4) to be the representative for the third parties, except as specified, provided by the laws;

To use 5) in not office purposes military property and other means of ensuring of its office activities, other state-owned property and office information;

6) to organize and participate in strikes, picketing and other protest actions;

7) to use the official position in the mercenary purposes, including by collusion to official and other persons;

8) to hold the position which is in direct subordination of the position held by his close relatives (the parents, children, adoptive parents adopted full and not full brothers and sisters, grandfathers, grandmothers, grandsons) or the spouse (spouse);

9) to refuse or evade from passing in the direction of the authorized head of medical examination in specialized medical institutions (narcological dispensaries) regarding the use of the substances causing condition of alcoholic, drug or other intoxication.

The refusal or evasion of passing of survey attracts dismissal from military service.

Chapter 2. Training of citizens for military service

Article 9. Training of citizens for military service

1. Training of citizens for military service is complex of the obligatory events held by state bodies with citizens of preinduction and draft age for the purpose of their training in bases of military service and also with persons liable for call-up for the purpose of preparation and retraining on military and technical and other specialties for passing of military service.

2. Training of citizens for military service includes:

1) basic military training;

2) military preparation according to additional educational programs;

3) preparation on military and technical and other specialties;

4) military preparation according to the program of reserve officers.

3. Training of citizens for military service will be organized and provided with state bodies according to the Rules of training of citizens for military service approved by the Ministry of Defence of the Republic of Kazakhstan.

4. Heads of the organizations shall provide possibility of passing by youths of premilitary age and recruits of preparation for military service.

Article 10. Basic military training

1. Basic military training is carried out with citizens in the organizations of education realizing general education programs of general secondary education and educational programs of technical and professional, postsecondary education.

2. The citizens who are subject to appeal and did not have basic military training pass it before appeal on conscription service according to Rules of training of citizens for military service.

3. The procedure for the organization and carrying out, and also forming of educational material resources of basic military training is determined by the Ministry of Defence of the Republic of Kazakhstan.

Article 11. Military training of citizens according to additional educational programs in the organizations of education

1. Military training of citizens of the Republic of Kazakhstan according to additional educational programs is made in the organizations of education realizing general education training programs of general secondary education and educational programs of technical and professional, postsecondary education.

2. The procedure for passing of military preparation and providing pupils with all types of allowance is determined by Rules of training of citizens for military service.

Article 12. Training of citizens on military and technical and other specialties

1. Training of citizens on military and technical and other specialties is made in the specialized organizations of the Ministry of Defence of the Republic of Kazakhstan on a grant basis according to need of Armed Forces and on paid basis with complete or partial expense recovery for training.

In case of partial expense recovery for training at the expense of the Ministry of Defence of the Republic of Kazakhstan (further - the Ministry of Defence) carrying out educational firing practice and providing with fuels and lubricants are performed.

2. On a grant basis the citizens fit for health reasons for military service, aged from seventeen years six months up to twenty six years, subject to appeal on conscription military service after the end of preparation or enlisted in mobilization reserve are involved in preparation on military and technical and other specialties. The order for training of junior specialists is created by the Ministry of Defence.

3. On paid basis on military and technical and other specialties are involved in preparation:

the persons liable for call-up fit for health reasons for military service;

recruits aged from twenty four up to twenty seven years, suitable or restrictedly suitable for health reasons to military service, including having draft deferment on military service.

4. Procedure for conscription, persons liable for call-up, their direction and training at non-paid and paid bases, the organization of teaching and educational process, and also terms of training in military and technical and other specialties in the specialized organizations of the Ministry of Defence are determined by the Minister of Defence of the Republic of Kazakhstan.

5. The number of the trained recruits, persons liable for call-up in the specialized organizations of the Ministry of Defence is determined by the Minister of Defence of the Republic of Kazakhstan proceeding from the need for mobilization resources or junior specialists by military and technical and other specialties.

6. Date of the publication of orders of the head of the specialized organization of the Ministry of Defence on transfer and the termination is considered the beginning and the end of training of recruits, persons liable for call-up in military and technical and other specialties.

The citizens who are trained in the specialized organizations of the Ministry of Defence during training do not acquire the status of the serviceman.

7. *No. 69-VI ZRK is excluded according to the Law of the Republic of Kazakhstan of 13.06.2017.*

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11. For the period of passing of occupations in the specialized organizations of the Ministry of Defence employers shall provide to the workers who are trained in the specified organizations, educational leaves.

12. For recruits, persons liable for call-up during training in military and technical and other specialties the place of employment (position) remains. During this period they cannot be dismissed at the initiative of the employer, except as specified liquidations of the legal entity, and also are deducted from the organization of education at the initiative of the head of the organization of education.

Article 13. Military training of citizens according to the program of reserve officers in the organizations of the higher education

1. Military training of citizens according to the program of reserve officers is carried out according to the order of the Ministry of Defence, proceeding from mobilization need of Armed Forces, other troops and military forming.

2. To the citizens who ended full course of military preparation according to the program of reserve officers the military rank "lieutenant of inventory" according to the procedure, determined by Rules of passing of military service is given.

3. The procedure for passing of military training of citizens is determined by the program of reserve officers by Rules of training of citizens for military service.

Article 14. General military education of citizens

1. For the purpose of attraction of the population to actions of civil defense and training of the necessary contingent for completing of Armed Forces in wartime general military education is provided:

- 1) men – aged from sixteen up to sixty years inclusive;
- 2) the women who do not have children or having children is more senior than ten years, – aged from eighteen up to forty five years inclusive.

General military education of citizens is performed by local authorities of military management on place of employment, study and residence of citizens.

2. The program of general military education affirms the Ministry of Defence of the Republic of Kazakhstan.

Chapter 3. Military accounting. Addition of citizens to draft sites

Article 15. Military accounting

1. Persons liable for call-up and recruits, except for are subject to military accounting:

- 1) the women who do not have military specialty;
- 2) persons exempted from execution of conscription according to this Law;
- 3) persons serving custodial sanction;
- 4) constantly living outside the Republic of Kazakhstan.

2. Military accounting of persons liable for call-up and recruits is performed in the place of their residence by local authorities of military management, and in settlements where they are absent, military accounting is provided by akims of settlements, villages, rural districts.

3. Rules of military accounting of persons liable for call-up and recruits affirm the Ministry of Defence of the Republic of Kazakhstan.

4. The military personnel passing military service in Armed Forces, other troops and military forming is subject to accounting in relevant organs of military management (governing bodies), military units (parts) and organizations according to the procedure, established by authorized body.

Article 16. Addition of citizens to draft sites

1. Addition of citizens to draft sites are the events of military accounting held by the relevant local executive bodies together with local authorities of military management for statement on military accounting of youths of premilitary age.

2. Citizens of the male Republic of Kazakhstan which in year of addition performs seventeen years are subject to addition to draft sites.

3. Addition of citizens to draft sites and medical examination will be organized and provided with akims of areas, cities of republican value, the capital, areas, cities of regional value according to the Rules of military accounting of persons liable for call-up and recruits and Rules of conducting military-medical examination in Armed Forces approved by the Ministry of Defence.

4. Citizens in case of addition to draft sites for establishment of degree of the validity to military service pass medical commission according to the procedure, determined by Rules of conducting military-medical examination.

The citizens recognized by the medical (military-medical) commission not suitable for military service with exception from military accounting on military accounting are not accepted.

The citizens recognized by the military-medical commission not suitable for military service with exception from military accounting on military accounting are not accepted.

5. Citizens are exempted from work (study) for time necessary for accomplishment of the obligations connected with statement of youths of premilitary age on military accounting with preserving place of employment (study) behind them, post and the average salary.

6. For carrying out addition of citizens to draft sites in areas (the cities of regional value) the decision of local executive bodies (akimats) of the area (the city of regional value) forms the assigned commissions in structure:

1) the commission chairman - the deputy manager of local executive body (akim) of the area, the city of regional value;

2) members of the commission:

representative of local body of military management of the area, city of regional value;

representative of the relevant territorial subdivision of law-enforcement bodies;

the deputy chief of the relevant local state body health care (chief physician) - the chairman of medical commission;

secretary.

The staff of the district (city) commission on addition, procedure for carrying out and ensuring this work annually affirm the decision of the head of local executive body (akim) of the area (the city of regional value).

The schedule of addition of citizens to recruiting stations (sites) affirms the head of local executive body.

Article 17. Obligations of officials, state bodies, organizations, persons liable for call-up and recruits on accomplishment of Rules of military accounting of persons liable for call-up and recruits

1. Akims of the area, city of regional value, the settlement, village, rural district, and also heads of the organizations in which persons liable for call-up and recruits work within the competence shall:

1) to notify persons liable for call-up and recruits on their challenge in local authorities of military management;

2) *No. 64-V ZRK Is excluded according to the Law of the Republic of Kazakhstan of 08.01.2013*

To provide 3) in the relevant local authorities of military management of areas (the cities of regional value) the documents confirming the quantitative and high-quality list of persons liable for call-up, recruits and youths of premilitary age;

4) to provide delivery of citizens from other areas in draft (combined) Items of areas, cities of republican value, the capital, areas, cities of regional value during the carrying out addition of youths of premilitary age and appeal of citizens on military service.

2. Local authorities of military management within the competence shall exercise control of observance of Rules of military accounting of persons liable for call-up and recruits by public institutions, the organizations, persons liable for call-up and recruits.

3. Law-enforcement bodies within the competence shall perform search of persons evading from accomplishment of conscription.

4. Bodies of civil registration shall report within seven working days to local authorities of military management of areas (the cities of regional value) about change by persons liable for call-up and recruits of surname, name and middle name (in case of its availability), birth dates and birth places, and also about cases of registration of death of the person liable for call-up or recruit.

5. Bodies of inquiry and pretrial investigation shall report within seven working days to local authorities of military management of areas (the cities of regional value) about persons liable for call-up and recruits concerning whom inquiry or pretrial investigation, and courts – about persons liable for call-up and recruits concerning whom the court considers criminal cases, and also about the sentences which took legal effect in their relation is carried on.

6. Social security authorities of the population shall report within seven working days in local authorities of military management of areas (the cities of regional value) about all persons liable for call-up and recruits who are recognized as disabled people.

7. The organizations of health care for requests of local authorities of military management before carrying out appeal shall report data on the persons liable for call-up and recruits who are on hospitalization and dispensary accounting.

8. Data on registration and removal from registration accounting of citizens at the place of residence are reported to local authorities of military management of the area (the city of regional value) by means of ensuring interaction of the state information systems of state bodies.

9. *No. 64-V ZRK is excluded according to the Law of the Republic of Kazakhstan of 08.01.2013*

10. The authorized body in the field of legal statistics and special accounting shall represent on requests of local authorities of military management within seven working days of the certificate of availability or lack of data on committing by person of criminal offense.

Chapter 4. Passing of military service

Article 18. Content of military service

1. The military service includes:

- 1) military military service;
- 2) military service under the contract.

Treat military military service:

- 1) conscription military service of lists of soldiers (sailors);
- 2) military service of the officers called according to article 32 of this Law;
- 3) military service in case of mobilization, warlike situation, in wartime and when passing military charges.

