

Evaluation of the judicial systems (2020 - 2022)



Kazakhstan

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Reference data 2020 (01/01/2020 - 31/12/2020)

Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021

Objective :

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 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. 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)

[18 879 552]

Comments

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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	27 543 516 770 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	16 341 772 826 <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.

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

[7 991]

Comments

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

[5 424]

NA

Comments 452 € per month, $452 * 12 = 5424$ €. The average annual euro rate for 2020 is 471 tenge.

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

[516.79]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering the questions in this part

Sources: Q 1, 3, 4 - Bureau of National statistics of the Republic of Kazakhstan

Q 2 – Ministry of Finance of Republic of Kazakhstan, Law of the Republic of Kazakhstan from 04.12.19 "On the republican budget for 2020 - 2022"

Q 5 – National Bank of Kazakhstan <https://nationalbank.kz/en/exchangerates/ezhednevnye-oficialnye-rynochnye-kursy-valyut>

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 budget of public prosecution services and/or the one allocated to legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to 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)	110 346 857 [] NA [] NAP	109 468 639 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	88 100 652 [] NA [] NAP	85 624 934 [] NA [] NAP
2. Annual public budget allocated to computerisation (2.1 + 2.2)	1 447 838 [] NA [] NAP	1 938 332 [] NA [] NAP
2.1 Investments in computerisation	[] NA [X] NAP	[] NA [X] NAP
2.2 Maintenance of the IT equipment of courts	1 447 838 [] NA [] NAP	1 938 332 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	60 597 [] NA [] NAP	100 149 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	3 354 558 [] NA [] NAP	3 636 232 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	2 397 784 [] NA [] NAP	1 519 596 [] NA [] NAP
6. Annual public budget allocated to training	919 430 [] NA [] NAP	919 430 [] NA [] NAP
7. Other (please specify)	14 065 998 [] NA [] NAP	15 729 969 [] 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.

Data may differ due to internal reallocation of allocated budget funds during the year.

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 the one allocated to legal aid, please fill in 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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Total annual public budget allocated to all courts and legal aid together	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> 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:



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

	Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input checked="" type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No

If there are exceptions to the obligation 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). For claims for the protection of consumer rights filed by a citizen, the court gives a deferral from the payment of the court fee until the appropriate decision is made. When making a decision, the court awards the costs of paying the state fee to the party not in whose favor the decision was made.

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

<ul style="list-style-type: none"> - 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 2020 – 2778 tg. / 5,4 € (for the € rate provided for the 1 of January 2021)

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)

In € the court fee will: for the individuals - 30 €; for the legal entities - 90 €.

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

[39 048 209]

[] NA

[] NAP

Comments In civil matters:

- state duty 37 107 780 € - recovery of court costs – 61 489 € In criminal matters:

- recovery of court costs – 1 875 753 € In administrative matters:

- recovery of court costs – 3187 The total amount: 39 048 209 €

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)	3 452 371 [] 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)	3 452 358 [] 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.

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012-2. Does legal aid include:

	Legal aid includes:
Coverage of court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

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012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:

	Amount calculated/estimated included
Coverage of court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

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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)	76 690 142 <input type="checkbox"/> NA <input type="checkbox"/> NAP	76 681 749 <input type="checkbox"/> NA <input type="checkbox"/> NAP
13.1. Annual public budget allocated to training of public prosecution services	4 414 774 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 414 770 <input type="checkbox"/> NA <input type="checkbox"/> 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:

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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 courts
Ministry of Justice	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Other ministry	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Parliament	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Supreme Court	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
High Judicial Council	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Courts	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Inspection body	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Other	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments - If “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)

014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation

	Criteria used	Main criteria
Previous years' budget costs	[X]	[X]
Special needs assessment	[X]	[X]
Number of judges/non judges' staff	[X]	[X]

Number of incoming cases	[]	[]
Number of pending cases	[]	[]
Number of resolved cases	[]	[]
Other	[]	[]

[] NAP

Comments - If "Other", please specify

014-1. Who is entrusted with responsibilities related to the budget within a first instance 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
Court President and/or judge(s)	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Head of court administration and/or non-judges	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP
Mixed body (judge(s) and non-judge(s))	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
Other	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP

Comments - If "Other", please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box: 1. Head of court administration and/or non-judges – Court administrator of the region court.

2. Other - The Department for provision of courts' activity under the Supreme Court of the Republic of Kazakhstan as a central authority is responsible for arbitration and allocation of the budget, evaluation and control of the use of the budget.

A2. Please indicate the sources for answering the questions in this part

Sources: 1. "Rules for drawing up and submitting a budget application" approved by Order of the Minister of Finance of the Republic of Kazakhstan dated November 24, 2014 No. 511
2. "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
3. Law of the Republic of Kazakhstan dated December 4, 2019 No. 276-V "On the republican budget for 2020 - 2022"

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 €	289 010 486 [] NA [] NAP	284 186 573 [] NA [] NAP

Comments - 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: No funding comes from international organizations. The justice system is funded from the republican budget. At the same time, the annual public budget allocated to the functioning of all courts are independent and separated from the Public Prosecutor service`s and the legal aid budgets.

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

	Included
Courts	(X) Yes () No [] NAP
Legal aid	(X) Yes () No [] NAP
Public prosecution services	(X) Yes () No [] NAP

Comments

015-3. Other budgetary elements

	Included
Prison system	() Yes (X) No [] NAP
Probation services	() Yes (X) No [] NAP
High Judicial Council	(X) Yes () No [] NAP
High Prosecutorial Council	() Yes () No [X] NAP
Constitutional court	() Yes (X) No [] NAP
Judicial management body	(X) Yes () No [] NAP

State advocacy	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforcement services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Notariat	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Forensic services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Judicial protection of juveniles	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Functioning of the Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Refugees and asylum seekers services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Immigration Service	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

If "Other", please specify:

A3. Please indicate the sources for answering the questions in this part

Sources: Law of the Republic of Kazakhstan dated December 4, 2019 No. 276-V "On the republican budget for 2020 - 2022"

1.2. Organisation and management of courts and public prosecution services

015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.

- In accordance with Article 3 of the Constitutional Law of the Republic of Kazakhstan "On the Judicial System and the Status of Judges of the Republic of Kazakhstan" (hereinafter – Constitutional Law), the judicial system of the Republic of Kazakhstan is composed of the Supreme Court and local courts (regional courts, district courts).

In regional and district courts, the presidents exercise the issues of organizing legal proceedings and the general management of the

court, as well as other powers provided by law.

The Constitutional Law defines the powers of the president of the district, regional and Supreme Court of the Republic of Kazakhstan. The selection of candidates for the vacant positions of the president of the district, regional court is carried out by the High Judicial Council on a competitive basis from among persons who have applied for vacant positions and meet the requirements of Article 29 of the Constitutional Law.

The High Judicial Council recommends candidates for the vacant positions of president, local courts, to the President of the Republic of Kazakhstan for appointment to positions.

The President of the Supreme Court coordinates the work of the chambers, presides over sessions of the judicial chambers, convenes and presides over plenary and extended plenary sessions of the Supreme Court, submits materials for the adoption of normative decisions of the Supreme Court on matters of judicial practice for consideration of the plenary session of the Supreme Court.

He/she also represents the interests of the judicial system of the republic in relations with the bodies of other branches of state power of the republic and international organizations.

The candidate for the position of the President of the Supreme Court is considered by the High Judicial Council for recommendation to the President of the Republic of Kazakhstan, who submits recommendation to the Senate of the Parliament of the Republic of Kazakhstan for election.

Organizational, material and technical support for the activities of all courts is carried out by the Department for provision of courts' activity under the Supreme Court of the Republic of Kazakhstan (apparatus of the Supreme Court of the Republic of Kazakhstan) with territorial subdivisions (Court administrators) in regions.

The Head of the Department is appointed and dismissed by the President of the Supreme Court in agreement with the Head of the Presidential Administration of Kazakhstan and the High Judicial Council.

Max characters value : 10 000

015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.

- In accordance with paragraph 1 of Article 3 of the Law "On the Prosecutor's Office", the Prosecutor's Office draws up a single centralized system with subordination of subordinate prosecutors to higher ones and the Prosecutor General.

In accordance with Art. 39 of the same Law, regional and equivalent prosecutors and prosecutors' offices are headed by the respective prosecutors.

