



Reference data 2018 (01/01/2018 - 31/12/2018)

Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019

Objective :

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General and financial information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[18 395 567]

Comments

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	21 933 239 662 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	11 227 515 634 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments According part.3 art.6 of the Budget Code of the Republic of Kazakhstan, state and consolidated budgets, the budget of the region, the budget of the district (city of regional significance), used as analytical information and not being a subject to approval shall be compiled in the Republic of Kazakhstan.

The State budget is the centralized monetary fund of the state, joining the republican and local budgets without inter-reimbursed transactions between them.

003. Per capita GDP (in €) in current prices for the reference year

[8 021]

Comments On preliminary data, according to the average annual exchange rate of the euro for 2018.

004. Average gross annual salary (in €) for the reference year

[4 800]

NA

Comments The average annual euro rate for 2018 is 406.66 tenge.

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[439.37]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering questions 1 to 5

Sources: Questions 1, 3, 4 - Committee on Statistics of the Ministry of National Economy of the Republic of Kazakhstan
Question 2 - Ministry of Finance of the Republic of Kazakhstan
Question 5 - National Bank of the Republic of Kazakhstan

1.1.2. Budgetary data concerning judicial system

006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If

you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	82 465 186 [] NA [] NAP	82 465 186 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	62 679 866 [] NA [] NAP	62 679 866 [] NA [] NAP
2. Annual public budget allocated to computerisation	1 147 582 [] NA [] NAP	1 147 582 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	71 277 [] NA [] NAP	71 277 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	6 552 225 [] NA [] NAP	6 552 225 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	2 845 281 [] NA [] NAP	2 845 281 [] NA [] NAP
6. Annual public budget allocated to training	1 048 446 [] NA [] NAP	1 048 446 [] NA [] NAP
7. Other (please specify)	8 120 509 [] NA [] NAP	8 120 509 [] NA [] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: Other – the monthly maintenance of the judges staying in resignation, housing provisions for judges, business trips and official travels within the country, etc.

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	[X] NA [] NAP	[X] NA [] NAP
Total annual public budget allocated to all courts and legal aid together	[X] NA [] NAP	[X] NA [] NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is

different from the approved annual public budget, please indicate the main reasons for the differences:

008. Are litigants in general required to pay a court fee to start a proceeding at a court of general jurisdiction:

	Litigants required to pay a court fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions? According to article 106 of the Civil Procedural Code of the Republic of Kazakhstan, the plaintiff is exempted from paying the state duty of claim filed to the court on the grounds provided by the Code of the Republic of Kazakhstan "On taxes and other obligatory payments to the budget" (Tax Code). The categories of such persons are listed in article 616 of the specified code (for example, plaintiffs in claims for the recovery of alimony, plaintiffs in claims for the recovery of wages and other requirements related to labor activity, etc. - 30 categories).

008-1. Please briefly present the methodology of calculation of these court fees:

- 1- Depending on the type of judicial application - as a percentage of the monthly calculation indicator (MCI).
- 2- Depending on the size of the lawsuit - as a percentage of the amount of the claim.
- 3- MCI in 2018 – 2405 tg. / 5,4 € (for the € rate provided for the 1 of January 2019)

008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

[30]

[] NA

[] NAP

Comments 3000 euros (claim amount in foreign currency) * exchange rate of 1 euro in tenge by the National Bank of the Republic of Kazakhstan on the day of filing the application (claim) = claim amount in tenge * state duty rate (for individuals - 1%, for legal entities - 3% , Art. 610 of the Tax Code)

For the € rate provided for the 1 of January 2019: for the individuals - 13 181 tg/30 €; for the legal entities - 39543 tg/ 90 €.

009. Annual income of court fees received by the State (in €):

[66 557 799]

[] NA

[] NAP

Comments In civil matters:

state duty - 62 362 019 € / 27,4 billion tg.

recovery of court costs - 60 996 € / 26,8 million tg. In criminal matters:

recovery of court costs - 4096775 € / 1,8 billion tg.

In administrative matters:

recovery of court costs - 38 009 € / 16,7 million tg.

Total amount 66 557 799 € / 29 243 500 000 tg

012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	4 835 441 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments The authorized body pays for legal aid and reimbursement of expenses related to defense and representation to lawyers who have entered into agreements for state-guaranteed legal aid on the basis of an application submitted by the bar association for payment of legal aid provided by lawyers.

The approval of the annual budget amount by category, namely, cases submitted to the court or cases not referred to the court, as well as accounting for the amount paid for the specified categories, is not maintained.

012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	4 835 441 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: The authorized body pays for legal aid and reimbursement of expenses related to defense and representation to lawyers who have entered into agreements for state-guaranteed legal aid on the basis of an application submitted by the bar association for payment of legal aid provided by lawyers.

The approval of the annual budget amount by category, namely, cases submitted to the court or cases not referred to the court, as well as accounting for the amount paid for the specified categories, is not maintained.

013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	60 531 267 [] NA [] NAP	60 531 231 [] NA [] NAP
13.1. Annual public budget allocated to training of public prosecution services	27 312 [] NA [] NAP	24 826 [] NA [] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the

differences: The cost of training and business trips outside the country (Paris, Tel Aviv and Jerusalem) of 11 prosecutors as part of the implementation of the State program to combat religious extremism and terrorism for 2018.

Lack of funds in the amount of € 2,486 is related to a decrease of the number of trips outside the country.

014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other ministry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Parliament	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Supreme Court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Inspection body	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

If any other Ministry and/or inspection body and/or other, please specify: Preparation of the total court budget - Supreme Court Approval - Government (Administrators of budget programs submit to the central authorized body for budget planning (hereinafter - the Ministry of Finance) budget applications in full.

The Ministry of Finance draws up a draft republican budget and submits it to the Republican budget commission.

Then, the Ministry of Finance submits a draft law on the republican budget for consideration by the Government.

The draft law on the republican budget is submitted by the Government to the Parliament)

Adoption - Parliament

Management and allocation of the budget among the courts - Supreme Court

Evaluation of the use of the budget at a national level: Inspection body -Accounts Committee for control over execution of the republican budget, the Committee of the internal public audit under the Ministry of Finance, Supreme Court (Internal audit department)

014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?

Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
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Management Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court President	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court administrative director	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Head of the court clerk office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If "other", please specify: 1. Initial budget preparation is carried out by the territorial division of the Department for provisions of courts` activities under the Supreme Court of the Republic of Kazakhstan (the apparatus of the Supreme Court of the Republic of Kazakhstan) (hereinafter - the Department), which is responsible for ensuring the activities of the regional and other courts in the region.

The Department (Head of the Department) forms the total budget of the judicial system of the Republic of Kazakhstan, including the individual budget of the Department.

2. Budget Allocation - Department

3. Day to day management - Department

4. Evaluation and control of the use of the budget:

- external: Accounts Committee For Control Over Execution Of The Republican Budget; the Committee of the internal public audit under the Ministry of Finance;

- internal: Internal Audit Department of the Supreme Court.

A2. Please indicate the sources for answering questions 6 to 14:

Sources: The Law of the Republic of Kazakhstan "On the Republican Budget for 2018 - 2020" of November 30, 2017
 "Rules for the preparation and submission of a budget application" approved by Order of the Minister of Finance of the Republic of Kazakhstan dated November 24, 2014 No. 511
 "Rules for the execution of the budget and its cash services" approved by Order of the Minister of Finance of the Republic of Kazakhstan dated December 4, 2014 No. 540
 Supreme Court information

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	240 226 364 [] NA [] NAP	240 226 328 [] NA [] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice

system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: These calculations include the annual public budget allocated to the functioning of all courts, Functioning of the Ministry of Justice, State advocacy, Enforcement services, Forensic services, Legal aid, and the Prosecutor's office budget for 2018, according to the Law of the Republic of Kazakhstan "On the Republican budget for 2018-2020".

No funding comes from international organizations. The entire justice system is funded from the republican budget.

015-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)

	Included	Not included	Does not exist (NAP)
Courts (see question 6 or 7)	(X)	()	()
Legal aid (see question 12 or 7)	(X)	()	()
Public prosecution services (see question 13 or 7)	(X)	()	()

The annual public budget allocated to the functioning of all courts is independent and separated from the Public Prosecutor service`s and legal aid budgets.

015-3. Other budgetary elements

	Included	Not included	Does not exist (NAP)
Prison system	()	(X)	()
Probation services	()	(X)	()
High Judicial Council	(X)	()	()
Constitutional court	()	(X)	()
Judicial management body	(X)	()	()
State advocacy	(X)	()	()
Enforcement services	(X)	()	()
Notariat	()	(X)	()
Forensic services	(X)	()	()
Judicial protection of juveniles	()	()	(X)
Functioning of the Ministry of Justice	(X)	()	()
Refugees and asylum seekers services	()	()	(X)
Immigration Service	()	(X)	()
Some police services (e.g. : transfer, investigation, prisoners' security)	()	(X)	()

Other	()	()	(X)
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If "other", please specify: The annual public budget allocated to the functioning of all courts is funded from the republican budget. The budget allocated to the functioning of all courts is independent and separated from the Public Prosecutor service`s and legal aid budgets and amounts 82 465 186 euros.

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: The Law of the Republic of Kazakhstan "On the Republican Budget for 2018 - 2020" of November 30, 2017

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Legal advice, ADR and other legal services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- In the Republic of Kazakhstan, everyone's right to receive qualified legal assistance is guaranteed. Legal aid guaranteed by the state is provided to persons who are entitled to receive it at the expense of public funds. The law "On advocate practice and legal assistance" (hereinafter - the Law), which came into force on July 23, 2018, establishes the range of persons who are provided with LA in the form of legal advice, as well as protection and representation of the interests of individuals in courts, criminal prosecution bodies, other state bodies and non-governmental organizations: the person brought to administrative responsibility in accordance with the legislation of the Republic of Kazakhstan on administrative offences; the claimant in accordance with the civil procedural legislation of the Republic of Kazakhstan; the suspect, accused, defendant, convicted, acquitted, victim in accordance with the criminal procedure legislation of the Republic of Kazakhstan; the individuals on the issues of alimony recovery, granting of pensions and allowances, rehabilitation, obtaining refugee or repatriate status, the minors left without parental care. On the basis of a person's request for exemption from paying for legal aid and for reimbursement of expenses related to their representation, the court or investigation and inquiry body shall issue a ruling (resolution) on the exemption of a person from paying for legal aid and reimbursement of expenses related to their representation, which is immediately sent to the local bar association at the location of the court that is considering a civil or criminal case. In turn, the bar associations (professional community of lawyers) are obliged to ensure the participation of a lawyer in court within the period established by law. In addition, a person who needs to obtain a LA (in cases established by law) has the right to apply to the bar association. Complex social legal assistance is provided by lawyers and legal

consultants voluntarily and free of charge from the moment of the client's request to the full resolution of the issue.

017. Does legal aid include the coverage of or the exemption from court fees?

Yes

No

NAP

If yes, please specify: In accordance with current legislation, court expenses consist of state fees and costs associated with the proceedings.

To the costs associated with the proceedings are included in the costs of paying for the assistance of a representative.

The court awards all court expenses incurred in the case to the party in whose favor the decision was made. If the claim is partially satisfied, the costs are awarded to the plaintiff in proportion to the size of the claims satisfied by the court, and to the defendant – in proportion to the part of the claims that the plaintiff was denied.

At the request of a party in whose favor the decision, the court awards on the other hand, it incurred the cost of paying assistance representative (or several representatives) involved in the process and not made with the party in labor relations, in the amount actually incurred party expenses. If the court makes a decision in favor of a party who, in accordance with the procedure and on the grounds established by law, qualified legal assistance is provided by a lawyer at the expense of budgetary funds, these expenses are collected in the state budget income from the other party.

If both parties are exempted from paying for the legal aid of a lawyer through his appointment by the court, then the amounts paid to the lawyers for the payment of legal aid are credited to the budget, and the parties are not charged to the state revenue. Along with this, there are categories of persons exempted from paying court fee of claim filed to the court on the grounds provided for by the Tax Code of the Republic of Kazakhstan, the categories of such persons are listed in Article 616 of the specified code (for example, plaintiffs in claims for the recovery of alimony, plaintiffs - for claims for the recovery of wages and other requirements related to labor activity, etc. - 30 categories).

018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

NAP

If yes, please specify: According to the art.103-1, 117-1 of the Law of the Republic of Kazakhstan “On Enforcement Proceedings and the Status of Enforcement Agents”, private enforcement agents, being subjects of rendering state-guaranteed legal assistance, render free state-guaranteed legal assistance to natural persons in the course of execution of a socially significant category of cases, these categories are:

1) recovery of alimony when:

debts are three and more months long owing to the debtor’s being on a wanted list;

a debtor has no permanent income, place of work and property that can be foreclosed on; 2) recovery of wages when a debtor has neither money nor property that can be foreclosed on.

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

Criminal cases	Other than criminal cases
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Legal aid granted for other costs	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
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Comments - If yes, please specify: According to the paragraph 5, of the Rules “ On approval of the Rules for the payment for state-guaranteed legal assistance provided by a lawyer, and reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures”, dated from 28 September 2018, the lawyer’s business trip expenses related to advocacy and representation in the cases specified in subparagraph 2), 3), 4) of paragraph 2 of indicated Rules in accordance with the Law “On Advocacy and Legal Assistance” are subject to compensation with public funds.

2.1.2. Information on legal aid

020. Please indicate the number of cases for which legal aid has been granted:

	Total	Cases brought to court	Cases not brought to court
TOTAL	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
In criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
In other than criminal cases	[X] NA [] NAP	[X] NA [] NAP	[] NA [X] NAP

Comments - Please specify when appropriate: In Kazakhstan, records are kept according individuals. According to the reporting form approved by the Order of the Minister of Justice, lawyers provide information (for 2018) on the number of citizens who received legal assistance-166695 people, of which: - number of citizens who received legal advice in the form of oral and written consultations - 5791; - number of citizens whose rights were protected in criminal proceedings, including pre-trial proceedings-128816; - number of victims whose rights were represented in criminal proceedings, including pre-trial proceedings-20782; - number of citizens whose rights were protected in cases of administrative violations-8392; - number of citizens whose interests were represented in civil proceedings-2914

Thus, Kazakhstan has information on the number of citizens who received legal assistance by category of cases. This accounting approach is due to the fact that when claims are submitted by several or several defendants, the judge has the right to separate one or several claims into a separate proceeding, as well as several similar cases in which the same parties or several cases are involved in claims of one plaintiff against different defendants combine these matters into one court proceedings.

The legislation of Kazakhstan establishes the hourly rate of legal aid provided by a lawyer and reimbursement of expenses related to defense and representation provided on a free basis in cases provided by law. This payment is a multiple of the minimum wage (starting from 1/27) and depends on the category of the case and the severity of the crime.

The comments indicate the number of persons who have been provided with legal assistance in the framework of state-guaranteed legal aid at the expense of budgetary funds.

021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

	Assisted by a free of charge lawyer
Accused individuals	(X) Yes () No
Victims	(X) Yes () No

Comments - If yes, please specify: In accordance with subparagraph 3 of paragraph 2 of art. 26 of the Law "On advocate practice and legal assistance", state-guaranteed legal assistance in the form of legal consulting, as well as protection and representation of the interests of individuals in the courts, criminal prosecution bodies, other state bodies and non-state organizations shall be provided in the manner established by the specified Law and the legislation of the Republic of Kazakhstan to the suspect, accused, defendant, convicted, acquitted, victim in accordance with the criminal procedure legislation of the Republic of Kazakhstan.

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

	free selection of lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: Rights of persons entitled to receive state-guaranteed legal aid is enshrined in various normative legal acts (article 112 of the Civil procedure code of Kazakhstan, article 67 of the Criminal procedural code of the ROK, the ROK Code "On administrative offences", article 26 of the Law "On advocacy and legal assistance", paragraph 2 30-1 of the Law of RK "On notary", the article 103-1 of the Law "On enforcement proceedings and status of bailiffs").

Kazakhstan's legislation uses two criteria for providing legal assistance for mandatory protection of cases: special categories of cases and special categories of subjects.

At present, the circle of persons entitled to receive a LA is set on the subject of a legal dispute (for example, compensation for harm caused by the death of the breadwinner) and categories of the subject (for example, plaintiffs and defendants in disputes not connected with entrepreneurial activity who are participants of the great Patriotic war, persons equated to them, the conscripts, disabled I and II groups and pensioners on age, and in accordance with the Law "On advocate practice and legal assistance" - individuals on issues of collecting alimony, assigning pensions and benefits, rehabilitation, obtaining refugee or oralman (ethnic Kazakh returning from abroad to Kazakhstan) status, and minors left without parental care.

In criminal cases, LA is provided to the suspect, accused, defendant, convicted, acquitted, and victim.

023. If yes, please specify in the table:

	Annual income value (for one person), (in €)	Assets value (for one person), (in €)
Full legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Full legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Partial legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid:

025. Is the decision to grant or refuse legal aid taken by:

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments The decision to grant or refuse legal aid is taken by:

1) before the court - an investigating and inquiry body;

2) in court - presiding judge.

026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments By decision of the court, the losing party bears the costs. If the claim is partially satisfied, the costs are awarded in proportion to the size of the claims satisfied.

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: NA

2.2.Court users and victims

2.2.1.Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) where general public may have free of charge access to the following:

	Yes	Internet adresse(es)
legal texts (e.g. codes, laws, regulations, etc.)	()	(X) http://adilet.zan.kz/
case-law of the higher court/s	()	(X) http://office.sud.kz/lawsuit/ ; http://sud.gov.kz/rus/content/bank-sudebnyh-aktov
other documents (e.g. downloadable forms, online registration)	()	(X) http://sud.gov.kz/office.sud.kz; egov.kz

Please specify what documents and information are included in “other documents”: • Samples of statements of claim and other court documents

- Calculator for calculating the court fee, instructions for working with various information systems, reviews and suggestions
- Payment check
- etc.

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- () Yes, always
- () No
- (X) Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify: Courts provide information on the timing of appeal of judicial acts to a higher authority.

030. Is there a public and free-of-charge specific information system to inform and to help victims of offences?

- (X) Yes
- () No

Comments - If yes, please specify: qamqor.gov.kz, 115.kz - an information systems in which any citizen can submit an online application to the police, check the status of his consideration, check his appeal to the government agency, check the legality of the business inspection, get legal statistics, check the car for traffic accidents, the presence of fines. Including, the resource contains information about wanted criminals, debtors, missing people. The portal also has many other additional information.

A citizen who has become a victim of an offense can contact the police through the information system qamqor.gov.kz. Then track his request online. The system also has other useful features.

In addition, the victim of an offense can submit their appeal to the Prosecutor General's blog on the site www.prokuror.gov.kz. Through the criminal police of the Ministry of Internal Affairs (hereinafter - MIA), measures are taken on an ongoing basis to implement the action Plan of the Government of the Republic of Kazakhstan for prevention, prohibition and control with crimes related to human trafficking for 2018-2020.

For example, in order to inform the public about the activities of the police on the web sites of the MIA and territorial units thematic

materials are regularly published in special sections of "Senim Paragy" (help page), "Tkeley baylanys"(direct connection) and "Blog of the Minister". For the prevention of crimes of this category, the country has a national helpline "116 16". During the year, we receives about 1,000 calls to this number, citizens report specific facts of human trafficking, they have consultations on safe travel abroad, migration and other issues.

Social videos about the helpline are periodically broadcast on LED screens located in shopping centers, auto and railway stations, central squares and city streets. Information is also provided within the framework of the Republican campaign "We are united in the fight against human trafficking!".

During the campaign, cultural, educational, and awareness-raising activities are carried out, as well as awareness-raising activities among the population (city parks, squares, shopping centers, railway and bus stations, construction sites, farms, etc.) to raise awareness of the problem of human trafficking (signs of human trafficking, precautionary measures, criminal legislation, the 116 16 helpline, etc.), to highlight the success stories of cases in this category by the police as a response to this problem, as well as the important role of non-governmental organizations in protecting and supporting victims of human trafficking.

In addition, each non-governmental organization has regional helplines (22 NGOs in total).

To assist victims of human trafficking, the country has implemented Evaluation criteria (joint order of the MIA of 22.09.2014, No. 630, Ministry of Health and Social Development (MHSD) from 19.11.2014, No. 240 and Ministry of education from 26.09.2014, No. 399) and the Standard for providing special social services to victims of human trafficking (order of the MHSD from 24.02.2016 No 138).

The Evaluation criteria regulate the procedure for identifying a person, and the Standard is the conditions for his/her referral, admission and rehabilitation in organizations that provide special social services.

Within the framework of the Standards, victims of human trafficking are provided with social and domestic, socio-medical, socio-psychological, socio-pedagogical, socio-labor, socio-cultural, socio-economic and socio-legal services.

The mechanism for redirecting victims of human trafficking is in place since 2017. Financing of the non-governmental sector for the implementation of the Standard is carried out from the national budget. In 2018, the administrative police received more than 16 thousand calls to the crisis centers' helplines, which were more than 11 thousand women subsequently applied for help in the crisis centers of non-governmental organizations. Internal affairs bodies in matters of crime prevention in the sphere of family and household relations, closely interacted in 2018 with 50 non-governmental organizations, including 34 crisis centers, of which 25 have shelters.

Such organizations are available in all regions that are funded at the expense of budget funds of local Executive bodies (program 013 "Maintenance of social and psychological assistance centers").

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	(X) Yes () No	(X) Yes () No	(X) Yes () No
Victims of terrorism	(X) Yes () No	(X) Yes () No	(X) Yes () No
Minors (witnesses or victims)	(X) Yes () No	(X) Yes () No	(X) Yes () No
Victims of domestic violence	(X) Yes () No	(X) Yes () No	(X) Yes () No
Ethnic minorities	(X) Yes () No	(X) Yes () No	(X) Yes () No
Disabled persons	(X) Yes () No	(X) Yes () No	(X) Yes () No
Juvenile offenders	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	(X) Yes () No	(X) Yes () No	(X) Yes () No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: Limitations on the publicity of a court session are regulated by art. 29 of the Code of Criminal Procedure of the Republic of Kazakhstan.

In relation to national minorities and persons with disabilities, language assistance may apply.

For victims of trafficking - a ban on the publication of personal data and photographs of juvenile defendants and witnesses.

031-1. Is it possible for minors to be a party to a judicial proceeding:

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can minor benefit from legal aid, be represented by a lawyer, etc.): In accordance with article 67 of the Code of the Republic of Kazakhstan “On marriage (matrimony) and the family”, a child has the right to protect his rights and legal interests. The protection of the rights and legitimate interests of the child is carried out by the parents or other legal representatives of the child, and in cases provided for by the legislative acts of the Republic of Kazakhstan, by the body performing guardianship or trusteeship, by the prosecutor and the court, as well as internal affairs bodies and other state bodies within their competence .

A minor recognized in accordance with the laws of the Republic of Kazakhstan as fully capable (emancipation), until reaching adulthood, has the right to independently exercise his rights and obligations, including the right to protection.

In civil proceedings, by virtue of part 2 of article 45, part 1 of article 62 of the Civil Procedural Code, the interests of minors are protected in court by their parents, adoptive parents, guardians, trustees, foster carers or other persons who substitute them, who submit documents certifying their authority to the court.

In criminal proceedings, minors can be both victims and accused. Judicial proceedings against minors may be considered on a general basis or in an abbreviated manner.

The interrogation of a minor suspect, accused, defendant is carried out in the manner prescribed by the Code of Criminal Procedure, in the presence of counsel, legal representative, and, if necessary, a psychologist and teacher. The defense counsel has the right to ask questions to the interrogated, and upon completion of the interrogation, familiarize himself with the protocol and make comments on the correctness and completeness of the testimony.

The interrogation of a minor suspect, accused, defendant is carried out in the daytime and cannot continue without a break for more than two hours, and in total - more than four hours a day. In cases of apparent fatigue of a minor, interrogation must be interrupted before this time expires.

In administrative legal proceedings, the protection of the rights and legal interests of a minor in respect of which an administrative offense is being conducted or who is a victim is carried out by their legal representatives, who are the parents, adoptive parents, guardians, trustees and other persons in whose care or dependents is located. (Article 746 of the Code of Administrative Offenses).

032. Does your country allocate compensation for victims of offences?

Yes, please specify for which kind of offences: 1) minor victims of sexual violence; 2) victims of human trafficking or torture; 3) persons who, as a result of a crime, inflicted grievous bodily harm or are infected with AIDS viruses Full list of crimes is indicated in art. 6 the Law of Republic of Kazakhstan "On the Foundation for Released Victims" of January 10, 2018.

No

Comments Law of the Republic of Kazakhstan dated January 10, 2018 "On the Victims Compensation Fund"

032-1. Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments

033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body: Such studies have not been conducted.

035. Do public prosecutors have a specific role with respect to victims (protection and assistance)?

Yes

No

Comments - If yes, please specify: Accordingly to the norms of Criminal Procedure Code the prosecutor begins or continues the proceedings on the private and private-public accusation in the absence of the complainant's complaint, if the action affects the interests of person in a helpless or dependent condition or for other reasons is unable to make use of his (her) rights, also the prosecutor shall have the right to present the suspected, accused, defendant or the person that is liable for their actions, a claim in defense of the interests of the complainant, that is unable to exercise the right to present and defend the claim independently, by virtue of his (her) helpless condition, dependence on the suspected, accused, defendant or otherwise (art.32,58).