Under the contract treat military service:

- 1) military service of the military personnel passing military service under the contract on positions of lists of soldiers (sailors), sergeants (foremen) and officers;
- 2) military service and training of cadets, cadets, graduates in a military academy, undergraduates and doctoral candidates, military interns of military educational institutions.

2. The citizens called on military charges fulfill duties of military service.

3. Time of training of citizens at internal departments of educational institutions of law enforcement and special state bodies, and also time of passing of military preparation in the specialized organizations of the Ministry of Defence for the program of preparation of the military trained reserve are equated to passing of conscription service.

4. The military personnel takes military oath of allegiance to the people of the Republic of Kazakhstan.

The persons liable for call-up who were earlier not taking the military oath accept it in case of appeal on military charges and on mobilization.

5. Citizens in the cases and procedure determined by this Law are granted delay or release from military service.

Article 19. List of the military personnel and persons liable for call-up. Military ranks

1. Military personnel and persons liable for call-up are subdivided into structures:

- 1) soldiers (sailors);
- 2) sergeants (foremen);
- 3) officers.

2. In Armed Forces, other troops and military forming the following military ranks are established:

army

ship

- 1) list of soldiers (sailors)

private

sailor
corporal
senior sailor
2) list of sergeants (foremen)
younger sergeant structure
lance sergeant
foreman of the second Article
sergeant
chief petty officer
staff sergeant
chief foreman
senior sergeant structure
sergeant of the third class
foreman of the third class
sergeant of second class
foreman of second class
sergeant of the first class
foreman of the first class
the highest sergeant structure
headquarters sergeant
headquarters foreman
master sergeant
master foreman
3) officers
younger officers
lieutenant
lieutenant
senior lieutenant
senior lieutenant
captain
lieutenant commander
senior officers
major
captain of the third rank
lieutenant colonel
captain of the second rank
colonel
captain of the first rank
the highest officers
major general

rear admiral
lieutenant general
vice admiral
colonel general
admiral
general

3. For the officers having medical or legal specialties words of "health service", "justice" respectively are added to military ranks.

4. For the highest officers of aircraft (flight engineering, having engineering and aviation preparation) the word of "aircraft" is added to military ranks.

5. Words of "inventory", and being in resignation – "in resignation" are added to military ranks of the citizens staying in inventory.

Article 20. Procedure for assignment, decrease, deprivation of military rank and recovery in military rank

Assignment, including early, decrease, deprivation of military ranks by the serviceman and person liable for call-up are performed according to Rules of passing of military service.

To person deprived of military rank, military rank, except for the highest officers it is recovered only in cases of pronouncement by court of the verdict of not guilty or decision making about the termination of criminal case on the rehabilitating bases. To person deprived of military rank of the highest officers, the military rank is recovered according to the decision of the President of the Republic of Kazakhstan.

To the serviceman reduced in military rank, the military rank is given according to Rules of passing of military service.

Terms of period of service in military ranks are established:

1) to the list of sergeants (foremen):

to lance sergeants - one year;

to sergeants - two years;

to staff sergeants - three years;

to sergeants of 3rd class - four years;

to sergeants of the 2nd class - five years;

to sergeants of the 1st class - six years;

2) to officers:

to lieutenants – two years;

to the senior lieutenants – three years;

to captains (lieutenant commanders) – four years;

to majors (captains of the third rank) – five years;

to lieutenant colonels (captains of the second rank) – seven years.

To the list of soldiers (sailors), the highest sergeant structure, colonels (captains of the first rank) and the highest officers terms of period of service in military ranks are not established.

To the staff of law enforcement and special state bodies who arrived on military service in Armed Forces, other troops and military forming according to the procedure of transfer, the military rank is given according to the procedure of recertification, determined by the first head of authorized body, not below the available special rank.

Article 21. Military positions

1. The military position is determined proceeding from the main objectives and functions delivered before Armed Forces, other troops and military forming.

2. The list of military positions and the military ranks corresponding to them affirms as Armed Forces, other troops and military forming the President of the Republic of Kazakhstan.

3. Military positions are subdivided into positions:

- 1) ordinary structure;
- 2) sergeant structure;
- 3) officers;
- 4) the highest officers.

4. Completing, appointment to military positions, movement, release from military positions, transfer in the state, special state and law enforcement agencies and dismissal of the military personnel are made according to Rules of passing of military service.

Concerning the military personnel and faces of civil personnel of the Armed Forces, other troops and military forming appointed to positions which list is approved by the head of authorized body it is performed using psychophysiological and polygraphological researches according to the procedure, determined by the head of authorized body.

4-1. The citizen of the Republic of Kazakhstan and the serviceman enlisted in the military educational institution realizing educational programs of technical and professional, higher education (military faculty) is appointed to military position of the cadet and cadet respectively.

The contract serviceman enlisted in military educational institution according to the educational program of postgraduate education is exempted from earlier held military position and appointed to military position of the undergraduate, doctoral candidate or graduated in a military academy.

4-2. The uhlan transferred to third year of training, and also the citizen based on general secondary education or the serviceman enlisted in the military educational institutions realizing educational programs of technical and professional, higher education are appointed to military position of variable list of the cadet or cadet or military intern of Armed Forces respectively.

The contract serviceman enlisted in the military educational institution realizing educational programs of postgraduate education is exempted from earlier held military position and appointed to military position of variable list of the undergraduate or doctoral candidate or graduated in a military academy of the Armed Forces except for studying with use of remote educational technologies.

5. The serviceman passes military service not on military positions in cases:

1) stays at the disposal of the commander (chief) in case of appointment it to other position – no more than two months;

2) stays at the disposal of the commander (chief) in connection with holding organizational and regular actions – no more than three months;

3) stays at the disposal of the commander (chief) in connection with removal concerning the serviceman of the resolution on qualification of act of the suspect or application of measure of restraint on criminal case about crime - before removal of the final decision on criminal case;

4) stays at the disposal of the head of authorized body in connection with posting to state bodies, the international and other organizations for the purpose of performance of works for the benefit of defense and safety of the state according to Rules of passing of military service;

5) stays at the disposal of the commander (chief) in connection with position assignment in the device of the military attache of the Republic of Kazakhstan – before receipt of allowing documents for departure out of limits of the Republic of Kazakhstan;

6) stays at the disposal of the head of authorized body in case of stay together with the spouse - the serviceman (the spouse - the servicewoman) directed (directed) to service, study abroad;

7) *No. 69-VI ZRK is excluded according to the Law of the Republic of Kazakhstan of 13.06.2017.*

8) stays at the disposal of the first head of authorized body of the military personnel who gives the first military rank of officers "lieutenant" in connection with the termination of the highest military educational institution of foreign

state which training program according to the legislation of the country of training provides army training, - before the end of army training;

9) stays at the disposal of the commander (chief) of the military personnel directed and who arrived in the organizations of education realizing educational programs of postgraduate education for full-time courses - for the period of training;

10) stays at the disposal of the first head of authorized body during military charges - for the period of passing of charges.

6. Stay terms on military positions are determined by Rules of passing of military service.

7. In time conditions on hand are not set off the periods of finding of the serviceman in annual main leaves, on treatment in military-medical (medical) organizations.

Article 22. Rotation

1. Rotation of the military personnel is performed for the purpose of office need or ensuring more effective use of their professional potential.

2. Rotation of the military personnel is performed according to the decision of the head of authorized body according to the procedure and the terms determined by Rules of passing of military service.

3. Persons having the spouse (spouse) - the disabled person, having (being guardians) the handicapped children including adopted (adopted) or dependent on which there are aged parents are not subject to the rotation connected with moving to other area. The specified circumstances shall be confirmed with the act according to the procedure, determined by Rules of passing of military service.

Article 22-1. Certification of the military personnel

1. Certification of the military personnel of Armed Forces, other troops and military forming for the contract is determined by Rules of passing of military service.

Military personnel of bodies of military prosecutor's office passes polygraphological research in case of certification for the decision of the head of authorized body according to the procedure and the terms determined by Rules of passing of military service.

2. Extraordinary certification of the military personnel of Armed Forces, other troops and military forming for the contract is carried out according to the decision of the President of the Republic of Kazakhstan determining its procedure, terms and categories of the certified military personnel.

Following the results of extraordinary certification the certifying commission accepts one of the following decisions:

- 1) corresponds to post and it is recommended for promotion to higher position;
- 2) corresponds to post;
- 3) does not correspond to post and it is recommended to demotion;
- 4) does not correspond to post and it is recommended to rotation;
- 5) does not correspond to post and it is recommended to dismissal.

In case of failure to deliver of standard rates by determination of professional suitability and obtaining when testing assessment below threshold value the certifying commission accepts one of the decisions provided by subitems 3), 4) and 5) of this Item.

The military personnel who twice did not be on meeting of certifying commission without reasonable excuse is recommended for dismissal according to the procedure, established by this Law.

The military personnel who did not undergo extraordinary certification and (or) refused to continue military service on others including on subordinate, positions, is subject to dismissal according to the procedure, established by this Law.

Article 23. Military uniform of clothes and signs of distinction of the military personnel

1. The military uniform of clothes and signs of distinction of Armed Forces, other troops and military forming affirm the President of the Republic of Kazakhstan.

Military personnel is provided with ceremonial, daily, field, special dress code and objects of special equipment.

Rules of wearing military uniform of clothes and signs of distinction of Armed Forces, other troops and military forming, and also other signs are established by the Minister of Defence of the Republic of Kazakhstan, and feature of carrying separate objects of military uniform of clothes and signs of distinction - the first heads of authorized bodies.

Or in resignation wearing military uniform of clothes, except persons dismissed on the bases provided by subitems 13) and 14) of Item 1 of article 26 of this Law is allowed to the citizens who perfectly served in Armed Forces, other troops and military forming twenty five years and more in calendar calculation in case of transfer to the reserve.

2. Wearing military uniform of clothes by persons who do not have the right to that is forbidden and attracts the responsibility established by the law.

Article 24. Terms of military service. Length of service

1. Terms of military service in calendar calculation are established:

1) for the military personnel of conscription service – twelve months;

2) for the officers undergoing military military service – twenty four months;

3) for the military personnel passing military service under the contract – for the terms specified in the contract on passing of military service.

2. The length of service is estimated according to the procedure, established by the legislation of the Republic of Kazakhstan, for the purpose of calculation of duration of the military service granting pension entitlement. Calculation of length of service by the serviceman is made according to the procedure, determined by the Government of the Republic of Kazakhstan.

Time of passing of military service not on military positions is set off in length of service. The length of service is set off in general working life and in years of service of public service.

The serviceman who decreased abroad in connection with further passing of military service (revenues to study) of the spouse - the serviceman (the spouse - the servicewoman), stay time abroad is set off in length of service.

Before revenues to military service in Armed Forces, other troops and military forming being in the service in law enforcement and special state bodies, the length of service is set off by the serviceman taking into account time of their work in law enforcement and special state bodies on the positions providing assignment of military or special ranks, class ranks.

In years of service of public service, including law-enforcement service, time in the period of which the government employee, the employee of law enforcement agency were temporarily appointed to military position in state body in which structure passing of military service, and also time of their transfer from one state body is provided in other state body is set off.