Regional prosecutors and prosecutors equated to them:

- 1) supervise the activities of regional, district and other prosecutors equated to them;
- 2) issue orders, orders, binding on all subordinate employees and employees;
- 3) head the relevant coordinating councils for ensuring the rule of law, law and order and the fight against crime.

Max characters value : 10 000

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

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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 Kazakhstan, there are 3 types of legal aid (hereinafter - LA): paid, state-guaranteed legal aid (payment is made at the expense of budgetary funds), complex social legal aid (probono). Access to legal aid is possible both before going to court and during it. LA on a reimbursable basis is recognized as LA provided to individuals and legal entities for a fee on the basis of an appropriate written agreement.

In the Republic of Kazakhstan, everyone's right to receive qualified LA is guaranteed. LA 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", 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 (incases 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.

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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
Legal aid granted for other costs	<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 yes, please specify: According to the paragraph 5, of the Rules “ On approval of the Rules for the payment for state-guaranteed legal aid 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 28.09.2018, the lawyer’s business trip expenses related to advocacy and representation in the cases specified in subparagraphs 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	<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
In criminal cases	<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
In other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> 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 2020) on the number of citizens who received legal assistance-125770 people, of which: - number of citizens who received legal advice in the form of oral and written consultations - 7067; - number of citizens whose rights were protected in criminal proceedings, including pre-trial proceedings- 106415; - number of victims whose rights were represented in criminal proceedings, including pre-trial proceedings- 5705; - number of citizens whose rights were protected in cases of administrative offenses- 3766; - number of citizens whose interests were represented in civil proceedings - 2219

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.

020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:

	Time in days
Maximum duration prescribed in law/regulation	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Actual average duration	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information: On cases of administrative offenses:

Participation of defense attorney in the administrative infraction proceeding shall be compulsory in the cases if:

- 1) the person brought to administrative liability filed a petition about this;
- 2) the person brought to administrative liability may not exercise own right to protection due to physical or mental deficiency on an individual basis;
- 3) the person brought to administrative liability may not speak the language in which the proceeding is conducted;
- 4) the person brought to administrative liability is a minor person.

If the defender is not invited by the person brought to administrative responsibility himself, his legal representatives, as well as other persons on his behalf, the judge, the authority (official) who are considering the case of administrative offenses are obliged to ensure the participation of the defender at the appropriate stage of the proceedings, about which they make a resolution. This resolution is subject to execution by the bar association within no more than twenty-four hours from the date of its receipt (art. 749 of the Code of the Republic of Kazakhstan of Administrative Offences).

In criminal cases:

The participation of the defender is ensured from the moment:

- recognition of a person suspected, accused, defendant, convicted, justified, - since the detection of contradictions between the interests of suspects, accused, convicted, acquitted, - since participation in the representative of the victim, the prosecutor, - since the statement of the conclusion of the procedural agreement suspect, accused, defendant, convicted. (art. 67 of the Criminal Procedure Code of the Republic of Kazakhstan - CPR)

At the same time, if, there are the circumstances provided for in part 1 of art. 67 of the CPR, the defender is not invited by the suspect, accused, defendant, convicted, acquitted, their legal representatives, as well as other persons on their behalf, the body conducting the criminal process is obliged to ensure the participation of the defender at the appropriate stage of the process, about which they make a resolution mandatory for bar association.

In civil cases: The term for ensuring the participation of a lawyer in court is defined by the court, about which an appropriate resolution is made (part 5 of art. 112 of the Civil Procedure Code of the Republic of Kazakhstan).

=

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 subparagraphs 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. According to art. 27 of the Code of Criminal Procedure, everyone has the right to receive qualified legal aid in the course of criminal proceedings in the manner prescribed by the mentioned Code. In cases stipulated by law, legal aid is provided free of charge.

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	(X) Yes () No <input type="checkbox"/> NAP
Victims	(X) Yes () 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

(X) 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 kandas (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 judge(s) dealing with the main case
 another judge or official
 an authority external to the court
 several authorities (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 - If no, please specify how legal costs are distributed: Art.166 of the Criminal Procedural Code and art.109 of Civil Procedural Code

B1. Please indicate the sources for answering the questions in this part

Sources: Art.166 of the Criminal Procedural Law, and art.109 of Civil Procedural Law

2.2.Court users and victims

2.2.1Rights of the users and victims

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

	Yes, internet adresse(es)	No
Legal texts (e.g. codes, laws, regulations, etc.)	(X) https://adilet.zan.kz	()
Case-law of the higher court/s	(X) https://sud.gov.kz/ https://office.sud.kz	()
Information about the judicial system (organisation of courts, court proceedings, etc)	(X) https://sud.gov.kz/ https://office.sud.kz	()
Other documents (e.g. forms, downloadable forms, online registration forms)	(X) qamqor.gov.kz	()

Comment - Please specify what documents and information are included in "Other documents" Court cases search - <http://office.sud.kz/lawsuit/> Bank of Judicial Acts - <http://sud.gov.kz/rus/content/bank-sudebnyh-aktov> Qamqor.gov.kz - is the website where 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.

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

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

Comment - 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 information system for providing information and facilitating access to justice:

Information system

General for citizens	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input checked="" type="checkbox"/> Other <input type="checkbox"/> No
Specific for victims of offences	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input checked="" type="checkbox"/> Other <input type="checkbox"/> No
Specific for minors (child-friendly systems)	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided. General for citizens

Online information:

The Supreme Court and regional courts have official Internet resources (<https://sud.gov.kz>). All courts of Kazakhstan have official Facebook accounts. Account information is indicated in the corresponding section of each regional and equivalent platform "Communication Center" at the specified link: <https://communicationcenter.kz/>

Telephone:

The court system of Kazakhstan has a single Call Center: tel. 1414 (free of charge from landline numbers), +7 7172 71 0000 (charge from mobile phones).

Interactive chat:

To search for operational information, citizens can contact the Whatsapp numbers of the courts indicated in the corresponding section of each regional and equivalent platform "Communication Center" at the link: <https://communicationcenter.kz/>

Other:

There is a group "Smart-sot IT justice" in the Facebook. This group was created by the public relations staff of the courts. It has a high popularity, the number of subscribers has reached over 12 thousand.

There is a special platform called "Communication Center" (<http://communicationcenter.tilda.ws/>), where contact information about the courts is publicly available.

qamqor.gov.kz, 115.kz - 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.

Specific for victims of offences

Through the criminal police of the Ministry of Internal Affairs, measures are being taken on an ongoing basis to prevent, prevent and combat crimes related to human trafficking.

So, in order to inform the population about the activities of the police, relevant materials are regularly posted on the web sites of the Ministry of Internal Affairs and territorial divisions in special headings "Senim paragy", "Tikeley baylanys" and "Blog of the Minister". For the prevention of crimes of this category, the national helpline "116 16" operates in the country.

Social videos about the helpline are periodically broadcast on LED screens located in shopping malls, auto and railway stations, central squares and city streets.

Information is also provided within the framework of the republican campaign "United in the fight against human trafficking!".

In addition, each non-governmental organization has regional hotlines.

In order to provide assistance to victims of human trafficking, the country has introduced Evaluation Criteria and a Standard for providing

special social services to victims of human trafficking.

The mechanism for redirecting victims of human trafficking has been in effect since 2017.

The internal affairs bodies closely cooperate with non-governmental organizations, including 49 crisis centers, of which 39 have shelters, in the prevention of offenses in the field of family and household relations. Such organizations are available in all regions, they are financed from the budget of local executive bodies.

Specific for minors As a part of preventive measures, juvenile police officers provide information to minors and parents about the work of services, crisis centers, helplines "150", "111", "11616", whose activities are aimed at ensuring the protection of the rights of minors.

In addition, the employees personally advise on the requests of children and their parents.

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
Persons with disabilities	(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 specific arrangements", please specify: Limitations on the publicity of a court session are regulated by art. 29 of the Criminal Procedure Code 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.

031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?

[X] Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)

[] Special room in court designated for child-friendly hearings

[X] Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings

[X] Special ways to communicate and explain meaning of court decisions

[] Interagency/multidisciplinary structure such as "Children's Houses"

[] Other, please specify

[] NAP

Comment Since 2007, juvenile courts have been established in Kazakhstan, currently 20 courts are operating.