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of the question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

Yes

No

NAP

Comments - If necessary, please specify: The victim and (or) his representative, who are entitled to appeal the decision to the prosecutor or the court, are notified of the termination of the criminal case.

In accordance with Kazakhstani legislation, the decision to terminate the criminal case is taken by the criminal prosecution body (prosecutor (public prosecutor), investigator, inquiry body, interrogator) in the proceedings of which it is located.

Having discovered circumstances precluding criminal prosecution, the criminal prosecution body shall issue a decision to terminate the criminal case at any stage of pre-trial proceedings.

The prosecutor also has the right to withdraw the case from the court before the consideration of the case in the main trial and terminate it on the grounds provided for in this article. After the prosecutor withdraws the case from the court in order to terminate it, a new pre-trial procedure and his re-referral to the court are not allowed.

The public prosecutor, having discovered in court circumstances that allow not to prosecute, has the right to declare refusal to prosecute the accused. The refusal of criminal prosecution declared by the public prosecutor does not prevent the private prosecutor from continuing to prosecute the accused using the materials of the criminal case. (Articles 35, 36 of the Criminal Procedure Code of the Republic of Kazakhstan).

037. Is there a system for compensating users in the following circumstances:

Number of requests for compensation	Number of condemnations	Total amount (in €)
-------------------------------------	-------------------------	---------------------

Total	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Excessive length of proceedings	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-execution of court decisions	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	32 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful arrest	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful conviction	99 <input type="checkbox"/> NA <input type="checkbox"/> NAP	53 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): Unlawful conviction is recognized only in appeal and cassation when the unlawful conviction of the first instance is cancelled.

In appeal, 53 verdicts of unlawful conviction were passed; in cassation, no verdict is issued.

Damage caused to a person as a result of illegal detention, detention, house arrest, temporary removal from office, placement in a special medical organization, conviction, application of compulsory medical measures, is fully compensated from budgetary funds, regardless of the fault of the body conducting the criminal process . The lawsuit is filed in civil order. During the reporting period, 99 civil complaints were received in disputes regarding compensation for damage caused by unlawful actions of the bodies of inquiry, preliminary investigation, prosecutor's office, court.

ND-no data, because there is no official reporting.

2.2.2 Confidence and satisfaction of citizens with their justice system

038. Does your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

	National level	Court level
1. Surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
2. Surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
3. Surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
4. Surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

5. Surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
6. Surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
7. Surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: For the judges - ones (internal question, result are not published)

For the court staff - in accordance with clause 10 of the Regulation on the Ethics Commissioner, approved by Decree of the President of the Republic of Kazakhstan dated December 29, 2015, in order to monitor compliance with official ethics and the moral and psychological climate in the team at least once every six months, the ethics commissioner conducts anonymous Questioning in the form approved by the authorized body.

For the others since April 2017, the service “External assessment of courts” has been launched in the Judicial cabinet, which provides for a survey of all court users. Today, the issue of finalizing the service is being considered, in this regard, data analysis is not conducted.

040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Yes

No

Comments

041. If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
Court concerned	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Higher court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
High Judicial Council	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments Consideration of appeals of individuals and legal entities in the judicial system is carried out in accordance with the Constitutional Law “On the Judicial System and Status of Judges of the Republic of Kazakhstan” and the Law “On the Procedure for Consideration of Appeals of Individuals and Legal Entities”.

The parties, in addition to filing an appeal, complain to the chairman of the Supreme Court or the chairman of the regional court about the actions of the judges who issued the judicial acts.

Statistics show that almost more than 70% of complaints received against judges' actions contain arguments about disagreement with the judicial acts, according to which the parties are given explanations of the legislation on the procedure for appealing judicial acts to higher instances.

If the arguments of the complaint are confirmed, on the revealed violations document are drawn up and sent to the chairman of the corresponding regional court for consideration and discussion at the Presidium of the plenary meeting (hereinafter - the Presidium). After consideration of the complaint, the Presidium decides to forward the material regarding the judge to the disciplinary commission of the Judicial Jury at the Supreme Court to initiate disciplinary proceedings or decides to refuse. If the Presidium considers that there are no grounds for sending materials regarding the judge to the Judicial Jury, it is limited to discussion and the judge is strictly indicated to prevent further violations of this kind.

Based on the results of the consideration of disciplinary material, the following types of disciplinary sanctions may be applied to judges:

- 1) remark;
- 2) reprimand;
- 3) dismissal of the chairman of the court or the chairman of the judicial board for improper performance of official duties;
- 4) the dismissal of a judge on the grounds provided for by the Constitutional Law.

Rules of conduct for judges are determined by the Code of Judicial Ethics.

In the regions there are Judicial Ethics Commissions of the Union of Judges of the Republic of Kazakhstan, the competence of which includes consideration of complaints about violation of the norms of this Code.

The Judicial Ethics Commission, based on the results of consideration of complaints, has the right:

1. recognize the fact of committing a defamatory misconduct by a judge contrary to judicial ethics and limit himself to discussion;
2. make public censure;
3. apply to the presidium of the plenary session of the relevant regional court to consider introducing a submission to the Judicial Jury on initiating disciplinary proceedings against judges.
4. To terminate the proceedings if the actions of the judge did not establish the fact of committing a defaming misconduct.

041-1. If yes, please specify certain aspects of this procedure:

	Number of complaints	Compensation amount granted
Court concerned	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Higher court	6 364 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Ministry of Justice	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
High Judicial Council	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: The analysis showed that in 2018 a total of 6364 appeals were received in the country.

Compared to 2017, the number of appeals increased by 5.8% (5992-2017).

The grounds for the 6364 appeals countrywide (in 2017 - 5992) were:

- disagreement with the judicial acts of 4283 or 67.3% (2017 - 4043 or 67.5%);
- violations by judges of the norms of procedure legislation - 1099 or 17.3% (1044 or 17.4%);
- violations by judges of the norms of judicial ethics - 649 or 10.2% (564 or 9.4%);
- other questions (anonymous, reviews, on the issue of the personal reception of citizens, on actions of court clerks) - 333 or 5.2% (341 or 5.7%);

3.Organisation of the court system

3.1.Courts

3.1.1.Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations.

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	224 [] NA [] NAP
42.2 First instance specialised courts (legal entities)	109 [] NA [] NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts)	395 [] NA [] NAP

Comments 395 courts: 376 districts courts, 18 regional courts,1 Supreme Court.

Kazakhstan has a 3-tier judicial system: 1st instance, or 2nd instance (appeal) and 3rd instance (cassation). The Supreme Court – cassation (3rd instance)

Regional courts - appeal (2nd instance)

District courts - 1st instance

District and equivalent courts (courts of first instance and specialized courts (military, economic, administrative, juvenile, investigative, specialized criminal).

Specialized inter-district juvenile courts hear and resolve civil cases in disputes regarding the determination of the child's place of residence; determining the order of communication of the parent with the child and the taking away of the child who is located with other persons; on determining the child's place of residence when the child leaves with one of the parents outside the (country) republic for permanent residence; on deprivation (restriction) and restoration of parental rights; on adoption of a child and its cancellation; on the protection of labor and housing rights of minors; on compensation for harm caused jointly by minors and adults, including with the participation of legally incompetent or partially capable adults, etc.

They also have jurisdiction in criminal cases: on criminal offenses committed by minors, with the exception of cases attributed to the jurisdiction of the specialized inter-district criminal court, the specialized inter-district military criminal court and the military court of the garrison.

Specialized inter-district courts for criminal cases are subject to criminal cases of particularly serious crimes, with the exception of cases referred to the jurisdiction of specialized inter-district military courts for criminal cases.

And also in accordance with the criminal law, during the preliminary hearing, the judge finds out from the defendant accused of committing a crime for which the criminal law provides for the death penalty or life imprisonment, with the exception of cases of a certain category of cases (military, etc.), about his/her petitions for the consideration of his case by jury, and if such a petition is stated, does he/she support his/her petition.

Specialized inter-district investigation courts at the pre-trial stage of the criminal process consider complaints against decisions and actions (inaction) of persons conducting a pre-trial investigation, the prosecutor supervising the legality of the operational-search activity, pre-trial investigation, authorize procedural actions in cases provided for by the criminal legislation of Kazakhstan.

The competence of specialized inter-district administrative courts includes the consideration of certain elements of administrative offenses and the resolution of cases challenging decisions of bodies (officials) authorized to consider cases of administrative offenses.

Specialized inter-district economic courts hear and resolve civil cases in property and non-property disputes, the parties to which are individuals engaged in individual entrepreneurial activities without forming a legal entity, legal entities, as well as in corporate disputes, with the exception of cases whose jurisdiction is determined by another court by law.

They also consider cases on the restructuring of financial organizations and organizations included in the banking conglomerate as a parent organization and are not financial organizations, in cases stipulated by the laws of the Republic of Kazakhstan, cases on debt restructuring, rehabilitation and bankruptcy of individual entrepreneurs and legal entities, as well as their liquidation without initiating bankruptcy proceedings.

Military courts hear civil cases against military personnel of the Armed Forces, other troops and military formations, citizens undergoing military training, actions (inaction) of officials and military command bodies. Military courts shall also consider other civil cases if one of the parties is a military serviceman, military command and control bodies, and a military unit, with the exception of cases that are subject to jurisdiction of other specialized courts.

Military courts are charged with cases of criminal offenses committed by military personnel who are undergoing military service by conscription or contract in the Armed Forces of the Republic of Kazakhstan, other troops and military units, citizens who are in reserve, during military training, civilian personnel of military units, formations, institutions in connection with the performance of their official duties or in the location of these units, formations and institutions.

Specialized inter-district military courts for criminal matters are charged with criminal cases of especially grave war crimes committed by servicemen who are conscripted or contracted in the Armed Forces of the Republic of Kazakhstan, other troops and military units, by citizens who are in reserve, during military training, persons of civilian personnel of military units, formations, institutions in connection with the performance of their duties or in the location of these units, formations and institutions.

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	109 [] NA [] NAP
Commercial courts (excluded insolvency courts)	17 [] NA [] NAP
Insolvency courts	[] NA [X] NAP
Labour courts	[] NA [X] NAP
Family courts	[] NA [X] NAP
Rent and tenancies courts	[] NA [X] NAP
Enforcement of criminal sanctions courts	17 [] NA [] NAP
Fight against terrorism, organised crime and corruption	[] NA [X] NAP
Internet related disputes	[] NA [X] NAP
Administrative courts	27 [] NA [] NAP
Insurance and / or social welfare courts	[] NA [X] NAP

Military courts	10 [] NA [] NAP
Other specialised 1st instance courts	38 [] NA [] NAP

Comments - If “other specialised 1st instance courts”, please specify: specialized inter-district juvenile courts - 20; specialized inter-district criminal courts - 17.

044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

() Yes

(X) No

Comments - Please specify:

045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
a debt collection for small claims	273 [] NA [] NAP
an employment dismissal	256 [] NA [] NAP
a robbery	293 [] NA [] NAP
an insolvency case	17 [] NA [] NAP

Comments

045-1. Is your definition for small claims the same as the one in the Explanatory note?

(X) Yes

() No

Comments - If not, please give your definition for small claims:

045-2. Please indicate the value in € of a small claim:

[1 094]

Comments In accordance with Chapter 13 of the specified Code, courts in a simplified (written) procedure without calling the parties, on the basis of the submitted documents establishing the defendant’s monetary obligations, consider claims where the claim price should not exceed 700 – MCI (monthly calculation indicator) for legal entities, for private entrepreneurs and citizens - 200 MCI. MCI in 2018 – 2405 tg. or 5,4 €. So, the value of a small claim should be less than 1094 €.

C. Please indicate the sources for answering questions 42, 43 and 45:

Sources: Civil procedural law of the Republic of Kazakhstan, dated October 31, 2015, Supreme Court website <http://sud.gov.kz/rus>

3.2. Court staff

3.2.1. Judges and non-judge staff

046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	2 434 [] NA [] NAP	1 223 [] NA [] NAP	1 211 [] NA [] NAP
1. Number of first instance professional judges	1 940 [] NA [] NAP	956 [] NA [] NAP	984 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	435 [] NA [] NAP	234 [] NA [] NAP	201 [] NA [] NAP
3. Number of Supreme Court professional judges	59 [] NA [] NAP	33 [] NA [] NAP	26 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: The number of judges according to the personnel chart is: 1 instance - 2161; 2 instance - 458; Supreme Court - 65.

047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	402 [] NA [] NAP	353 [] NA [] NAP	49 [] NA [] NAP
1. Number of first instance court presidents	345 [] NA [] NAP	300 [] NA [] NAP	45 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	53 [] NA [] NAP	50 [] NA [] NAP	3 [] NA [] NAP
3. Number of Supreme Court presidents	4 [] NA [] NAP	3 [] NA [] NAP	1 [] NA [] NAP

Comments

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

	Figure
Gross figure	[] NA [X] NAP

In full-time equivalent	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
--------------------------------	--

Comments - If necessary, please provide comments to explain the answer provided:

048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

- () Yes If yes, please give specifications on the types of cases and an estimate in percentage.
- () No
- NAP

Comments

049. Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting in a jury):

	Figure
Gross figure	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In full time equivalent	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:

	Yes	No	Echevinage
criminal cases (severe)	()	()	()
criminal cases (misdemeanour and/or minor)	()	()	()
family law cases	()	()	()
labour law cases	()	()	()
social law cases	()	()	()
commercial law cases	()	()	()
insolvency cases	()	()	()
other civil cases	()	()	()

NAP

Comments - If “other”, please specify:

050. Does your judicial system include trial by jury with the participation of citizens?

Yes

No

Comments

050-1. If yes, for which type of case(s)?

Criminal cases

Other than criminal cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

440]

NA

NAP

Comments

052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	8 141 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 066 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 075 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	2 295 <input type="checkbox"/> NA <input type="checkbox"/> NAP	804 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 491 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	3 536 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 238 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 298 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Technical staff	2 310 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 024 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 286 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other non-judge staff	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other non-judge staff", please specify:

052-1. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	5 831 [] NA [] NAP	2 042 [] NA [] NAP	3 789 [] NA [] NAP
1. Total non-judge staff working in courts at first instance level	4 616 [] NA [] NAP	1 628 [] NA [] NAP	2 988 [] NA [] NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	1 010 [] NA [] NAP	354 [] NA [] NAP	656 [] NA [] NAP
3. Total non-judge staff working in courts at Supreme Court level	205 [] NA [] NAP	60 [] NA [] NAP	145 [] NA [] NAP

Comments The answer to question 52-1 does not include technical staff (electrician, locksmith, office inspector, etc.), gender and instance accounting is not maintained for these staff.

053. If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases
- NAP

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services under their responsibilities to external providers?

- Yes
- No

Comments

054-1. If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security

Archives

Cleaning

Other types of services (please specify): Repair and construction of court buildings, Repair and construction of court buildings, maintenance of vehicles

Comments Repair and construction of buildings and premises of courts, maintenance and servicing of courthouses and motor vehicles.

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Annually compiled reporting information on the court staff.

3.3. Public prosecution

3.3.1. Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of prosecutors at first instance level	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of prosecutors at second instance (court of appeal) level	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of prosecutors at Supreme Court level	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment for interpreting the data above: According to the Decree of the President of the Republic of Kazakhstan of January 22, 1999 No. 29, the number of prosecutors is 5716. In the reporting period, the number of prosecutors varied slightly due to dismissals and appointments of employees. The General Prosecutor's office does not keep records of prosecutors in the context of the first, second instances and the level of the Supreme Court, including by gender. Therefore, it is not possible to provide data on this issue.

Males - 78 %

Females - 22%

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

1. Number of heads of prosecution offices at first instance level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Number of heads of prosecution offices at Supreme Court level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Please provide any useful comment for interpreting the data above: The General Prosecutor's office does not keep records of prosecutors who head territorial divisions in the context of the first, second instances and the level of the Supreme Court, including by gender. Therefore, it is not possible to provide data on this issue.

057. Do other persons have similar duties to those of public prosecutors?

- () Yes
- (X) No

Comments - If yes, please specify their title and functions:

057-1. Please specify their number (in full-time equivalent):

[]
[] NA

059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

- () Yes
- () No
- [] NAP

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence ?

- (X) Yes
- () No

Comments

060. Number of staff (non-public prosecutors) attached to the public prosecution services (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	[X] NA	[X] NA	[X] NA

Comments The General Prosecutor's office does not keep such records. Therefore, it is not possible to provide data on this issue.

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Regulation on the General Prosecutor's Office, approved by Decree of the President of the Republic of Kazakhstan dated October 13, 2017 No. 563

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

	Yes, please specify	No
judges	(X)	()
prosecutors	(X)	()
non-judge staff	(X)	()
lawyers	(X)	()
notaries	(X)	()
enforcement agents	(X)	()

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: In accordance with the Constitution of the Republic of Kazakhstan, no one can be subjected to any discrimination on the grounds of gender. Kazakhstan has ratified a number of conventions on gender equality, in particular:

1. Convention on the Elimination of All Forms of Discrimination against Women;
2. Convention on the Political Rights of Women;
3. Convention concerning Equal Treatment and Equal Opportunities for Workers Men and Women: Workers with Family Responsibilities (Convention 156).

In accordance with the Concept of Family and Gender Policy in the Republic of Kazakhstan until 2030, dated 6 of December 2016, the modern state policy of Kazakhstan, aimed at achieving equality between women and men in society, is aimed at overcoming all forms and manifestations of gender discrimination, creating political prerequisites and the necessary social conditions for the most full realization of the abilities of women and men in all spheres of labor, social and personal life. To achieve the goal of state gender policy, 30% of women's representation in executive, representative and judicial authorities, state, quasi-state and corporate sectors at the decision-making level will be provided.

In 2018, licenses obtained for Advocacy: men - 336; women - 163; licenses obtained for Notarial Activities: men - 77; Women - 155.

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

Yes, please specify	No

judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: In accordance with the Concept of Family and Gender Policy in the Republic of Kazakhstan until 2030, dated 6 of December 2016, the modern state policy of Kazakhstan, aimed at achieving equality between women and men in society, is aimed at overcoming all forms and manifestations of gender discrimination, creating political prerequisites and the necessary social conditions for the most full realization of the abilities of women and men in all spheres of labor, social and personal life. To achieve the goal of state gender policy, 30% of women's representation in executive, representative and judicial authorities, state, quasi-state and corporate sectors at the decision-making level will be provided.

Judges.

Gender equality is respected in the judicial system of Kazakhstan. As of December 31, 2019, the number of judges in the Republic is 50.3% women and 49.7% men. There is no need for legal or other regulation or promotion of gender equality.

Prosecutors .

In Kazakhstan, the mentioned concept exists. Other specific provisions in the institutional regulations on promotion of gender equality in the framework of the procedures for promotion are not provided.

Non-Judges staff There is no specific provision regulating gender policy in the judicial system. At the same time, all state bodies are guided by the unified Concept of family and gender policy in the Republic of Kazakhstan until 2030, approved by presidential decree No. 384 of December 6, 2016.

Lawyers, Notaries

In the field of lawyer and notarial activities, no restrictions are set on the basis of gender. All lawyers, notaries and legal consultants have equal rights and responsibilities.

3.4.2 At national level

061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:

	Yes	No
judges	(X)	()
prosecutors	()	(X)
non-judge staff	(X)	()
lawyers	()	(X)
notaries	()	(X)

enforcement agents	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? http://vss.gov.kz/sites/default/files/doklad_eng_web.pdf

In some cases, upon request of the National Commission for Women of the Republic of Kazakhstan and the Administration of the President of the Republic of Kazakhstan, general information is provided on the gender composition of judges and employees of the judicial system.

061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?

Yes

No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? "The Concept of Family and Gender Policy in the Republic of Kazakhstan until 2030" dated 12.06.16, as well as the Action Plan for the implementation of this concept of 03.03.2017, which also applies to the judicial system.

<http://adilet.zan.kz/rus/docs/U1600000384>

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

	Yes, please specify	No
the recruitment of judges	<input checked="" type="checkbox"/>	<input type="checkbox"/>
the promotion of judges	<input checked="" type="checkbox"/>	<input type="checkbox"/>
the recruitment of prosecutors	<input checked="" type="checkbox"/>	<input type="checkbox"/>
the promotion of prosecutors	<input checked="" type="checkbox"/>	<input type="checkbox"/>
the recruitment of non-judge staff	<input checked="" type="checkbox"/>	<input type="checkbox"/>
the promotion of non-judge staff	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments There is no specific person regulating gender policy in the judicial system (for judges and non-judges staff), In General prosecutors` office. There is no separate institution dealing with gender issues in the notary and bar system.

At the same time, there is a national Commission on women's Affairs and family and demographic policy, established as an Advisory body to the Head of state to develop the most effective measures to improve the status of women, children and families, as well as to protect the interests of the family, to ensure the necessary conditions for women's participation in the political, social, economic and cultural life of the country.

In 2018, the State Secretary of the Republic of Kazakhstan mrs. G. Abdykalikova was the Chairman of the National Commission on women's Affairs and family and demographic policy.

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text) Decree of the President of Kazakhstan dated February 1, 2006 N 56 "On the National Commission for Women and Family Demographic Policy under the President of the Republic of Kazakhstan"

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) Head of the specified commission Secretary of State

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. block a decision or allow an appeal) The decision of the National Commission has no legal force.

At the same time, the Commission within its competence has the right to:

- 1) hear at their meetings the heads of state bodies directly subordinate and accountable to the Head of state, Central and local Executive bodies;
- 2) request and receive the necessary documents, materials and information from state bodies, organizations and officials;
- 3) require the heads of the relevant state bodies to conduct inspections and official investigations on violations of laws related to gender equality, family and demography;
- 4) make proposals on draft acts of the President of the Republic of Kazakhstan submitted to the Head of state for consideration, draft acts of the Government of the Republic of Kazakhstan that affect issues of gender equality, family and demography;
- 5) involve employees of state bodies, as well as authoritative and professionally trained members of the public as freelance experts to participate in the preparation of the Commission's meetings, development of programs, and conducting inspections in the consideration of issues that fall under the Commission's jurisdiction;
- 6) coordinate the activities of commissions under the head of regions, cities of Nur-Sultan, Almaty and Shymkent, and hear reports on their activities;
- 7) promote the nomination of women for leadership positions.

3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

	Yes	No
in courts (judges)	()	(X)
in public prosecution services (prosecutors)	()	(X)
for courts' non-judge staff	()	(X)

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments.

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment in different positions	()	(X)
Workload distribution	()	(X)
Working hours	()	(X)
Modalities of teleworking and presence in the work space	()	(X)
Replacement of absent persons	()	(X)
Organisation of the hearings	()	(X)
Other	()	(X)

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) : In accordance with the Constitution of the Republic of Kazakhstan, no one can be subjected to any discrimination on the grounds of gender. Kazakhstan has ratified a number of conventions on gender equality, in particular:

1. Convention on the Elimination of All Forms of Discrimination against Women;
2. Convention on the Political Rights of Women;
3. Convention concerning Equal Treatment and Equal Opportunities for Workers Men and Women: Workers with Family Responsibilities (Convention 156).

are planned (please specify) : In accordance with the Concept of Family and Gender Policy in the Republic of Kazakhstan until 2030, dated 6 of December 2016, the modern state policy of Kazakhstan, aimed at achieving equality between women and men in society, is aimed at overcoming all forms and manifestations of gender discrimination, creating political prerequisites and the necessary social conditions for the most full realization of the abilities of women and men in all spheres of labor, social and personal life. To achieve the goal of state gender policy, 30% of women's representation in executive, representative and judicial authorities, state, quasi-state and corporate sectors at the decision-making level will be provided.

Comments - If the situation changed since reference year, please specify in the comments. no comments

NAP

061-10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:

recruitment procedures (please specify):

promotion procedures and access to the functions of responsibility (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:

	Yes, please specify	No
judges and court staff are more chosen among males or females according to the type of cases	()	(X)
the composition of hearings with several judges is always mixed	()	(X)
statistics exist concerning males and females who initiate a case/victims, accused persons, etc.	(X) statistics exist concerning males and females who a victims, accused persons.	()

Comments - if you have additional comments please specify. If the situation changed since reference year, please specify in the comments.

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	<input type="checkbox"/> defined and coordinated at national level by one institution <input checked="" type="checkbox"/> defined and coordinated at national level by several institutions <input type="checkbox"/> defined and coordinated at unit/stakeholder level <input type="checkbox"/> other
IT Governance	<input type="checkbox"/> governed on national level by one institution <input checked="" type="checkbox"/> governed on national level by several institutions <input type="checkbox"/> organised at unit/stakeholder level <input type="checkbox"/> other

Comments

065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented):

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Non
Other alternatives (external service provider only – specify in a comment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non

Comments - please also describe in case of “other alternatives” The Department for provisions of courts` activities under the Supreme Court of the Republic of Kazakhstan (the apparatus of the Supreme Court of the Republic of Kazakhstan) has a structural division of Information technologies and protection of information resources (hereinafter - the IT Division). Employees of the IT Division send requests to structural divisions of the Department in order to collect the needs of other departments and judges in the new functionality of the system and on the basis of this, important priority tasks are implemented. Also, employees of other departments and judges can send suggestions to the IT Division on their own initiative, which are considered when implementing new functionality and technical capabilities of the system. Implementation (setting the task, writing codes, and demonstration Protocol) is carried out by the IT Division with the participation of professionals together with an external supplier.