For persons which arrived on public service, time of passing of military service and the period of appointment to military position are set off in years of service of public service.

Article 25. Extreme age of the military personnel on military service

1. Extreme age of the military personnel on military service are established:

1) the serviceman soldier's and younger sergeant structures – forty five years;

2) the serviceman of the senior sergeant structure and officers to the major (the captain of the third rank) inclusive - forty seven years;

To 2-1) lieutenant colonels - forty eight years;

3) to military personnel of the highest sergeant structure and colonels (captains of the first rank) – fifty five years;

4) to major generals (rear admirals), lieutenant generals (vice admirals) – sixty years;

5) to colonel generals, admirals and generals – sixty three years.

2. The military personnel who reached age limit is subject to transfer to the reserve or resignation according to the procedure, established by Rules of passing of military service.

To the serviceman who reached age limit according to its official report the term of military service by the head of authorized body by the conclusion with it the new contract for a period of up to five years in cases is prolonged:

1) availability of academic degree, academic status, degree of the master or the doctor and implementation of teaching or scientific activities by it in military educational institutions, at military departments;

2) passings of military service to positions of the medical personnel performing medical activities or to aircrew positions in the state aircraft or to positions of the officers of bodies of military prosecutor's office having high professional training, work experience on post, suitable for health reasons for passing of military service.

Article 26. Dismissal from military service

1. The bases for dismissal of the military personnel from military service are:

1) age achievement of limit of condition on military service;

2) expiration of military military service;

3) contract expiration;

4) for health reasons in connection with the conclusion of the military-medical commission about recognition not by suitable or it is limited suitable for military service;

5) reducing number or states in case of impossibility of appointment to other equivalent positions and refusal of the serviceman to appointment to the lowest position;

6) transition to public service to state bodies or public institutions, except for transfer in Armed Forces, other troops and military forming, special state or law enforcement agencies of the Republic of Kazakhstan;

7) essential and (or) systematic (two and more times) violations concerning the serviceman of terms of the contract;

8) on family circumstances in case of:

impossibility of accommodation of the member of the family of the serviceman on medical indications in the area in which the serviceman passes military service, and in the absence of possibility of its transfer to the new place of military service;

change of the place of military service of the husband – the serviceman (the wife – the servicewoman) connected with need of moving of family to other settlement;

need of permanent care of the wife (husband), the close relatives who are needing for health reasons according to the conclusion of the medical organization for the place of their residence permanent care or being disabled people of the first or second group, or the persons who reached generally established retirement age, or did not reach age of eighteen years in the absence of other persons obliged to contain the specified citizens under the law;

need of child care, not reached age of eighteen years whom the serviceman brings up without mother (father);

9) election or appointment in representative bodies of the Republic of Kazakhstan;

10) election or position assignment of the judge;

11) termination of nationality of the Republic of Kazakhstan;

12) refusal in special check;

13) for negative motives in cases:

introductions in legal force of conviction of court for crime execution, including it is conditional;

releases from criminal liability for crime execution based on [Items 3\), 4\), 9\), 10\)](#) and [12\) parts one of Article 35](#) or [Article 36](#) of the Code of penal procedure of the Republic of Kazakhstan;

deprivations of military rank in the procedure established by the legislation of the Republic of Kazakhstan;

stays in case of fulfillment of duties of military service in condition of alcoholic, drug or other intoxication, and also refusal or evasion of passing of medical examination in specialized medical institutions (narcological dispensaries) regarding the use of the substances causing condition of alcoholic, drug or other intoxication;

systematic violation by the serviceman of terms of the contract;

non-presentations or misstatements of the data specified in Item 2 of article 38 of this Law;

occupations any kinds of paid activities, except pedagogical, scientific and other creative activities;

absence of the serviceman of special state body or law-enforcement body on service without reasonable excuse within three and more hours in a row;

violations of the established requirements for providing the mode of privacy which entailed disclosure or loss of the data constituting the state secrets, their carriers;

determined [by the Law](#) of the Republic of Kazakhstan "About anti-corruption";

not transfers to trust management of the shares belonging on the property right, shares (share) in the authorized capital of the commercial organizations and other property which use attracts receipt of the income, except for the money which is legally belonging to this person and also the property transferred to property employment;

14) the office discrepancy which came to light following the results of certification.

15) expel from military educational institution, except as specified expels from the highest military educational institutions of graduates of the military educational institutions realizing programs of technical and professional education and also military interns, undergraduates, doctoral candidates and graduates in a military academy.

Military personnel at the call of leaves from military service on the bases provided by subitems 2), 4), 9), 10) and 11), paragraphs second and third the subitem 13) of part one of Item 1 of this Article, and the military personnel at the call of officers - also on the bases provided by subitem 12) and the paragraph the second the subitem 13) of part one of Item 1 of this Article.

2. The serviceman of conscription service has the right to early dismissal in cases:

1) emergence of the right to delay owing to change of marital status, except for persons who submitted the declaration of abandonment of delay according to [Item 9 of article 35](#) of this Law or for release from appeal;

2) departure on the permanent residence in family composition abroad or for reunion with the family which is constantly living outside the Republic of Kazakhstan in the presence of the supporting documents granting the right to departure according to the laws of the Republic of Kazakhstan.

3. The serviceman at the call of officers has the right to early dismissal from military service in the presence of the circumstances provided [by subitems 1\) and 2\) of Item 2 of article 35](#) of this Law.

4. The died (died) serviceman is excluded from lists of staff of military unit from the next day after documentary confirmed date of death (death), and the serviceman recognized by court is unknown absent or declared the dead, – from the date of the introduction in legal force of the judgment.

5. Dismissal from military service of persons who served fixed terms stops in case of introduction of emergency or warlike situation for its action.

6. Or in connection with staff reduction the dismissal wage is paid to contract servicemen whose term of military service for January 1, 2013 constituted less than ten years or for the first time arrived on military service after the specified date, in case of dismissal from military service on reaching age limit of condition on military service, for health reasons in the amount of, having the term of military service:

less than 10 calendar years, - three-months monetary pay;

from 10 to 15 calendar years, - four-months monetary pay;

from 15 to 20 calendar years, - five-months monetary pay;

from 20 to 25 calendar years, - six-months monetary pay;

from 25 to 30 calendar years, - seven-months monetary pay;

over 30 calendar years, - eight-months monetary pay.

In case of repeated revenues to military service the size of dismissal wage is determined by the contract taking into account earlier paid dismissal wage, except as specified, when this dismissal wage in case of dismissal was not paid earlier.

Or for health reasons the dismissal wage is paid to the military personnel of conscription service in case of dismissal from military service after the term of military military service in the amount of monthly settlement indicator, and to specified persons from among orphan children and children without parental support, - in the amount of five monthly settlement indicators.

The serviceman who is awarded the order (awards) for participation in fighting, anti-terrorist and peacekeeping operations, the size of dismissal wage increases by two salaries of monetary pay.

The serviceman of officers, dismissed from service on reaching age limit of condition on military service, for health reasons or to staff reduction without the right to retirement benefit for long service, along with dismissal wage payment within one year from the date of dismissal from service payments of salaries for military rank remain.

At the same time if during the specified term salaries on military rank the serviceman who is on service respectively raise also the sizes of these salaries paid to the military personnel of officers increase to the expiration of one year after dismissal from service. The dismissed serviceman of officers who was in military military service salaries on military rank within one year from the date of dismissal from service are not subject to payment.

7. The military personnel of list of soldiers (sailors), sergeants (foremen) who arrived on military service under the contract according to Item 6 of article 37 of this Law the cadets and cadets of military educational institutions who did not serve fixed term of conscription service, did not reach twenty-six-year age, but is not younger than eighteen years, the served or studied less than one year and dismissed from military service under the contract or deducted from military educational institutions in accordance with the established procedure goes to military units for passing of remaining period of conscription service, but for three months at least.

The cadets and cadets of military educational institutions who were earlier not undergoing conscription service, did not reach eighteen-year age, studied less than one year and deducted go to local authorities of military management at the place of residence for statement to military accounting of recruits for appeal of established procedure to military service for passing of remaining period of conscription service, but for three months at least.

Training time in military educational institutions in the status of the military personnel for the cadets and cadets deducted from military educational institution is set off conscription service in time.

The serviceman deducted from military educational institution for poor progress, indiscipline, on the initiative, as a result of dismissal from military service for negative motives, and also the contract on passing of military service which refused to sign, shall compensate to the state the budgetary funds corresponding to costs for providing with food, payment of grant and journey of cadets and cadets of military educational institutions during their training in military educational institution in the status of the serviceman, except for costs of the first year of training in the status of the serviceman.

The specified obligations do not extend to the cadets and cadets deducted within the first year of training in military educational institution in the status of the serviceman and not transferred to the following rate, sent in accordance with the established procedure to military units for passing of remaining period of conscription military service.

The enforcement proceedings initiated on the court resolutions which took till January 1, 2018 legal effect concerning collection in the income of the state of funds from the deducted cadets and cadets stop according to the procedure, established by the Law of the Republic of Kazakhstan "About enforcement proceeding and the status of legal executives".

Recovery suits in the income of the state of the means provided in part four of this Item move on the cadets and cadets deducted after January 1, 2018.

Recovery in military educational institution or appeal on military service under the contract is the basis for suspension of collection of the budgetary funds spent for training for training and (or) passing of military service under the contract. After ten years of military service under the contract in calendar calculation without the training period in military educational institution collection of the budgetary funds spent for its training stops.

The serviceman who graduated from military educational institution in case of dismissal from military service for negative motives shall compensate to the state of means, corresponding to costs for providing with food, payment of grant and journey of cadets and cadets of military educational institutions during their training in military educational institution in the status of the serviceman, except for costs of the first year of training in the status of the serviceman, is pro rata each complete not served month prior to the termination of term of the contract.

The graduate of the military educational institution realizing programs of technical and professional education (based on the main secondary education), in case of not receipt in the military educational institution realizing programs of the higher education, and refusal of further passing of military service goes to military units for passing of remaining period of conscription service, but for three months at least, without compensation of the budgetary funds spent for its training.

The procedure for compensation to the state of the budgetary funds spent for training of the military personnel in military educational institutions is determined by the first head of authorized body.

8. Persons dismissed from the military service having the right to appeal the decision on the dismissal no later than three months from the date of acquaintance with the statement from the relevant order to higher command or in court according to the procedure established by the legislation of the Republic of Kazakhstan.

Article 26-1. Presidential reserve of the high command of Armed Forces

1. The presidential reserve of the high command of Armed Forces is created for the purpose of high-quality selection of the military personnel for holding the posts of the high command of Armed Forces.

2. The procedure for forming of the Presidential reserve of the high command of Armed Forces is determined by Rules of passing of military service.

Chapter 5. Military military service

Article 27. Appeal of citizens on military service

1. The appeal of citizens on military service is complex of the events held by state bodies, directed to completing by staff of Armed Forces, other troops and military forming on the basis of conscription.

2. The appeal of citizens on military service includes:

- 1) appeal of citizens on conscription military service;
- 2) appeal on military service of reserve officers;
- 3) appeal on military charges;
- 4) appeal on mobilization, in case of warlike situation and in wartime.