According to the recommendation of the Supreme Court of the Republic of Kazakhstan, when equipping juvenile court buildings, special

attention is paid to providing them with specially equipped offices ("friendly rooms") for conversations of a minor (victim, offender) with a psychologist, to create a favorable atmosphere for a minor. In these rooms, a psychologist conducts a conversation with minors to establish a picture of the psychological perception of a particular situation when considering cases with their participation, according to the results of which a conclusion is given.

031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?

	Civil proceedings	Criminal proceedings
Capacity to initiate a proceeding and take other procedural actions in his/her own name	<input checked="" type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP
To be a witness	<input checked="" type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers "Exceptions from the threshold" and "Other". If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other).

031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?

	Civil proceedings	Criminal proceedings
Parent/legal guardian	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP
Other representative (instead of parent/legal guardian)	<input checked="" type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment

031-3. What are the different criteria for the criminal liability of minors? (multiple replies

possible)

Age threshold(s)

Capacity for discernment

Other criteria

Comment Other criteria: According to part 3 of Article 15 of the Criminal Code of the Republic of Kazakhstan, if a minor has reached the age of 16 (and in exceptional cases, 14) years, but in consequence of gap of mental development, not related with mental disease, during commission of criminal infraction could not be fully aware of the actual nature and social danger of his (her) actions (omission) or control them, he (she) shall subject to criminally responsibility.

031-3-1. What is the age threshold for the criminal liability of minors?

Criminal liability resulting in sentence without privation of liberty (for example, educational measures)

[16]

NA

NAP

Criminal liability resulting in sentence of privation of liberty

[16]

NA

NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how? Criminal liability in Kazakhstan is provided for from the age of 16. In cases specified in part 2, Article 15 of the Criminal Code of Kazakhstan, for the commission of intentional crimes with aggravating circumstances - 14 years.

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

Yes, but only if offender is unknown

Yes, but only if compensation could not be obtained from offender

Yes, always

No

Comment

032-0. If yes, for what types of offences the compensation is allocated?

For all types of offences

For some types of offences

NAP

Comment - Please specify: Types of offences - 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.

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

Yes

No

Comments Compensation may be carried out on the basis of a court decision, and in cases provided for by the law "On the Compensation Fund for Victims", on the basis of a decision of the authorized head of the state body performing the functions of criminal prosecution.

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
- For some types of offences

[] NAP

Comment - Please specify: Types of offences - 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.

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

- Yes
- No

Comments Compensation may be carried out on the basis of a court decision, and in cases provided for by the law "On the Compensation Fund for Victims", on the basis of a decision of the authorized head of the state body performing the functions of criminal prosecution.

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
- For some types of offences

[] NAP

Comment - Please specify: Types of offences - 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.

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

- Yes
- No

Comments Compensation may be carried out on the basis of a court decision, and in cases provided for by the law "On the Compensation Fund for Victims", on the basis of a decision of the authorized head of the state body performing the functions of criminal prosecution.

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:

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).

035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?

- Yes
 No

Comment - If yes, please specify:

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 answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

- Yes
 No
 NAP

Comment - If necessary, please specify:

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 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
Non-execution of court decisions	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	6 <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	197 <input type="checkbox"/> NA <input type="checkbox"/> NAP	103 <input type="checkbox"/> NA <input type="checkbox"/> NAP	206 951 <input 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

Comment - Where appropriate, please give details of the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): The data are given from the statistical reporting of courts for the consideration of civil cases for 2020 of the line "On compensation for harm caused by illegal actions, including bodies of inquiry, preliminary investigation, prosecutor's office, court."

The statistical reporting indicates the amount awarded in favor of the justified in the amount of 103,088,300 tg/ 206 951 euro.

According to the requirements of Article 952 of the Civil Code of the Republic of Kazakhstan, moral damage is compensated in cash. In this case, the court determines the amount of compensation based on the criteria of reasonableness and fairness.

When determining the amount of compensation for moral damage, the court takes into account both the citizen's subjective assessment of the severity of the moral or physical suffering inflicted on him, and the objective data testifying to this, in particular: the vital importance of personal non-property benefits and rights (life, health, freedom, inviolability of the home, personal and family secrets, honor and dignity, etc.); the degree of mental or physical suffering experienced by the victim (imprisonment, bodily harm, loss of close relatives,

loss or disability, etc.); the form of guilt (intent, negligence) of the inflictor of harm, when its presence is necessary for compensation for moral harm.

When determining the amount of compensation for moral damage, the court has the right to take into account other circumstances confirmed by the case materials, in particular, the family and property status of the person responsible for the moral harm inflicted on the victim.

2.2.2 Confidence and satisfaction of citizens with their justice system



038. Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?

	National level	Court level
Surveys for 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
Surveys for 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
Surveys for public prosecutors	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for 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
Surveys for other professionals	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for 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
Surveys for 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
Surveys for 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
Surveys for minors	<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
Surveys for the general public	<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
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

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above: In accordance with the Order of the Chairman of the Statistics Committee of the Ministry of National Economy of the Republic of Kazakhstan dated 10.12.2019 No. 13, the

Methodology for conducting a sample survey of the level of public confidence in law enforcement agencies was approved, which regulates the conduct of a study of the level of public confidence in law enforcement agencies (including the prosecutor's office).

039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.

Yes, please specify:

No

Comment - If you have additional comments please specify: there are statistical data on women (plaintiffs in civil cases, victims, convicted in criminal cases, held accountable in cases of administrative offenses)

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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments Other external bodies: Judicial Ethics Commission under the Union Judges of the Republic of Kazakhstan and its branches
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 President of the Supreme Court or the president 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 president of the appropriate regional court for consideration and discussion at the plenary meeting.

The plenary, after considering the fact of violation by secret voting, makes a decision on whether or not to send the material against the judge to the Judicial Jury under the High Judicial Council.

A judge may be brought to disciplinary responsibility for:

- 1) gross violation of the law in the consideration of court cases;
- 2) committing a defamatory offense contrary to judicial ethics.

The fact of a gross violation of the law must be established by a higher court, which canceled or changed the court decision on this basis,

and must be reflected in the judicial act.

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	4 178 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" 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	1 196 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input checked="" type="checkbox"/> NA <input 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: In 2019 Judicial Jury was transferred from the Supreme Court of Kazakhstan to High Judicial Council. In accordance with the legislation of Kazakhstan, the Judicial Jury under the High Judicial Council examines disciplinary cases against judges based on requests from individuals and legal entities, confirmed by the results of inspections. These checks are carried out by the relevant courts.

3.Organisation of the court system

3.1.Courts

3.1.1Number of courts

042. Number of courts - legal entities.

	Number of courts
Total number of all courts - legal entities (1 + 2)	390 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)	286 <input type="checkbox"/> NA <input type="checkbox"/> NAP



1.1 First instance courts of general jurisdiction - legal entities	267 [] NA [] NAP
1.2 Second instance courts of general jurisdiction - legal entities	18 [] NA [] NAP
1.3 Highest instance courts of general jurisdiction - legal entities	1 [] NA [] NAP
2 Total number of specialised courts - legal entities	104 [] NA [] NAP

Comments 390 courts: 371 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 of specialised courts – legal entities.

	First instance	Higher instances
Total number of specialised courts - legal entities	104 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Labour courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Family courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Rent and tenancies courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Enforcement of criminal sanctions courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Fight against terrorism, organised crime and corruption	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Internet related disputes	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Administrative courts	27 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Military courts	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Juvenile courts	20 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other specialised courts	35 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If “Other specialised courts”, please specify: Other: specialized inter-district criminal courts – 18, specialized inter-district investigation courts - 17

By the Decree of the Head of State dated October 15, 2019, 5 military courts of the Republic of Kazakhstan were abolished.

044. Number of courts - geographic locations.

	Number of courts (geographic locations)
First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)	307 [] NA [] NAP
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)	326 [] NA [] NAP

Comments

=

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

	Number of courts
A small claim	263 [] NA [] NAP
An employment dismissal	251 [] NA [] NAP
A robbery	265 [] NA [] NAP
An insolvency case	17 [] NA [] NAP

Comments

045-1. Is your definition of a small claim the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition of a small claim:

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

[5 375]

Comments In accordance with Chapter 13 of the Civil Procedure 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 since 2020 the claim price should not exceed 2000 – MCI (monthly calculation indicator) for legal entities, for private entrepreneurs and individuals - 1000 MCI. MCI in 2020 – 2778 tg.