Applications are managed by the IT Division in conjunction with an external service provider.

065-3. Is there a device of detection and promotion of innovations regarding IT coming from personal and/or local/court level initiatives?

Yes

No

Comments (please specify projects that have experienced national developments) In accordance with the Law “On Informatization”, the Government of the Republic of Kazakhstan develops the main directions of state policy in the field of informatization and organizes their implementation. And the authorized body in the field of informatization (Ministry of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan) ensures the implementation of the state policy in the field of informatization, also, among other things, coordinates the terms of reference for the creation and development of the object of informatization of the “electronic government” and creates conditions for the development of the industry -communication technologies.

For example, in 2017, the authorized body in the field of informatization developed a draft state program "Digital Kazakhstan" in key areas of the country's development and sent a request to government bodies in order to collect project proposals for inclusion in the State program.

The apparatus of the Supreme Court submitted proposals for the inclusion in the State program of 2 projects in the direction of "Transition to the Digital State":

- 1) "The transition to electronic civil cases and the creation of an electronic courtroom" with a deadline of implementation in 2020.
- 2) "The transition to electronic criminal and administrative cases and the creation of an electronic courtroom" with a deadline of implementation in 2021.

Projects implemented at the national level, as a rule, are prepared and approved by the authorized body, taking into account the proposals of interested state bodies.

By the Decree of the Government of the Republic of Kazakhstan No. 827 dated 12.12.2017, the State program "Digital Kazakhstan" was approved.

The apparatus of the Supreme Court has a Division of information technology and the protection of information resources (hereinafter - the Division).

Employees of the Division send requests to structural units of the Supreme Court apparatus in order to collect new ideas for improving the functionality of the IT system.

Also, judges of local courts and court staff on their own initiative send ideas and suggestions to the Department, which are considered when implementing new functionality and technical capabilities of the system.

Automation of the courts is carried out in accordance with the Civil Procedure Code of the Republic of Kazakhstan, the Code of Criminal Procedure of the Republic of Kazakhstan and the Code of the Republic of Kazakhstan on Administrative Offenses, as well as the Laws “On Informatization” and “On Electronic Document and Electronic Digital Signature”, Unified Requirements in the Field of Information - communication technologies and information security and the Rules for the integration of objects of informatization of "electronic government".

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

Yes

No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

Business processes

Workload

Human resources

Costs

Other, please specify

Comments (please specify examples of the impact) Business processes:

* Submission of claims and other applications manually in the courts' offices as of 2012 took 24 hours, after the introduction of online filing, this time was reduced to 30 minutes. * Payment of the state fee through the Bank earlier in 2012 was 5 hours, following the introduction of online payment was reduced to 5 minutes. * Delivery of judicial acts in 2012 took 5 days, as a result of the introduction of sending judicial acts online through the Judicial cabinet, this time was reduced to 1 day. * Sending a request for a record in 2012 was 3 days, after the introduction of online viewing takes 30 minutes.

* Escorting the defendants previously took from 1 to 5 working days, now the preparation time for holding court sessions via the Video Conferencing is 30 minutes. * Participation of the parties in the court session now takes from 1 to 5 working days, participation through the Video Conferencing takes 1 hour of time. Load:

* Keeping the records of the court session took 3 working days, now it takes 1 day.

* Correction of the Court records if there are some comments of the parties previously took 8 hours, now there is no need to adjust.

Human resources:

• Previously, the registration of cases and materials, as well as the distribution of statements of claim, took 1 hour with the participation of 2 employees of the office, after the implementation of the module "Office Work" this time was reduced to 15 minutes and requires one employee.

• Previously, sending written requests for cases and receiving answers by the court clerk took 15 working days, with the introduction of integration with the "System for the Information Exchange of Law Enforcement and Special Bodies", this is done by a judge and takes 30 minutes to do this.

Price:

• In the courts of Kazakhstan, civil order and simplified proceedings are conducted in electronic form. There are significant benefits to electronic cases. This is a saving of budget funds (printing of documents on paper, a folder, a cartridge).

For example, the average cost of money to consider 1 civil case in the amount of 45 sheets is - 1,052 tenge, for simplified and orderly proceedings of 20 sheets - 474 tenge. With the introduction of the electronic format, these costs are eliminated.

• With the introduction of electronic subpoenas and notices emanating from local courts, the costs of notifying parties have been significantly reduced. Previously, the cost of sending a subpoena by registered mail was 450 tenge. The introduction of the electronic format allowed reducing the average cost to 300 tenge.

Other:

• The introduction of the Torelik information system made it possible to process a large amount of centralized data. Previously, the collection and analysis of statistical reports was carried out in a decentralized, semi-automatic way and required the presence of analysts in each region and took a long time from 3 to 10 days. Today, the construction of analytical and statistical reports is carried out fully automated online.

• The Situational center, introduced in the Supreme Court and built on the BI system, allowed us to analyze a large amount of data, monitor key performance factors, track decision-making results, replacing 10 or more specialists. The situation center allows you to monitor the activities of the judicial system by 750 indicators. The main areas are: procedural timelines for the consideration of cases, applications and appeals of citizens, automated distribution of cases, the burden on judges, payment of state fees, etc.

Positive for the judicial system and the officials involved in it, including court clerks, we can note a decrease in the load of clerks in connection with the use of audio-video recording means for recording court proceedings in terms of compiling full court records, which at one time took a lot the amount of time, negatively affecting the organization and performance of work, again thanks to the fixation of the process using technical means, the probability of the influence of the human factor is excluded, i.e. reflection of incomplete process data. In general, the introduction of IT has improved the administration of justice. New provisions have already been introduced into the codes.

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

(X) Yes

() No

Comments (please specify in particular if national frameworks of information security exist): "On approval of common requirements in the field of information and communication technologies and information security"

Decree of the Government of the Republic of Kazakhstan dated December 20, 2016 No. 832.

065-6. Is the protection of personal data managed by courts ensured at legislative level?

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.)

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

Yes

Non

Comments

062-4-1. If yes, please specify the following information:

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - if it exists in other matters please specify Judicial acts in cases closed for the public are not published.

According to the legislation of Kazakhstan, one of the principles of legal proceedings is the publicity of the trial. However, as in other countries, there are cases that are considered in the restricted access mode.

Not allowed the publication on the Internet resources of the courts in public mode of judicial acts and court records on certain categories of cases, for example: in cases of crimes against sexual integrity and sexual freedom of the individual, in case of satisfaction by court the petition of the participant on the need for secrets, preserve personal, commercial or other secrets protected by law, in case of adoption of a child, in cases involving liability of minors or the protection of rights and legitimate interests of minors (including alimony, divorce, deprivation or restriction of parental rights), in cases of crimes for which criminal liability is provided in the form of the death penalty or life imprisonment etc.

062-6. Is there a computerised national record centralising all criminal convictions?

Yes

No

Comments

062-6-1. If yes, please specify the following information:

Linkage with other European records of the same nature

Content directly available through computerised means for judges and/or prosecutors

Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access The Supreme Court of Kazakhstan

3.5.4 Writing assistance tools

062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

Yes

No

Comment – if it exists in other matters please specify For judges.

The general requirements for the judicial acts are specified in the relevant regulations of the Supreme Court. In civil cases, such a regulation contains a template for the final judicial act-decision, with a description of the parts of the decision on the introductory descriptive, motivational and resolute parts.

In criminal cases, the resolution contains templates of acquittals and convictions.

In administrative cases, it specifies the types of decisions on administrative cases, which are divided depending on the person being brought to administrative responsibility (an individual or a legal entity).

For court users.

Also on the official Internet resource of the Supreme Court there is a section "Working with the population", which has a subsection "Samples of claims and other appeals to the court" in electronic form, in accordance with these samples, citizens can form their applications and appeals to the courts.

062-7-1. If yes, please specify the following information:

	Availability rate
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA

Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
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062-8. Are there voice recording tools?

Yes

No

Comments

062-8-1. If yes, please specify:

	Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature
Civil and/or commercial	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

100% - accessible to everyone in judiciary

50-99% - accessible for most judges/prosecutors in all instances

10-49% - in some courts only

1-9% - in one court only

0% (NAP) - No access

Comments There is an internal portal of the Supreme Court. This platform works through an internal corporate network. The goal is to create a platform for informing about the corporate life of the judicial system and improving internal communications.

The following blocks work on the portal:

1. News. This section publishes news focused on the internal audience. These are the results of workshops, educational materials on judicial topics, announcements, announcements and more.
2. Surveys on current issues of the courts. The main task is obtaining feedback, understanding the needs, motivation of judges and court staff.
3. Schedule of events - upcoming important events and meetings of the judicial system.
4. Section "video"- links to video materials on the most important events of the Supreme Court.
5. Section "Materials for self-development".
6. The contact numbers for all members of the judiciary (judges and staff).

A wide range of services is also available for the convenience of the court staff: Torelik (internal document management), E-personnel, AudioVideoFix, Adilet (legal database), E-government.

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

Yes

No

Comments - if it exists in other matters please specify

063-1-1. If yes, please specify the following information:

	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input checked="" type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input checked="" type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input checked="" type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
Land registry	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Business registry	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comment – if it exists in other matters please specify IS SDB “Legal Entities” is intended for automation in the registering bodies of the Ministry of Justice of the Republic of Kazakhstan of state (accounting) registration (re-registration) procedures, registration of amendments and additions to constituent documents, registration of termination of a legal entity, deregistration of a branch and representative office (online liquidation).

063-6. Budgetary and financial management systems of courts

Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)

Budgetary and financial management of courts	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Justice expenses management	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other (please specify in comments)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

	Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS
For judges	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For prosecutors	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For non-judge/non-prosecutor staff	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

3.5.6 Technologies used for communication between courts, professionals and/or court

users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

Yes

No

Comments "Judicial cabinet" is the single service that provides access to the services of the country's judicial authorities. All users can use this service.

With the help of the "Legal Proceedings" section, users can send statements of claim, documents on the case, and applications for review of judicial acts to the judicial authorities.

The services in this section are divided into civil, criminal, and administrative proceedings and are considered in instances.

To submit electronic documents, you must fill out the appropriate application form and attach scanned copies of the attached documents, and then send them to the selected judicial authority with an electronic digital signature. The judicial office gives you the opportunity of online payment of state fees.

In criminal cases, cases and materials are sent in electronic format as part of the integration of information systems of state bodies: "Unified electronic workflow system", "Unified register of pre-trial investigations" (E-criminal case).

On administrative cases in "Judicial cabinet" implemented an automated workstation for the administrative police, by which police officers can apply in the administrative case online in electronic form, also through the integration of automated information analytical system of judicial bodies "Torelik" and the Committee on legal statistics and special records of the Prosecutor General of the Republic of Kazakhstan.

064-2-1. If yes, please specify the following information:

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connected tool with the CMS
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - if it exist in other matters please specify

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments In accordance with the legislation of the Republic of Kazakhstan, legal aid is provided within its competence by: state bodies; lawyers, notaries, private bailiffs, legal consultants, individuals who provide legal aid and are not members of non-profit organizations of persons who provide legal aid based on mandatory membership in the chambers of legal consultants. Citizens have the opportunity to apply for legal advice and legal aid, with an appeal within the competence of the official websites of state bodies, as well as through the system "E-Government" www.egov.kz.

In addition, according to the Law "On advocacy and legal assistance" adopted in July 2018, it is planned to develop an information system "Unified information system "E-Zan komegi", which is designed to automate advocacy. This system will provide functionality for providing citizens with online consultations.

064-3-1. If yes, please specify the following information:

	Requesting legal aid electronically
Availability rate	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA
Formalisation of the request in paper form remains mandatory	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Specific legislative framework regarding requests for legal aid by electronic means	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Granting legal aid is also electronic	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Information available in CMS	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

Yes

No

Comments

064-4-1. If yes, please specify the following information:

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	[X]	[]	[X]	[X] SMS [X] E-mail [X] Specific computer application [X] Other	[X]
Criminal	[X]	[]	[]	[X] SMS [X] E-mail [X] Specific computer application [X] Other	[X]
Administrative	[X]	[]	[]	[X] SMS [X] E-mail [X] Specific computer application [X] Other	[X]

Comments Other :

Push notifications in MOBILE Judicial Cabinet

UNIFIED DOCUMENTATION SYSTEM - ECEDO

GEP -Hybrid Email

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Communication between court and lawyers representing parties

(X) Yes

() No

Communication between court and parties not represented by lawyer

(X) Yes

() No

Comments

064-6-1. If yes, please specify the following information:

Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework

Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Comments Service "Judicial Cabinet" "Judicial cabinet" is the single service that provides access to the services of the country's judicial authorities. All users can use this service.

With the help of the "Legal Proceedings" section, users can send statements of claim, documents on the case, and applications for review of judicial acts to the judicial authorities.

The services in this section are divided into civil, criminal, and administrative proceedings and are considered in instances.

To submit electronic documents, you must fill out the appropriate application form and attach scanned copies of the attached documents, and then send them to the selected judicial authority with an electronic digital signature. The judicial office gives you the opportunity of online payment of state fees.

Sent applications go to the automated information and analytical system of the judicial authorities "Torelik" in the online mode to the appropriate court.

Further, the hearing is scheduled by the judge in "Torelik "and notifications are sent to the parties in the process to the" Judicial Cabinet", by SMS message to the phone number, or by registered mail.

After the judge makes a decision on the case, the court acts are sent to the personal account of the parties in the "Court office" and published on the services "Bank of court acts" and "Searching for court cases"

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned

documents, mainly to develop dematerialised communication)

	Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
Enforcement agents (as defined in Q169 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Notaries (as defined in Q192 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Experts (as defined in Q202 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Judicial police services	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments According to the information system of notaries

For effective work of notaries, since 2010, the unified notary information system "E-Notariat" has been put into operation, in which notaries register all notarial actions. This system is integrated with other state information systems and databases, which allows notaries to request and verify information about individuals, legal entities and real estate, inheritance cases, and check the status of power of attorney issued by other notaries.

In addition, the system allows you to register the rights to this property from the notary's office after concluding a real estate transaction. After the conclusion of the contract between the parties for real estate, the notary, using the "E-Notariat" system, sends a request for registration of real estate rights to the state body.

On the information system of bailiffs

Ministry of justice developed and put into exploitation an automated information system of Enforcement bodies in 2015 (hereinafter - AIS OIP). This system made it possible to solve the main task of prompt execution of enforcement documents, reduce the burden on bailiffs, reduce unnecessary document flow and automate the process of enforcement proceedings as much as possible.

Thus, currently, the bailiff performs all enforcement actions (except for the inventory and sealing of property, seizure of movable and immovable property) through his personal virtual account in the AIS OIP by filling in the appropriate fields in the interface window. This was made possible as a result of its systematic modernization and integration with the information systems of other government agencies, such as: - SIO PSO (information exchange system for law enforcement and special agencies) of the General Prosecutor's office;

- "Torelik" of the Supreme Court;

- EIS (unified information system) "Berkut" of the National Security Committee;

- AIPS (automated information retrieval system) "Control" of the Ministry of internal Affairs;

- AIS (automated information system) "Electronic public procurement" of the Ministry of Finance;

- portal of the "electronic" government of the Ministry of digital development, defense and aerospace industry. This information exchange

allowed the bailiff to get the necessary information about the debtor and its property status in real time, send orders for court approval, receive Executive orders from state authorities, and impose restrictions in accordance with the Law "On enforcement proceedings and the status of bailiffs".

In addition to the information systems of government agencies, the AIS OIP is integrated with similar systems of second-level banks.

064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)

Yes

No

Comments – Please describe the system that exists.

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

Comments Holding a court session using the video conferencing system is carried out on the court's own initiative or at the request of a person participating in the case or another participant in the judicial process and if there is a technical possibility of carrying out video conferencing in this court and in the court specified in the petition as organizing video conferencing or in a pre-trial detention center or correction institution.

In order to comply with the procedure for proper notification of persons provided for by the procedural legislation on participation in a court session using video conferencing systems, the specific date and time of the court session must be previously agreed between the courts through the available means of communication.

Preliminary approval of the date and time of the court session using video conferencing systems is carried out by the secretary of the court session. The secretary of the court session finds out whether there is a technical possibility of video conferencing in the remand prison/correctional facility or the court, with the assistance of which the applicant can participate in the court session. If necessary, find out the availability of technical means that allow you to get acquainted with written evidence and other procedural documents in the case, in the court, with the assistance of which it is planned to hold a court session using video conferencing systems.

Also, since 2018, the possibility of participating in a court session via the mobile video conferencing application "TrueConf" for remote participation in court sessions held by courts has been implemented.

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes

No

Comments Currently installed audio-video recording systems (hereinafter - AVF) have a centralized data storage system, integrated with the information system of the judicial authorities "Torelik" and with the online service "Judicial Cabinet".

Thus in 2018, 968 thousands of court sessions were held using the AVF system.

Within the framework of the AVF system, it is possible to organize video conferencing on a POINT-to-POINT basis between the courts of the republic, which ensures remote participation of the parties to the case at the court session.

Over the 12 months of 2018, local courts reviewed 4,919 court sessions using POINT-to-POINT video conferencing.

After the end of a court session audio-video recording of the hearing can be seen, subscribes the electronic digital signature of the presiding judge and the court clerk and stored on the server of audio-video recording in the regional court after the replication of data. The record of the hearing by means of audio-video recording upon completion of the hearing is transmitted in an automated manner in a Single automated information analytical system of judicial bodies in text format with a link to audio, video fixing. The term of storage of audio-video recording attached to the case file as evidence (for example, audio-video recording of a crime scene inspection, etc.) is determined by a judicial act in accordance with the requirements of the legislation on the fate of physical evidence.

064-11-1. If yes, please specify the following information:

	Tool deployment rate	Type of recording	Specific legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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064-12. Is electronic evidence admissible?

	Admissibility of electronic evidence	Legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Criminal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Administrative	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only

Comments

3.6. Performance and evaluation

3.6.1. National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

	Yes / No
within the courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
within the public prosecution services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

3.6.2. Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

() Yes

(X) No

Comments

078. If yes, please select the main performance and quality indicators that have been defined for courts:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

() Yes

(X) No

Comments

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures

- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

- Yes
- No

Comments

073-0. If yes, please specify the frequency:

- Annual
- Less frequent
- More frequent

Comments - If "less frequent" or "more frequent", please specify:

073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?

- Yes
- No

Comments No system to evaluate regularly court performance

073-2. If yes, which courses of action are taken?

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment))
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

- Yes
- No

Comments

073-4. If yes, please specify the frequency:

- Annual
- Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

Yes

No

Comments The annual assessment of the activities of law enforcement officers is provided for by the law "On law enforcement service". The results of the annual assessment of employees' performance are the basis for making decisions on bonuses, incentives, training, career growth, rotation, and the establishment of differentiated remuneration. Differentiation of remuneration is made in accordance with the categories for each position.

The evaluation procedure was approved by the Decree of the President of the Republic of Kazakhstan of March 16, 2016, No. 211.

073-6. If yes, which courses of action are taken?

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

High Judicial Council

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):

Comments Evaluating the performance of the courts on an ongoing basis is not carried out. Monitoring the status of activities local and other courts, conducted from 2009 to 2018, was canceled by order of the Chairman of the Supreme Court of the Republic of Kazakhstan 6001-18-7-4/60 in march 2018.

Meanwhile, the Supreme Court is currently developing, with an expert from the Council of Europe, a Justice quality management system that will include indicators of court performance.

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :

Public prosecutorial Council

Ministry of Justice

Head of the organisational unit or hierarchical superior public prosecutor

Prosecutor General /State public prosecutor

External audit body

Other (please specify):

Comments

3.6.3. Measuring courts' / public prosecution services activity



070. Do you regularly monitor court activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

civil law cases

criminal law cases

administrative law cases

Comments

072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
within the courts	(X)	()
within the public prosecution services	()	(X)

Comments Situational Center of the Supreme Court of the Republic of Kazakhstan allows you to track the timeliness of the start of the scheduled court session.

3.6.4. Information regarding courts /public prosecution services activity

080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

Yes (please indicate the name and the address of this institution):COMMITTEE ON THE LEGAL STATISTICS AND SPECIAL ACCOUNTS OF THE STATE OFFICE OF PUBLIC PROSECUTOR OF REPUBLIC OF KAZAKHSTAN, 34 Moscovskaya str. Nur-Sultan

No

Comments

080-1. Does this institution publish statistics on the functioning of each court:

Yes, on internet

No, only internally (in an intranet website)

No

Comments

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Yes (please indicate the name and the address of this institution):COMMITTEE ON THE LEGAL STATISTICS AND SPECIAL ACCOUNTS OF THE STATE OFFICE OF PUBLIC PROSECUTOR OF REPUBLIC OF KAZAKHSTAN, 34 Moscovskaya str. Nur-Sultan

No

Comments

080-3. Does this institution publish statistics on the functioning of each public prosecution service?

Yes, on internet

No, only internally (in an intranet website)

() No

Comments

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

() Yes

(X) No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): No, the courts are not required to prepare reports. Reports (statistical data) are generated automatically in judicial information system "Torelik", while court employees can form reports of the work done by the courts during the analysis for the annual or semi-annual meetings.

In the judicial information system "Torelik", all accounts are generated automatically, due to the data entered by specialists at the time of registration of the case, for example Form No. 2 "Report on the consideration of civil cases by courts of first instance" and others (13 in total).

In addition, according to the Comprehensive Plan of Measures to Improve the World Bank's Doing Business Rating Indicators for the Openness and Transparency of Court Activities, departmental civil cases reports are published on the website of the Supreme Court on a quarterly basis to track the effectiveness of work and monitor the progress of cases in court and ensure compliance with deadlines.

The Committee on Legal Statistics and Special Accounts of the General Prosecutor's Office of the Republic of Kazakhstan forms state legal statistics. In addition, similar reports are generated in the information system of the judiciary according to the filled in details of information accounting documents:

- 1) Form No. 2 "Report on the consideration of civil cases by the courts of first instance";
- 2) Form No. 1 "Report on the work of the courts of first instance for the examination of criminal cases";
- 3) Form No. 2-Zh "Report on the consideration by courts of complaints in cases of private prosecution";
- 4) Form No. 1-AP "Report on the work of the courts of first instance for the consideration of administrative cases";
- 5) Form No. 7 "Report on the review of civil cases in the appellate court";
- 6) Form No. 6 "Report on the work of the courts of appeal for criminal cases";
- 7) Form No. 6a "Report on the work of the courts of appeal on the consideration of criminal cases of persons sentenced to death and life imprisonment";
- 8) Section No. 2-AP "Report on the work of regional and equivalent courts to consider administrative cases";
- 9) Form No. 7K "Report on the review of civil cases in the cassation instance";
- 10) Form No. 8K "Report on the review of judicial acts in cassation procedure";
- 11) Form No. 6K "Report on the work of the cassation instance for the consideration of criminal cases";
- 12) Form No. 6Ka "Report on the work of the cassation instance to consider criminal cases in relation to persons sentenced to death and life imprisonment";
- 13) Section No. 3-AP (court) "Report on the work of the Supreme Court of the Republic of Kazakhstan on the consideration of administrative cases".

Reports are generated daily with increasing, while monthly are recorded. Designed for use by the courts of the Republic.

081-1. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-2. If yes, please, indicate the periodicity at which the report is released:

() Annual

() Less frequent

More frequent

Comments

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): In 2018, a uniform report form was introduced on the oversight activities of the prosecutor. The unified report contains information on the work of the prosecutor in the supervision of legality in the socio-economic sphere, in the supervision of the legality of the pre-trial stage of the criminal process, in the supervision of legality in criminal cases and the enforcement of sentences, in the supervision of the application of international treaties and the fulfillment of obligations, and requests from individuals and legal entities authorized by the prosecutor for the supervision of legality in the field of legal statistics and special accounting.

081-4. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-5. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

3.6.5 Courts administration

082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

Yes

No

Comments - If yes, please specify: The judicial system holds semi-annual and annual reporting meetings where problematic issues are discussed. Representatives of the prosecutor's office and the bar association are invited to these meetings. At the same time we organize joint round tables and conferences to discuss problems in resolving different categories of cases.

082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

() No

Comments - If yes, please specify: The judicial system holds semi-annual and annual reporting meetings where problematic issues are discussed. Representatives of the prosecutor's office and the bar association are invited to these meetings. At the same time we organize joint round tables and conferences to discuss problems in resolving different categories of cases.

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

() Yes

(X) No

Comments

083-1. Who is responsible for setting the individual targets for each judge?

[] Executive power (for example the Ministry of Justice)

[] Legislative power

[] Judicial power (for example the High Judicial Council, Supreme Court)

[] President of the court

[] Other (please specify):

Comments No quantitative performance targets

114. Is there a system of qualitative individual assessment of the judges' work?

(X) Yes

() No

Comments In accordance with constitutional law "On the judicial system and the status of judges of the Republic of Kazakhstan" the Judicial jury is formed to assess the professional activity of the current judge. The judge's professional activity is evaluated:

- 1) for the first time-based on the results of one year of work as a judge;
- 2) in the future-every five years;
- 3) when participating in a competition for the position of a judge of a higher instance, for the position of the Chairman of the district court;
- 4) evaluation of candidates for the position of Chairman or Chairman of the judicial Board of the regional court (out of competition-on the proposal of the Chairman of the Supreme Court).