3. The appeal of citizens on military service will be organized and provide local executive bodies.

Local executive bodies provide bodies of military management of the equipped draft (combined) Items, their content, supply with medicines, tools, fire-proof, medical and economic property, road transport, and also means of communication and protection.

For carrying out appeal of citizens on military service the draft commissions according to the procedure, established by this Law are formed.

The procedure for the organization and carrying out appeal of citizens on military service is determined by the Government of the Republic of Kazakhstan.

4. Heads of the organizations shall recall the citizens who are subject to appeal, from business trips, to organize the notification and timely arrival on recruiting station for performing medical examination of citizens in case of their appeal on military service.

5. The appeal on military service of the citizens of the Republic of Kazakhstan who are temporarily living abroad is performed according to the procedure, established by this Law, on their arrival on the permanent residence in the Republic of Kazakhstan in the absence of the right to delay or release from appeal.

6. The citizen is considered called on military service from the moment of the publication of the order of the chief of local body of military management of area (the city of republican value or the capital) about his appeal on military service.

7. To the citizens who are subject to appeal on conscription military service during passing of medical commission the place of employment (position), the salary on place of employment in the presence of the agenda about challenge in local authorities of military management, and for passing of conscription military service - place of employment (position) remain.

Article 28. Draft commissions

1. The draft commissions of areas, cities of regional value, areas, cities of republican value, the capital are formed for carrying out appeal according to the decision of local executive bodies in structure:

1) the commission chairman - the deputy manager of local executive body (akim) of the area, the city of regional value, area, the city of republican value, the capital;

2) members of the commission:

chief of local body of military management of the area, city of regional value, area, city of republican value, capital;

representative of the relevant territorial subdivision of law-enforcement bodies;

the deputy chief of the relevant local governing body of health care (chief physician) of the area, the city of regional value, area, the city of republican value, the capital - the chairman of medical commission;

secretary.

Also other representatives of state bodies and public associations can be part of the draft commissions. The numerical structure of the draft commission shall be odd.

The structure regional, the cities of republican value, the capital of the draft commission joins the deputy manager of territorial authority of Committee of homeland security of the Republic of Kazakhstan.

The schedule of carrying out appeal of citizens on military service affirms local executive body.

Members of the draft commission on conscription military service bear responsibility according to the laws of the Republic of Kazakhstan for illegal appeal of citizens.

2. Regional (cities of republican value or capital) draft commission:

1) also control of activities district (the cities of regional value) the draft commissions performs management;

2) is checked by correctness of provision to citizens of delay and release from appeal for military service;

3) *No. 69-VI ZRK is excluded according to the Law of the Republic of Kazakhstan of 13.06.2017*

4) *No. 69-VI ZRK is excluded according to the Law of the Republic of Kazakhstan of 13.06.2017*

5) considers claims and addresses of citizens on decisions district (the cities of regional value) the draft commissions;

6) cancels decisions district (the cities of regional value) the draft commissions.

3. By results of medical examination district (the cities of regional value) the draft commission concerning the recruit accepts one of the following decisions:

1) is subject to appeal on military service;

2) to grant draft deferment on military service;

To exempt 3) from appeal on military service;

To exempt 4) from execution of conscription.

The decision of the draft commission within one day appears to the citizen who is subject to appeal on military service which copy at his desire is handed out.

The decision of the draft commission can be appealed by the citizen judicially or in regional (the cities of republican value or the capital) the draft commission. The preliminary address in regional (the cities of republican value or the capital) the draft commission is not the compulsory provision for appeal to the court.

In case of dual prosecution of statements in regional (the cities of republican value or the capital) the draft commission and court regional (the cities of republican value or the capital) the draft commission stops consideration of the application to the introduction in legal force of the judgment.

The judgment which took legal effect is obligatory for execution by the relevant draft commissions.

4. Heads of authorized bodies cancel the decision of the draft commission on appeal concerning persons not fit for military service for health reasons, and before adoption of the military oath by them return them in the draft commissions with replacement provision.

Article 29. Medical commissions

1. For determination of degree of the validity of citizens to military service on permanent basis in areas, the cities of republican value, the capital, the cities and areas the decision of local executive bodies creates medical commissions which carry out medical examination:

- 1) youths of premilitary age;
- 2) recruits;
- 3) the persons liable for call-up called on military charges;

4) the citizens arriving on military service under the contract in military educational institutions, on military departments, in the specialized organizations of the Ministry of Defence.

2. *No. 69-VI ZRK is excluded according to the Law of the Republic of Kazakhstan of 13.06.2017.*

3. The procedure for medical examination and structure of medical commissions are determined by Rules of military-medical examination.

Article 30. Obligations of the citizens who are subject to appeal on military service

The citizens who are subject to appeal on military service shall be according to the agenda of local body of military management in the draft commission. The agenda is handed to the citizen personally by officials of local authorities of military management or on place of employment (study) by the head of the organization under list.

In case of impossibility to hand the agenda to the citizen personally ensuring its arrival is assigned to relevant organ of internal affairs.

Article 31. Appeal of citizens on conscription military service

The appeal of citizens on conscription military service is carried out two times a year based on the Presidential decree of the Republic of Kazakhstan and the order of the Government of the Republic of Kazakhstan.

The citizens aged from eighteen up to twenty seven years who do not have the right to delay or release from appeal in the quantity necessary for completing of Armed Forces, other troops and military forming are subject to appeal on conscription military service.

Article 32. Appeal on military service of reserve officers

Reserve officers aged up to twenty nine years, suitable for military service, are called in peace time based on the order of the Government of the Republic of Kazakhstan for passing of military service on officers positions according to requests of authorized bodies.

Article 33. Appeal of persons liable for call-up on military charges

Persons liable for call-up are called on military charges:

1) within the republican events for mobilization preparation held by the central executive bodies - based on the order of the Minister of Defence of the Republic of Kazakhstan;

2) within the actions for mobilization preparation, preparation of territorial defense held by local executive bodies of areas, cities of republican value, the capital - based on the resolution of akimat of area, the city of republican value, the capital in coordination with the General Staff of Armed Forces of the Republic of Kazakhstan.

Article 34. Appeal of citizens on mobilization, in case of warlike situation and in wartime

1. The appeal of citizens on military service on mobilization, in case of warlike situation and is carried out to wartime based on the Presidential decree of the Republic of Kazakhstan and according to the procedure, established by this Law.

2. With the persons liable for call-up and recruits called on military service on mobilization in case of warlike situation and in wartime, complete calculation for place of employment (service) is carried out, the salary for actually worked time, dismissal wage and compensation payments for unused leave are paid. For the citizens called on mobilization in case of warlike situation and in wartime, the living space occupied by them remains. The state

providing (benefits, pensions) families of the citizens called on military service on mobilization in case of warlike situation and in wartime, is made according to the legislation of the Republic of Kazakhstan.

3. Local executive bodies, the organizations when carrying out mobilization, in case of introduction of warlike situation and in wartime shall provide the timely notification and delivery of persons liable for call-up and recruits to recruiting stations or in military units.

Article 35. Draft deferment on military service

1. The draft deferment on military service is granted to citizens according to the decision district (the cities of regional value) the draft commission.

Delay is granted on the following bases:

- 1) on family circumstances;
- 2) for education continuation;
- 3) for health reasons;
- 4) for other reasons.

2. The draft deferment on military service on family circumstances is granted:

1) to the citizens occupied with care of the family members who are needing assistance and not being on complete state providing in the absence of the close relatives or other persons living in the territory of the Republic of Kazakhstan together with them or separately, obliged to contain the specified family members under the law.

The family members needing assistance and leaving are:

the father, mother, the wife, and also the grandfather and the grandmother in the absence of parents of the recruit if they are in its dependence, reached retirement age or being disabled people of the first or second group;

the brothers, sisters who are disabled people of the first or second group or did not reach eighteen-year age in the absence of parents;

mother (father) who (which), except the recruit, has one and more children who are disabled people of the first or second group or did not reach eighteen-year age and brings up them without husband (wife);

mother (father) who (which) has in the dependence one and more lonely relatives (the father, mother, the brother, the sister) who are disabled on age or disabled people of the first or second group and contains them without husband (wife);

one of parents who contains the second in the dependence being the disabled person of the first or second group, and brings up, except the recruit, one and more children up to eighteen years;

one of family members having disability and in which the recruit is the male only child;

2) to citizens who have in the dependence:

child(children) who is brought up without mother;

persons at whom they were on education and content at least two years in connection with the death of the parents or deprivation of their parent rights, or condemnation by court to imprisonment;

3) to the citizens who are married and having one and more children.

3. The draft deferment on military service for continuation of education is granted:

1) to the citizens getting the general secondary education in the organizations of education for training;

2) to the citizens receiving technical and professional, postsecondary or higher education on full-time courses in the relevant organizations of education, internal education in the spiritual (religious) organizations of education, and also in higher educational institutions of other states before the termination of one higher educational institution by provision of supporting documents about training;

3) to the citizens getting postgraduate professional education for training.

4. The draft deferment on military service is for health reasons granted to citizens by the decision of the draft commission for a period of up to one year.

5. The draft deferment on military service for other reasons is granted:

1) to the teachers of the organizations of education located in the rural zone, having postsecondary or higher pedagogical education and working in the specialty for the entire period of work;

2) to the doctors having the corresponding education, constantly working in the specialty in the rural zone for the entire period of work in the organizations of health care;

3) to deputies of Parliament of the Republic of Kazakhstan or local representative bodies for the term of their deputy powers;

4) to persons concerning whom inquiry is carried on pretrial investigation or criminal cases are considered by courts, respectively before the end of inquiry, the investigation or entry into force of the court verdict;

To 4-1) members of flight crews of civil aircrafts, engineers, mechanics and technicians of civil aviation having the corresponding education for the entire period of work in the organizations of civil aviation;

5) to the members of crews of vessel having the corresponding education for the entire period of work in the organizations of water transport.

6. The citizens enlisted in inventory with assignment of military rank of officers are granted draft deferment on military service on family circumstances, for health reasons, for continuation of postgraduate professional education and for other reasons.

7. The draft deferment on military charges is not granted.

8. Delay of citizens in case of appeal on military service on mobilization, in case of warlike situation and in wartime stops, except for delays for health reasons.

9. Citizens have the right to refuse delay, except for delays for health reasons, and can be called on military service by provision of the application in person and relevant notarially attested document from interested persons and social security authorities of the population.

10. The citizens who lost the bases for delay provided by this Article are subject to appeal according to the procedure, established by this Law.

Article 36. Release from appeal on military service and military charges

1. Citizens are exempted from appeal on military service in peace time:

1) recognized not suitable for military service for health reasons;

2) not called on legal causes on conscription military service, on reaching twenty seven years;

At which 3) one of relatives (the father, mother, the brother or the sister) died, died or became the disabled person of the first or second group on duty during passing of military service;

4) passed military (alternative) service in other state;

4-1) serving in special state bodies of the Republic of Kazakhstan, except as specified, [stipulated in Item the 9th article 51](#) of the Law of the Republic of Kazakhstan "About special state bodies of the Republic of Kazakhstan";

5) having academic degree;

6) priests of the registered religious associations.