5375 € - for individuals, 10750 €- for legal entities € exchange rate for 01/01/2021 - 516.79 tg

C. Please indicate the sources for answering the questions in this part

Sources: The data of Supreme Court HR department.

In accordance with Art. 3 of the Law of the Republic of Kazakhstan "On the High Judicial Council of the Republic of Kazakhstan",

the Council forms an annual National Report (hereinafter referred to as the Report) on the state of judicial personnel in the judicial system and submits it to the President of the Republic of Kazakhstan, ensures its subsequent promulgation.

Since 2019, the report has been posted annually on the ARIA website

(<https://www.gov.kz/memleket/entities/vss/documents/1?lang=ru&type=90>).

The purpose of the Report is to comprehensively inform the Kazakh society and the international community about the state of the judiciary in the country, the problems in this area and ways to solve them, the prospects for the development of the system for the selection of judges.

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 posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	2 394 [] NA [] NAP	1 268 [] NA [] NAP	1 126 [] NA [] NAP
1. Number of first instance professional judges	1 910 [] NA [] NAP	1 004 [] NA [] NAP	906 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	423 [] NA [] NAP	232 [] NA [] NAP	191 [] NA [] NAP
3. Number of Supreme Court professional judges	61 [] NA [] NAP	32 [] NA [] NAP	29 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above:

=

046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?

() Yes

(X) No

Comments

046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

[] Child-care

[] Elderly care

- For the purposes of early retirement
- Other reason, please specify:
- Without reason

Comments

046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?

	Total (%)	Male (%)	Females (%)
Total (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. 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. 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. 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

Comments

046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?

- Less than 50%
- 50 – 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

=

046-2. Number of judges (FTE) by case type:

	Total	Civil and/or commercial	Criminal	Administrative	Other
Total number of judges	2 394 <input 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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
First instance	1 910 <input 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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Second instance	423 <input type="checkbox"/> NA <input type="checkbox"/> NAP	249 <input type="checkbox"/> NA <input type="checkbox"/> NAP	119 <input type="checkbox"/> NA <input type="checkbox"/> NAP	27 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Supreme court	61 <input type="checkbox"/> NA <input type="checkbox"/> NAP	32 <input type="checkbox"/> NA <input type="checkbox"/> NAP	21 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
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If "Other", please explain which types of cases: 1 instance by case type we have:

Civil and commercial – 603 judges

Criminal – 267 judges

Administrative – 134 judges

Courts of general (Civil, Criminal, Administrative, Juvenal) jurisdiction – 824 judges

Military – 31 judges

Juvenal – 51 judges

2 instance – Other : Military cases

=



047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	390 <input type="checkbox"/> NA <input type="checkbox"/> NAP	336 <input type="checkbox"/> NA <input type="checkbox"/> NAP	54 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of first instance court presidents	371 <input type="checkbox"/> NA <input type="checkbox"/> NAP	317 <input type="checkbox"/> NA <input type="checkbox"/> NAP	54 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of second instance (court of appeal) court presidents	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of Supreme Court presidents	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> 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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> 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 may 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 on 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 / mixed bench
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 civil cases”, 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(s) of case(s)?

Criminal cases

Other than criminal cases

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

[527]
 [] NA
 [] NAP



=

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 posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	7 789 [] NA [] NAP	2 800 [] NA [] NAP	4 986 [] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)	2 256 [] NA [] NAP	791 [] NA [] NAP	1 465 [] NA [] 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)	3 530 [] NA [] NAP	1 235 [] NA [] NAP	2 295 [] NA [] NAP
4. Technical staff	2 003 [] NA [] NAP	774 [] NA [] NAP	1 229 [] NA [] NAP
5. Other non-judge staff	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] 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 posts actually filled).

Total	Males	Females
-------	-------	---------

Total non-judge staff working in courts (1+2+3)	5 786 [] NA [] NAP	2 026 [] NA [] NAP	3 760 [] NA [] NAP
1. Total non-judge staff working in courts at first instance level	4 553 [] NA [] NAP	1 593 [] NA [] NAP	2 960 [] NA [] NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	1 015 [] NA [] NAP	360 [] NA [] NAP	655 [] NA [] NAP
3. Total non-judge staff working in courts at Supreme Court level	218 [] NA [] NAP	73 [] NA [] NAP	145 [] NA [] NAP

Comments

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053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields 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
- Non-litigious cases
- Other cases not mentioned (please describe in comment)
- 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): transport, communication services, utilities, etc

Comments

C1. Please indicate the sources for answering the questions in this part

Sources: To fill in this section, the data of the HR Department of the Supreme Court of Kazakhstan were used.

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 posts actually filled, for all types of courts – general jurisdiction and specialised courts).

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	5 716 <input 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
1. Number of prosecutors at first instance level	<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
2. Number of prosecutors at second instance (court of appeal) level	<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
3. Number of prosecutors at Supreme Court level	<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 - Please indicate any useful comment for interpreting the data above: The structure of the Prosecutor General's Office of the Republic of Kazakhstan was approved by Decree of the President of the Republic of Kazakhstan dated October 13, 2017 No. 563.

The staffing of the Prosecutor's Office was approved by Decree of the President of the Republic of Kazakhstan dated January 22, 1999 No. 29.

In accordance with paragraph 8 of the Regulations on the Prosecutor General's Office of the Republic of Kazakhstan, approved by Decree of the President of the Republic of Kazakhstan dated October 13, 2017 No. 563, the structure of the Prosecutor General's Office units, as well as the staffing of employees and employees of the Prosecutor General's Office are determined by the Prosecutor General within the total staffing of the Prosecutor's Office, approved by the President of the Republic of Kazakhstan. The structure of the Prosecutor General's Office of the Republic of Kazakhstan was approved by Decree of the President of the Republic of Kazakhstan dated October 13, 2017 No. 563.

The staffing of the Prosecutor's Office was approved by Decree of the President of the Republic of Kazakhstan dated January 22, 1999 No. 29.

In addition, the structure of the prosecutor's office is available on the official website of the Prosecutor's office (<https://www.gov.kz/memleket/entities/prokuror?lang=ru>).

=

055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?

Yes

No

Comments

055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

- Child-care
- Elderly care
- For the purposes of early retirement
- Other reason, please specify:
- Without reason

Comments

055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?

	Total (%)	Male (%)	Females (%)
Total (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. 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. 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. 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

Comments

055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?

- Less than 50%
- 50 - 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	<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

1. Number of heads of prosecution offices at first instance level	<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
2. Number of heads of prosecution offices at second instance (court of appeal) level	<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
3. Number of heads of prosecution offices at Supreme Court level	<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

Please provide any useful comment for interpreting the data above: The structure of the Prosecutor General's Office of the Republic of Kazakhstan was approved by Decree of the President of the Republic of Kazakhstan dated October 13, 2017 No. 563.

The staffing of the Prosecutor's Office was approved by Decree of the President of the Republic of Kazakhstan dated January 22, 1999 No. 29.

In addition, the structure of the prosecutor's office is available on the official website of the Prosecutor's office (<https://www.gov.kz/memleket/entities/prokuror?lang=ru>).

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

Yes

No

Comments - If yes, please specify their titles 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 prosecutors who are specially trained in areas of domestic violence and sexual violence?

	-
Domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Sexual violence	<input type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify

=

060. Number of staff (non-public prosecutors) attached to the public prosecution services, if possible, on 31 December of the reference year and without the number of non-judge staff, see question 52 (in full-time equivalent and for 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 Law "On Law Enforcement Service" does not provide for the attachment of civil servants to law enforcement agencies, including the prosecutor's office.

C2. Please indicate the sources for answering the questions in this part

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.

Gender equality is respected in the court system of Kazakhstan. As of December 31, 2020, the number of women judges in the republic is 51.1%, men - 48.9%. Lawyers and notaries are licensed activities.

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)	()

Comments - If the situation changed since the reference year or 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.

Gender equality is respected in the court system of Kazakhstan. As of December 31, 2020, the number of women judges in the republic is 51.1%, men - 48.9%. Lawyers and notaries are licensed activities.

=

061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

Yes / No

Court president	() Yes If “yes”, please specify:[Comment] (X) No
Head of prosecution services	() Yes If “yes”, please specify:[Comment] (X) No

Comments

3.4.2 At national level

061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?