Judges who have twenty or more years of judicial experience are exempt from periodic evaluation of their professional activities.

The Qualifications Commission of the Judicial Jury determines professional knowledge, experience and quality of work of the evaluated judge on the basis of submitted documents and verification of knowledge on issues of substantive and procedural law, judicial ethics, organization of work of the courts.

The moral qualities of the judge being evaluated are determined by the documents submitted to it and the data obtained as a result of preliminary preparation of materials for the Commission meeting.

The results of the judge's work are considered on the basis of the following criteria:

- 1) quality indicators for the administration of justice;
- 2) compliance with the norms of judicial ethics and labor discipline.

The qualification Commission of the Judicial jury shall make one of the following decisions based on the results of reviewing materials on the assessment of the qualifications of current judges:

- 1) fit for Judicial office;
- 2) recommend for appointment as a judge of a higher instance, the Chairman of the court, the Chairman of the judicial Board;
- 3) recommend for enrollment in the personnel reserve for a higher position (in a higher court instance);

- 4) transfer to another court, to another specialization;
- 5) fit for Judicial office due to professional unsuitability;
- 6) refuse to give recommendations for appointment to the post of a higher instance judge, the Chairman of the court, or the Chairman of the judicial Board.

The decisions of the qualification Commission of the Judicial jury provided for in subparagraphs 2), 3) and 6) of this paragraph are of a recommendatory nature.

In 2019, the Judicial Jury with disciplinary review functions for judges was transferred to the High Judicial Council.

In the same year, the Commission on the Quality of Justice (hereinafter - the Commission) was created at the Supreme Court to assess the professional activities of judges, confirm the judge's right to resign and terminate it.

The Commission radically revised the system for evaluating the professional activities of judges and adopted a new Methodology, according to which four main groups of evaluation criteria are provided:

- professional knowledge and ability to apply them in the exercise of justice;
- judicial results;
- managerial qualities;
- moral qualities (compliance with the requirements of the Code of Judicial Ethics).

Besides, additional assessment tools were introduced in the form of writing a written essay and solving case study.

114-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

- Yes
- No

Comments

083-3. Who is responsible for setting the individual targets for each public prosecutor

- Executive power (for example the Ministry of Justice)
- Prosecutor General /State public prosecutor
- Public prosecutorial Council
- Head of the organisational unit or hierarchical superior public prosecutor
- Other (please specify):

Comments

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

- Yes
- No

Comments Article 47 of the law "On law enforcement service" Certification of employees

1. Certification of employees is a periodic procedure to determine the level of their professional training, legal culture and ability to work with citizens.
2. The main evaluation criterion for certification is the employee's compliance with professional competencies, taking into account the competitiveness indicator.
3. Employees are certified at the end of each subsequent three years of continuous service in the law enforcement system. In this case, the

certification must be carried out no later than six months from the date of the specified period.

If employees subject to certification are assigned to new positions, they are certified one year after their appointment. When appointing to equivalent positions, if this did not lead to changes in functional responsibilities, this period is not taken into account.

During certification, stay on service in the law enforcement system is considered to be continuous when the date of the employee's dismissal from service in the law enforcement system until the day of his employment in the law enforcement system was not more than three months, provided the lack for the period of labor relations with other legal entities (except public bodies) and individuals.

4. The head of the law enforcement Agency and his deputies, as well as employees who have served in law enforcement agencies for at least twenty years, are not subject to certification.

Women from among employees during their pregnancy and parental leave are not subject to certification. They are certified after entering the service no earlier than six months and no later than one year.

5. Certification includes a number of consecutive stages:

1) preparation for certification;

2) passing the established standards for determining professional suitability;

3) computer testing of the employee subject to certification for knowledge of the legislation of the Republic of Kazakhstan and logical thinking;

3-1) passing a polygraph examination;

4) interview with an employee conducted by the certification Commission;

5) making a decision of the certification Commission.

120-1. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

Comments

C4. Please indicate the sources for answering the questions in this chapter:

Sources: Constitutional Law of the Republic of Kazakhstan dated December 25, 2000 «On Judicial System and Status of Judges in the Republic of Kazakhstan», art.46-2 On Law Enforcement Service dated 6 January 2011

4.Fair trial

4.1.Principles

4.1.1.Principles of fair trial

084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor is represented by a lawyer)?

[0]

[] NA

[] NAP

Comments - Please add methodology for calculation used. For 2018 90 sentences passed in absentia, a total of 48393 cases completed
 $90 \times 100 / 48\ 393 = 0.2\%$

085. Is there a procedure to effectively challenge a judge, if a party considers that the judge is not impartial?

Yes

No

Comments - Please could you briefly specify:

085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):

[]

NA

Comments The statistical reporting does not provide for the registration of applications for the challenge of a judge and the number of satisfied ones.

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations):

086-1. Is there in your country a possibility to review a case after a decision on violation of human rights by the European Court of Human Rights?

Yes

No

NAP

Comments There is no legal regulation on the review of such cases, however, there are cases that have been reviewed according to order established by the legislation of Kazakhstan, after the decision of the ECHR.

D1. Please indicate the sources for answering questions in this chapter.

Sources: Civil Procedural Code, Criminal Procedural Code

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters regarding:

civil cases

criminal cases

administrative cases

There is no specific procedure for urgent matters

Comments - If yes, please specify: In civil proceedings, the following procedural actions and the adoption of decisions on it can be presented - securing a lawsuit, suspension of execution of a judicial act, examination of evidence in urgent cases, etc.

In criminal proceedings, according to article 55 of the Criminal Procedure Code of the Republic of Kazakhstan in terms of the sale of material evidence subject to quick damage or long-term storage of which until the criminal case is resolved essentially requires significant material costs.

Also:

according to the part 3 of article 232 and part 2 of article 235 of the Criminal Procedure Code of the Republic of Kazakhstan - an investigating judge, in case of consent with urgency, sanction a decision on conducting a secret investigative action;

according to the part 3 p.254 of the Criminal Procedure Code in exceptional cases, when there is a real fear that the object sought and (or) subject to seizure may be lost, damaged or used for criminal purposes due to delay in finding it, or the wanted person may disappear, search and seizures may be made without the authorization of an investigating judge.

In administrative proceedings, reduced proceedings are carried out in cases of administrative offenses, including in cases attributed to the jurisdiction of the court, for which an administrative penalty is foreseen in the form of a fine, and also the person who committed it is recognized, who acknowledges the fact of its commission and agrees with the payment of the fine in fifty percent of the amount indicated in the sanction and does not appeal against the evidence. (art. 810)

088. Are there simplified procedures for:

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify: In civil proceedings, cases in the order of simplified (written) proceedings are considered by the judge within one month from the date of acceptance of the application. The term for consideration of a case is not subject to extension (Ch. 14 CPC).

A court order is a judicial act that is issued by a judge upon an application by the claimant for the recovery of money or the recovery of movable property from the debtor according to indisputable claims, as well as upon the application of the claimant on the execution of agreements concluded in the process of pre-trial settlement of the dispute in cases established by law or provided for by the contract, without summon the debtor and the claimant to hear their explanations and without trial. (Chapter 12 CPC).

For criminal offenses and crimes of minor gravity, the case is subject to consideration in the order of writ if:

- 1) the evidence collected establishes the fact of a criminal offense and (or) a minor offense and the person who committed it;
- 2) the suspect does not dispute the evidence of his guilt of a criminal offense, agrees with the qualification of his actions (inaction), the size (amount) of the damage (harm) inflicted;
- 3) the sanction of a committed criminal offense by one of the basic punishments involves a fine;
- 4) the suspect filed a petition, and the victim, as well as the civil plaintiff and civil defendant (in the case of their participation in the case) agreed to the consideration of the case in a clerical order without examining the evidence, summoning it and participating in the judicial review.

In administrative proceedings, reduced proceedings are carried out in cases of administrative offenses, including in cases attributed to the jurisdiction of the court, for which an administrative penalty is foreseen in the form of a fine, and also the person who committed it is recognized, who acknowledges the fact of its commission and agrees with the payment of the fine in fifty percent of the amount indicated in the sanction and does not appeal against the evidence. (art. 810)

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

civil cases

criminal cases

administrative cases

Comments - If yes, please specify: In a civil case, considered in the simplified (written) procedure, a short decision is made, it must consist of introduction, motivational and operative parts.

At the written request of the parties, declared before the decision enters into force, or at its discretion, the court makes a reasoned decision consisting of introduction, descriptive, motivational and operative parts

089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

Yes

No

Comments - If yes, please specify:

4.2.2. Case flow management – first instance

091. First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of other than criminal law cases (1+2+3+4)	43 981 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 281 049 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 255 991 <input type="checkbox"/> NA <input type="checkbox"/> NAP	69 039 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	41 225 <input type="checkbox"/> NA <input type="checkbox"/> NAP	656 075 <input type="checkbox"/> NA <input type="checkbox"/> NAP	640 425 <input type="checkbox"/> NA <input type="checkbox"/> NAP	56 875 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	73 <input type="checkbox"/> NA <input type="checkbox"/> NAP	231 209 <input type="checkbox"/> NA <input type="checkbox"/> NAP	231 037 <input type="checkbox"/> NA <input type="checkbox"/> NAP	245 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	73 <input type="checkbox"/> NA <input type="checkbox"/> NAP	231 209 <input type="checkbox"/> NA <input type="checkbox"/> NAP	231 037 <input type="checkbox"/> NA <input type="checkbox"/> NAP	245 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	907 <input type="checkbox"/> NA <input type="checkbox"/> NAP	335 498 <input type="checkbox"/> NA <input type="checkbox"/> NAP	335 178 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 227 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	1 776 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 058 267 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 049 351 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 692 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. Order proceedings (or writ proceedings)

093. Please indicate the case categories included in the category "other cases":

. Civil materials:

- on deferral, installment plan of execution of a court decision;
- on changing the method and procedure for the enforcement of a court decision, incl. on replacement of the debtor (collector);
- on the reversal of the enforcement of a court decision;
- on the proposal of the bailiff;
- on authorizing the decision of the bailiff on seizing the debtor's property;
- on authorizing the decision of the bailiff on seizing funds held in the current account of the debtor;
- on authorizing the decision of the bailiff on restricting the citizen's departure outside the Republic of Kazakhstan;
- on the authorization of other decisions of the bailiff;
- on the collection (deferral, installment plan) of the executive sanction;
- court order;
- on the announcement of the wanted person;
- on termination of the search for a person;
- on the issue of a writ of execution (duplicate);
- on the issuance of a writ of execution (duplicate) by decisions of the arbitration tribunal;
- on the indexation of awarded monetary amounts;
- on the restoration of the deadline for the submission of a writ of execution;
- other materials, submissions;
- On consideration of applications for review of judicial acts due to newly discovered circumstances.

Administrative materials:

- on authorization of a preventive restriction on freedom of movement;
- On consideration of applications for review of judicial acts due to newly discovered circumstances.

094. First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2+3)	3 185 [] NA [] NAP	165 602 [] NA [] NAP	164 939 [] NA [] NAP	3 848 [] NA [] NAP	0 [] NA [] NAP
1. Severe criminal cases	1 709 [] NA [] NAP	33 429 [] NA [] NAP	33 297 [] NA [] NAP	1 841 [] NA [] NAP	0 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	219 [] NA [] NAP	15 173 [] NA [] NAP	15 096 [] NA [] NAP	296 [] NA [] NAP	0 [] NA [] NAP
3. Other cases	1 257 [] NA [] NAP	117 000 [] NA [] NAP	116 546 [] NA [] NAP	1 711 [] NA [] NAP	0 [] NA [] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases" please specify: Note: The number of received cases does not include cases joined in one proceeding during the trial. In the number of materials received on the line "3. Other cases" do not include recalled, returned, materials sent for jurisdiction.

According to art.10 and 11 of the Penal Code of the Republic of Kazakhstan

1. A criminal infractions shall be divided into crimes and criminal offences depending on the level of social danger and penalty.
2. A socially dangerous act (action or inaction), committed with guilt and prohibited by this Code under the threat of punishment in the form of a fine, corrective labors, community services, restriction of liberty, deprivation of liberty or the death penalty shall be recognized as a crime.
3. An act (action or inaction), committed with guilt, not presenting a great social danger, caused insignificant damage or created a threat of harm to a person, organization, society or the state, for commission of which a penalty is provided in the form of a fine, corrective labors, community services, arrest, expulsion from the Republic of Kazakhstan of a foreigner or a stateless person, shall be recognized as a criminal offence.

According to art. 11 of the mentioned above Code

1. The crimes shall be divided into crimes of little gravity, crimes of average gravity, grievous crime and especially grave crimes depending on the nature and level of social danger.
2. Crimes of little gravity shall be recognized as intentional actions, for commission of which the maximum punishment, provided by this Code, not exceeds two years of imprisonment, as well as reckless actions, for commission of which this Code provides the maximum punishment, not exceeding five years of imprisonment.
3. Crimes of average gravity shall be recognized as intentional actions, for commission of which the maximum punishment, provided by this Code, not exceeds two years of imprisonment, as well as reckless actions, for commission of which is provided a punishment in the form of imprisonment for the term of over five years.
4. Grievous crimes shall be recognized as intentional actions, for commission of which this Code provides the maximum punishment, not exceeding twelve years of imprisonment.
5. Especially grave crimes shall be recognized as intentional actions, for commission of which this Code provides a punishment in the form of imprisonment for the term of over twelve years, life imprisonment or death penalty. In this regard, the line "1. Severe criminal

cases” reflects cases of especially grave crimes, grievous, average and little gravity. In the line "2. Criminal offences/ cases of little gravity"- offences.

In the line "3. Other matters ”materials included:

- on the application of coercive measures of a medical nature;
- on consideration of issues related to the enforcement of judicial acts;
- on consideration of complaints about actions (inaction) and decisions of the prosecutor, criminal prosecution bodies;
- on authorization of investigative actions (detention, house arrest, extradition arrest, inspection, search, seizure, etc.).

4.2.3. Case flow management – second instance

097. Second instance courts (appeal): Number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of other than criminal law cases (1+2+3+4)	3 341 [] NA [] NAP	86 325 [] NA [] NAP	83 529 [] NA [] NAP	6 137 [] NA [] NAP	0 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	3 027 [] NA [] NAP	73 952 [] NA [] NAP	71 354 [] NA [] NAP	5 625 [] NA [] NAP	0 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	18 [] NA [] NAP	274 [] NA [] NAP	282 [] NA [] NAP	10 [] NA [] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	18 [] NA [] NAP	274 [] NA [] NAP	282 [] NA [] NAP	10 [] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	53 [] NA [] NAP	7 662 [] NA [] NAP	7 546 [] NA [] NAP	169 [] NA [] NAP	0 [] NA [] NAP
4. Other cases	243 [] NA [] NAP	4 437 [] NA [] NAP	4 347 [] NA [] NAP	333 [] NA [] NAP	0 [] NA [] NAP

Comments - If "Other cases" please specify Civil materials:

- complaints, petitions of the prosecutor on the determination of the courts of first instance;
- consideration of applications for the review of judicial acts due to newly discovered circumstances;
- consideration of the issue of determining the jurisdiction of civil cases.

Administrative materials:

- complaints about private decisions (special act) of the courts of first instance;
- consideration of applications for review of judicial acts due to newly discovered circumstances.

098. Second instance courts (appeal): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2+3)	488 [] NA [] NAP	18 768 [] NA [] NAP	18 575 [] NA [] NAP	681 [] NA [] NAP	0 [] NA [] NAP
1. Severe criminal cases	266 [] NA [] NAP	6 290 [] NA [] NAP	6 237 [] NA [] NAP	319 [] NA [] NAP	0 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	16 [] NA [] NAP	901 [] NA [] NAP	886 [] NA [] NAP	31 [] NA [] NAP	0 [] NA [] NAP
3. Other cases	206 [] NA [] NAP	11 577 [] NA [] NAP	11 452 [] NA [] NAP	331 [] NA [] NAP	0 [] NA [] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify. Division of gravity by analogy to the commentary to Q 94.

Other cases include consideration of complaints and petitions of the prosecutor against decisions of the courts of first instance:

- to consider complaints of actions (inaction) and decisions of the prosecutor, criminal prosecution bodies;
- on authorization of investigative actions;
- on the enforcement of judicial acts.

As well as the determination of the jurisdiction of criminal cases.

4.2.4. Case flow management – Supreme Court

099. Highest instance courts (Supreme Court): Number of "other than criminal law" cases:

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of other than criminal law cases (1+2+3+4)	1 044 [] NA [] NAP	17 939 [] NA [] NAP	17 689 [] NA [] NAP	1 294 [] NA [] NAP	[] NA [X] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	1 044 [] NA [] NAP	15 561 [] NA [] NAP	15 429 [] NA [] NAP	1 176 [] NA [] NAP	[] NA [X] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	0 [] NA [] NAP	2 294 [] NA [] NAP	2 179 [] NA [] NAP	115 [] NA [] NAP	[] NA [X] NAP
4. Other cases	0 [] NA [] NAP	84 [] NA [] NAP	81 [] NA [] NAP	3 [] NA [] NAP	[] NA [X] NAP

Comments - If "Other cases", please specify Other cases - investment dispute Incoming Cases - includes: 1.Cassation appeals 2.Protests brought by Prosecutors 3.Petitions from parties for extraordinary appeal (extraordinary remedial measure to review cases of lower courts for which there is no cassation procedure by law and to review cassation decisions of the Supreme Court) 4.Requests for parties to rule on

jurisdiction issues in cases of disputes among lower courts

5. Petitions of parties on discovering new facts/evidence with regards to decisions taken previously by the Supreme Court on cassation Resolved Cases - includes: all decisions taken by the Supreme Court judges, in particular: 1. Decisions on the merit 2. Admissibility decisions (including inadmissible and declined on formal grounds) 3. Refusals to apply extraordinary remedial measure 4. Decisions to combine proceedings Note on Administrative cases: There is no direct cassation appeal. Party to the administrative case may submit petition to the General Prosecutor, Chairman of the Supreme (Chief Justice, CJ), Chairman of the Specialized Collegium (CSC).

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

Yes

No

Comments We have procedure of manifest inadmissibility with regards to cassation appeals.

This is a comprehensive procedure on admissibility ruled by 1 judge. It includes consideration of both types of issues: compliance with formal requirements (manifestly inadmissible) and issues of jurisdiction: *ratione materiae*, *ratione loci*, *ratione temporis* and *ratione personae*.

099-1-1. If yes, please indicate the number of:

cases received by the Highest court? [25 275]

cases closed by this procedure? [8 224]

Comments For civil cases we have: Ruled inadmissible could be:

- 1) Declined petitions as non-compliance with the requirements of the procedural law (formal grounds)
- 2) Refusals to consider in cassation (substantial grounds)
- 3) Refusals to apply the extraordinary remedial measure

For criminal cases we have: Ruled inadmissible could be:

- 1) Declined petitions as non-compliance with the requirements of the procedural law (formal grounds)
- 2) Refusals to consider in cassation (substantial grounds)

Note on Administrative cases: There is no direct cassation appeal. Party to the administrative case may submit petition to the General Prosecutor, Chairman of the Supreme (Chief Justice, CJ), Chairman of the Specialized Collegium (CSC).

The protests of the GP are considered by the Supreme Court without the admissibility procedure. There is an admissibility procedure for petitions to the Chief Justice and Chairman to bring cassation appeal. After our discussion, I indicate in the “cases closed by this procedure” in Q 99.1 and 99.1.1 - data on petitions declined on formal (procedural) grounds.

100. Highest instance courts (Supreme Court): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of criminal law cases (1+2+3)	268 [] NA [] NAP	7 336 [] NA [] NAP	7 269 [] NA [] NAP	335 [] NA [] NAP	[] NA [X] NAP
1. Severe criminal cases	44 [] NA [] NAP	589 [] NA [] NAP	613 [] NA [] NAP	20 [] NA [] NAP	[] NA [X] NAP
2. Misdemeanour and / or minor criminal cases	0 [] NA [] NAP	61 [] NA [] NAP	61 [] NA [] NAP	0 [] NA [] NAP	[] NA [X] NAP

3. Other cases	224 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 686 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 595 <input type="checkbox"/> NA <input type="checkbox"/> NAP	315 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
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Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify INCOMING CASES - includes: 1.Cassation appeals 2.Protests brought by Prosecutors 3.Petitions from parties for extraordinary appeal (extraordinary remedial measure to review cases of lower courts for which there is no cassation procedure by law and to review cassation decisions of the Supreme Court) 4.Petitions of parties on discovering new facts/evidence with regards to decisions taken previously by the Supreme Court on cassation

RESOLVED CASES - includes: all decisions taken by the Supreme Court judges, in particular: 1.Decisions on the merit 2.Admissibility decisions (including inadmissible and declined on formal grounds) 3.Refusals to apply extraordinary remedial measure 4.Decisions to combine proceedings Other cases – petitions considered at the preliminary stage.

4.2.5. Case flow management and timeframes – specific cases

101. Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	4 650 <input type="checkbox"/> NA <input type="checkbox"/> NAP	66 621 <input type="checkbox"/> NA <input type="checkbox"/> NAP	65 156 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 115 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal cases	168 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 398 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 389 <input type="checkbox"/> NA <input type="checkbox"/> NAP	177 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	509 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 492 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 520 <input type="checkbox"/> NA <input type="checkbox"/> NAP	481 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	104 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 537 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 498 <input type="checkbox"/> NA <input type="checkbox"/> NAP	143 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	79 <input type="checkbox"/> NA <input type="checkbox"/> NAP	907 <input type="checkbox"/> NA <input type="checkbox"/> NAP	882 <input type="checkbox"/> NA <input type="checkbox"/> NAP	104 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to the right of entry and stay for aliens	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	44 405 <input type="checkbox"/> NA <input type="checkbox"/> NAP	44 400 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The number of received cases does not include refused, returned, forwarded by jurisdiction and joint cases.

101-1. Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. The remedy in these cases is the possibility of appealing against the actions and omissions of the authorized state body to refuse to grant refugee status, the right to enter and stay of foreigners in the Republic of Kazakhstan by submitting an application in accordance

with Chapter 29 of the Civil Procedure Code in district and equivalent courts, with the possibility of appealing judicial acts passed in cases to a higher court.

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	14 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[] NA [X] NAP
Litigious divorce case	1 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[] NA [X] NAP
Employment dismissal case	80 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[] NA [X] NAP
Insolvency	22 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[] NA [X] NAP
Robbery case	25 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[] NA [X] NAP
Intentional homicide	77 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[] NA [X] NAP

Comments In Kazakhstan, this type of report is not maintained. At the same time, the relevant departments made test calculations in the «Torelik» information system, these calculations are expert in nature and are not obligatory in Kazakhstan. This is the actual data for 2018. On civil cases

1st instance:

Divorce 17.43 working days (64,707 cases). Dismissal of 18.96 working days (1,381 cases). Bankruptcy 16.89 working days (4,507 cases) The remaining civil cases (including economic cases) are 18.85 working days (565,598 cases). Appeal: Divorce 27.35 working days (296 cases). Dismissal of 28.33 working days (827 cases). Bankruptcy 24.12 working days (838 cases)

Remaining civil cases (including economic cases) 26.46 working days (76821 cases). Cassation: Divorce 22.66 working days (3 cases).

Dismissal of 22.09 working days (23 cases). Bankruptcy 24.36 working days (22 cases)

Remaining civil cases (including economic cases) 23.30 working days (979 cases).

On criminal cases

1st instance:

Robbery, 21.82 working days (1817 cases). Murder - 33.38 working days (839 cases). All remaining criminal cases are 18.74 days (27716 cases).

Appeal - 18.9 working days (643 cases). Robbery 17.23 working days (426 cases).

All remaining criminal cases are 18.94 working days (7605 cases). Cassation - 18.16 working days (43 cases). Robbery 18.84 working days (46 cases).

All remaining criminal cases are 18.73 working days (712 cases).

Also we have terms provided by the Law.

On civil cases

1st instance:

Litigious divorce case – 85/115 (min/max) days. Employment dismissal case – 55 days. Insolvency – 55 days.

Civil and commercial cases – 85/115 (min/max) days. Appeal: For all category of cases – 60 days

Cassation: For all category of cases – 45 days

On criminal cases

1st instance:

Robbery case – 30 days. Intentional homicide – 40 days. Appeal For all category of cases – 30 days

Cassation For all category of cases – 30 days

103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):

. According to Article 20 of the Code of the Republic of Kazakhstan “On Marriage (Matrimony) and Family”, if one of the spouses does not agree to divorce the marriage (matrimony), the court has the right to take measures to reconcile the spouses and postpone the proceedings, setting the term for reconciliation within six months.

Dissolution of a marriage (matrimony) is carried out if the measures for reconciliation of the spouses have failed and the spouses (one of them) insist on the dissolution of the marriage (matrimony).

104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.

. In Kazakhstan, this type of report is not maintained. At the same time, the relevant departments made test calculations in the «Torelik» information system, these calculations are expert in nature and are not obligatory in Kazakhstan. This is the actual data for 2018.

1) The calculation method according to the information system "Torelik" specified in the comments to Q 102.

These data were calculated on the condition that the request for appeal is submitted by the heir on the day after the judicial act of the previous instance was passed. Non-official method of calculation according to the information system "Torelik".

On civil cases

1st instance:

The number of days from the date when the preparation of case is over and case is scheduled for trial (in working days, including weekends and holidays), if there is no such date—from the day of acceptance to the court proceedings till the date of announcement of the decision on all cases divided by the number of cases.