2. On military charges are exempted from appeal:

1) persons working in state bodies of the Republic of Kazakhstan at the positions connected with ensuring defense, safety and law and order;

2) aviation personnel of the state, civil and experimental aviation;

3) persons working in agricultural industry and in the organizations for repair of agricultural machinery for sowing and harvest works;

4) pedagogical employees of the organizations of formation of full-time courses for academic year;

5) the formations of full-time courses studying in the organizations;

6) female persons liable for call-up;

7) persons liable for call-up within two years after transfer to the reserve;

8) persons having three and more children aged up to eighteen years;

9) persons concerning whom inquiry is carried on pretrial investigation or criminal case is considered by court;
10) the persons liable for call-up, the elite (appointed) deputies of Parliament of the Republic of Kazakhstan or local representative bodies.

3. The persons liable for call-up specified in the subitem 7) of Item 2 of this Article are not exempted from passing of special charges.

4. From appeal on military service on mobilization, in case of warlike situation and in wartime the citizens recognized not suitable for military service for health reasons are exempted.

5. The citizens having the right to release from appeal to military service can be called on military service at will by provision of the relevant notarially attested documents from interested persons and the statement, except the citizens specified in the subitem 1) of Item 1 of this Article.

6. The citizens having criminal record are not subject to appeal on military service in peace time.

7. The citizens who lost the bases for release from appeal provided by the subitem 1) of Item 1 of this Article are subject to appeal according to the procedure, established by this Law.

Chapter 6. Military service under the contract

Article 37. Contract on passing of military service

1. The contract on passing of military service is signed by the citizen of the Republic of Kazakhstan with the authorized officer of Armed Forces, other troops and military forming.

2. The contract is signed in writing between two parties in voluntary procedure according to the legislation of the Republic of Kazakhstan and stops the action:

- 1) after term;
- 2) in connection with early dismissal of the serviceman;
- 3) from the date of the conclusion the serviceman of other contract on passing of military service;
- 4) in other cases established by the legislation of the Republic of Kazakhstan.

3. Are enshrined voluntariness of arrival of the citizen on military service, term during which the citizen shall pass military service, and other terms of the contract in the contract on passing of military service.

4. Terms of the contract about passing of military service include obligation of the citizen to pass military service in Armed Forces, other troops and military forming during the term established by the contract. Terms of the contract contain the citizen's right to observance of its rights and the rights of members of his family, including receipt of the privileges, guarantees and compensations established by the legislation of the Republic of Kazakhstan.

5. The military personnel appointed to position by the President of the Republic of Kazakhstan passes military service in the corresponding position without the conclusion of the contract on passing of military service. Requirements of this Law for contract servicemen extend to this military personnel.

After release of the specified military personnel from position they sign the new contract on passing of military service or leave from military service according to the procedure, determined by Rules of passing of military service.

6. The military personnel of conscription military service having technical and professional, higher education and who served six months having the right to arrive on military service under the contract according to the procedure, determined by Rules of passing of military service.

The uhlan in case of transfer into third year of training signs the contract on passing of military service.

7. The military personnel at the call of officers after the expiration of military service has the right to arrive on military service under the contract according to the procedure, determined by Rules of passing of military service.

Article 38. Requirements imposed to persons arriving on military service under the contract

1. Persons arriving on military service under the contract shall meet the following requirements:

- 1) to have nationality of the Republic of Kazakhstan;
- 2) to have necessary personal, moral and professional qualities, the education level, suitable for health reasons to military service;

3) not to be younger than eighteen years, except for cadets, cadets, and no later than achievement of age limit of condition by them on military service:

for for the first time arriving on military service under the contract or appointments to positions of list of soldiers (sailors) and younger sergeant structure - fifteen years;

for appointment to positions younger officer and senior sergeant structures - ten years;

to positions of the senior officer or highest sergeant structure - five years;

4) to serve conscription military service or to be trained at military department or military preparation in the specialized organizations of the Ministry of Defence for training of military technical specialists on paid basis, except for women.

Persons arriving on military service under the contract assume the restrictions established by the laws connected with passing of military service and the anti-corruption restrictions established by the Law of the Republic of Kazakhstan "About anti-corruption" which are fixed in writing.

2. On military service under the contract person is not accepted:

1) recognized as court incapacitated or it is limited by capable;

2) the having disease interfering fulfillment of duties of military service according to the conclusion of the military-medical commission;

3) deprived by court of the right to hold the state positions during certain term;

4) refused to assume the restrictions established by the laws, connected with stay of the serviceman on military service and the anti-corruption restrictions established by the Law of the Republic of Kazakhstan "About anti-corruption";

5) having the criminal record which is not extinguished or not removed in the procedure established by the law;

6) previously convicted or exempted from criminal liability for crime execution based on Items 3), 4), 9), 10) and 12) parts one of Article 35 or Article 36 of the Code of penal procedure of the Republic of Kazakhstan;

On 7) within three years before which revenues to military service administrative punishment for making of corruption offense was imposed judicially;

8) the committed corruption crime;

9) not last psychophysiological or polygraphological research for positions which list affirms the head of authorized body, or medical examination;

Concerning 10) within three years before revenues to service for which making of criminal offense the conviction of court or which within three years before revenues to service is exempted from criminal liability for making of criminal offense based on Items 3), 4), 9), 10) and 12) of part one of Article 35 or Article 36 of the Code of penal procedure of the Republic of Kazakhstan is pronounced;

11) dismissed for negative motives from the public or military service, from special state bodies, law enforcement agencies, courts and judicial authorities;

12) not undergone special testing and (or) reported obviously false data on himself or on the close relatives (the parents, children, adoptive parents adopted full and not full brothers and sisters, grandfathers, grandmothers, grandsons) or about the spouse and her (his) close relatives;

13) not executed the standard rates on physical training approved by the head of authorized body;

14) the committed crime as a part of criminal group;

Concerning which 15) criminal case about crime as a part of criminal group is stopped by criminal prosecution authority or court based on Items 3), 4), 9), 10) and 12) of part one of Article 35 or Article 36 of the Code of penal procedure of the Republic of Kazakhstan before the expiration of lower limit of the custodial sanction prescribed by the relevant article of the Special part of the Criminal Code of Kazakhstan.

Concerning person arriving on military service special inspection is carried out.

Concerning persons arriving on military service under the contract for positions which list is approved by the head of authorized body it is performed using psychophysiological and polygraphological researches according to the procedure, determined by the head of authorized body.

3. For determination of compliance of person to the established requirements medical examination according to Rules of military-medical examination is carried out.

4. The bases for refusal to person arriving on military service under the contract also are:

- 1) non-presentation or misstatement of the data specified in Item 2 of this Article;
- 2) lack of vacant positions on military specialty of the candidate;
- 3) negative results of psychophysiological and polygraphological researches.

5. In case of revenues to military service under the contract the citizen and his spouse (spouse) shall provide data on delivery of the declaration on the income and property according to [the Law](#) of the Republic of Kazakhstan "About anti-corruption".

Article 39. Arrival of citizens in military educational institutions, and also assignment and recovery. The conclusion of contracts on passing of military service with the citizens studying in military educational institutions

1. In the military educational institutions realizing educational programs of the higher, technical and professional education based on general secondary education have the right to arrive:

- 1) the citizens who were not passing military service, reached in year of receipt of age of seventeen years, but is not more senior than twenty two years;
- 2) the citizens who passed military service and the military personnel passing conscription military service before achievement by them in year of receipt of age of twenty four years;
- 3) the military personnel passing military service under the contract before achievement of age of twenty five years by them.

Arrival of citizens in military educational institutions is performed on competitive basis according to the Regulations of Admission in military educational institutions approved by authorized body.

In case of identical indicators when carrying out tender to transfer in the list of cadets, cadets the privilege is had:

- orphan children and children without parental support;
- graduates of the organizations of education with additional programs for military preparation;
- children of the military personnel, the dead, missing persons during service or become disabled during passing of military service;
- persons awarded with the sign "Three-copecks Piece Belg _";

the winners of the international Olympic Games and tenders of scientific projects (scientific competitions) in general education objects, republican and international contests of contractors and sports competitions of the last three years awarded with diplomas of the first - third degrees which list is determined by authorized body in the field of education, winners presidential, the republican Olympic Games and tenders of scientific projects in general education objects of the current year, awarded with diplomas of the first - third degrees on condition of compliance to the specialty chosen by them to subject of the Olympic Games or tender.

The military personnel sent for training to foreign military educational institutions studies according to international treaties of the Republic of Kazakhstan and contracts, and also the invitation to training.

2. In the military educational institutions realizing programs of technical and professional education based on the main secondary education have the right to arrive the citizens who reached in year of receipt of age of fifteen years, but is not more senior than seventeen years.

3. Person can be allowed to recovery in military educational institution if from the date of its assignment did not pass one year, except for persons recovered based on the positive conclusion of the military-medical commission.

4. In military educational institution person dismissed from military service for negative motives cannot be recovered.

5. To graduates of the military educational institutions realizing educational programs of the higher education the military rank "lieutenant" is given.

The serviceman upon termination of the military educational institutions realizing educational programs of technical and professional education gives the military rank "lance sergeant".

The military rank "lieutenant of health service" is appropriated to cadets of military-medical faculty after the end of training in the program of bachelor degree.

The military personnel continuing training in programs of military internship passes military service on military position of variable list of the military intern.

Article 39-1. National university of defense of name of the First President of the Republic of Kazakhstan - Elbasa

1. The national university of defense of name of the First President of the Republic of Kazakhstan - Elbasa (further - National university of defense) is the organization of education realizing educational programs of postgraduate education.

2. The National university of defense have the right to go to military personnel, employees of officers of special state bodies in the direction of their personnel bodies, and also faces of civil personnel of Armed Forces, state bodies in the presence of the admission to the state secrets. At the same time faces of civil personnel of Armed Forces and state bodies study only using remote educational technologies.

3. Persons enlisted in National university of defense are appointed to positions of the undergraduate or doctoral candidate with preserving the status of the serviceman or employee.

4. The military personnel, the staff of special state bodies appointed to position of the undergraduate or doctoral candidate are provided with cash allowance according to single system of compensation of employees of the bodies of the Republic of Kazakhstan containing at the expense of the government budget, the Republic of Kazakhstan approved by the Government in coordination with the President of the Republic of Kazakhstan.

5. The faculty of military educational institutions shall undergo advanced training at least once in three years.

Article 40. Term of the contract and procedure for its conclusion

1. The contract on passing of military service is signed:

1) for three years - for persons for the first time arriving on military service under the contract;

2) for five years;

3) for ten years;

4) before age achievement of limit of condition on military service;

5) for cadets, cadets and military interns - for the term of training in military educational institution and for ten years of military service after its termination (for cadets of aircrew - for fifteen years of military service after its termination);

6) for listeners, undergraduates, doctoral candidates, graduates in a military academy - for the term of training and for five years of military service after the termination of military educational institution or before age achievement of limit of condition on military service.

2. The procedure for candidate screen and their revenues to military service is determined by the contract by Rules of passing of military service.