() Yes

(X) No

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload 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 (2nd stage 2020-2022) of 021.05.2020, which also applies to the judicial system. <http://10.61.42.188/rus/docs/P1600000693>

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	(X)	()
The promotion of judges	(X)	()
The recruitment of prosecutors	(X)	()
The promotion of prosecutors	(X)	()
The recruitment of non-judge staff	(X)	()
The promotion of non-judge staff	(X)	()

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), and 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 2020 the Deputy of Mazhilis (lower chamber) of Parliament of Kazakhstan mrs. Lyazat Ramazanova became 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 from 01.02.2006 N 56 “On the National Commission for

Women and Family Demographic Policy under the President of the Republic of Kazakhstan”, “Concept of Family and Gender Policy in the Republic of Kazakhstan until 2030”.

[] NAP

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) Commission under the President of Kazakhstan headed by the Deputy of Mazhilis.

[] NAP

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. to block a decision or allow an appeal) 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.

[] NAP

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 - Please specify the details of this person/institution, in particular its titles and function:

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 to different positions	()	(X)
Workload distribution	()	(X)
Working hours	()	(X)
Modalities of teleworking and presence in the workspace	()	(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. We have all the same measures as was indicated in the previous cycle.

NAP

061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

- Recruitment procedures, please specify:
- Appointment to the position of court president, please specify:
- Appointment to the position of head of prosecution services, please specify:
- Promotion procedures and access to the functions of responsibility, please specify:
- Other studies, please specify:

NAP

Comments - Please specify also the reference documents.

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 at national level by one institution <input checked="" type="checkbox"/> Governed at national level by several institutions <input type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other

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"/> No
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"/> No
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"/> No

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 special 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.

065-4. 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)

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 ?

Yes

No

Comments (please specify in particular if national frameworks of information security exist): There is an independent audit that helps to strengthen the global information security policy of the judiciary, controlled by the Information Security Committee under the Ministry of Digital Development, Innovations and Aerospace Industry of Kazakhstan and State Technical Service.

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.) - Information Security Committee, responsible for the protection of personal data (Laws "On personal data and their protection", "On access to information").

- Integration of databases of state bodies is carried out in accordance with the Law "On Informatization", Government Decree "On Approval of Unified Requirements in the Field of Information and Communication Technologies and Ensuring Information Security".

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	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	() Yes (X) No	() Yes (X) No	(X) Yes () No	(X) Yes () No
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Comments - if it exists in other matters please specify Judicial acts in closed cases 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?

(X) Yes

() No

Comments

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

[] Linkage with other European records of the same nature

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

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

Comments - Please specify who is the authority delivering the access

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.)

(X) 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	<p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
Criminal	<p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
Administrative	<p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>

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

NA

Comments The internal portal of the judiciary has been operating since 2016. It is intended for all staff and judges of the country's judiciary.

The internal portal contains directories with contact details of all judges and employees all courts, information about the priority projects, directories, news, library, questionnaires and materials for personal growth, access to the portal for online training and other sections of the portal that can be used any authorized user of the internal portal.

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

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

Comment - If it exists in other matters please specify:

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 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 type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Business registry	<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 type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comment – if it exists in other matters please specify: Mentioned registries are maintained by the relevant government agencies. These registries are integrated with court IT system and the courts have access to them.

Budgetary and financial monitoring

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 type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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 type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

Other tools of courts management

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

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 type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" 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 type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" 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

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/connect ed 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 "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.

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

Yes

No

Comments

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	(X) Yes () No [] NA [] NAP
Information available in CMS	(X) Yes () No [] NA [] 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)

(X) 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]	[X] SMS [X] E-mail [X] Specific computer application [X] Other	[X]
Administrative	[X]	[]	[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

Use of information technologies for improving the quality of the communication between courts and professionals

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)

	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	Availability for
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 checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <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	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
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 checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <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	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer
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"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <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	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer

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 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 systems of specialised litigation (small claim 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.

Use of information technologies between courts, professionals and users in the framework of judicial proceedings

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

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 In 2018, all courtrooms (1,479) across the country were 100% equipped with modern audio and video recording systems (hereinafter AVF).

The installed AVF systems have a centralized data storage system, are integrated with the information system of the judicial authorities "Torelik" and with the online service "Judicial Cabinet".

For 12 months of 2020, more than 688 thousand court sessions were appointed, of which 657 thousand court sessions were considered using the AVF system, which is 95.5% of the application in the republic.

Within the framework of the AVF system, it is possible to organize videoconferencing on the basis of the "POINT-POINT" principle between the courts of the republic, which ensures remote participation in the court session of the parties to the case.

Thus, the courts held 15 thousand court sessions using videoconferencing based on the "POINT-POINT" principle.

Through video conferencing, local courts, together with the Ministry of Internal Affairs held 55 thousand remote court sessions without transferring convicts.

The presence of a videoconferencing system allows citizens to participate in court hearings from the nearest court of residence, and has reduced travel costs for staff and judges.

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

Yes

No

Comments In 2018, all courtrooms (1,479) across the country were 100% equipped with modern audio and video recording systems (hereinafter AVF).

The installed AVF systems have a centralized data storage system, are integrated with the information system of the judicial authorities "Torelik" and with the online service "Judicial Cabinet".

For 12 months of 2020, more than 688 thousand court sessions were appointed, of which 657 thousand court sessions were considered using the AVF system, which is 95.5% of the application in the republic.

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Thus, the courts held 15 thousand court sessions using videoconferencing based on the "POINT-POINT" principle.

Through video conferencing, local courts, together with the Ministry of Internal Affairs held 55 thousand remote court sessions without transferring convicts.

The presence of a videoconferencing system allows citizens to participate in court hearings from the nearest court of residence, and has reduced travel costs for staff and judges.

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

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 <input type="checkbox"/> NAP
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 <input type="checkbox"/> NAP
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 <input type="checkbox"/> NAP

Comments - Other devices of electronic communication between courts, professionals and/or users

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

(X) 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	() Yes (X) No
within the public prosecution services	() Yes (X) 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?

(X) Yes

() 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): 1) The level of public confidence in the prosecution authorities; 2) Digitalization of the criminal procedure; 3) Respect for the rights of suspects and victims in criminal proceedings.

Comments

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

() Yes

(X) 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

(X) No

Comments

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

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 replies possible)?

- High Judicial Council
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):

Comments There is no specific person or authority/body responsible for evaluating the performance of the courts. There are sociological

surveys on the level of satisfaction of users of courts.

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

- Public Prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchically superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify):Administration of the President

Comments In accordance with the System of annual evaluation of the effectiveness of the central state and local executive bodies of regions, cities of republican significance, the capital (approved by Presidential Decree No. 954 of March 19, 2010), the Prosecutor General's Office is evaluated by the Administration of the President of the Republic of Kazakhstan.

The difference in answers may be due to the lack of a common understanding of the issue in 2018 and 2020.

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	<input checked="" type="checkbox"/> The Situation Center of the Supreme Court of Kazakhstan monitors the time of consideration of cases in order to control the timeframes of the proceedings in courts.	<input type="checkbox"/>
within the public prosecution services	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments

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 Legal Statistics and Special Accounts of the General Prosecutor's Office of Kazakhstan

No

Comments

080-1. Are the statistics on the functioning of each court published?

Yes, on the internet

No, only internally (on 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 Legal Statistics and Special Accounts of the General Prosecutor's Office of Kazakhstan

No

Comments

080-3. Are the statistics on the functioning of each public prosecution service published?

Yes, on the internet

No, only internally (on 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

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

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):

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

Internet

Intranet (internal) website

Paper distribution

Comments 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.

081-5. 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):

[X] NAP

Comments No quantitative performance targets

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

(X) Yes

() No

Comments Since the beginning of 2019 a Commission on the Quality of Justice has been set up in the Supreme Court to assess the professional activity of judges, and is consisted of seven judges who have been elected together with local courts.

The methodology for evaluating the work of judges was substantially revised and a new methodological guide using the best international practices was adopted.

The methodology is based on 4 groups of criteria that are based on the principles of transparency, objectivity and fairness:

- 1) professional knowledge and the ability to apply it in the administration of justice;
- 2) results of judicial activity;
- 3) competence;
- 4) moral qualities (compliance with the requirements of the Code of judicial ethics).

Almost all data for assessment is downloaded directly from the information systems of the Supreme Court and other government agencies.

A special statistical data module has been created for this purpose.