Appeal:

The number of days from the date of registration of the application to the date of the decision (in working days, including weekends and holidays) for all cases divided by the number of cases.

Cassation:

The number of days from the date of submission to the Board (decision on review or protest) for review until the date of the decision (in working days, including weekends and holidays) for all cases divided by the number of cases.

On criminal cases

1st instance:

Number of days from the date of receipt to the day of sentencing (resolution) (in working days, including weekends and holidays).

Appeal:

The number of days from the date of registration of the application to the date of the decision (in working days, including weekends and holidays) for all cases divided by the number of cases.

Cassation:

The number of days from the date of submission to the Board (decision on review or protest) for review until the date of the decision (in working days, including weekends and holidays) for all cases divided by the number of cases.

2) Terms according to the legislation specified in the comments to Q 102.

The term of consideration of a civil case must correspond to its actual complexity and the interests of the persons involved in the case. Civil cases are considered and resolved by the court within two months from the date of completion of the preparation of the case for trial.

According to the rules of civil procedure law, the judge decides within five (5) working days from the date of receipt of the statement of claim on its acceptance in the court proceedings. After accepting the application to the court and initiating a civil case, the judge prepares the case for trial in order to ensure its timely and correct resolution.

Preparation of civil cases for trial must be carried out no later than twenty (20) working days from the date of acceptance of the claim in court proceedings, unless otherwise established by this Code and other laws. In exceptional cases, in cases of special complexity, except for cases of alimony recovery, compensation for damage to health, as well as in cases of loss of a breadwinner and claims arising from labor relations, this period may be extended by an additional one month (30 days) after the expiration of the period provided for preparing the case for trial, as determined by the judge.

Civil cases of reinstatement are considered and resolved by the court within one month from the date of completion of the preparation of the case for trial. Cases on recognition of strikes as illegal are considered and resolved within ten working days from the date of receipt of the statement of claim in court. Cases on challenging decisions, conclusions, and orders of the authorized body based on the results of the audit of public procurement are considered and resolved within ten working days from the date of completion of the preparation of the case for trial. Cases on debt restructuring, rehabilitation and bankruptcy of individual entrepreneurs and legal entities, as well as their liquidation without initiating bankruptcy proceedings, are considered by the court according to the General rules provided for by the Civil Procedure Code, with the features established by the Law of the Republic of Kazakhstan "on rehabilitation and bankruptcy". Thus, taking into account the adoption of the statement of claim and the preparation of the civil case for trial, the duration of consideration of one civil case is approximately: $5 + 20(30) + 60 = 85(115)$ and $5+20+30=55$.

If a criminal case is submitted to the court no later than five (5) days from the date of receipt of the case to the court, the issue of accepting the case for trial is resolved. In some cases, a preliminary hearing is held within ten (10) days from the date of the decision to hold it. Following the results of the preliminary hearing, the main trial is appointed, which must be started no earlier than three (3) days from the date of notification of the parties about the place and time of the beginning of the trial. The main trial must be completed within a reasonable time (on average, 10-15 days). Thus, $5+10+3+12=30$ days.

4.2.6. Case flow management – public prosecution

105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

[X] to conduct or supervise police investigation

[X] to conduct investigations

when necessary, to request investigation measures from the judge

to charge

to present the case in court

to propose a sentence to the judge

to appeal

to supervise the enforcement procedure

to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)

to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

other significant powers (please specify): Protesting the cassation review of judicial acts that have entered into legal force, both on their own initiative and at the request of individuals. Gives binding instructions to the investigating authority. More details about the role and powers of the prosecutor are described in articles 58 and 193 of the Criminal Procedure Code of the Republic of Kazakhstan dated July 4, 2014.

Comments Protesting the cassation review of judicial acts that have entered into legal force, both on their own initiative and at the request of individuals. Gives binding instructions to the investigating authority. More details about the role and powers of the prosecutor are described in articles 58 and 193 of the Criminal Procedure Code of the Republic of Kazakhstan dated July 4, 2014.

106. Does the public prosecutor also have a role in:

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify: Civil -The prosecutor shall have the right to enter the process to give an opinion on the case in order to fulfill the duties provided for by this Code.

Participation of the prosecutor in civil proceedings shall be mandatory in matters affecting the interests of the state, when it is necessary to protect public interests or interests of the citizens who cannot defend themselves, as well as when the need for the prosecutor's participation is recognized by the court.

These powers of a prosecutor shall be provided by timely notification of the prosecutor by the court about all cases assigned for consideration by posting relevant information on the court's Internet resource. (part.2 art.54 Civil procedural law of the Republic of Kazakhstan dated October 31, 2015.)

Administrative - For the purpose of realizing own powers, the prosecutor shall: participate in the administrative infractions proceeding; represent evidences and participate in their investigation; set forward own opinion to the court, body (civil servant) considering the case on guilt of the person in respect of whom the administrative infraction proceeding is conducted, as well as on the other issues raising in the process of considering the case; express suggestions to the court, body (civil servant) considering the case on applying the provisions of the Law and imposition of the administrative sanction or release from it. (part.2 art.759, The Code of the Republic of Kazakhstan dated 5 July 2014 "On Administrative Infractions").

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	49 097	9 078	4 931	44 931
	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments In accordance with Article 39 of the Penal Code of the Republic of Kazakhstan, punishment (including a fine) is imposed only by a court verdict. And the prosecutor offers the court proposals on the application of the criminal law and the punishment of the

defendant (Article 337 of the Criminal Procedure Code).

107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	4 343 [] NA [] NAP
Before the court case	1 883 [] NA [] NAP
During the court case	2 460 [] NA [] NAP

Comments

108. Total number of cases which were discontinued by the public prosecutor.

	Number of cases
Total number of cases which were discontinued by the public prosecutor (1+2+3+4)	9 078 [] NA [] NAP
1. Discontinued by the public prosecutor because the offender could not be identified	[X] NA [] NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	748 [] NA [] NAP
3. Discontinued by the public prosecutor for reasons of opportunity	[X] NA [] NAP
4. Other	8 330 [] NA [] NAP

Comments When the suspect, the accused have fled from the criminal prosecution bodies or their place of stay has not been established for other reasons, the terms of the pre-trial investigation are interrupted, and they do not stop.

Other - indicates the number of cases dismissed on non-rehabilitating grounds (for example: A person, committed a criminal offence or first committed a crime may be released from criminal responsibility in recognition of identity of guilty person, his (her) acknowledgement of guilt, assistance in the uncovering by him (her), investigation of criminal infraction, expiation of a harm, caused by criminal infraction by him (her), etc.)

109. Do the figures include traffic offence cases?

(X) Yes

() No

Comments

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: Data from the Committee on Legal Statistics and Special Accounting.

In addition, we inform you that criminal offenses include cases of violations of the rules of the road resulting in harm to the health of a person of moderate gravity and serious harm to health, death of a person, death of two or more persons (Article 345 of the Criminal Code of the Republic of Kazakhstan). In the remaining cases, violations of the rules of the road relate to administrative offenses (chapter 30 “On administrative offenses”).

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. How are judges recruited?

- [X] mainly through a competitive exam (open competition)
- [] mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- [] a combination of both (competitive exam and working experience)
- [] other (please specify):

Comments Competitive selection of judges A new system of competitive selection of judges has been introduced since June 2018. Before the introduction of the new procedure, the competitive selection of candidates for judicial positions consisted of 4 stages, currently, the competitive selection has been complicated to 8 stages and includes the following stages.

Stage I. Acceptance of documents from citizens Stage II. Verification of candidates' compliance with legal requirements. At the same time, amendments were made to the qualification requirements themselves and additional restrictions were set for holding a judicial position. Thus, in order to attract young qualified personnel from the corporate sector to the positions of district judges, the requirement for mandatory special seniority (as a Prosecutor, lawyer, and court clerk) has been eliminated, and the general legal experience has been reduced from 10 to 5 years.

Stage III. Evaluation of candidates by a special computer program for digital criteria (such as legal and judicial experience, the result of the qualifying exam, the average score of the diploma, academic degree or academic title, of masters of law, a positive opinion of Council on coordination with courts (hereinafter – CC and briefings, description of work) which are calculated automatically.

This program, developed on the basis of scoring programs used in the corporate sector, was first tested in practice in the work of the Council and is an element of the ongoing digitalization of the entire selection system.

A comprehensive assessment conducted by the competitive selection Committee based on a system of differentiated evaluation criteria (the quality of justice, the opinion of the judicial community, negative (mediocre) characteristics, negative conclusions of the CC and briefings, conclusions of polygraph research and psychological testing). Stage IV. Additional assessment tools.

Starting from 2019, additional assessment tools are used for candidates for the Supreme Court of justice in the form of HR testing conducted using modern methods by independent experts from the most famous HR companies.

At the same time, as part of the study of public opinion about applicants, monitoring of social networks and the media has been introduced for the presence of negative mentions of them.

Also, in order to better study the personal qualities of applicants for the positions of judges of the Supreme Court, a procedure has been introduced that provides for an anonymous survey of their colleagues. Based on the results of a comprehensive assessment and interviewing, the best candidates are selected by the competitive selection Committee for submission to the plenary session of the Council.

In addition, in order to avoid the risks of appointing persons to the post of judge who have shown themselves negatively during their work in law enforcement and judicial bodies, if former employees of such bodies participate in the competition, additional checks are carried out against them, including through the internal security services of the relevant bodies and departmental records and databases. Stage V. interviewing of candidates by the competitive selection Committee, which is conducted based on the results of all stages of evaluation and

allows determining the communicative and professional skills of applicants.

Stage VI. Preliminary consideration of candidates by the Competition Commission for recommendations on further submission of candidates for consideration by the Council.

The review is conducted by the Commission through discussion and voting during a full working day (days). Stage VII. Consideration of judge recommended for appointment to the post at the meeting of the Council and determination by vote of the candidate. Stage VIII.

Holding the second stage of the competition Amendments made to the legislation in February 2019 provide for the possibility of holding the second stage of the competition for those vacancies that remained unfilled at the end of the first stage of the competition (small and remote courts) among participants who were not recommended for judicial positions at the end of the first stage.

During the second stage, candidates are given a two-week period to submit applications with a list of courts where they have expressed their desire to work. After processing their applications, the High Judicial Council staff prepares files for the meeting of the competitive selection Committee.

Following the results of the meeting of the Competition Commission, candidates are submitted to the High Judicial Council for consideration.

Prior to the introduction of the second stage of competitive selection, vacancies that were not filled following the results of the competition were re-announced in the competition, and therefore their replacement was delayed for another 4 months.

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

- an authority made up of judges only
- an authority made up of non-judges only
- an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: In accordance with article 4 of the Law “On the High Judicial Council of the Republic of Kazakhstan”, the Council consists of the Chairman of the Council, the Chairman of the Supreme Court, the Prosecutor General, the Minister of Justice, the head of the authorized body for public service, the chairmen of the relevant standing committees of the Senate and the Mazhilis of the Parliament. Ex officio members of the Council are appointed as members of the Council by the President of the Republic of Kazakhstan. In addition, the Council includes active judges, legal scholars, lawyers, foreign experts, and representatives of the legal community. Majority of members of the Council are current judges who are delegated by judges of all instances.

112. Is the same authority (Q111) competent for the promotion of judges?

- Yes
- No

Comments

113. What is the procedure for the promotion of judges? (multiple answers possible)

- Competitive test / Exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): On an alternative basis - chairmen of regional courts, chairmen of judicial boards of the Supreme Court

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)

- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):
Subjective criteria: personal qualities.

Other criteria: the opinion of the judicial community and the public; participation in the activities of the judicial system not related to the administration of justice; the existence of an action plan (program) to improve the activities of the court (for court presidents).

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

- statutory independent
- under the authority of the Minister of Justice or another central authority
- other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...). The Office of the Public Prosecutor of the Republic shall compile a single centralized system with the subordination of the lower level prosecutors to the higher and to the Prosecutor General of the Republic. It exercises its authority independently of other state bodies and officials, and is accountable only to the President of the Republic. (art.83 of Constitution of the Republic of Kazakhstan, August 30, 1995).

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

- Yes
- No

Comments - If yes, please specify: In accordance with article 83 of the Constitution the Prosecutor’s Office, on behalf of the state and in the limits and forms established by law, supervises the observance of legality on the territory of the Republic of Kazakhstan, represents the interests of the state in court, and carries out criminal prosecutions on behalf of the state.

In addition, in accordance article 3 of the Law of the Republic of Kazakhstan of June 30, 2017 No. 81-VI «About Prosecutor`s office» Prosecutor's office shall be a unified centralized system with subordination of inferior prosecutors to superior ones and the General Prosecutor. The subordination of prosecutors includes (article 41): 1) obligatoriness of instructions of superior prosecutors on the issues of organization and activity for inferior prosecutors; 2) responsibility of inferior prosecutors to superior ones for the performance of official duties; 3) performing by superior prosecutors, in necessary cases, of the powers of inferior ones; 4) abolition, revocation, suspension or amendment of acts of inferior prosecutors by superior ones; 5) resolution of complaints about actions (inaction) and acts of inferior prosecutors by superior ones.

116. How are public prosecutors recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)

other (please specify):Joining the law enforcement bodies is carried out on a competitive basis, taking into account the candidate’s competitiveness indicator and the degree of his compliance with professional competencies. Candidates for the service, with the exception of persons who were previously law enforcement officers, are required to undergo an internship. Details are set out in article 7 of the Law on Law Enforcement Service of January 6, 2011.

Comments Law "On Law Enforcement Service"
Article 8. Entering into law enforcement service

1. Entering into law enforcement bodies shall be carried out by appointment to office, as well as by conclusion of the agreement for persons, admitted to full-time course of study in educational organizations of law enforcement bodies.
2. Entering into service in law enforcement bodies shall be executed by orders of heads of law enforcement body or authorized heads. The order shall be announced to private and commanding personnel against signature.
3. Persons of private and commanding personnel shall accept restrictions, established by the Law, other Laws of the Republic of Kazakhstan related to staying of an employee in law enforcement service, and anti corruption restrictions established by the Law of the Republic of Kazakhstan "On combating corruption".
4. Persons liable for military service, appointed to office of private and commanding personnel or admitted to the personnel of law enforcement bodies including cadets of educational organizations of law enforcement bodies shall be removed in established order from the military registration and shall be registered specially in law enforcement bodies.

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

- Yes
- No, please specify which authority is competent for promoting public prosecutors

Comments

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): Competition, assessment, certification

119-2. Please indicate the criteria used for the promotion of a prosecutor:

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

5.1.3.Mandate and retirement of judges and prosecutors

121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official

age of retirement)?

(X) Yes, please indicate the compulsory retirement age:Men - age of 63, woman - age of 59

() No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: In accordance with the Constitutional Law on the Judicial System and the Status of Judges, the term of office of judges may be extended by a maximum of 5 years.

121-1. Can a judge be transferred to another court without his/her consent:

[] For disciplinary reasons

[] For organisational reasons

[] For other reasons (please specify modalities and safeguards):

[X] No

Comments

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

() Yes, duration of the probation period (in years):

(X) No

Comments

123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

(X) Yes, please indicate the compulsory retirement age:They can serve in law enforcement until the following age limit: 1) up to the major, junior adviser inclusively - 48 years; 2) lieutenant colonels, advisers - 50 years; 3) colonels, senior advisers - 55 years; 4) persons of the highest commanding staff - 60 years. The provisions on retirement are regulated in more detail in article 82 of the Law on Law Enforcement Service of January 6, 2011

() No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: There are 17 grounds for dismissing a prosecutor, which are regulated by article 80 of the Law on Law Enforcement Service of January 6, 2011.

124. Is there a probation period for public prosecutors? If yes, how long is this period?

(X) Yes, duration of the probation period (in years):1 year

() No

Comments

125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?

[]

[] NA

[X] NAP

Comments

125-1. Is it renewable?

- () Yes
 () No
 NAP

Comments

126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)?

- []
 NA
 NAP

Comments

126-1. Is it renewable?

- () Yes
 () No
 NAP

Comments

E1. Please indicate the sources for answering the questions in this chapter:

Sources: Law on Law Enforcement Service of January 6, 2011, Constitutional Law “On Judicial System and Status of Judges in the Republic of Kazakhstan”

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for management functions of the court (e.g. court president)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for the use of computer facilities in courts	() Yes (X) No	() Yes (X) No	(X) Yes () No

In-service training on ethics	(X) Yes () No	() Yes (X) No	() Yes (X) No
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Comments

128. Frequency of the in-service training of judges:

	Frequency of the judges training
General in-service training	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for management functions of the court (e.g. court president)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in courts	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training on ethics	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: Periodicity - once every three years in accordance with the Rules for the organization and conduct of retraining and advanced training courses for judges and employees of the judicial system at the Academy of Justice under the Supreme Court of the Republic of Kazakhstan.

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
Initial training	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for management functions (e.g. Head of prosecution office, manager)	() Yes (X) No	(X) Yes () No	() Yes (X) No

In-service training for the use of computer facilities in office	() Yes (X) No	() Yes (X) No	(X) Yes () No
In-service training on ethics	(X) Yes () No	() Yes (X) No	() Yes (X) No

Comments

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for management functions (e.g. Head of prosecution office, manager)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in office	[] Regularly (for example every year) [] Occasional (as needed) [X] No training proposed
In-service training on ethics	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	[]	[]	[X]
One institution for prosecutors	[]	[]	[X]
One single institution for both judges and prosecutors	[]	[]	[]

Comments Judges

Academy of justice under the Supreme Court of the Republic of Kazakhstan provides training in two areas:

1. Training of future judges in the Academy's magistracy. Persons who already have a higher legal education and work experience in the legal profession, who have successfully passed the entrance exams and passed the competitive selection are accepted for training. At the end of their master's degree, graduates pass the qualification exam for the position of a judge and, if successful, have the right to participate in the competition for vacant positions of judges. Thus, the Academy of justice provides initial training. However, it should be noted that this training in the magistracy is not a prerequisite for all candidates for judges. The legislation provides for the opportunity to

pass the qualification exam for the position of a judge in the Supreme Judicial Council of the Republic of Kazakhstan, then pass an internship in the courts of the Republic (the internship period is from three months to one year, depending on the length of service in the legal profession), then participate in the competition for vacant positions of judges.

2. Two-week training for judges at the Academy. Training of judges takes place at least once every 3-5 years throughout the entire career of a judge. Some judges may be invited to training more frequently as necessary.

Prosecutors

The Republican state institution "Academy of law enforcement agencies under the General Prosecutor's office of the Republic of Kazakhstan" (hereinafter – the Academy) is a non-profit educational organization with a special status that independently determines the content of education and the organization of educational activities.

The Academy was established by Decree of the President of the Republic of Kazakhstan on May 4, 2015 No. 15 with the following tasks:

- * improving the professional level of law enforcement officers, including those in the Presidential reserve;
- * coordinating and conducting interagency research in the field of law enforcement;
- * implementation of postgraduate education programs.

The Academy has licenses for the right to carry out educational activities under the postgraduate education programs (master's and doctoral programs) in the specialties of Law Enforcement and Jurisprudence.

The legal framework has been developed and implemented, consultative and deliberative, collegial governing bodies have been created (Academic, Teaching and Dissertation Councils).

In 2017, the Academy was certified by the Ministry of Education and Science as a subject of scientific and technical activity.

In 2018, the Independent Agency for Quality Assurance in Education carried out institutional accreditation of the institution. A certificate was received for a period of five years until January 19, 2024 on the compliance of the implemented educational programs with all requirements and standards.

The training programs are focused on the main areas of supervision (in the field of modernization of the criminal process, protection of public interests, enforcement proceedings, administrative and civil legislation), and also take into account the specifics of the anti-corruption service (combating corruption in state bodies and the quasi-public sector) and the economic investigation service (crimes in the economy).

131-0. If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	1 048 446 [] NA [] NAP
One institution for prosecutors	3 559 970 [] NA [] NAP
One single institution for both judges and prosecutors	[] NA [X] NAP

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. There is initial training

131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff

	Number of training courses in days organised, without e-learning	Online training courses available during the reference year (e-learning)
Total	[X] NA [] NAP	[X] NA [] NAP
1. Only for judges	140 [] NA [] NAP	15 [] NA [] NAP
2. Only for prosecutors	[X] NA [] NAP	[X] NA [] NAP
3. Only for other non-judge staff	45 [] NA [] NAP	[X] NA [] NAP
4. Only for other non-prosecutor staff	[X] NA [] NAP	[X] NA [] NAP
5. Other common training	[X] NA [] NAP	[X] NA [] NAP

Comments: The "Academy of law enforcement agencies under the General Prosecutor's office of the Republic of Kazakhstan" does not keep records of the number of in-service training courses (in days) for prosecutors and non-prosecutor staff.

E2. Please indicate the sources for answering the questions in this chapter:

Sources: For court system - In accordance with the Schedule of the courses for retraining and advanced training of judges at the Institute for Retraining and Advanced Training of Judges and employees of the judicial system of the Academy of Justice under the Supreme Court of the Republic of Kazakhstan for 2018
For public prosecutors - www.academy-gp.kz

5.3.Practice of the profession

5.3.1.Salaries and benefits of judges and prosecutors

132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	7 911 [] NA [] NAP	6 657 [] NA [] NAP	3 476 046 [] NA [] NAP	2 924 844 [] NA [] NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	33 602 [] NA [] NAP	28 274 [] NA [] NAP	14 763 896 [] NA [] NAP	12 422 764 [] NA [] NAP

Public prosecutor at the beginning of his/her career	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments In accordance with Law "On judicial service" employees' salaries are set in accordance with the uniform system of payment for all bodies financed from the state budget, approved by the Government of the Republic of Kazakhstan in coordination with the President of the Republic of Kazakhstan, and includes salaries and allowances for special conditions of service established by the legislation of the Republic of Kazakhstan.

Government resolution No. 646 DSP of October 16, 2017 "On approval of the unified system of remuneration of employees for all bodies maintained at the expense of the state budget "has the stamp " for official use", is not placed in open sources. In this regard, data on prosecutors salaries cannot be provided.

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Special pension	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Housing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other financial benefit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

134. If "other financial benefit", please specify:

. Public prosecutors - the salary of employees consists of the salary and supplement for a special rank, rank or qualification class. It is described in more detail in article 63 of the Law on Law Enforcement Service of January 6, 2011.

Judges - Lifelong maintenance, when only retirement age judges who have retired with the necessary length of service are entitled to receive it. Funeral compensation.

NAP

135. Can judges combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	(X) Yes () No	(X) Yes () No
Political function	() Yes (X) No	() Yes (X) No
Mediator	() Yes (X) No	(X) Yes () No
Other function	() Yes (X) No	() Yes (X) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. The position of a judge is incompatible with the deputy mandate (member of a Parliament), with the occupation of another paid position, except for teaching, scientific or other creative activities, entrepreneurial activities, joining the governing body or the supervisory board of a commercial organization

137. Can public prosecutors combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	(X) Yes () No
Political function	() Yes (X) No	() Yes (X) No
Mediator	() Yes (X) No	() Yes (X) No
Other function	() Yes (X) No	() Yes (X) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify: art. 17 of the Law on Law Enforcement Service of January 6, 2011, regulates in details the restrictions related with serving in the prosecution authorities.

139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given

period of time)?

Yes

No

Comments - If yes, please specify the conditions and possibly the amounts:

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Yes

No

Comments

138-1. If yes, how is this institution / body formed

only by judges

by judges and other legal professionals

other, please specify:

Comments The Republican public association “The Union of Judges of the Republic of Kazakhstan” (hereinafter referred to as the Union of Judges) is a non-profit organization in the legal form of a public association with a republican status created on the initiative of a group of citizens of the Republic of Kazakhstan who voluntarily united on the basis of a commonality of interests to achieve their statutory goals that do not contradict legislation in force to implement and protect the interests of the judicial community.

The subject of activity of the Union of Judges is the organizational support of the participation of the judicial community in public life, assistance in strengthening the independence and status of judges, in improving the material and technical base of the courts, eradicating corruption and violations of the provisions of the Code of Ethics of Judges, increasing the image of the courts among the population, assistance in resolving social issues and other.

138-2. Are the opinions of this institution / body publicly available?

Yes

No

[] NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

[] NAP

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Yes

No

Comments The basic requirements for the moral and ethical appearance of an employee of the Prosecutor's office, as well as the standards of their behavior, are regulated by the code of honor of employees of the system of Prosecutor's offices of the Republic of Kazakhstan, approved by the order of the Prosecutor General of October 13, 2009 No. 10341.

The issue of compliance by prosecutors with the Code of honor falls within the competence of the Disciplinary Commission of the Prosecutor's office, which, in order to objectively establish the circumstances of disciplinary offenses, makes recommendations on the measure of disciplinary punishment.

Thus, the above-mentioned measures make it possible to strengthen the principle of meritocracy in the career planning of employees of

the Prosecutor's office, as well as monitoring compliance with the Code of honor.

138-4. If yes, how is this institution / body formed

- only by prosecutors
- by prosecutors and other legal professionals
- other, please specify:

Comments

138-5. Are the opinions of this institution / body publicly available?