Chapter 7. Stay in inventory

Article 41. Transfer in inventory

1. As persons enlisted in inventory are considered:

1) dismissed from military service and from Service of the state protection of the Republic of Kazakhstan with transfer in inventory;

1-1) staff of special state bodies, dismissed from service:

from among ordinary and sergeant structures;

from Service of the state protection of the Republic of Kazakhstan;

- for negative motives;
- in connection with failure to carry out of terms of the contract;
- 2) not passed military service in connection with release from appeal on military service;
- 3) not passed military service in connection with provision of draft deferments on reaching age of twenty seven years;
- 4) the women having military specialty;
- 5) had training according to the program of reserve officers at military departments of higher educational institutions.
- 6) the Ministries of Defence which were trained on military and technical and other specialties on paid basis in the specialized organizations.

2. Persons staying in inventory undergo medical examination for determination of the validity to military service according to Rules of military-medical examination.

3. The persons exempted from appeal on conscription military service and which did not pass military service in connection with provision of draft deferments on reaching age of twenty seven years and also the citizens who were trained on military and technical and other specialties in the specialized organizations of the Ministry of Defence on paid basis are enlisted in inventory by local authorities of military management of the area, city of regional value with assignment of military rank of inventory "ordinary" ("sailor").

4. To persons in case of transfer in inventory the military specialty is determined by local authorities of military management of the area (the city of regional value).

5. The inventory of persons liable for call-up for bodies of homeland security and authorized body in the field of foreign intelligence is created according to the legislation of the Republic of Kazakhstan.

5-1. The employees dismissed from Service of the state protection of the Republic of Kazakhstan go for accounting in local authorities of military management with transfer in inventory with assignment of military rank of the inventory equal to the special rank which is available for them.

6. Stay in inventory consists in passing of military charges, accomplishment of rules of appeal on military service and in observance of obligations on military accounting.

7. Stay in the operating reserve of the military personnel of bodies of military investigation of the Ministry of Defence consists in passing of military service in case of accomplishment of the assigned operational tasks within intelligence activities. The procedure for stay in the operating reserve of the military personnel of bodies of military investigation of the Ministry of Defence is determined by the Minister of Defence of the Republic of Kazakhstan.

8. When passing by the persons liable for call-up enlisted in inventory, military charges or military service under the contract they are transferred to category of the persons liable for call-up enlisted in reserve.

Article 42. Age limit of stay in inventory

1. The age limit of stay in inventory of persons liable for call-up makes:
 - 1) the list of soldiers (sailors), sergeants (foremen) – up to fifty years inclusive;
 - 2) for officers – up to sixty years inclusive;
2. The age limit of stay in inventory of female persons liable for call-up makes:
 - 1) for the lists of soldiers (sailors), sergeants (foremen) – up to thirty five years inclusive;
 - 2) for faces of officers – up to forty five years inclusive.
3. The persons liable for call-up who reached age limit of stay in inventory or persons recognized not suitable for military service for health reasons with exception from military accounting are transferred to resignation.
4. In wartime by the President of the Republic of Kazakhstan the age limit of stay in inventory up to five years can be increased.

Article 43. Passing of military charges

1. Persons liable for call-up are called on training, testing and special military sessions, and also are attracted on classes in military preparation.

2. On training sessions duration up to two months calls persons liable for call-up once in five years.

3. Persons liable for call-up during the period between training sessions can be attracted on testing charges for up to fifteen days.

4. Aggregate term of charges during stay in inventory cannot exceed for persons liable for call-up eighteen months. At the same time in aggregate term of stay at training sessions also stay time on testing charges is set off.

5. Special charges are carried out by duration to three months.

6. For persons liable for call-up for military charges the place of employment and post remain, the average salary, and the unemployed – minimum wage at the expense of the state is paid to them.

The time spent of the person liable for call-up out of arrangement of the place of charges without valid excuse of passing of military charges is not set off in time.

Chapter 8. Social security of the military personnel

Article 44. Social security of the military personnel

1. The military personnel, except for persons liable for call-up during military charges, is provided with the cash allowance established based on single system of compensation of employees of the bodies of the Republic of Kazakhstan containing at the expense of the government budget, the Republic of Kazakhstan approved by the Government in coordination with the President of the Republic of Kazakhstan.

The cash allowance of the military personnel, except for military personnel of conscription service, cadets and cadets of military educational institutions, includes monetary pay (official pay rate and salary on military rank), allowances for special conditions of service and other allowances and surcharges, stipulated by the legislation the Republic of Kazakhstan.

The cash allowance (grant) of the military personnel of conscription service, cadets and cadets of military educational institutions includes only official pay rate.

For calculation of official pay rate join in service length:

1) length of service;

2) stay time in public service;

3) operating time in the last state organization before revenues to military service on executive positions or on positions on identical specialties.

The sizes of official pay rates and salaries on military ranks of contract servicemen are established not lower than the sizes of official pay rates of government employees on the corresponding positions and the amount of surcharges for the corresponding special ranks and class ranks.

The cash allowance is not paid to the military personnel for the periods:

1) absence on military service without valid excuse;

2) passings of military service not on military positions in the cases provided by subitems 6), 8) and 9) of Item 5 of article 21 of this Law;

3) stays under arrest;

4) in cases, stipulated by the legislation the Republic of Kazakhstan.

The payment procedure of cash allowance, benefits and other payments is established by authorized bodies.

2. Compensation in the amount of one monthly settlement indicator a day according to the procedure, determined by authorized body is paid to the military personnel in case of accomplishment of fighting tasks on search, transportation, neutralization and destruction of explosive objects and other destructive devices.

3. The serviceman serving on the positions connected with operation, storage of radioactive materials, sources of ionizing radiation, ultrahigh frequencies and (or) components of rocket fuel, and also who is temporarily involved to the specified works and works on mitigation of consequences of accidents on the objects connected with operation,

storage of radioactive materials, sources of ionizing radiation, ultrahigh frequencies and (or) components of rocket fuel grants additional vacation by duration up to twelve days a year in proportion actually to worked time.

4. The closed and isolated military camps, on frontier posts and in commandant's offices, the monetary compensation according to the procedure, determined by the first heads of authorized bodies, in the amount of, is paid to contract servicemen for payment of the utilities expenses except for living in by the established law on the republican budget for the corresponding financial year.

5. Medical support of the military personnel in military-medical organizations (organizations) is performed at the expense of the state.

In case of absence on the duty station or accommodation of the military personnel of military-medical organizations or absence in them the relevant departments or the special equipment on medical indications medical care is provided within the guaranteed amount of free medical care in the state organizations of health care irrespective of departmental accessory, in the organizations of health care founded on the right of private property and the physical persons practising private medicine.

Cost recovery to the organizations of health care founded on the right of private property, and the physical persons practising private medicine on delivery of health care within the guaranteed amount of free medical care by the serviceman is performed at the expense of budgetary funds according to the procedure, determined by authorized body in the field of health care.

The means spent for treatment are compensated by the serviceman within the guaranteed amount of free medical care by authorized body in which structure they pass military service, except for the medical services rendered according to procedure and conditions of rendering paid services in the organizations of health care.

The military personnel who was wounded of contusion, injuries, mutilations or diseases in case of fulfillment of duties of military service, goes to sanatoria at the expense of means of Armed Forces, other troops and military forming in which structure they pass military service.

Military personnel of conscription service and cadets of military educational institutions in the presence of medical indications are provided at the expense of the state with sanatorium treatment.

6. The military personnel is provided at the expense of the state with ware property on the regulations approved by the first heads of authorized state bodies in coordination with the central authorized body on budgetary planning, and according to the procedure, determined by the first head of authorized body.

7. The military personnel is provided with food on the regulations established by the first heads of authorized state bodies of the Republic of Kazakhstan in coordination with the central authorized body on budgetary planning, in cases:

- 1) alert executions;
- 2) service in guard;
- 3) executions of daily details;
- 4) participations in field exits (exits in the sea);
- 5) implementation of actions in case of storm readiness in places of basing;
- 6) executions of watch on beacons;
- 7) accomplishment of underwater tasks (works);
- 8) making of parachute jumps;
- 9) followings as a part of military echelon, guard on protection and maintenances of military load to the place of acceptance and back;
- 10) stays on hospitalization in military-medical organizations (organizations);
- 11) settlements on guardroom;
- 12) participations in peacekeeping transaction, and also in case of journey to zone (area) of carrying out peacekeeping transaction and back.

Military personnel of aircrew is provided with food for the period of passing of military service.

The technical structure allowed to servicing of the aircraft equipment and ensuring flights is provided with food for preparation and accomplishment of flights.

In the absence of possibility of providing with food on the established regulations of the main food rations the monetary compensation in the amount of the cost of general ration according to the procedure, determined by the head of authorized body is paid to contract servicemen.

Students of military departments during training sessions, recruits in case of receipt in military educational institutions, and also the candidates who arrived for delivery of admission examinations and being in barracks in republican schools "Zhas Is Uhlan" are provided with food on the relevant standards.

The procedure for catering services is determined by the head of authorized body.

Military personnel of Armed Forces in military units of permanent combat readiness on officers positions in divisions of platoon (group, calculation) and companies (batteries, separate platoon, the ship 4 ranks), and also on positions of ordinary and sergeant structures is provided with food (lunch) at the expense of the state in the working days established by regulations of working hours.

The list of the military units specified in this Item is determined by the Minister of Defence of the Republic of Kazakhstan.";

8. The military personnel according to the procedure, determined by authorized body, has the right to journey at the expense of the state on railway, automobile and inland water transport in cases:

- 1) appeal on military service, military charges;
- 2) transfer to the new duty station to other area, including as a part of military unit or division;
- 3) the directions authorized body on training in the military educational institutions, other organizations of education realizing programs of postgraduate education, including foreign educational institutions and also upon termination of training, except as specified assignments on poor progress, indiscipline, for other negative motives or on the initiative;
- 4) the directions military-medical divisions to the place of hospitalization and back within the Republic of Kazakhstan, including for passing of the military-medical (flight) commission;
- 5) journey to official journey and back;
- 6) journey on doctrines, field exits (exits in the sea), parades of troops and back;
- 7) participations in liquidation of emergency situations and back;
- 8) participations in fighting, accomplishment of tasks in the conditions of emergency or warlike situation, and also in the conditions of armed conflicts;
- 9) participations in peacekeeping peace support operations and safety;
- 10) participations in anti-terrorist operations;
- 11) followings as a part of guard on protection and maintenance of military loads, including the documents, products and military loads containing the data constituting the state secrets to places of acceptance (delivery) and back;
- 12) maintenances:
 - teams with recruits, persons liable for call-up;
 - arrested, the detained military personnel, persons liable for call-up;
 - coffin with body of the dead (died) serviceman to the place of burial and back.

Military personnel and members of their families have the right to journey at the expense of the state on the air transport according to the procedure determined by the head of authorized body.

The serviceman, except for cadets, cadets and the military personnel of conscription service, in case of transfer to the new duty station to other area at the expense of the state pays money for transportation of own property within the Republic of Kazakhstan in the amount of one monthly settlement indicator on each 20 kilometers of the highway according to the procedure, determined by the head of authorized body.

In case of transfer of the military personnel, except for cadets, cadets and the military personnel at the call of, to the new duty station to other area at a distance of more than 100 kilometers (including as a part of military unit or division) the new start allowance in the amount of two-month monetary pay on the serviceman and half of monthly monetary pay on each family member is paid to them.