According to the results of a comprehensive assessment, the Commission makes one of the following decisions:

- recognition of the position as corresponding;
- recognition of the position as corresponding and recommendation for admission to the personnel reserve for a higher position (in a higher court);
- recognition of the position as corresponding and recommendation for transfer to another court, to another specialization;
- recognition of the position as inappropriate due to professional impropriety.

All judges are subject to assessment once every 5 years, and before any promotion, exception for judges with over 20 years' experience.

The new methodology for assessing the professional activities of judges was positively evaluated by international experts. In particular, UNDP expert report states: "The new assessment methodology is in line with international standards, best practices and even includes innovative approaches in assessing the work of judges, such as using audio-video recordings of hearings to analyze the judge's behavior and communication skills, as well as applying the method of "360 degree" feedback to assess the interpersonal qualities of judges and court presidents". The Methodology posted on the website of the Supreme Court

www.sud.gov.kz/sites/default/files/pagefiles/metodicheskoe_rukovodstvo_po_ocenke_professionalnoy_deyatelnosti_sudi_1.pdf

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 hierarchically superior public prosecutor
- Other (please specify):
- NAP

Comments

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

- Yes
- No

Comments

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 part

Sources: 1) Constitutional Law of the Republic of Kazakhstan dated December 25, 2000 N132 "On the judicial system and the status of judges of the Republic of Kazakhstan", article 30-1 (http://10.61.42.188/rus/docs/Z000000132_#z54)
2) Regulations on the Commission for the Quality of Justice at the Supreme Court of the Republic of Kazakhstan, approved by the Decree of the President of the Republic of Kazakhstan dated April 5, 2019 No. 16 (https://sud.gov.kz/sites/default/files/pagefiles/polozhenie_o_komissii_po_kachestvu_provosudiya_rus_0.pdf).
3) Methodological guidelines for assessing the professional activities of judges

4.Fair trial

4.1.Principles

4.1.1Principles 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. 0,04 in fact
For 2020 17 sentences passed in absentia, a total of 36898 cases completed
 $17 \times 100 / 36898 = 0.2\%$

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

(X) Yes

() No

Comments - Please could you briefly specify:

085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):

[]

[X] NA

Comments

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)

[X] 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. 1 Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

() Yes

() No

[X] NAP

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

Sources: Civil Procedure Code of the Republic of Kazakhstan;
Form No. 2 Report on the consideration of civil cases by the court of first instance, Table A "Movement and results of the consideration of civil cases"
Kazakhstan is not a party to this Convention

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 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.

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 case considered by way of simplified (written) proceedings, the court makes a decision, which consists of an introductory 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)	62 671 [] NA [] NAP	1 009 334 [] NA [] NAP	1 014 391 [] NA [] NAP	57 614 [] 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)	51 366 [] NA [] NAP	358 017 [] NA [] NAP	362 194 [] NA [] NAP	47 189 [] NA [] NAP	[] NA [X] NAP

2. Non litigious cases (2.1+2.2+2.3)	46 [] NA [] NAP	36 244 [] NA [] NAP	36 224 [] NA [] NAP	66 [] NA [] 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)	46 [] NA [] NAP	36 244 [] NA [] NAP	36 224 [] NA [] NAP	66 [] NA [] 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	1 614 [] NA [] NAP	277 196 [] NA [] NAP	277 498 [] NA [] NAP	1 312 [] NA [] NAP	[] NA [X] NAP
4. Other cases	9 645 [] NA [] NAP	337 877 [] NA [] NAP	338 475 [] NA [] NAP	9 047 [] NA [] NAP	[] NA [X] NAP

Comments Increase of scope of ADR, reduction in the number of cases due to the pandemic.

Deadlines refer to timelimits provided for in legislation.

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)	3 574 [] NA [] NAP	166 753 [] NA [] NAP	165 980 [] NA [] NAP	4 347 [] NA [] NAP	0 [] NA [] NAP
1. Severe criminal cases	1 981 [] NA [] NAP	28 144 [] NA [] NAP	27 605 [] NA [] NAP	2 520 [] NA [] NAP	0 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	248 [] NA [] NAP	9 306 [] NA [] NAP	9 287 [] NA [] NAP	267 [] NA [] NAP	0 [] NA [] NAP
3. Other criminal cases	1 345 [] NA [] NAP	129 303 [] NA [] NAP	129 088 [] NA [] NAP	1 560 [] 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 specify what cases are reported in those categories. If "Other criminal cases", please specify 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)	4 894 [] NA [] NAP	61 175 [] NA [] NAP	61 425 [] NA [] NAP	4 644 [] 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)	4 445 [] NA [] NAP	47 939 [] NA [] NAP	48 278 [] NA [] NAP	4 106 [] NA [] NAP	[] NA [X] NAP
2. Non litigious cases (2.1+2.2+2.3)	23 [] NA [] NAP	197 [] NA [] NAP	205 [] NA [] NAP	15 [] NA [] 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)	23 [] NA [] NAP	197 [] NA [] NAP	205 [] NA [] NAP	15 [] NA [] 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	148 [] NA [] NAP	8 108 [] NA [] NAP	8 086 [] NA [] NAP	170 [] NA [] NAP	[] NA [X] NAP
4. Other cases	278 [] NA [] NAP	4 931 [] NA [] NAP	4 856 [] NA [] NAP	353 [] NA [] NAP	[] NA [X] 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.

Increase of scope of ADR, reduction in the number of cases due to the pandemic.

Deadlines refer to timelines provided for in legislation.

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)	618 [] NA [] NAP	20 843 [] NA [] NAP	20 611 [] NA [] NAP	850 [] NA [] NAP	0 [] NA [] NAP

1. Severe criminal cases	307 [] NA [] NAP	6 448 [] NA [] NAP	6 309 [] NA [] NAP	446 [] NA [] NAP	0 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	18 [] NA [] NAP	363 [] NA [] NAP	365 [] NA [] NAP	16 [] NA [] NAP	0 [] NA [] NAP
3. Other cases	293 [] NA [] NAP	14 032 [] NA [] NAP	13 937 [] NA [] NAP	388 [] 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)	1 610 [] NA [] NAP	15 507 [] NA [] NAP	15 497 [] NA [] NAP	1 620 [] 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)	1 350 [] NA [] NAP	13 964 [] NA [] NAP	13 924 [] NA [] NAP	1 390 [] 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	<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	253 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 420 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 455 <input type="checkbox"/> NA <input type="checkbox"/> NAP	218 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other cases	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP	123 <input type="checkbox"/> NA <input type="checkbox"/> NAP	118 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If “Other cases”, please specify Other: investment disputes cases

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

(X) Yes, please indicate the number of cases closed by this procedure: 8604

() No

Comments

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)	355 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 736 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 561 <input type="checkbox"/> NA <input type="checkbox"/> NAP	530 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Severe criminal cases	35 <input type="checkbox"/> NA <input type="checkbox"/> NAP	402 <input type="checkbox"/> NA <input type="checkbox"/> NAP	380 <input type="checkbox"/> NA <input type="checkbox"/> NAP	57 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP	25 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Other criminal cases	315 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 308 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 156 <input type="checkbox"/> NA <input type="checkbox"/> NAP	467 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If “Other criminal cases”, please specify Other cases – petitions considered at the preliminary stage, materials on pardon and materials on the extradition of a person.

4.2.5 Case flow management and timeframes – specific cases



101. Number of specific litigious cases 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	Pending for more than 2 years
Litigious divorce cases	8 902 <input type="checkbox"/> NA <input type="checkbox"/> NAP	56 637 <input type="checkbox"/> NA <input type="checkbox"/> NAP	56 586 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 953 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Employment dismissal cases	222 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 263 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 301 <input type="checkbox"/> NA <input type="checkbox"/> NAP	184 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insolvency	498 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 524 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 304 <input type="checkbox"/> NA <input type="checkbox"/> NAP	718 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Robbery case	111 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 300 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 299 <input type="checkbox"/> NA <input type="checkbox"/> NAP	112 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Intentional homicide	106 <input type="checkbox"/> NA <input type="checkbox"/> NAP	756 <input type="checkbox"/> NA <input type="checkbox"/> NAP	698 <input type="checkbox"/> NA <input type="checkbox"/> NAP	164 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

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101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Non-court procedures 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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-court procedures relating to the right of entry and stay for aliens	<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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Court 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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Court cases relating to the right of entry and stay for aliens	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 649 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 655 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

101-1. Could you briefly describe the system in your country dealing with legal 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 incases to a higher court.