- Yes
- No
- NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

NAP

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify): Judicial Jury
- This is not possible

Comments In the case of a gross violation of the law in consideration of case and a defamatory offense contrary to judicial ethics, the presidium of the plenary session of the Supreme Court or the presidium of the regional courts initiates disciplinary proceedings and sends material regarding the judge to the Disciplinary Commission of the Judicial Jury at the Supreme Court. In accordance with Article 38-1 of the Constitutional Law "On the judicial system and the status of judges of the Republic of Kazakhstan" the Judicial Jury was formed to evaluate the professional activities of the current judge, confirm the judge's right to resign and terminate it, as well as to consider the disciplinary responsibility of judges.

The judicial jury is a single republican collegial body, which consists of two commissions:

1. Qualification - to determine the professional suitability of the current judge.
2. Disciplinary - considers issues of disciplinary responsibility of judges, including on the basis of complaints from citizens.

By the decision of the Disciplinary Commission of the Judicial Jury, the following disciplinary measures may be applied to judges: admonishment; reprimand; dismissal of the chairman of the court or chairman of the judicial board for improper performance of duties dismissal of a judge (the decision of the Judicial Jury to dismiss a judge is the basis for terminating the powers of the chairman, chairman of the judicial board and judge, on the basis of this decision, the Supreme Judicial Council is introduced representation of the dismissal of

a judge).

By the decision of the Judicial Jury disciplinary measures may be applied to judges: admonition; reprimand; severe reprimand; dismissal.

Decisions of the Judicial Jury commissions may be appealed by the judge to the High Judicial Council.

Since April 25, 2019 the Judicial jury has been transferred to the High Judicial Council.

141. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments When a prosecutor commits a disciplinary offense, a written explanation is sought from him.

The Prosecutor General or the authorized head has the right to impose a penalty without conducting an internal investigation if, in a written explanation, the employee agrees with the fact of his commission of this disciplinary offense.

By order of the Prosecutor General or an authorized manager, an official investigation should be conducted if the employee, in his written explanation, does not agree with the fact of a disciplinary offense.

A higher supervisor has the right to cancel a disciplinary sanction imposed by a lower supervisor if the previously announced penalty does not correspond to the gravity of the committed disciplinary offense.

The supervisor, who has exceeded the rights granted to him to apply, impose disciplinary sanctions, bears disciplinary responsibility for this, and the orders are canceled by an official authorized to apply penalties. For each disciplinary misconduct, with the exception of a serious misconduct, a Plan of elimination of deficiencies is mandatory, providing for specific terms and content, as well as verifiable measures.

The development, organization and implementation of the Plan rests with the immediate supervisor of the employee who committed the disciplinary offense.

If the prosecutor eliminates the shortcomings indicated in the Plan, and subject to excellent performance of duties, as well as achieving significant results in official activities, the supervisor has the right to file a request for early withdrawal of the previously imposed penalty in the order of encouragement, but not earlier than three months from the date of its imposition.

142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):Judicial Jury

Comments The judicial jury is a single republican collegial body, which consists of two commissions:

1. Qualification - to determine the professional suitability of the current judge.
2. Disciplinary - considers issues of disciplinary responsibility of judges, including on the basis of complaints from citizens.

By the decision of the Disciplinary Commission of the Judicial Jury, the following disciplinary measures may be applied to judges: admonishment; reprimand; dismissal of the chairman of the court or chairman of the judicial board for improper performance of duties dismissal of a judge (the decision of the Judicial Jury to dismiss a judge is the basis for terminating the powers of the chairman, chairman of the judicial board and judge, on the basis of this decision, the Supreme Judicial Council is introduced representation of the dismissal of a judge).

By the decision of the Judicial Jury disciplinary measures may be applied to judges: admonition; reprimand; severe reprimand; dismissal.

Decisions of the Judicial Jury commissions may be appealed by the judge to the High Judicial Council.

Since April 25, 2019 the Judicial jury has been transferred to the High Judicial Council.

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):

Comments When a prosecutor commits a disciplinary offense, a written explanation is sought from him.

The Prosecutor General or the authorized head has the right to impose a penalty without conducting an internal investigation if, in a written explanation, the employee agrees with the fact of his commission of this disciplinary offense.

By order of the Prosecutor General or an authorized manager, an official investigation should be conducted if the employee, in his written explanation, does not agree with the fact of a disciplinary offense.

A higher supervisor has the right to cancel a disciplinary sanction imposed by a lower supervisor if the previously announced penalty does not correspond to the gravity of the committed disciplinary offense.

The supervisor, who has exceeded the rights granted to him to apply, impose disciplinary sanctions, bears disciplinary responsibility for this, and the orders are canceled by an official authorized to apply penalties. For each disciplinary misconduct, with the exception of a serious misconduct, a Plan of elimination of deficiencies is mandatory, providing for specific terms and content, as well as verifiable measures.

The development, organization and implementation of the Plan rests with the immediate supervisor of the employee who committed the disciplinary offense.

If the prosecutor eliminates the shortcomings indicated in the Plan, and subject to excellent performance of duties, as well as achieving significant results in official activities, the supervisor has the right to file a request for early withdrawal of the previously imposed penalty in the order of encouragement, but not earlier than three months from the date of its imposition.

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

Judges	Prosecutors

Total number (1+2+3+4)	63 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	16 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other	44 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: Judges - a gross violation of the law in court cases, improper performance of official duties

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 10)	62 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Temporary reduction of salary	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
6. Position downgrade	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
7. Transfer to another geographical (court) location	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
9. Other	25 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

10. Dismissal	10	
	<input type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. Judges - Other is admonition

Prosecutors - This information cannot be provided, since its presence in the public domain creates a risk of influencing the Prosecutor in any form in order to prevent him from exercising his powers or making an illegal decision.

E3. Please indicate the sources for answering questions 144 and 145:

Sources: Judicial Jury statistic.

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	4 978 <input type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA

Comments

147. Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes ()

No (X)

Comments

148. Number of legal advisors who cannot represent their clients in court:

[]

NA

NAP

Comments

149. Do lawyers have a monopoly on legal representation in (multiple options are possible):

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	[]	[]	[]

Dismissal cases	[]	[]	[]
Criminal cases – Defendant	[X]	[X]	[X]
Criminal cases – Victim	[]	[]	[]
Administrative cases	[X]	[X]	[X]

[] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly: In a criminal case, a lawyer has the right to act as a defender (part 2 of article 66 of the Criminal Procedure Code of the Republic of Kazakhstan).

In criminal cases, a lawyer is involved as a defender. With the participation of a lawyer in criminal proceedings as a defender, along with him, on the written application of a witness who has the right to defense, a suspect, accused, defendant, convicted, acquitted, their defense can be performed by one of the following persons: a spouse or close relative, guardian, trustee or representative of the organization in the care or dependency of which the defendant is. In criminal cases, the victim may have a representative, not a lawyer.

149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	(X) Yes () No	(X) Yes () No	(X) Yes () No
Family member	(X) Yes () No	(X) Yes () No	(X) Yes () No
Self-representation	(X) Yes () No	(X) Yes () No	(X) Yes () No
Trade union	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other	() Yes (X) No	() Yes (X) No	() Yes (X) No

Comments - If "other", please specify. In addition, please specify for the categories mentioned the types of cases concerned by this/these representation(s):

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- [] Notarial activity
- [X] Arbitration / mediation
- [X] Proxy / representation
- [] Property manager
- [] Real estate agent
- [] Other law activities (please specify):

Comments

149-2. What are the statuses for exercising the profession of lawyer?

- [X] Self-employed lawyer

Staff lawyer

In-house lawyer

Comments

150. Is the lawyer profession organised through:

a national bar association

a regional bar association

a local bar association

Comments Lawyers are members of the Bar association, which are non-profit, independent, self-governing, and self-funded organizations. On the territory of region, city of Republican significance, the capital, has one Bar association, which does not have the right to establish their structural divisions (branches and representative offices) on the territory of another region, city of Republican significance, the capital.

The coordinator of all bar associations is the Republican (national) bar Association.

151. Is there a specific initial training and/or exam to enter the profession of lawyer?

Yes

No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

152. Is there a mandatory general in-service professional training system for lawyers?

Yes

No

Comments According to the law, bar associations provide the organization of work on certification and advanced training of lawyers. Kazakhstan has approved standards for advanced training of lawyers.

However, continuous professional development is also the responsibility of the lawyer himself.

Refusal to improve the qualification of a lawyer entails the responsibility of the lawyer in the form of suspension of his license. The purpose of professional development of lawyers is to update their theoretical knowledge and practical skills in accordance with modern requirements, as well as to further improve their previously acquired knowledge and skills.

According to the Standards, professional development of lawyers is carried out at least once every three years.

Professional development of the lawyer is carried out at the choice of the lawyer on the basis of professional development programs, but should not be less than twenty hours for three years.

Upon completion of advanced training courses, lawyers who have completed advanced training are issued a certificate.

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

Comments - If yes, please specify:

F1. Please indicate the sources for answering questions 146 and 148:

Sources: The report on the number of lawyers provided by the territorial bodies of justice in accordance with the order of the Minister of Justice dated December 22, 2017 No. 1601 "On approval of the List of reporting information submitted by the territorial bodies of justice to the Ministry of Justice of the Republic of Kazakhstan"

6.1.2. Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments If paid by client:

There is no set amount of payment for legal aid or a tariff schedule for providing paid legal aid. The amount of payment for legal assistance provided by lawyers and reimbursement of expenses related to the conduct of conciliation procedures is established by a written agreement between the lawyer and the person who applied for help. If the amount of services offered by the lawyer does not suit the client, he has the right to refuse his services.

The conclusion of the contract is mandatory.

When providing legal assistance, the person providing legal assistance must explain to the client the possible results and consequences of legal assistance, including the nature and amount of financial costs. If paid by state (so the answer is -Yes):

The legislation of Kazakhstan establishes the hourly rate of legal aid provided by a lawyer and reimbursement of expenses related to defense and representation provided on a free basis in cases provided by law. This payment is a multiple of the minimum wage (starting from 1/27) and depends on the category of the case and the severity of the crime.

Hourly pay also covers "expectations of the start of a procedural action or a court hearing", acquaintance with the materials of a criminal or civil case, a visit to a client in custody, etc.

In addition, lawyers traveling to provide legal assistance to another locality in Kazakhstan are reimbursed for expenses in the amounts established for employees of state institutions.

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes, laws provide rules

Yes, standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

Comments In accordance with paragraph 1 of Article 47 of the Law on "On advocate practice and legal assistance", the amount of payment for legal assistance provided by lawyers and reimbursement of expenses associated with conducting conciliation procedures is established by a written agreement of the lawyer with the person who has applied for help. The conclusion of the contract is mandatory and carried out in the manner prescribed by the civil legislation of the Republic of Kazakhstan.

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used? 1. The quality criteria for the provision of legal assistance in the form of legal information are:

1) the implementation of legal information within the limits of the powers provided for by the Law of the Republic of Kazakhstan dated

July 5, 2018 "On advocacy and legal assistance" (hereinafter - the Law);

- 2) legal informing the population about the procedure and the possibility of obtaining legal assistance guaranteed by the state through the mechanisms provided for by the Law;
- 3) the absence of substantiated complaints about actions (inaction) of officials and other persons of state bodies providing legal assistance in the form of legal information;
- 4) competence in the implementation of legal information;
- 5) objectivity and timeliness of legal advice to individuals and legal entities;
- 6) compliance with the current legislation of the Republic of Kazakhstan.

2. The quality criteria for the provision of state-guaranteed legal assistance in the form of legal advice are:

- 1) compliance with the procedure and terms of legal advice established by paragraphs 7 and 8 of Article 28 of the Law;
- 2) the validity and motivation of legal advice by the provisions of the legislation of the Republic of Kazakhstan;
- 3) compliance with the legislation of the Republic of Kazakhstan in the performance of professional duties;
- 4) the relevance of legal advice;
- 5) the absence of reasonable complaints about the actions (inaction) of entities providing legal advice.

3. The quality criteria for the provision of state-guaranteed legal assistance by lawyers in the form of protection and representation of interests of individuals and legal entities in courts, criminal prosecution bodies, other state bodies and non-governmental organizations are:

- 1) the provision of state-guaranteed legal assistance within the powers granted by law;
- 2) compliance in the performance of professional duties with the norms of the current legislation of the Republic of Kazakhstan and the Code of Professional Ethics of Lawyers;
- 3) preservation of lawyer confidentiality;
- 4) refusal of the accepted order to provide legal assistance guaranteed by the state if there is a personal interest in the outcome of the case, contrary to the interests of the person who has applied for legal aid;
- 5) the absence of substantiated complaints about the actions (inaction) of lawyers.

158. If yes, who is responsible for formulating these quality standards:

- the bar association
- the Parliament
- other (please specify): Ministry of Justice

Comments

159. Is it possible to file a complaint about:

- the performance of lawyers
- the amount of fees

Comments - Please specify: The availability of sufficient data indicating a violation by a lawyer of the requirements of the Law "On advocate practice and legal assistance", the Code of Professional Ethics of Advocates, the charter of the bar association, the decisions of the bodies of the Republican Bar Association, and bar associations.

160. Which authority is responsible for disciplinary procedures?

- a judge
- Ministry of Justice
- a professional authority
- other (please specify):

Comments The bar Association is a non-profit, independent, professional, self-governing and self-financing organization of lawyers created by lawyers to provide legal assistance to individuals and legal entities, to Express and protect the rights and legitimate interests of lawyers, and to perform other functions established by this Law.

Bringing a lawyer to disciplinary responsibility is carried out by the disciplinary Commission of lawyers, which is an independent body of

the bar Association, elected by the General meeting (conference) of the members of the bar Association and accountable to him (her). Decisions of the disciplinary Commission of lawyers are mandatory. The disciplinary Commission of lawyers includes six lawyers with at least five years of experience in the practice of law on the recommendation of the bar Association, three representatives of the public proposed by the judicial authorities, and two retired judges.

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify: Reporting is conducted by lawyers who are sanctioned.

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	273 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	100 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
5. Other	173 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. The disciplinary Commission of lawyers has the right to apply the following disciplinary measures to a lawyer: admonishment, reprimand; strict reprimand; exclusion from the bar Association.

Penalties are not provided for by law.

7. Court related mediation and other alternative Dispute Resolution

7.1 Court related mediation

7.1.1 Details on court related mediation

163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments A mediator is an independent individual who is engaged by the parties to conduct mediation in accordance with the requirements of the law.

Before start the court hearing, the judge must explain to the parties the possibility of reconciliation, including mediation. The parties have the right to submit a request for settlement of the dispute by mediation before the court is removed to the consultation room in the courts of first, appeal and cassation instances. In civil cases, when applying for mediation by a mediator and submitting a contract concluded by the parties with the mediator to the courts of the first and appeal instances, the proceedings are necessarily suspended for a period of not more than one month. In criminal cases, the mediator may, with the consent of the parties to the mediation from the date of registration of statements and messages on criminal offenses and the subsequent stages of the criminal process until the sentence comes into legal force. If the parties submit an application for mediation, the case is terminated.

163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned:

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Family cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Labour cases including employment dismissals	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes () No [X] NAP
Criminal cases	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes () No [X] NAP
Consumer cases	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes () No [X] NAP

Comments

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

(X) Yes

() No

[] NAP

Comments - If yes, please specify (only one or both options):: According to subparagraph 6 of paragraph 6 of the Rules for payment of state-guaranteed legal assistance provided by a lawyer and reimbursement of expenses related to the right to consult, defend and represent, as well as to conduct conciliation procedures (Order of the Minister of Justice of the Republic of Kazakhstan dated September 28, 2018 No. 1462) the amount payable at the expense of budgetary funds for the participation of a lawyer in a particular case, calculated by the Bar Association taking into account the time for filing statements, petitions, recall (objection) to the statement of claim, private, appeals tional, appeals and other appeals, objections to the appeals, appeals and other complaints, settlement agreements, agreements on the settlement of the dispute (conflict) in order mediation or settlement agreement in order participatory procedures in the interest of the principal, as well as comments on the record of the hearing.

166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

167. Number of court-related mediations:

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
Total (1 + 2 + 3 + 4 + 5 + 6)	[X] NA [] NAP	60 203 [] NA [] NAP	10 264 [] NA [] NAP
1. Civil and commercial cases	[X] NA [] NAP	17 504 [] NA [] NAP	5 470 [] NA [] NAP
2. Family cases	[X] NA [] NAP	13 898 [] NA [] NAP	613 [] NA [] NAP

3. Administrative cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	19 154 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Labour cases including employment dismissal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	1 169 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 915 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	10 056 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 915 <input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Consumer cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	242 <input type="checkbox"/> NA <input type="checkbox"/> NAP	51 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please indicate the source: Form No. 2 "Report on the consideration of civil cases by the courts of first instance"

Form No. 7 "Report on the review of civil cases in the appellate court"

Form No. 1 "Report on the work of the courts of first instance for the examination of criminal cases"

Form No. 6 "Report on the work of the courts of appeal for criminal cases"

Section No. 1-AP "Report on the work of the courts of first instance for the consideration of administrative cases"

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify):dispute settlement in a participatory manner

Comments

G1. Please indicate the source for answering question 166:

Source: NA

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

169. Do you have enforcement agents in your judicial system?

- Yes
- No

Comments

170. Number of enforcement agents

Total	Male	Female

Number of enforcement agents	2 233 [] NA	1 814 [] NA	419 [] NA
-------------------------------------	-----------------	-----------------	---------------

Comments A bailiff – shall be a state bailiff and a private bailiff performing the functions assigned to them by the law to take measures aimed at compulsory execution of enforcement documents, and having equal rights and obligations for exemptions provided for by Law “On Enforcement Proceedings and the Status of Enforcement Agents”

171. Are enforcement agents (multiple options are possible):

- judges
- bailiffs practising as private professionals under the authority (control) of public authorities
- bailiffs working in a public institution
- other

Comments - Please specify their status and powers: A bailiff – shall be a state bailiff and a private bailiff performing the functions assigned to them by the law to take measures aimed at compulsory execution of enforcement documents, and having equal rights and obligations for exemptions provided for by Law “On Enforcement Proceedings and the Status of Enforcement Agents”

171-1. Do enforcement agents have the monopoly in exercising their profession?

- Yes
- No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents’ monopoly or on the opposite regarding the competition they have to deal with:

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP

Eviction measures	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments Other - 1) seizure of the property of the debtor, including money and securities held by him or other physical or legal persons (with the exception of banks and organizations engaged in certain types of banking operations, as well as insurance organizations);
2) the prohibition of the debtor to perform certain actions, including the prohibition of the bodies of the legal entity to make decisions, as well as the suspension of the decisions taken on the alienation of movable and immovable property, property and non-property rights, securities and shares in the authorized capital and property of the legal entity;
3) the prohibition of the debtor to use the property owned by him on the right of ownership, including money, or the instruction to use it within the limits established by the bailiff;
4) sealing the property of the debtor;
5) seizure of title documents;
6) the prohibition to other persons to transfer property, including money, to the debtor or to perform other actions in relation to it.

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immoveable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments

172-1. Is there a system of mandatory general continuous training for enforcement agents?

Yes

No

Comments

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

a national body

a regional body

a local body

NAP

Comments The Ministry of justice of the Republic of Kazakhstan (monitoring) and the Republican Chamber of Private bailiffs (organization and control).

174. Are enforcement fees easily established and transparent for court users?

Yes

No

Comments

175. Are enforcement fees freely negotiated?

Yes

No

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

Yes

No

Comments The amount of remuneration of bailiffs is determined in accordance with the Decree of the Government of the Republic of Kazakhstan dated May 4, 2014 No. 437 "On approval of the amount of payment for the activities of a private bailiff".

H0. Please indicate the sources for answering question 170

Source: Sources of the number of bailiffs:

- The source for the number of state bailiffs is the staff list of the Ministry of Justice of the Republic of Kazakhstan.
- The source for the number of private enforcement agents is the State Register of licenses of private enforcement agents.

8.1.2. Efficiency of enforcement services

177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

Yes

No

Comments

178. Which authority is responsible for supervising and monitoring enforcement agents?

professional body

judge

Ministry of Justice

public prosecutor

other (please specify):the Republican Chamber of Private Bailiffs

Comments

179. Have quality standards been determined for enforcement agents?

Yes

No

Comments - If yes, what are the quality criteria used? According article 3 of the Law "On Enforcement Proceedings and the Status of Enforcement Agents Enforcement" proceedings shall be carried out on the following principles:

- 1) legality;
- 2) timeliness and transparency of commission of enforcement procedures and application of compulsory enforcement measures;
- 3) the respect of honour and dignity of a human being;
- 4) the integrity of the minimum property, required for the existence of the debtor and his family;
- 5) correlation of amount of debtor’s claims and compulsory enforcement measures;
- 6) a proportional distribution of collected amounts between recoverers of one queue at their insufficiency to complete discharge of all the claims of the queue;
- 7) a compensation from obligor’s expenses on compulsory enforcement of court order;
- 8) freedom of appealing court proceedings and orders of enforcement agent.

180. If yes, who is responsible for establishing these quality standards?

professional body

judge

Ministry of Justice

other (please specify):

Comments

181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

Yes

No

Comments - If yes, please specify:

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Yes

No

Comments - If yes, please specify: To carry out the main tasks of the execution of enforcement documents, bailiffs should take only the range of coercive measures delegated to them by the Law on Enforcement Proceedings and the Status of Enforcement Agents. In turn, the Ministry of Justice and the Republican Chamber of Bailiffs coordinate the activities of bailiffs and their compliance with the law.

183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other (please specify):

Comments

184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular regarding decisions against public authorities?

- Yes
- No

Comments - If yes, please specify:

185. Is there a system measuring the length of enforcement procedures:

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more (please specify):
- NA

Comments Judicial acts held in the case according to the Code of Civil Procedure must be completed within 5 business days, and within 3 business days are sent or handed over to the parties. If the judicial act is sent by post, the time of its delivery depends on the postal service. If the judicial act is delivered to the parties on purpose, then based on the above terms, the delivery must take place within 8 business

days.

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	1 316 [] NA [] NAP
1. For breach of professional ethics	2 [] NA [] NAP
2. For professional inadequacy	0 [] NA [] NAP
3. For criminal offence	0 [] NA [] NAP
4. Other	1 314 [] NA [] NAP

Comments - If "other", please specify: For violation of the requirements of the Law "On Enforcement Proceedings and the Status of Enforcement Agents".

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	106 [] NA [] NAP
1. Reprimand	0 [] NA [] NAP
2. Suspension	76 [] NA [] NAP
3. Withdrawal from cases	30 [] NA [] NAP
4. Fine	0 [] NA [] NAP
5. Other	0 [] NA [] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: In addition to the suspension of a private enforcement agent license, a private enforcement agent license may be terminated.

Regarding the discrepancies in the answers to question No. 180 and No. 181, we explain that in accordance with the Law of the Republic

of Kazakhstan “On Enforcement Proceedings and the Status of Enforcement Agents,” private bailiffs can be brought to disciplinary liability in the form of a warning and exclusion from the Republican Chamber of private bailiffs. The issue of disciplinary responsibility of private enforcement agents is considered by the Republican Chamber of private enforcement agents.

In addition, a private enforcement agent carries out activities on the basis of a license issued by the Ministry of Justice of the Republic of Kazakhstan. In this regard, the Ministry of Justice of the Republic of Kazakhstan has the right to suspend or terminate the license, including the right to file a lawsuit in court to terminate the license.

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: 186 - Civil Procedural Code, art. 223, 234

187 - The sources are the reports of the Departments of Justice of the regions, Nur-Sultan, Almaty and Shymkent and the Republican Chamber of Private Bailiffs.

188 - Decisions to impose sanctions on private enforcement agents are made by the Ministry of Justice of the Republic of Kazakhstan, in this regard, the sources of the answer to question 188 are official orders of the Ministry of Justice of the Republic of Kazakhstan.

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). In Kazakhstan decisions in criminal cases on the recovery of criminal fines and confiscation of property are executed by bailiffs, court decisions to restrict the freedom of prisons and probation services.

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

Comments

191. If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%

Comments - Please indicate the source for answering this question: Statistical report of form No. 4 “On the work on the enforcement of judicial acts”, approved by Order of the Prosecutor General of the Republic of Kazakhstan dated February 24, 2015 No. 38.

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Total	Male	Female
TOTAL (1+2+3+4)	4 182 [] NA [] NAP	1 164 [] NA [] NAP	3 018 [] NA [] NAP
1. Private professionals (without control from public authorities)	4 182 [] NA [] NAP	1 164 [] NA [] NAP	3 018 [] NA [] NAP
2. Professionals appointed by the State	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP
3. Public officials	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP
4. Other	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP

Comments - If "other", please specify the status: In accordance with the law "On Notaries", state notaries are provided for. There are no state notaries in the Republic of Kazakhstan, so the introduction of state notaries is provided in case of their shortage. Currently, all regions of Kazakhstan are provided with private notary services.

192-1. What are the access conditions to the profession of notary (multiple options possible):

- diploma
- professional experience/professional training
- exam
- appointment procedure by the State
- other (please specify):

Comments According to paragraph 1 of Article 8 of the Law "On Notaries", a license for the right to engage in notarial activities (notary license), issued by the Ministry of Justice of the Republic of Kazakhstan following certification, authorizes a private notary to perform notarial acts.

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- yes, please indicate the age of retirement:
- no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: The Law "On Notaries" does not provide for age restrictions, that is, a license to engage in notarial activities is issued without time limitation.