Article 45. Providing with the dwelling military personnel and members of their families

1. The military personnel and members of their families determined according to [Chapter 13-1](#) of the Law of the Republic of Kazakhstan "About the housing relations" needing the dwelling are provided with the dwelling for passing of military service at the expense of the state.

2. Providing with the dwelling the military personnel and members of their families is made according to the procedure, provided by the Law of the Republic of Kazakhstan "About the housing relations".

Article 46. Leaves by the serviceman

1. The annual main is presented to contract servicemen leave by allowance payment for improvement in the amount of two official pay rates which duration is established depending on length of service in calendar calculation:

- 1) less than ten years - 30 days;
- 2) from ten to fifteen years - 35 days;
- 3) from fifteen to twenty years - 40 days;
- 4) twenty and more years - 45 days.

10 days of leave are provided to the military personnel who is at flight work, ship service, keeping the watch, active service, serving in areas according to the list established by the Minister of Defence of the Republic of Kazakhstan in addition to annual main leave.

Duration of annual main leave is estimated in calendar days without the holidays falling on vacation days irrespective of daily routine and the regulations of working hours.

With provision of annual main leave by the contract serviceman (military interns, undergraduates, doctoral candidates, adjoints) with provision of summer vacation holiday allowance payment is made for improvement in the amount of two official pay rates.

Set of summer and winter vacation holiday of military interns, undergraduates, doctoral candidates, graduates in a military academy is equated to annual main leave.

In case of dismissal of the contract serviceman from military service for negative motives he shall compensate the benefit amount for improvement in proportion to not served time.

2. In addition to annual main leave by the serviceman the additional vacations provided by legal acts of the Republic of Kazakhstan are granted.

The serviceman, except the military personnel of conscription service, cadets and cadets, according to its official report is granted child care leave before achievement of age of three years by it according to the procedure, determined by the Labor code of the Republic of Kazakhstan.

The general duration of annual main and additional leaves cannot exceed 60 days for the corresponding year, at the same time time necessary for journey to the place of leave and back is in addition provided. The procedure for provision of time necessary for journey to the place of leave and back, is established by Rules of passing of military service.

Leave of the contract serviceman can be divided into parts taking into account interests of service.

3. The military personnel of conscription service in the form of encouragement is granted short-term leave according to the procedure, determined by all-army regulations.

4. The military personnel if necessary are granted medical leaves, short-term on family circumstances, and students in military educational institutions (at military faculties) – vacation.

The military personnel (except the military personnel of conscription service, cadets and cadets) are granted educational leaves for preparation and delivery of admission examinations, during training in the organizations of education realizing educational programs of the higher and postgraduate education for the term determined by the curriculum, and the military personnel who is job seekers of academic degrees of the candidate, the doctor of science, degrees of the doctor of philosophy (PhD) and the doctor on profile are granted sabbatical leaves according to the procedure, established by the legislation of the Republic of Kazakhstan.

5. Annual main leave is interrupted in case of the announcement of mobilization, warlike or emergency state, in wartime and in case of office need according to the procedure, determined by the first head of authorized body. At the same time the unused part of leave is granted in the current year or the next year.

If unused part of leave constitutes ten calendar days and more, time necessary for journey to the venue of leave and back is in addition provided to the military personnel.

The part of leave which is not used in previous year is granted to the serviceman according to its official report separately in the current year or joins paid annual main leave.

6. The military personnel directed out of limits of the Republic of Kazakhstan for accomplishment of the obligations assigned to them or to study has the same rights to leave, as serving in the territory of the Republic of Kazakhstan.

7. Annual leaves can be granted to the working wives (husbands) of the military personnel along with the next leave of their husbands (wives) under the agreement with the employer. At the same time the leave duration can be equal to leave duration of the husband (wife) due to provision of additional vacation non-paid under the agreement with the employer.

Article 47. Features of social security of contract servicemen of ordinary and sergeant structure

The military personnel passing military service under the contract on positions of soldiers (sailors), sergeants (foremen), who served at least eight years in calendar calculation has the right to cost recovery to training in higher educational institutions of the Republic of Kazakhstan at paid basis in the amount of fifty percent from training cost at the expense of budgetary funds. The serviceman can use this right once.

Compensation of the specified costs to the serviceman is made by authorized body in which structure the serviceman passes military service.

In case of transfer of the serviceman in other organization of education the amount of cost recovery on training in higher educational institutions of the Republic of Kazakhstan is subject to adjustment.

By provision to the serviceman of the academic leave behind it the right to cost recovery to training in higher educational institutions of the Republic of Kazakhstan remains.

Cost recovery on training in other higher educational institutions in cases of liquidation and reorganization of the organization of education, suspension of action, deprivation of the license of the organization of education in which he studied it is guaranteed to the serviceman having the right to cost recovery to training in higher educational institutions of the Republic of Kazakhstan (studies).

Article 48. Features of social security of the military personnel of conscription service, pupils, uhlans, cadets and cadets of military educational institutions

Military personnel of conscription service, cadets, pupils and uhlans of military educational institutions are provided with ware property, food on the regulations approved by the first heads of authorized bodies in coordination with the central authorized body on budgetary planning.

In case of departure in leave, for vacation the food ration for following to the venue of leave, vacation is issued to them.

The military personnel of conscription service when following in short-term leave and back, to cadets, cadets of military educational institutions when following in vacation leave and on training, and also is back granted the right to journey at the expense of the state on railway, automobile and inland water transport. The cadets studying in foreign military educational institutions are granted also the journey right at the expense of the state on air transport in case of the direction on training and following in vacation leave and back.

Compensation on mailings in the amount of, determined by the Ministry of Defence of the Republic of Kazakhstan in coordination with the first heads of the relevant authorized state bodies and the central authorized body by budgetary planning is also paid to military personnel of conscription service, cadets of the first and second years of military educational institutions.

For accommodation for the period of passing of conscription military service and training in military educational institution the military personnel accommodates in barracks. Hostels for the period of training in military educational institution can be also provided to cadets, cadets and uhlans.

Article 49. Collateral social security of separate categories of the military personnel

The military personnel who is involved (taking part) in fighting, anti-terrorist and peacekeeping operations, and the serviceman of bodies of military investigation of the Ministry of Defence participating in accomplishment of the assigned operational tasks within intelligence activities is granted additional vacation lasting two weeks which is added to annual leave.

The serviceman who is involved (taking part) in fighting and anti-terrorist operations, the period of fighting and anti-terrorist operations in length of service is set off on favorable terms one month of service in three months.

The period of participation in peacekeeping transactions to the serviceman is set off by the serviceman participating (taking part) in peacekeeping transactions on favorable terms one month in one and a half months.

Upon return from peacekeeping transaction the military personnel goes for sanatorium treatment at the expense of means of Armed Forces, other troops and military forming of the Republic of Kazakhstan in which structure they pass military service, for the term of at least seven calendar days, but no more than twenty one days.

Article 50. Social security of the citizens dismissed from military service

1. Medical support in military-medical organizations (organizations), and having period of service twenty five and more years – sanatorium treatment in the presence of indications according to the list of the diseases determined by the Government of the Republic of Kazakhstan is provided to the persons dismissed from military service on reaching age limit of condition on military service, for health reasons, who got disease in connection with fulfillment of duties of military service, and also having period of service twenty and more years at the expense of the state.

In case of absence in military-medical organizations (organizations) of the relevant departments or the special equipment on medical indications medical care is provided to specified persons in limits of the guaranteed amount of free medical care:

- 1) in the state organizations of health care irrespective of departmental accessory;
- 2) in the organizations of health care founded on the right of private property;
- 3) the physical persons practising private medicine.

The means spent for treatment within the size of the guaranteed amount of free medical care are compensated to specified persons by authorized body in which structure they passed military service, according to the procedure, determined by the Government of the Republic of Kazakhstan.

2. Social adaptation in case of dismissal from Armed Forces, including for the purpose of acquisition of civil specialties during passing of military service is provided to persons specified in Item 1 of this Article.

3. Persons dismissed from military service (except for dismissed in connection with the termination of nationality of the Republic of Kazakhstan, in case of refusal in special check, for negative motives, on the office discrepancy revealed following the results of certification), have the right to journey at the expense of the state on railway, automobile and inland water transport to the place of statement to military accounting or to the chosen residence within the Republic of Kazakhstan.

At the expense of the state money is paid to persons dismissed from military service for transportation of own property within the Republic of Kazakhstan in the amount of one monthly settlement indicator on each 20 kilometers of the highway (except for dismissed from conscription military service, in connection with the termination of nationality of the Republic of Kazakhstan, in case of refusal in special check, for negative motives, on the office discrepancy revealed following the results of certification).

Action of this Item extends to persons dismissed from military service after June 13, 2017.

Article 51. Compensations by the serviceman in case of death (death) or receipt of mutilation

1. In case of death (death) of the serviceman during passing of military service or the person liable for call-up called on military charges by him in case of establishment to it disability or in case of receipt of the mutilation connected with fulfillment of duties of military service by it, payment of immediate compensation is made according to the procedure, determined by the Government of the Republic of Kazakhstan.

2. In case of death (death) of the serviceman during passing of military service or after dismissal from service as a result of mutilation (wound, injury, contusion) or the disease got during passing of military service, to heirs of the serviceman payment of immediate monetary compensation in the amount of five-year monetary pay on the last post on the date of death (death), and to heirs of the serviceman of conscription service, the cadet of military

educational institution, the person liable for call-up called on military charges - in the amount of 500 monthly settlement indicators is made.

3. The immediate compensation in case of establishment to the contract serviceman of disability during passing of military service by it or caused mutilation (wounds, injuries, contusions), the diseases got as a result of fulfillment of duties of military service before the expiration of one year from the date of dismissal from military service is paid in sizes:

- 1) to the disabled person of the I group – thirty-monthly monetary pay;
- 2) to the disabled person of the II group – eighteen-monthly monetary pay;
- 3) to the disabled person of III group – six-months monetary pay.

In case of obtaining by contract servicemen in case of fulfillment of duties of military service of the heavy mutilation (wound, injury, contusion) which did not entail disability the immediate compensation in the amount of half-month monetary pay is paid to them; easy mutilation – half of monthly monetary pay.

Immediate compensations in the cases provided by this Item in the amount of are paid to the military personnel of conscription service, cadets of military educational institutions (military faculties) getting grant, the persons liable for call-up called on military charges:

- 1) to the disabled person of the I group – 250 monthly settlement indicators;
- 2) to the disabled person of the II group – 150 monthly settlement indicators;
- 3) to the disabled person of III group – 50 monthly settlement indicators;
- 4) for heavy mutilation – 12 monthly settlement indicators;
- 5) for easy mutilation – 4 monthly settlement indicators.

4. The immediate compensation is not paid if in the procedure established by the legislation of the Republic of Kazakhstan it is proved that death (death) of the serviceman or the injuries sustained by it came:

- 1) as a result of suicide, except as specified bringing to suicide in the presence of the court verdict which took legal effect;
- 2) when making criminal or administrative offenses;
- 3) as a result of the use of the substances causing condition of alcoholic, drug, psychotropic, inhalant intoxication (their analogs);
- 4) as a result of intentional causing to any bodily harm (mutilation) or other harm to the health for the purpose of receipt of immediate compensation or evasion from military service;
- 5) as a result of actions of the serviceman who violated terms of the contract about passing of military service.