101-2. Number of cases relating to child sexual abuse and child pornography 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	Pending cases older than 2 years from the date the case came to the first instance court
Child sexual abuse	61 [] NA [] NAP	501 [] NA [] NAP	488 [] NA [] NAP	74 [] NA [] NAP	0 [] NA [] NAP
Child pornography	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system: In accordance with paragraph 42) of Article 3 of the Criminal Code of the Republic of Kazakhstan, crimes against sexual inviolability of minors are acts provided for in Articles 120 (rape), 121 (violent acts of a sexual nature), 122 (sexual intercourse or other actions of a sexual nature with a person under 16 -years old), 123 (compulsion to sexual intercourse, sodomy, lesbianism or other actions of a sexual nature), 124 (corruption of minors), 134 (involvement of a minor in prostitution), 144 (involvement of minors in the manufacture of products of erotic content), parts of the second and the third article 312 (production and circulation of materials or objects with pornographic images of minors or their attraction to participate in entertainment events of a pornographic nature), committed against minors and minors.

102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. 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 investigation phase in criminal cases as well as 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	_____ Max numeric value allowed : 100 16 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [] NA [X] NAP
Litigious divorce cases	_____ Max numeric value allowed : 100 1 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [] NA [X] NAP

Employment dismissal cases	_____ Max numeric value allowed : 100 80 <input 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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insolvency cases	_____ Max numeric value allowed : 100 25 <input 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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Robbery cases	_____ Max numeric value allowed : 100 23 <input 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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Intentional homicide cases	_____ Max numeric value allowed : 100 69 <input 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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments In Kazakhstan, this type of calculation is not conducted. However, the relevant divisions made calculations and provided the following explanations. Also calculations through the information system "Torelik" was made. This is the actual data for 2020.

On civil cases

1st instance:

Divorce 17.43 business days (64,707 cases). Dismissal of 18.96 working days (1,381 cases). Bankruptcy 16.89 business days (4,507 cases)

The remaining civil cases (including economic cases) are 18.85 business days (565,598 cases). Appeal: Divorce 27.35 business days (296 cases). Dismissal of 28.33 working days (827 cases). Bankruptcy 24.12 business days (838 cases)

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

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

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

On criminal cases

1st instance:

Criminal cases that have been completed both by the passing of a sentence and by the return or termination of proceedings in the case.

For Robbery, 19.76 days (2567 cases). Murder - 32.07 days (931 cases). All remaining criminal cases are 16.32 days (48767 cases).

This is all including sentencing, termination, return Prosecutor, i.e. not only sentence

Criminal cases ended with sentencing

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

These are only sentences.

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

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

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

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.**

. % of decisions subject to appeal is calculated in civil cases: according to the number of appeals received, the prosecutor's petitions for decisions made from the number of decisions made by the court of first instance. In criminal cases - according to the number of persons in respect of whom the sentences were appealed, the prosecutor's petitions of appeal were made from the number of convicted, acquitted persons and persons in respect of whom the cases were terminated by the court.

On civil cases

1st instance:

The number of days from the date of completion of the case preparation (in working days, including weekends and holidays), if there is no such date-from the date of acceptance for production to 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.

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
- [X] when necessary, to request investigation measures from the judge
- [X] to charge
- [X] 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

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. Public prosecutors: Total number of 1st instance criminal cases.

	Number of cases
1.Pending cases on 1 Jan. ref. year	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.Incoming/received cases	28 688 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.Processed cases (3.1+3.2+3.3+3.4)	26 325 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)	686 <input type="checkbox"/> NA <input type="checkbox"/> NAP

3.1.1 Discontinued by the public prosecutor because the offender could not be identified	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	14 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.3 Discontinued by the public prosecutor for reasons of opportunity	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3.1.4 Discontinued for other reasons	672 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3.3. Cases closed by the public prosecutor for other reasons	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3.4. Cases brought to court	25 639 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Pending cases on 31 Dec. ref. year	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Other: indicates the number of cases discontinued on non-rehabilitating and rehabilitation grounds, excluding cases indicated in 3.1.2.

107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
Total number of guilty plea procedures	<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
Before the main trial	2 614 <input 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
During the main trial	<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 According to the data for 2020, it is necessary to clarify that the total number of guilty plea procedures is 2,614, this is an indicator of the number of procedural agreements concluded by the prosecutor only during pre-trial proceedings (Form No. 3 "Report on the prosecutor's work on supervision of the legality of pre-trial investigation"), that is, in comparison with 2018, a decrease in this category there are no cases.

At the same time, in 2018, on the basis of the general report (Form No. 1 "Report on the work of the courts of first instance on the consideration of criminal cases"), a separate counting was made by the number of procedural agreements concluded by prosecutors in the form of a plea bargain during the main trial. However, no separate counting was conducted for this indicator in 2020. It should be noted that the statistical report does not contain information on the number of procedural agreements concluded by prosecutors in the form of a plea bargain during the main trial, in connection with which we are currently working on the issue of including an appropriate indicator in the report.

109. Do the figures provided in Q107 include traffic offence cases?

Yes

No

Comments

D2. Please indicate the sources for answering the questions in this part

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

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?

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

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/authorities made up of judges and non-judges

Other

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: The recruitment of judges in the Republic of Kazakhstan is entrusted to the High Judicial Council.

111-1. How many members compose this authority?

	Total	Male	Female
Members	18	14	4
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing its members? The High Judicial Council is an autonomous state institution created in order to ensure the constitutional guarantees of the President of Kazakhstan on the formation of courts, guarantees of the independence of judges and their immunity, the Council consists of the Chairman, members of ex officio and permanent members appointed by the President of Kazakhstan.

The High Judicial Council includes 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 civil service affairs, the chairmen of the relevant committees of the both chambers of the Parliament, acting judges with equal representation of judges of district, regional courts and the Supreme Court, a scientist - lawyer, attorney, representative of the legal community.

All members of the Council are appointed by Presidential decree.

111-2. May non-selected candidates appeal against the decision on recruitment/appointment?

Yes

No

Comments – please specify which body is competent to decide on appeal? Candidates who have not passed the qualification examination for the position of a judge can apply to the Appeals Commission under the High Judicial Council, which includes lawyers, judges, and representatives of the academic community.

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 procedure for judges is organised (especially if there is no competition or examination): The promotion of judges within the system is carried out on a competitive basis as of 2019, within the framework of which the quality of justice, the existence of penalties, the ethical standards and other important factors are studied. In addition, interviews on competencies, testing for legislation, public opinion research, etc. are conducted.

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

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”): A full range of HR tools is used for promotion of judges:

- 1) a comprehensive assessment by the permanent members of the Council according to a system of differentiated evaluation criteria (including the quality of justice, compliance with judicial ethics, etc.);
- 2) assessment of candidates by a special computer program according to a system of digital criteria;
- 3) interviewing candidates;
- 4) the study of public opinion. To do this, the Council's website regularly publishes a list of persons participating in competitions for judicial positions and the public can present its opinion on each candidate.

In addition, public opinion regarding candidates for judges is studied through monitoring of social networks and the media.

In the course of making a decision, the Council considers and takes into account the complaints of citizens received in relation to the acting judges participating in the competitions.

The selection of candidates is carried out by the Commission for the competitive selection of judges under the Council, which, along with the permanent members of the Council (judges of all levels, a lawyer and a law professor), includes representatives of the legal community, prosecutors, as well as experts in the field of HR management.

In addition, under the High Judicial Council there is the Commission on the personnel reserve, whose powers include the formation of a reserve for higher and leading judicial positions. At the same time, candidates with high performance indicators and an impeccable reputation are selected for the personnel reserve. In accordance with the current legislation, in the selection of candidates for higher and managerial positions, priority is given to persons in the personnel reserve, which is one of the criteria of the principle of meritocracy.

5.1.2 Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

- Has an independent status as a separate entity among state institutions
- Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the executive power (without functional independence)
- Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the judicial power (without functional independence)
- Is a mixed model (please explain)
- Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.). Furthermore, if "mixed model" or "other", please specify. 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 other regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

- Yes
- No

Comments - If yes, please specify:

115-2. If you answered "Yes" to Q115-1, are there exceptions provided by the law/regulations?

- Yes
- No

Comments - Please describe these exceptions:

115-3. If you answered "No" to Q115-1, which authority can issue the specific instructions?