194. What kind of activities do notaries perform (multiple options possible):

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)

- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify):

Comments A notary has the right: to perform notarial acts provided for by the Law “On Notaries” and other legislative acts of the Republic of Kazakhstan, in the interests of individuals and legal entities that have applied to him; draft transactions, statements and other documents; make copies of documents and extracts from them; give advice on the performance of notarial acts; to request from individuals and legal entities the documents and information necessary for performing notarial acts, in compliance with the requirements established by legislative acts of the Republic of Kazakhstan for the disclosure of information constituting commercial, banking and other secrets protected by law; engage in scientific, pedagogical and creative activities; conduct conciliation procedures; be elected (appointed) by the arbitrator in the arbitration proceedings.

194-1. Do notaries have the exclusive rights when exercising their profession:

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify):

Comments - Please indicate any useful clarifications regarding the content of the notaries’ exclusive rights or on the opposite regarding the competition they have to deal with: Keeps a register of registration of notarial acts (including the electronic register of a unified notarial information system)

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

- Real estate transaction
- Family law
- Succession law
- Company law
- Legality control of gambling activities
- Other

Comments

194-3. Do notaries use specialised digital systems in their activity?

- In establishing authentic instruments
- In recording authentic instruments (archives)
- Other activity (please specify):

Comments A notary performs notarial acts through the Unified Notarial Information System.

195. Is there an authority entrusted with supervising and monitoring the notaries’ work?

Yes

No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

professional body

court

Ministry of Justice

public prosecutor

other (please specify):

Comments

196-1. Is there a system of general continuous training for all notaries?

Yes

No

Comments In accordance with the legislation on notaries, a notary is obliged to improve his / her qualifications. The organization of training of notaries and the development of methodological materials is within the competence of the Republican notary chamber (a professional community that unites regional notary chambers). For these purposes, the "Center for advanced training of notaries at the Republican notary chamber" (hereinafter – the Center) was created. The center regularly organizes full-time courses, as well as distance learning using modern communication technologies-through online webinars. In addition, training is also conducted by regional notary chambers in the region.

11. Please indicate the sources for answering question 192:

Sources: The report on the quantitative composition of notaries provided by the territorial bodies of justice in accordance with the order of the Minister of Justice of July 15, 2014 No. 238 “On approval of forms intended for the collection of administrative data submitted by the territorial bodies of justice to the Ministry of Justice of the Republic of Kazakhstan”

10.Court interpreters

10.1.Details on profession of court interpreter

10.1.1.Status of court interpreters



197. Is the title of court interpreters protected?

Yes

No

Comments

198. Is the function of court interpreters regulated by legal norms?

Yes

No

Comments The Republic of Kazakhstan does not provide for the institution of court interpreters, they are not accredited to the courts. Participants in the process who do not know or do not have sufficient knowledge of the language of the hearing are explained and get the right to use the services of an interpreter for free. The presiding judge shall explain to the interpreter his duty to translate explanations, testimonies, statements of persons who do not speak the language of the hearing, and these individuals – the content of the explanations, testimony, statements of persons involved in the case, and witnesses will be announced and available in the case of documents, recordings, expert opinions, consultations of specialists, as well as orders of a judge, handed down by the court of judicial acts. The Chairman warns the translator about the responsibility provided for by the Criminal code of the Republic of Kazakhstan for deliberately incorrect translation.

199. Number of accredited or registered court interpreters:

[]

NA

NAP

Comments

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam): Criminal liability is provided for knowingly incorrect translation (Article 420 of the Penal Code)

201. Are the courts responsible for selecting court interpreters?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters

Comments In each case, contracts are made with companies that provide translation services.

J1. Please indicate the sources for answering question 199

Sources: NA

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts



202. In your system, what types of judicial experts can be requested to participate in judicial procedures (multiple choices possible):

- experts who are requested by the parties to bring their expertise to support their argumentation,
- experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,
- "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).
- Other (please specify):

Comments Commentary- A forensic expert is the person, who meets the requirements of the this Law, who was entrusted to conduct a forensic examination by the authority (person) conducting criminal proceeding, the court or body (official) authorized to consider cases on administrative offences, prosecutor, notary according to the procedure provided by the laws of the Republic of Kazakhstan - Paragraph 12, Article 1 Law of the Republic of Kazakhstan “On forensic science activity” February 10, 2017

202-1. Are there lists or databases of registered judicial experts?

- Yes
- No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?): Information about the forensic experts who are employees of forensic examination authorities, as well as about individuals who have a license for carrying out forensic science activity shall be entered into the State register of forensic experts of the Republic of Kazakhstan, objectives and procedure for the formation and use of which shall be established by the Government of the Republic of Kazakhstan- Paragraph 1, Article 15 Law of the Republic of Kazakhstan “On forensic science activity” February 10, 2017

202-2. Who is responsible for registering judicial experts?

- Ministry of justice
- Courts
- Independent body (association of judicial experts)
- Other

Comments The competence of the Ministry of Justice of the Republic of Kazakhstan includes maintaining the State Register of judicial experts of the Republic of Kazakhstan (paragraph 23 of Article 12 of the Law of the Republic of Kazakhstan “On Forensic Expert Activity”). The state register is formed and maintained by the Department for the organization of expert activities of the Ministry of Justice of the Republic of Kazakhstan.

202-3. Is the registration of judicial experts limited in time?

- Yes, for how long
- No

Comments

203. Is the title of judicial experts protected?

- Yes
- No

Comments - If appropriate, please explain the meaning of this protection: according to Article 20 of the Law “On forensic science activities” Qualification requirements for a forensic expert must meet the following qualification requirements:

1) have higher education; 2) have the qualification of a forensic expert, confirmed by a qualification certificate for the right to conduct a

certain type of forensic examination; 3) be certified in cases and in the manner provided for by this Law. The qualification of a forensic expert is carried out by passing a qualification exam by a person with the issuance of a qualification certificate of a forensic expert for the right to conduct a certain type of forensic examination.

203-1. Does the judicial expert have an obligation of training?

	Obligation of training
Initial training	(X) Yes () No
Continuous training	(X) Yes () No

Comments In accordance with subparagraph 14) of article 12 of the Law “On forensic science activity” dated February 10, 2017, as well as in accordance with the Order of the Minister of Justice of the Republic of Kazakhstan dated March 31, 2017 No. 342 “On approval of the Rules for the qualification of judicial experts” determines the procedure and the term of qualification training of an employee, depending on the expert specialty, the level of basic training, as well as the work experience of the employee in the relevant field of knowledge, is established by the head of the territorial unit ranging from six months to one year, in consultation with the Director of the Center.

203-2. If yes, does this training concern:

- judicial proceedings
- the profession of expert
- other

Comments

204. Is the function of judicial experts regulated by legal norms?

- Yes
- No

Comments Article 8, 23, 24 Law of the Republic of Kazakhstan “On forensic science activity” dated February 10, 2017

A forensic expert: 1. When conducting a forensic examination, a forensic expert is procedurally self-sufficient, independent from the authority (person) that appointed the forensic examination, from a head of the forensic examination authority and other persons.

2. A forensic expert shall give an opinion based on the findings of the research conducted. In addition, he/she shall be independent in the choice of means and methods of the research, the admissibility of which shall be determined by the laws of the Republic of Kazakhstan.

3. A forensic expert independently chooses scientific means, methods and the research methodic allowability of which is determined by law. 4. Unlawful influence on forensic expert and impeding his/her lawful activities shall be unacceptable and punishable under the law.

Rights and obligations of forensic expert 1. A forensic expert shall have the right to:

- 1) become familiar with the materials of the case relating to the subject of a forensic examination;
- 2) file a motion on provision to him/her with additional materials required to give an opinion;
- 3) participate in the performance of the procedural actions and in court session with the permission of the authority conducting the criminal proceedings, the court, the authority (official), where the case on administrative offence is pending, and ask the participants concerned about the questions related to the subject of the forensic examination;
- 4) become familiar with the transcript of the procedural act, in which he/she took part, as well as in the corresponding part with the transcript of a court session and make observations to be included in it regarding the completeness and correctness of fixation of his/her actions and statements;
- 5) as agreed with the authority that appointed the examination, give an opinion within his/her competence on the circumstances identified during the forensic examination that are relevant to the case and beyond the scope of the issues contained in the resolution, ruling on the appointment of the forensic examination;
- 6) provide an opinion and testify in native language or the language he/she speaks; use free assistance of an interpreter, challenge him/her;

7) file complaints to the actions of the authority conducting the criminal proceeding, the court, the authority (official), where the case on administrative offence is pending, and other persons involved in the proceedings that infringe his/her rights when conducting a forensic examination;

8) receive reimbursement of the expenses incurred when conducting a forensic examination and remuneration for the work performed, if the conduct of the forensic examination is not a part of his/her official duties.

2. A forensic expert shall not have the right to:

1) negotiate with participants to the proceedings on issues related to the conduct of a forensic examination, without the knowledge of the authority conducting the criminal proceedings, the court, the authority (official), where the case on administrative offence is pending;

2) self-assemble materials for the research;

3) conduct research that could lead to the total or partial destruction of objects or change of their appearance or basic qualities, if there was no special permit of the authority (person) that appointed the forensic examination;

A forensic expert shall be obliged:

1) to appear when summoned by the authority conducting criminal proceedings, the court, the authority (official), where the case on administrative offence is pending;

2) to conduct a comprehensive, complete and objective research of the objects provided to him/her, to give reasonable written opinion on questions posed to him/her;

3) in cases provided by the law, to refuse to give an opinion, to make a substantiated written statement on impossibility of giving the opinion and send it to the authority (person) that appointed the forensic examination;

4) to testify on issues related to the conducted research and made opinion;

5) to ensure the safety of the objects submitted for the research;

6) not to disclose information about the circumstances of the case and any other information became known to him in connection with the conduct of a forensic examination, including information that constitutes state, commercial or other secret protected by the law;

7) to submit cost estimates and report on expenditure incurred when conducting a forensic examination to the authority (person) that appointed the forensic examination.

204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

Yes

No

Comments A forensic expert shall be disqualified from participation in conduct of a forensic examination, and if it was entrusted to him/her, he/she shall immediately terminate its conduct in the presence of the grounds provided by the laws of the Republic of Kazakhstan.(art. 31 Law of the Republic of Kazakhstan On Forensic Activities”)

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	1 205 [] NA [] NAP	556 [] NA [] NAP	649 [] NA [] NAP

Comments

205-1. Who sets the expert remuneration?

- The amount of the remuneration of state expert is established in accordance with the Decree of the Government of the Republic of Kazakhstan dated October 9, 2014 No. 1070 “On some issues of reimbursement of expenses of persons incurred in criminal proceedings”.

206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: According to paragraph 2 of Article 34 of the Law of the Republic of Kazakhstan "On forensic science activity" - the time period for conducting a forensic examination should not exceed thirty days, except in exceptional cases provided for by the legislation of the Republic of Kazakhstan.

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

	Number of cases
Total (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1.Civil and commercial litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.Administrative cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.Criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4.Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

207. Are the courts responsible for selecting judicial experts?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects judicial experts Ministry of Justice

Comments

207-1. Does the judge control the progress of the expertise?

Yes

No

Comments

K1. Please indicate the sources for answering question 205

Sources: The State Register of forensic experts of the Republic of Kazakhstan.

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans On priority development programs

Kazakhstan's judicial system

The main objectives of further modernization of Kazakhstan's judicial system are the rule of law and trust in the courts. In order to achieve these goals, first, it was necessary to understand what the claims to the courts are, and honestly recognize the existing problems. To do this, at the end of December 2017, the new President of the Supreme Court publicly addressed the judges, lawyers, prosecutors, and the legal community, from which thousands of responses and proposals were received.

Proposals ranged from complex topics of procedural and material law, selection and appointment of judges to the elementary culture of their behavior at the trial. Their study showed that the judicial system has a high development potential.

All ideas were grouped into 7 major programs: "The Impeccable Judge";

"High-quality result";

The Trial Court;

A "fair process";

"SMART Court";

"Optimal environment";

"Reconciliation: before trial, in court."

The program implementation required creation of autonomous teams and a project office. Selected employees were released from their main job duties and were trained to participate in this project.

Together, with certified trainers, they set measurable goals and objectives, identified smart indicators in order to achieve effective changes and work on the result, on a specific product.

The program "Impeccable Judge" aims to ensure the high professionalism, independence and responsibility of judges.

From 2018, selection of judges is fully reformatting - the Supreme Court and the Supreme Judicial Council (the Supreme Judicial Council) have implemented HR-tools, which are used by all known world companies, including written essays, a new automated check legal knowledge, case-solving, interviews with Supreme Court judges and members of the WSC and more. Because of increased requirements for candidates for judges, the proportion of successful candidates decreased from 25% to 5% of the number of candidates participating in the selection process.

Legislative amendments:

- The Academy of Justice is out of the control of the Ministry of Education and Science, which allows to independently form training programs (instead of studying compulsory disciplines not in demand by the judicial profession, the focus - on the preparation of future Judges);

It is a priority for court clerks to enter the profession of justice; - the entrance to the judges of the district court is open not only for active judges with 5 years of judicial experience, but also for highly qualified lawyers with 15 years of legal experience;

The right of the President of the country to submit a candidate for the post of Supreme Court judge outside the competition is enshrined; - The terms of internships by candidates for judges differentiated depending on the legal experience;

The criteria for selecting candidates for judges have been changed; Competitive selection of the chairmen of the regional courts panels (previously they were appointed on the submission of the President of the Supreme Court without competition);

- Limited tenure in the courts (no more than 2 times on the equivalent position); Issues of disciplinary responsibility of judges and

personnel reserve from the Supreme Court have been transferred to the WSC;

- The presidiums of the courts have been abolished, in order to expand judicial self-government, extended plenary sessions with the participation of judges of courts at all levels (formerly judges of district courts, whom are the majority in the system, did not participate in decision-making, and plenary Supreme Court hearings were held without the participation of lower court judges). The salaries of judges have been increased many times. This stopped the outflow, despite the increased demands for the judge himself (if 49 judges left in 2016, 67 in 2017, only 19 in 2018 and 10 in 2019). There were twice as many applicants to become judges, and the number of applicants from other state agencies and private structures increased.

In May 2019, a new structure was established - the Commission on the quality of justice at the Supreme Court consisting of 7 judges (4 current and 3 retired judges). Based on international experience, a methodology has been developed to assess the professional performance of judges.

The Commission assesses the level of professional knowledge and ability to apply it in the administration of justice, the results of judicial activities, the business and moral qualities of the judge, the compliance with his requirements required by the Constitutional Law and Code of Judicial Ethics.

The focus of the "Quality Result" Program is a judicial act that is the only and most important product of each judge. It is on its quality depends on whether the credibility of the court will be.

In order to improve the quality of judicial acts, the Supreme Court has adopted regulations on the court decision, "On the court verdict," "On the court's ruling in the case of administrative offense," enshrining their new format and the duty of judges in a simple and understandable language to explain the essence and motives of the decisions taken immediately after the announcement of the final court decision .

In addition, judicial samples have been developed for all types of proceedings, roundtables have been held, judges in all regions have been trained, and special competitions for the best judicial acts have been held.

The "Trial Court" program works to improve the quality of judicial services by improving the efficiency of judicial administration. Creating the organizational conditions of justice has become a significant priority of the work of the courts, primarily in the interests of people, clients of the courts. In 200 courts created front offices with barrier-free service, offices for lawyers and mediators, other amenities. A number of pilot projects have been launched:

1. The "Night Court" provides for expedited consideration of administrative cases involving obvious traffic accidents in which the offender does not dispute his guilt. In these cases, the case is dealt with quickly, within 2-3 days of the incident, and the victim receives insurance after 15 days, not 3 months, as it was literally a year ago.

Its second advantage is that the court sessions are held in the evening from 18 to 22 hours and the parties do not need to be asked to leave work or study.

2. "Assistant Judge" allowed to release judges from technical and administrative work, to train potential candidates for judges practical skills of judicial work

The institute tested within the pilot has had a positive impact on the efficiency of the vessels: The number of adjourned court hearings has decreased;

The ratio of civil cases completed in no more than one court hearing has increased; The facts of the late start of court proceedings were minimized; The quality of the administration of justice has improved (the number of appeals to higher courts, as well as complaints against the actions of judges and court experts have decreased).

Based on the methodology of process analysis, the court's business processes are audited and optimized, and new Justice Governance Management System, Judicial Map are being developed.

The "Fair Process" program focuses on optimizing the process, eliminating unnecessary, formal procedures and actions of the court, reducing the judicial burden.

Over the past year, the Supreme Court has drafted 17 bills, of which 6 have already been put into effect, 6 - before Parliament, 5 - are preparing to be introduced to Parliament.

What are the results:

From the courts to notaries passed undisputed monetary penalties, and to the prosecutor's office - the sanctioning of a number of actions of judicial executors; Simplified production is optimized, some of the requirements are transferred from written to orderly; The GPC is supplemented by the chapter - "e-judicial," the cases of order and written proceedings are fully translated into electronic format; The status of the judge's consultant is procedurally enshrined.

What we expect from the amendments to the Parliament: 1. More than 70 admities are handed over to state agencies from the jurisdiction of the administrative courts. 2. From the court to the authorized body will be transferred to the appointment of an interim administrator and manager in rehabilitation and bankruptcy.

3. The number of restrictions on debtors leaving the Republic of Kazakhstan will be reduced by increasing the debt threshold from 20 to 40 MRP. 4. There will be more opportunities for a conciliator judge, who will be given more time to reconcile the parties. 5. Court summonses, unnecessary court acts and hearings will be reduced. Procedural decisions will be simplified (for example, more than 300,000 formal definitions per year are now made on the appointment of a case alone).

6. In cases considered electronically, audio and video recording is equated to the minutes of the meeting.

7. Opportunities for judicial discretion would be increased and the role of the judge in the adversarial process would be enhanced. Major changes in the institutional environment lie ahead with the creation of a new model of admin justice and administrative proceedings. For quality judicial review, the draft Administrative Procedure Code provides broad powers for the judge to interact with the parties, clarify the circumstances of the case and gather evidence.

Work is also underway on amendments to the CPC on expanding access to cassation, jury jurisdiction, and the formation of a jury list. The objectives of the SMART Court Program are to further develop the IT services of the judicial system, increase their analytical capacity and ensure the continuity of their work, as well as increase the automation of judicial services.

Since 2016, the "Torelik" information and analytical system has been launched in all courts of Kazakhstan. It is a centralized system that gives operational access to information exchange. The system includes an electronic archive, an internal portal, a personnel subsystem, Internet resources of ships, call-center. It fully automated the distribution of cases. Intelligent assistants for judges have been implemented.

In the preparation of sentences, the "Judge Assistance Module" provides clues on the type of punishment, type of correctional facility, recidivism and the totality of criminal offences, the possibility of reconciliation and probation.

The "Judge's Diary" forms information on cases, the timing of their deliberations and the calendar of court sessions, as well as references to generalizations of court practice.

The "Judicial Practice" service has introduced the "Text Mining" technology, which allows to look for keywords in the text of court acts.

It facilitates the work of judges and a single information space of state agencies - now it is not necessary to issue written requests, the necessary information of the court became available electronically. This saves judges time in organizing trials and learning about current court practice.

Electronic notification of participants in the proceedings, which is carried out through SMS messages, e-mail and online services, works effectively. Judges and parties now have much more time to prepare for the process.

With the advent of artificial intelligence, many countries are working to use its capabilities to create predictive and analytical products. For Kazakhstan, this direction is also a priority.

Concrete steps have already been taken to develop prototypes of the Digital Forensic Analysis and Prediction of the Outcome of the Case.

Elements of artificial intelligence provide the judge with data on the jurisprudence in similar cases, and external users - the opportunity to objectively assess the prospects of resolving the dispute in court.

During 2020, it is planned to test these modules in a pilot mode: we will collect feedback and comments from users.

For the convenience of the population launched the service "Judicial Cabinet" - a single online window of access to the courts. Users without leaving the house or office can go to court electronically (more than 60 types of electronic documents in total).

If in 2014 we had 5% of electronic lawsuits, today already 77% of lawsuits are filed through the Court Of Justice.

Electronic paperwork has also unloaded the work of court offices, as the main details of the credentials are filled out by external users when filing electronic appeals.

Through the Search for Court Cases, people can learn about the dynamics of cases and decisions made on them. The "Bank of Judicial Acts" through which you can find and download any court decision (on average, the number of searches more than a thousand per day) has proved its demand. All court acts contain bar codes and their legitimacy is easily verified through a separate service.

A mobile version of the Trial Cabinet has been launched. The app can be downloaded for free on a smartphone, laptop or tablet.

The mobile version allows remote participation in trials without appearing in court, including being outside Kazakhstan. This year alone, about 10,000 court sessions have been held using mobile video conferencing.

In Kazakhstan, all courtrooms are equipped with modern audio and video-fixing systems (AVF), which has solved a number of issues. First, the AVF allows objective to investigate the course of the process, including the conduct and statements of the parties and the judge. Secondly, the very fact of recording what is happening in the court session disciplines all participants in the process. Thirdly, the work of the secretary of the court session is much easier - he only prints out the brief protocol prepared by the system and attaches audio and video recordings to it.

Automation of judicial logging allowed to redistribute the staff - reduced the number of secretaries, freed units are used for other work (if before the secretary was at each judge, now the secretaries are assigned to the halls trials and work with different judges).

The storage of AVF data is centralized; through electronic services, there is an opportunity remotely familiarize both judges of higher authorities and participants in the process. In addition, the AVF system allows for processes through video conferencing (CCS). Now the party, witness or expert does not have to be present in the court hearing the case. In addition, we do not take prisoners to court, for example, when considering materials related to parole. Court hearings were held more quickly, no longer need to postpone them to wait for the arrival of an expert, an important witness or a convict.

The Optimal Environment program aims to create the conditions for preventing disputes, improving the legal skills of the population and improving communication with society.

One of the products of this project "Contract Designer" is a service created with the National Chamber of Entrepreneurs. It offers contract templates based on the possible risks of default.

Media representatives have created the most comfortable conditions for covering trials with access to courtrooms. For high-quality coverage of the activities of the judiciary in each regional and equivalent court appointed judges-coordinators for interaction with the media and created departments of information support (press services), which have on social networks personal accounts.

Live broadcasts of plenary sessions and the most important events of the Supreme Court on the Internet are practiced. A total of 13 "direct broadcasts" have been conducted since the beginning of 2018. The total number of views was about 300,000.

Several communities have been set up on social media - Smart Hundreds, Seven Stones of Justice, Judicial Defense of Business, Reconciliation Procedures in the Courts, Civil and Administrative Process, and Criminal Justice. This allows for an open dialogue with the population on pressing issues of justice, answering questions from citizens and explaining court decisions that have caused increased public interest. With the support of the Supreme Court, the League of Judicial Journalists of Kazakhstan has been established. The league has representatives in major cities of the country. She specializes in assisting journalists in covering the judicial system. There is also an active work with the Club of Editors. This NGO is regularly involved in promoting up-to-date information on the work of the courts.

The official website of the Supreme Court is active, which publishes the most up-to-date information about the work of the courts every day. The average attendance of the Internet resource is more than 5,000 unique visitors per day. The number of views is 25,000 daily.

The program "Reconciliation: before trial, in court" cultivates in society the priority of out-of-court settlement of legal conflicts, as well as the benefits of mutually beneficial agreements, if the dispute is already considered by the court.

The topic of reducing the conflict in society, the development of extrajudicial reconciliation, is actively promoted in the media, at meetings in the regions with intellectuals and activists. Together with the local executive bodies, the Federation of Trade Unions opened 47 centers and more than 1,000 reconciliation rooms, which employ mediators, psychologists, lawyers. In Singapore's experience, the pilot project "Conciliator Judge" is being implemented in the courts dealing with civil cases. The pilot's results demonstrate the high potential of mediation - 46% of the parties who came to the conversation are reconciled.

"According to law enforcement agencies in accordance with the Strategic Development Plan of the Republic of Kazakhstan until 2025, approved by The President's Decree No. 636 of February 15, 2018 (the Strategic Plan), in Section 4 "Legal State Without Corruption" the development of law enforcement agencies, the improvement of the forms and methods of their activities. The stability and transparency of personnel policy will be ensured, the requirements for the qualifications and discipline of law enforcement officers will be increased. More effective organizational and management mechanisms and an effective distribution of functions, with the exception of non-law enforcement functions, will be established. It is planned to take measures to increase the level of trust, public control over the activities of law enforcement agencies, and to involve the population in law enforcement. Clear criteria for assessing law enforcement activities will be defined; the level of trust of citizens will be the main indicator of the quality of their work much more.

The Prosecutor General's Office, together with law enforcement and other interested government agencies, has prepared a bill on

amending and amending some laws of the Republic of Kazakhstan on issues improving criminal and criminal procedure legislation." The amendments relate to the removal of barriers preventing the widespread use in practice of simplified forms of criminal proceedings (order proceedings); further development of parole and commutation of sentences more lenient; Clarification of the list of corruption offences and their subjects; Improving legislation to ensure the legal accuracy of the rules and predictability of the consequences of their application, to achieve certainty in distinguishing lawful conduct from unlawful conduct and excluding the possibility of arbitrary interpretation of the law; by step-by-step implementation of a pre-trial model consistent with the basic principles of developed countries; providing an emergency and full rehabilitation of a citizen in the event of an unlawful charge or conviction; strict respect for the rule of law, strengthening the system of guarantees of the rights and freedoms of citizens in the conduct of operational and investigative activities and conducting unspoken investigative actions with increased responsibility for the illegal use of funds and methods of such activities and actions."