5. Burial of the military personnel, the persons liable for call-up called on military charges who died when passing military service or the dead as a result of mutilation (wound, injury, contusion), the diseases got as a result of fulfillment of duties of military service is made in the place of military service (charges) or at the request of their relatives in other place. All expenses connected with preparation for transportation of body, transportation of body, burial, production and installation of gravestone monument are performed at the expense of authorized body in which the military personnel, the persons liable for call-up called on military charges passed military service (charges), in the sizes established by the Government of the Republic of Kazakhstan.

The provisions specified in this Item extend to the citizens dismissed from military service on reaching age limit of condition on military service, for health reasons or in connection with staff reduction, having the general duration of military service twenty five years and more and also to combatants and anti-terrorist operations irrespective of the general duration of military service.

6. In case of the death of the receiver of retirement benefits for long service from among the military personnel lump sum payment on burial in the amount of three-months retirement benefit at the time of the death of the receiver is paid to his family or person which performed burial.

For long service from among the military personnel irrespective of purpose of benefit on the occasion of loss of the supporter lump-sum allowances are paid to members of the family of the died receivers of retirement benefits: to the wife (husband) - in the amount of three-months pension of the supporter and on each disabled family member - in the amount of the monthly pension of the supporter which is paid to him by day of death.

In case of determination of the size of the lump-sum allowance provided by this Item join in number of the family members having entitlement to benefit: the wife (husband) irrespective of age and working capacity; the children who did not reach eighteen years or are more senior than this age if they became disabled people before achievement of eighteen-year age or were pupils of internal educational institutions on the date of the death of the supporter and did not reach twenty-three-year age; the parents consisting dependent on the dead who reached the retirement age established by the legislation or being disabled people.

Article 52. Social security of members of families of the military personnel

1. At the expense of the state medical support of members of families of contract servicemen in military-medical organizations is performed.

In case of absence on the duty station or accommodation of military-medical organizations or absence in them the relevant departments or the special equipment on medical indications medical care is provided within the guaranteed amount of free medical care in the state organizations of health care irrespective of departmental accessory, in the organizations of health care founded on the right of private property and the physical persons practising private medicine.

2. To members of families of the military personnel, except for members of families of cadets, cadets and the military personnel at the call of, constantly jointly living with them, the right to journey at the expense of the state on railway, automobile and inland water transport in cases is granted:

transfer of the serviceman to other area, including as a part of military unit or division;

the directions of the serviceman authorized body on training with exception of lists of military unit in the military educational institutions, other organizations of education realizing programs of postgraduate education, including foreign educational institutions and also upon termination of training, except as specified assignments on poor progress, indiscipline, for other negative motives or on the initiative;

dismissals of the serviceman from military service, except for dismissals in connection with loss of nationality of the Republic of Kazakhstan, in case of refusal in special check, for negative motives, on the office discrepancy which came to light following the results of certification.

3. To children of the military personnel, including that which died, died or were missing during service local executive bodies provide out of turn places in preschool institutions at the place of residence.

Children of the military personnel who died or became disabled in case of fulfillment of duties of military service, missing persons during service have the right of out-of-competition transfer in military boarding schools, Republican school "Zhas Ulan".

Chapter 9. Responsibility of the military personnel

Article 53. Responsibility of the military personnel

1. For violations of military discipline the commander (chief) applies the following types of authority punishments to the serviceman:

- 1) note;
- 2) reprimand;
- 3) serious reprimand;
- 4) warning of incomplete office compliance;
- 5) decrease in position on one step;
- 6) decrease in military rank on one step;
- 7) dismissal from military service for negative motives.

2. The following types of authority punishments are also applied to the military personnel of conscription service and cadets of military educational institutions (military faculties), except specified in Item 1 of this Article:

- 1) deprivation of the next dismissal from arrangement of military unit or from the ship on the coast;
- 2) deprivation of the breastplate of difference of Armed Forces, other troops and military forming.

3. Concerning officers at the call of decrease in military rank it is made to military rank "lance sergeant" ("the foreman of the second Article"). At the same time this serviceman is transferred to the list of sergeants (foremen) and serves before the expiration of fixed term of conscription service.

4. Dismissal from military service for negative motives is not applied to the military personnel undergoing military military service.

5. Involvement of the military personnel to disciplinary responsibility is made according to the procedure, established by all-army regulations.

Article 54. Responsibility of the military personnel for crimes, offenses and other offenses

Military personnel for crimes, offenses and other offenses bears criminal, administrative, civil and disciplinary responsibility according to the laws of the Republic of Kazakhstan.

Actions (failure to act) of the military personnel can be appealed to higher officials and (or) in court according to the procedure, established by the legislation of the Republic of Kazakhstan.

Chapter 10. Transitional provisions

Article 55. Transitional provisions

1. This Law becomes effective after ten calendar days after its first official publication, except for [Items 2, of the 4 and 7 Article 44](#) and [Article 45](#), which become effective since January 1, 2013.

2. Terms of period of service in these military ranks are estimated in the serviceman who gives the military ranks before enforcement of this Law according to the legislation existing before enforcement of this Law.

To the military personnel, and also the citizens staying in inventory or being in resignation, having the military ranks "foreman", "chief ship foreman", "ensign", "warrant officer", "senior warrant officer", "senior warrant officer" appropriated to them before enforcement of this Law these military ranks remain.

3. The military personnel to whom this Law changes extreme age of condition on military service has the right to leave or retire on reaching the following extreme age:

1) to the lieutenant colonel (the captain of the second rank) inclusive – forty five years;

2) colonels (captains of the first rank) – fifty three years;

3) colonels (captains of the first rank) by which the military rank was given till July 21, 2005, – fifty years;

4) major generals (rear admirals) and lieutenant generals (vice admirals) by which the military rank was given before enforcement of this Law, – fifty eight years;

5) major generals (rear admirals) and lieutenant generals (vice admirals) by which the military rank was given till July 21, 2005, – fifty five years;

6) colonel generals (admirals) by which the military rank was given before enforcement of this Law, – sixty years.

If such serviceman gives the next military ranks after enforcement of this Law, extreme age of condition on military service are established according to article 25 of this Law.

3-1. The military personnel passing military service in military ranks "foreman", "chief ship foreman", "ensign", "warrant officer", "senior warrant officer", "senior warrant officer" passes military service according to the procedure, determined by Rules of passing of military service. For the called category of the age military personnel limit of stay on military service is the age established [by the subitem 2\) of Item 1 of article 25](#) of this Law.

3-2. The military personnel to whom the military rank "lieutenant colonel" is given from the date of enforcement of this Law and till the January 1, 2018 having the right to leave or retire on reaching them age limit - forty seven years.

4. The contracts on passing of military service signed before enforcement of this Law stop the action after term according to the legislation existing before enforcement of this Law.

Operation of the contracts on passing of military service signed before enforcement of this Law for a period of up to age achievement of limit of condition on military service extends before achievement by the limiting military personnel of age, stipulated in Item 1 article 25 of this Law.

5. Housing payments are made by the contract serviceman (except for military personnel of Service of the state protection of the Republic of Kazakhstan, cadets and cadets of the military educational institutions, persons liable for call-up called on military charges) needing the dwelling according to their official report according to the Rules of providing the military personnel with the office dwelling, calculations of the size, appointment, recalculation, implementation, the termination, suspension and renewal of housing payments approved by the Government of the Republic of Kazakhstan. Housing payments are made by the serviceman of Service of the state protection of the Republic of Kazakhstan (except the military personnel of conscription service) according to the Rules of calculation of the size, appointment, recalculation, implementation, termination, suspension and renewal of housing employee benefits of special state bodies of the Republic of Kazakhstan approved by the Government of the Republic of Kazakhstan.

6. The office dwelling from the state housing stock which they have the right to privatize (except for the dwellings located in the closed and isolated military camps, on frontier posts and in commandant's offices) on conditions and according to the procedure, provided by the housing legislation of the Republic of Kazakhstan is provided to the military personnel who was in the military service ten years and more in calendar calculation for January 1, 2013.

6-1. On persons who were in the military service ten and more years, but less than twenty years in calendar calculation and living in the office dwelling which is not subject to privatization including owing to its stay in the territory of the closed and isolated military camps, frontier posts and other closed objects and dismissed from military service till January 1, 2018 on reaching age limit of condition on military service, for health reasons or in connection with staff reduction expatriate procedure for exchange of dwellings from the state housing stock, the stipulated in Clause 96 Laws of the Republic of Kazakhstan "On the housing relations".

7. Persons who were in the military service twenty and more years in calendar calculation which are not provided in case of dismissal by the office dwelling and earlier did not exercise the right of privatization of the dwelling, dismissed from military service during the period from January 1, 2013 to January 1, 2018 on reaching age limit of condition on military service, for health reasons or in connection with staff reduction have the right to monetary compensation according to Rules of implementation of monetary compensation.

8. Or in connection with staff reduction the dismissal wage is paid to contract servicemen whose term of military service for January 1, 2013 constituted ten years and more, in case of dismissal from military service on reaching age limit on military service, for health reasons in the amount of:

having period of service from 10 to 15 calendar years, - four-months monetary pay;

from 15 to 20 years – five-months monetary pay;

from 20 to 25 years – six-months monetary pay;

from 25 to 30 years – seven-months monetary pay;

over 30 years – eight-months monetary pay.

In case of repeated revenues to military service the size of dismissal wage is determined by the contract taking into account earlier paid dismissal wage, except as specified, when this dismissal wage in case of dismissal was not paid earlier.

The serviceman who is awarded the order during passing of military service (awards), the size of dismissal wage increases by two salaries of monetary pay.

9. The one-time monetary reward depending on the term of the signed contract in the following sizes is paid to the citizens who for the first time arrived on military service under the contract for positions of soldiers (sailors), sergeants (foremen) till January 1, 2013:

for 3 years – in the amount of 1 official pay rate;

for 5 years – in the amount of 10 official pay rates;

for 10 years – in the amount of 20 official pay rates.

Payment of the specified monetary rewards is made no later than three months from the date of the conclusion of the contract.

The earned one-time monetary reward is subject to return:

1) in case of dismissal from military service before the contract expiration in the cases provided [by subitems 11\), 12\) and 13\) of Item 1 of article 26](#) of this Law;

2) if in the procedure established by the legislation of the Republic of Kazakhstan it is proved that wound, the contusion, injury, mutilation or disease incompatible with further passing of military service came when making by the serviceman of illegal actions or because of alcoholic, drug, toxic intoxication or causing to themselves any bodily harm (mutilation) or other harm to the health for the purpose of evasion from military service.

Return of the paid one-time monetary reward is made in state body in which the serviceman passed military service, from the date of its dismissal from military service in a month.

In case of the death (death), receipt of wound, contusion, injury, mutilation or disease incompatible with further passing of military service, during passing by the serviceman of military service return of the one-time monetary reward is not made.

10. Recognize invalid from the moment of enforcement of this Law:

President of the Republic of Kazakhstan

N. Nazarbayev