2. Budget Changes to the budget are not planned.

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) It is planned the abolition of some courts. The abolition of courts will be based on a comprehensive analysis.

3.1. Access to justice and legal aid See part 1. (Comprehensive) reform plans

4. High Judicial Council The High Judicial Council continues to work to modernize the system of selection and placement of personnel in the judicial system. This work is focused on further improvement:

- 1) qualification exam procedures for candidates to judicial positions;
- 2) mechanisms for competitive selection of judges;
- 3) the procedure for the formation of a personnel reserve for judicial posts.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. In accordance with the Law of the Republic of Kazakhstan of April 2, 2019, No. 241-V The Civil Procedure Code of the Republic of Kazakhstan has been legally assigned to the position of a judge's consultant. In this regard, work is under way to review the institutional structure of the judiciary, which provides for the introduction of an assistant judge (consultant) institution. It is proposed that existing staff units be retained to consolidate the position of Consultant while maintaining his salary. Preparatory work has been initiated by the Supreme Court's Academy of Justice to establish short-term paid training courses for

workers in other areas of legal activity: lawyers, mediators, private bailiffs, notaries, etc. At the moment, memorandums of cooperation with the Republican Bar Association, the Republican Notary Chamber have been concluded, new models of working programs for notaries and lawyers are being developed. The Academy has prepared and submitted to the authorized body a draft rules for the provision of paid activities.

At the same time, since January 1, 2016, Kazakhstan has developed a practice of bringing retired judges to the administration of justice. Retired judges who have not reached the age limit for a judge (65 years) may, if they have consent, be brought to justice for a period of temporary absence from the judge, but not for more than six months.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities Civil law
Reducing judicial burden, unnecessary judicial procedures

Of the 18 sanctions against court executors, two have been left behind - the coercive drive of the debtor and the ban on travel outside the country. It is excluded to authorize arrests of the debtor's property.

The sanctioning of bank accounts and the claim of information that constitutes bank secrecy have been handed over to the prosecutor's office. Of the 18 requirements of the order production, 9 were transferred to the notary. Some of the cases of simplified proceedings have been transferred to the order. These are 10 categories out of 12. Presumably this is about 50% of the cases considered for simplified production. The introduction of a modern formats of ships and advanced electronic services is going. Two new chapters and 5 articles have been introduced by amendments to the Civil Procedure Code. The civil process introduced an electronic format of legal proceedings, provided for the remote participation of citizens through mobile devices. Increasing judicial discretion in the civil process, as well as strengthening the role of individual participants in the process. optimization of procedural actions, which will increase procedural savings, eliminate unnecessary litigation procedures and costs, Further development of digitalization in the courts.

Administrative legislation

1. The Ministry of Justice, together with the Supreme Court, has drafted a bill to amend the Code On Administrative Infractions (hereinafter - Code).

The block of amendments aimed at humanizing the Code provides:

The exclusion of 32 administrative offences in connection with the possibility of reviewing their regulated relations in civil or disciplinary order;

Reducing the fine for 44 administrative offences;

- replacing penalties in 10 compositions with less repressive types (excluding penalties in the form of arrest, deprivation of license with replacement of them with an administrative fine);

It is proposed to transfer from the courts to the jurisdiction of the state authorities about 78 compositions. The courts consider about 500 trains in total, of which we refer to the GO - 78 trains, including: -38 (reduction of 48,737 cases or 15%, the bulk of cases under Article 434 of the Code for pollution of garbage);

-deprivation of license/suspension - 40 (down by 1,170 cases or 0.4%)

Under article 434, acts related to contamination of public places, parks, squares, including the release of municipal waste in unspecified places, were singled out in a separate article 434-2, with the competence to impose administrative penalties internal affairs authorities.

2. The Ministry of Justice has worked with the Supreme Court on a draft Administrative Procedure Code (APC).

Regulating public relations related to the implementation of administrative procedures, including the organization of internal activities of public bodies, as well as administrative proceedings to resolve disputes in the sphere public relations.

It is proposed to put on loss the law on administrative procedures, "On the procedure of consideration of appeals of individuals and legal entities" and to introduce new mechanisms for the regulation of administrative procedures in accordance with internationally recognized Standards.

A separate judicial process is being introduced, allowing public-legal disputes under the rules of the administrative process.

The bill provides for the following key novels:

1) delineation of administrative procedures to internal and external procedures;

- 2) differentiation of administrative acts to favorable (positive) and burdensome (negative);
- 3) a detailed and understandable procedure for initiating, reviewing and accepting an administrative act with external consequences by the authorities;
- 4) the right of a person to be heard before an administrative act is made against him;
- 5) the establishment of special principles (proportionality in administrative discretion, protection of the right to trust, prohibition of abuse of formal requirements, etc.), non-compliance of which, depending on its nature and substance, may serve as a grounds for declaring an administrative act illegal;
- 6) mandatory pre-trial settlement of the dispute (appeal of administrative act in a higher authority);

The goals of the bills are:

- 1) establishing and enshrining in a single piece of legislation the legal framework, principles, rules of administrative procedures and judicial proceedings in the field of public relations. 2) ensuring transparency of public bodies and eliminating administrative arbitrariness, preventing conditions for the manifestation of corruption;
 - 3) improving the efficiency of the public administration and the level of public confidence in the state;
 - 4) setting criteria for effective and full judicial review of administrative decisions.
3. The draft law on amending and amending some laws of the Republic of Kazakhstan on improving rehabilitation and bankruptcy procedures.

It is envisaged that the authority of the authority will be transferred to the court as an interim manager for rehabilitation and bankruptcy procedures and the extension of the rehabilitation procedure.

4. The draft law on amending and amending some of the legislation on executive proceedings initiated by the MPs of the Parliament. It is proposed to increase the amount of debt from 20 to 40 MCI to limit departures.

The functions of the bailiff on the court executor are excluded. Tax Code

In order to reduce the burden on specialized interdistrict economic court, it is proposed to:

- 1) give the tax authorities the right to issue tax orders to liquidate enterprises;
- 2) give the Ministry of Finance the right to independently include potential suppliers in the register of unscrupulous participants for unreliable information.

Criminal Procedure Code

1. Expanding prosecutorial oversight and judicial oversight of the use of the witness protection institute.

When the criminal prosecution body adopts security measures, the supervisory prosecutor is notified within twenty-four hours with confidentiality.

Introducing the right of the protected person to appeal to the prosecutor and the court the decision of the criminal body to appoint security measures.

If violations of the rights of protected persons are detected, security measures are lifted by a reasoned order of the prosecutor and the court.

Under procedural agreements:

It is excluded that a criminal case against the person with whom the transaction has been concluded is excluded;

- A limit has been imposed on group crime deals if other suspects accused object.

Expanding the scope of alternative detention measures.

When a suspect is elected, the accused must consider the possibility of a more lenient measure of restraint, if any.

2. Detailing the grounds for selecting a measure of restraint.

The investigator and the interrogator, in the order to initiate a petition to the court for a sanction for the use of detention, is obliged to justify the reasons for the election of this measure and the impossibility of applying a more lenient measure of restraint.

The judge in the sanctioning order must also justify this.

3. Expanding circumstances for a measure of restraint.

When selecting a measure of restraint, take into account:

The presence of dependents in the family;

The strength of the social connections of the suspect, the accused;

Reputation as a suspect, accused;

Suspect, accused of permanent place of work or study.

(Now only: 1) the severity of the crime committed is taken into account; 2) The identity of the suspect, the accused, his age; 3) Health status; 4) marital status, 5) occupation; 6) property status; 7) the presence of permanent residence).

4. Preventive measures not related to isolation:

Bail is introduced for particularly serious crimes - more than 500 Monthly rate (excluding the specified in article 9 of Article 148 of the Criminal Code):

- reduced the minimum amount of bail (from 50 to 30-fold - on a small severity; from 150 to 120 times - on a careless average severity; from 250 to 200-fold - on intentional crimes of moderate severity; from 500 to 350 times on serious weight crimes).

- set a threshold of minimum collateral for exceptional cases (at least 20 times Monthly rate - for a small severity; 30 times Monthly rate - for reckless crimes of moderate severity; at least 40 times Monthly rate - for intentional crimes of average Gravity at least 50 times monthly rate for serious crimes).

The upper threshold of bail for minor and moderate acts has been set;

The mechanism for selecting house arrest (without reference to detention) has been changed.

5. On parole and commuting with a lenient sentence:

Sending the materials to the court in the form of an electronic document;

- The refusal of the court to the parole cannot be an obstacle to the application for making corrections to the milder sentences and vice versa.

Criminal Code

1. A ban is imposed on the termination of cases of corruption crimes for active remorse.

2. Community service for minor and moderate crimes is introduced.

They are supplemented only by those sanctions, which provide for a fine. These are 141 minor crimes and 135 moderate-gravity offences.

Public works are not introduced in the case of death.

3. Restrictions on freedom for certain serious crimes against property, officials, economic activities, etc. are introduced.

About 20 crimes:

theft, embezzlement or embezzlement, fraud, property damage by deception, copyright infringement, monopolistic activity, manipulation of securities, abuse of office, abuse of office office, inaction, negligence, etc.

4. Increase thresholds of large, large and especially large sizes.

The large size has been doubled from 500 to 1,000 Monthly rate mainly for crimes against property (14 articles including theft, embezzlement, fraud, robbery, etc.).

Significant size - from 100 to 200 , especially large - from 2000 to 4000 Monthly rate.

5. Reducing the minimum penalty limit for crimes and correcting other penalties for misdemeanors.

The lower penalty limit for crimes is reduced from 500 to 200 Monthly rate.

Accordingly, the maximum fine for criminal misconduct is reduced from 500 to 200 Monthly rate, and the minimum - from 25 to 20 Monthly rate

Terms of public works and arrests are also adjusted in the direction of mitigation - from 300 to 200 hours, from 90 to 50 days respectively.

A total of 147 criminal misdemeanors are being reduced.

6. Mitigation of the order and conditions of the fine and the restriction of freedom.

It is proposed to increase the maximum period of payment of the fine to 3 years (now 6 months).

Mitigation of the conditions of employment during the implementation of the restriction of freedom.

Without being attracted to work when he has a job or studies.

The period of forced labor is reduced to 100 hours per year, which is about 1 month of unpaid work (now 3 months).

7. Introduction of multiple fines on the composition using official position - h.3 Art. 189 Criminal Code - embezzlement or embezzlement of entrusted other people's property, p.3 P.190 of the Criminal Code - fraud.

A 20-fold fine is imposed on the size of stolen property (only for corrupt embezzlement and embezzlement and fraud).

An alternative in the form of restriction of freedom is introduced for the general subject.

8. Reducing the upper thresholds of sanctions in the form of 56 (without changing the category):

In the economic sphere- 43 members;

2 articles against property;

3 articles against the interests of service in commercial and other organizations;

Against Justice - Article 1;

Military - 5 articles.

9. Penalties for 7 corruption offences have been reduced.

Similar to bribery, the punishment was commuted by excluding certain qualified officials and persons in responsible public office.

These subjects are moved to parts one, where sanctions usually do not exceed 3 years of imprisonment and have all kinds of alternatives.

10. The fine is lower than the lower one by the orderly production.

It is proposed that the fines for ordering proceedings be set from 10 to 20 Monthly rate to expand the application of this form of investigation.

In addition, the possibility of exemption from due process costs (they are now often greater than the fine itself) is introduced.

11. Expanding the options for replacing fines, corrections, and community service - in the absence or evasion.

The possibility of replacing the fine, correctional works, public works with restriction of freedom (now provides for replacement only for imprisonment) has been introduced.

It is envisaged that if a lighter sentence is commuted to imprisonment, the maximum term should not exceed one third of the upper threshold of the sanction for the act.

12. Mitigation of the conditions of imprisonment by sending the bulk of socially non-hazardous convicts to minimum-security institutions (former colony-settlements).

In the institutions of minimum security will serve the sentence convicted of intentional crimes in the sphere of economic activity, against the interests of service in commercial and other organizations, in the field of information and communications, medical crimes environmental crimes, corruption and other crimes against the interests of public service and public administration.

In addition, first-time convicts for up to two years (now up to 1 year) will be sent to these institutions.

Persons sentenced to more than two years who had not previously served a prison sentence should be referred to medium-security institutions (now as high).

In addition, the type of institution for women sentenced to imprisonment for a particularly serious crime (from the maximum to the average) is softened.

13. Reducing the statute of limitations for criminal prosecution and conviction.

Now the statute of limitations of 15 and 20 years respectively are for serious and especially serious.

It is proposed to reduce them to 10 and 15 respectively, but retaining the prohibition to apply the statute of limitations for particularly serious economic crimes.

14. In bribery articles, the lower and upper limit of multiple fines.

Currently, there is only one multiple (50, 60, 70, 80).

Supplement the lower and upper limit of multiples (40 to 50 times, 50 to 60 times, etc.).

15. It is proposed to decriminalize malicious disobedience to the legitimate demands of the Penitentiary facility administration, which has been committed repeatedly.

It is proposed to consider disobedience through mechanisms of disciplinary penalties, the degree of conduct, transfer to stricter institutions and denial of the satisfaction of the parole, the MPC.

(Responsibility for organizing group disobedience to the legitimate demands of the administration of the institution providing isolation from society, as well as participation in group disobedience involving violence or willful causing yourself any damage or other serious consequences)

In 2017, Kazakhstan joined the Hague Conference on International Private Law (HCCH) and successfully applies its conventions, such as the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (The Hague, November 15 1965), Convention on International Access to Justice (The Hague, 25 October 1980), Convention on Taking of Evidence Abroad in Civil or Commercial Matters (The Hague, 18 March 1970); Convention on the Civil Aspects of International Child Abduction (The Hague, 25 October 1980; Convention On Civil Procedure (The Hague, 1 March 1954).

Currently, Kazakhstan is undergoing internal procedures for:

Ratification of the Hague Convention on Choice of Court Agreements of 30 June 2005;

Ratification of the United Nations Convention on International Settlement Agreements as a result of mediation dated 7 August 2019;

Accession to the Convention on the Recognition and Enforcement of Foreign Judgments Civil or Commercial Matters, concluded under the auspices of the HCCH on 2 July 2019.

September 16-19, 2019 The 62nd IAJ meeting was held in Nur-Sultan, together with the International Association of Judges. More than 300 representatives from 97 countries took part in the event.

The Union of Judges of Kazakhstan has been a member of the IAJ since November 2011.

Within five days, issues such as pressure on the court via the Internet and social networks, as well as the increase in sexual harassment offences, were discussed. Colleagues' experience in strengthening the independence of courts and judges, as an unshakable principle of International Association of Judges and a key factor in the success of judicial reforms in any state, has been studied. In this context, the issues of improving the skills of judges and meeting their professional level are considered.

September 17, 2019 The 14th session of the International Association for Judicial Administration was held in Nur-Sultan, together with the International Association for Judicial Administration. The event is aimed at improving the efficiency of the courts and the quality of justice. The meeting was attended by 200 representatives from 60 countries.

Kazakhstan has been actively participating in the work of masa since 2015.

The participants discussed the possibilities and problems of the courts, effective strategies and tools to optimize judicial efficiency, new technologies, issues of access to justice and administration of the court, educational programs.

September 18, 2019 The Nur-Sultan High Court, together with the International Association of Judges and the International Association for Judicial Administration, hosted an International Forum on "Managing the quality of justice: global trends and experience". The event was attended by representatives of the judiciary of foreign countries, leading lawyers, scientists (about 700 participants from 120 countries).

There was a constructive dialogue that demonstrated the solidarity of the forum participants in the need for further study and exchange of experience in the judicial sphere.

7. Enforcement of court decisions Changes into this area are not planned.

8. Mediation and other ADR Kazakhstan passed the Mediation Act in 2011, and the rules on this type of dispute resolution are reflected in the civil and criminal procedural codes. Extrajudicial reconciliation.

In order to expand extrajudicial mechanisms for resolving the dispute, including the Institution of Mediation, the Supreme Court in 20108 signed Memorandums of Mutual Cooperation with the Federation of Trade Unions and the Ministry of Information and Public Development.

Together with the local executive bodies, the Federation of Trade Unions, mediators organizations opened 47 centers of reconciliation, which employ mediators, psychologists, lawyers. There are also 1,016 reconciliation rooms, including 308 in courthouses.

Since February this year, "Reconciliation Centers" for the provision of out-of-court dispute resolution services have been opened in various cities of the country.

Also implemented service for pre-trial settlement of the dispute "E-reconciliation" which allows you to apply for mediation electronically.

A bill has now been drafted by the Supreme Court to introduce modern court formats and reduce unnecessary procedures and costs, including those aimed at expanding conciliation procedures.

Reconciliation in court.

As part of the project, a pilot project "Conciliator Judge" was launched in the courts dealing with civil cases in April 2018.

In disputes, conciliator judges before accepting the application to the court are discussing with the parties the possibility to apply one of the conciliation procedures (the conclusion of a peace agreement, the agreement on the settlement of the dispute by mediation, or the agreement on the settlement of the dispute in the form of a participators procedure).

The procedure is carried out in cases of legal proceedings, except in cases considered in the order of simplified (written) proceedings, bank disputes, as well as claims in which the defendant is a non-resident.

There are currently 91 trials in the pilot.

9. Fight against crime As part of the implementation of the President's Message to the people of Kazakhstan on September 2, 2019, "Constructive public dialogue is the basis of stability and prosperity of Kazakhstan" by the decree of the President of the Republic of Kazakhstan on September 10, 2019. No.152 has approved the National Action Plan, which provides:

- 1) increased criminal penalties for sexual violence, pedophilia, drug distribution, trafficking, crimes against children, as well as poaching, violence and assault on the State Protection Inspector Plant and Animal Life, inspector of a specialized wildlife organization, ranger service and other serious crimes against the individual;
- 2) analysis of the state, structure, dynamics, causes and conditions of committing serious and especially serious criminal offences in the country as a whole and in the region, including the assessment of the activities of law enforcement agencies on their prevention, detection To stop, investigate and develop a set of measures to improve the effectiveness of countering such criminal manifestations;
- 3) A comprehensive review of anti-poaching activities and the development, taking into account foreign best practices, a set of measures to improve the effectiveness of such activities, including ensuring that appropriate the interaction of law enforcement agencies with the relevant structures for the protection of plant and animal life, identification of organized groups of poachers, distribution channels of criminally extracted products of plant and animal origin;
- 4) strengthening oversight and control against the use of illegal methods of work by law enforcement officers and provocative actions in operational and investigative practice, ensuring compliance with the principle inevitability of responsibility and punishment on such facts.

9.1. Prison system Today, Kazakhstan is a full subject of international law and continues to actively accede to the most important international human rights acts.

Our country has ratified almost all the fundamental UN documents on the fight against crime. Kazakhstan is a party to more than 63

international treaties, 7 of which are UN conventions.

It should be said that our country has inherited a harsh Soviet justice system. Most of the convicts were imprisoned for long periods. Prisons were overcrowded.

According to the "prison index" we occupied the third position in the world after the USA and Russia. Therefore, very important legal, economic and structural reforms have been implemented, which have allowed us to get rid of the status of "country of camps".

As a result of the large-scale reform, according to the experience of OECD countries, the criminal, criminal procedure and executive codes in Kazakhstan were completely updated in 2015.

The repressiveness of the criminal law to those who committed crimes for the first time was reduced by negligence and did not pose a threat to society.

They have relaxed the conditions of serving their sentences. They were shielded from the influence of the criminal environment. Gave them the opportunity to work hard and embark on the path of correction.

According to the concept, only those who are really dangerous are subject to isolation from society.

To this, the scope of alternative punishments has been seriously expanded.

Restrictions on freedom and fines included alternatives to more than a thousand sanctions (from 658 to 1086). They have become dominant punishments and are appointed in 50% of cases.

Imprisonment in accordance with international standards is considered a last resort. 25 per cent are now condemned, compared with more than 50 per cent in the 2000s. (2000 - 51.3%; 2006 - 49.3%, 2013 - 38%).

Due to the introduction of the institution of the investigating judge, judicial control has been strengthened. The actions of investigators affecting human rights and freedoms are sanctioned by investigative judges. It used to be the prosecutor's. The powers of the lawyers have been expanded. The adversarial process has increased. The detention period has been reduced from 72 to 48 hours, and juveniles to 24. Pre-trial arrest for economic crimes was banned. Measures of restraint, such as bail and house arrest (from 269 to 2085) were 7 times more likely to be elected.

Exemption from responsibility in connection with reconciliation became the duty of the criminal prosecution body, it used to be a right (for misdemeanors, small and medium severity). As a result, if before 12 thousand stopped. business per year, now - 63,000. (2018)

The practice of early release has changed.

Now the court is obliged to release the prisoner, if he has served a certain period of time, smoothed the damage and did not violate the order in prison. The satisfaction of such applications reached 70%, previously it was no more than 40%.

Thanks to these measures, the number of prisoners has decreased by 70,000 over 28 years. Twelve prisons were closed. Now there are only 29,000 in prison. According to the Prison Population Index, Kazakhstan ranks 98th (159 convicts per 100,000 population), ahead of countries such as Israel, Singapore, Australia and a number of EU countries.

However, the decline in the prison population has not affected the criminalization of society.

On the contrary, systemic and balanced humanization measures are contributing to the further strengthening of the rule of law in the country.

This year, crime decreased by 15% (from 202 203 to 171,448).

The number of homicides is one of the main indicators that characterizes the degree of criminality of society.

Nationally, the number fell by 19% (from 724 to 586).

It should be noted that the number of murders in Kazakhstan has decreased by almost three times in 20 years. (in 1997-2581, in 2004-2059, in 2009-1604, in 2013-1120, in 2018-943).

There has been a decline in all key categories of criminal manifestations:

- robberies by 16% (from 431 to 362)

- thefts by 19% (from 134,718 to 109,011)

- robberies by 19% (from 6,232 to 5,054)

Hooliganism by 27% (from 6,537 to 4,803)

- drug-related 12% (from 6,323 to 5,575)

Humanization in no way affected murderers, robbers, paedophiles, extremists, terrorists and organized crime.

On the contrary, now, on behalf of our President, we are strengthening the responsibility for committing serious and especially serious crimes that in law on the most sacred human rights - life and health.

The Country's Parliament is currently home to a bill to toughen penalties for sexual violence, pedophilia, drug distribution, human trafficking, organized crime, poaching and domestic violence against women.

Paragraph 6. Electronic criminal case. The case is studied electronically, the sanction is obtained, a complaint is filed and considered. The court is also considering the case digitally.

The digital format minimizes falsification of evidence and various violations of the rule of law. Ensures transparency of the actions of the pre-trial investigation bodies.

At any time, the prosecutor or the police chief can control - at what stage is the case and what is done by the investigator. Not just to monitor, but also to respond to violations, give instructions or cancel the decision.

The work of the investigator himself is greatly facilitated, he is exempt from routine work, the speed and quality of the investigation is improved.

The project has been launched since last year, and more than 75,000 people have been investigated electronically. 55,000 of them already this year, which is about 18% of the total. About 14,000 cases examined by courts.

9.2 Child friendly justice To date, 20 specialized inter-district juvenile courts are successfully operating in Kazakhstan.

The jurisdiction of the juvenile courts includes criminal cases of crimes committed by minors and violating the rights of minors, civil cases, cases on the determination of the child's place of residence, deprivation (limitation), restoration parental rights, adoption of a child.

Juvenile courts also include cases of administrative offences, such as infringement on the rights of minors, failure by parents or their substitutes to bring up children, for involvement minors in the commission of an administrative offence, etc.

Today, juvenile courts have created a friendly atmosphere towards minors. There are no bars in any room; the case is more in the form of a dialogue between an adult and a child.

In Kazakhstan, there are juvenile lawyers, juvenile police, prosecutors specializing in juvenile cases - this is a complex aimed at protecting the interests of minors.

9.3. Violence against partners Work is under way to increase accountability for domestic violence against women. This event is provided by the National Plan of Measures to implement the Message of the Head of State to the people of Kazakhstan on September 2, 2019, Constructive Public Dialogue - the basis of stability and prosperity of Kazakhstan."

10. New information and communication technologies Kazakhstan currently has an Information and Communication Technology Strategy and a roadmap for implementing the Information and Communication Technology Strategy for the Republic of Kazakhstan's judicial system until 2022 developed by the Supreme Court of Kazakhstan. The Strategy outlines the current state of court information and proposes projects and initiatives for implementation in the information technology community. It is also planned to create an IT Council in the Supreme Court to make informed decisions on the development and implementation of information activities.

11. Other In Kazakhstan, the Astana International Financial Center was opened in 2018, within the framework of which the Court of

the International Financial Center (AIFC Court) was established.

The AIFC Court provides a common law court system that operates to the highest international standards to resolve civil and commercial disputes in the AIFC. It adjudicates exclusively all claims arising out of the AIFC and its operations and other claims in which all parties to the dispute agree in writing to the jurisdiction of the AIFC Court. The AIFC Court is separate and independent from the Republic of Kazakhstan judicial system. It has its own court of final appeal, its own procedural rules, a special fast track for small claims, and its decisions are supported by a robust enforcement system within the Republic of Kazakhstan. (<http://aifc-court.kz/>)