- General Prosecutor
- Higher prosecutor/Head of prosecution office
- Executive power
- Other

Comments - If "Other", please specify:

115-4. What form these instructions may take?

- Oral instruction

Oral instruction with written confirmation

Written instruction

Other

NAP

Comments - If "Other", please specify:

115-5. In that case, are the instructions:

Issued seeking prior advice from the competent public prosecutor

Mandatory

Reasoned

Recorded in the case file

Other

NAP

Comments - If "Other", please specify:

115-6. What is the frequency of this type of instructions:

Exceptional

Occasional

Frequent

Systematic

NAP

Comments

115-7. Can the public prosecutor oppose/report an instruction to an independent body?

Yes

No

NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions.

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): Since 2020, the procedure for the recruitment and training of staff for the law enforcement service has been changed. An innovation for joining the service is the completion of initial training. Candidates undergo professional training at the Academy of Law Enforcement Agencies under the General Prosecutor's Office. The selection criteria were unified: - higher education; - compliance with moral, psychological, medical requirements; - lack of compromising information. Acceptance of documents is carried out by the prosecutor's offices of them. Before submitting the documents, the candidate must pass a test for knowledge of legislation and an assessment of personal qualities at the Agency for Civil Service Affairs. Interviews with candidates are conducted in regional and equivalent prosecutor's offices. A preliminary check is carried out by the internal security service in relation to the candidate, the results are taken into account at the interview. Candidates who have successfully passed the interview are sent for the health and polygraph examination. The final stage is an exam at the Law Enforcement Academy. The final decision on admission to vocational training is made

by the interdepartmental admissions committee, taking into account the results of the polygraph examination. The term of professional training for candidates to the prosecutor's office is 1 year (6 months of training and 6 months of internship). The appointment is carried out without a probationary period with the simultaneous assignment of the first class rank. The period of professional training is counted towards the length of service of the law enforcement service.

Comments

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
- Other

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:

117-1. How many members compose this authority?

	Total	Male	Female
Members	<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 - Please specify what is the status of this authority and who is proposing its members?

117-2. May non-selected candidates appeal against the decision on recruitment/appointment?

- Yes
- No

Comments - Please specify which body is competent to decide on appeal?

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 how the promotion procedure for prosecutors is organised (especially if there is no competition or examination): Appointment, transfer and promotion in law enforcement is carried out in accordance with Chapter 5 of the Law "On Law Enforcement Service" (<http://10.61.42.188/rus/docs/Z1100000380>).

According to clause 1 of article 33 of the Law "On Law Enforcement Service", promotion is created from the number of employees in the personnel reserve, or on a competitive basis, subject to their compliance with the qualification requirements, as well as taking into account business and personal qualities, results of official activity ...

In accordance with Article 33-1 of the Law "On Law Enforcement Service", the Presidential Reserve for the leadership of law

enforcement is formed for the purpose of high-quality selection of employees for vacant senior management positions in law enforcement agencies.

The procedure for the formation and the list of positions of the Presidential Reserve of the leadership of law enforcement agencies are determined by the President of the Republic of Kazakhstan

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

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

5.1.3Mandate 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)?

Yes, please indicate the compulsory retirement age:Men - age of 63, woman - age of 59,5 .In accordance with the current pension legislation of the Republic of Kazakhstan, the retirement age of women increases every year and by January 1, 2027 it will reach 63 years old and equal to the age of men.

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: In accordance with paragraph 11-1 of Art. 34 of the Constitutional Law On Judicial System and Status of Judges in the Republic of Kazakhstan, the decision of the Judicial Jury on the need to dismiss a judge for committing a disciplinary offense or failure to comply with the requirements specified in Article 28 of the mentioned Law is the basis for the termination of the powers of the court president, chairman of the chamber and the judge.

A judge can be disciplined:

- 1) for gross violation of the law when considering court cases;
- 2) for committing a defamatory offense contrary to judicial ethics.

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):
- 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):
- 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:In law enforcement service may be up to the following age limit: 1) up to major, junior adviser - 48 years old; 2) lieutenant colonels, advisers - 50 years; 3) colonels, senior advisers - 55 years old; 4) persons of the highest commanding staff - 60 years old. In more detail, the provisions on retirement are regulated 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:

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

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

(X) No

Comments At the same time, there is a training period for candidates for the prosecutor's office, which is 1 year (6 months of training and 6 months of internship).

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

[X] 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

[X] NAP

Comments

126-1. Is it renewable?

() Yes

() No

[X] NAP

Comments

E1. Please indicate the sources for answering the questions in this part

Sources: Law "On Law Enforcement Service" of January 6, 2011

Constitutional Law of the Republic of Kazakhstan "On the judicial system and the status of judges of the Republic of Kazakhstan" dated December 25, 2000 No. 132.

Law of the Republic of Kazakhstan "On the High Judicial Council"

Law of the Republic of Kazakhstan "On the Pension in 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 a court)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions of the court (e.g. court president)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training on ethics	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training on child-friendly justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments Training on child-friendly justice, taking into account the specialization of judges, are conducted for juvenile court judges.

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

	Frequency of the judges training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

In-service training for management functions of the court (e.g. court president)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in courts	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on ethics	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on child-friendly justice	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: All judges, regardless of their specialization, have training at least once every three years.

5.2.2 Training of prosecutors

129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
Initial training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised functions (e.g. public prosecutors specialised in organised crime)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions (e.g. Head of prosecution office, manager)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in office	<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
In-service training on ethics	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training on child-friendly justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

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

Frequency of the in-service training

General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised in organised crime)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for management functions (e.g. Head of prosecution office, manager)	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in office	<input type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input checked="" type="checkbox"/> No training proposed
In-service training on ethics	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on child-friendly justice	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

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

5.2.3 Training institutions

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

	Initial training only	Continuous training only	Initial and continuous training
Institution(s) for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Institution(s) for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Institution(s) for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

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

	Budget of the institution(s) for the reference year, in €
Institution(s) for judges	919 430 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Institution(s) for prosecutors	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Institution(s) for both judges and prosecutors

NA
 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

5.2.4 Number of trainings

131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
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
1. For judges	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	30 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. For prosecutors	<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
3. For other non-judge staff	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. For other non-prosecutor staff	<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
5. Training for other professionals	<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 – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice. Since the establishment of the Academy, retraining and advanced training courses for judges and employees of the judicial system have been conducted in offline format.

In accordance with the Schedule for the first half of 2020, it was planned to conduct 11 refresher courses for judges and non-judges staff for 760 hours with a total of 381 students. Of these, 5 offline training programs were conducted, of which 3 (85 trainees) for judges and 2 (95 trainees) for non-judges staff. In 2020, due to the introduction of a state of emergency in the country (Decree of the President of the Republic of Kazakhstan dated March 15, 2020 "On the introduction of a state of emergency in the Republic of Kazakhstan") and quarantine measures related to the COVID-19 pandemic, training courses for judges and employees of the judicial system were suspended from 10.03.2020 until the improvement of sanitary and epidemiological situation. However, the situation has not improved for a long time, therefore, in agreement with the Supreme Court it was decided to conduct remote learning from the second half of the year. From 07.09.2020, the training was resumed, but with changes in its form from offline to online.

From September to December 2020, 7 courses (240 trainees) were held in an online format, of which 6 courses (195 trainees) were held

for judges and 1 course (45 trainees) for non-judges staff. In general, in 2020, out of the planned 18 courses (621 trainees), 12 (420 trainees) were conducted, of which 5 off-line (3 - judges, 2 – non-judge staff, 180 trainees) and 7 courses in online (6 – judges, 1 – non-judge staff, 240 trainees) format.

The online format of classes at the training courses for judges and employees of the judicial system did not affect the quality of training. Judges of the Supreme Court and experts of international and national organizations were involved in conducting classes, as well as in offline training.

131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
Total	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Judges	83 <input type="checkbox"/> NA <input type="checkbox"/> NAP	291 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Prosecutors	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-judge staff	85 <input type="checkbox"/> NA <input type="checkbox"/> NAP	45 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Non-prosecutor staff	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other professionals	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments In 2020, due to the pandemic, training at the Academy of Justice was suspended from March 10, 2020. 07.09.2020, the courses were resumed in the online format.

www.academy-gp.kz

5.3.Practice of the profession

5.3.1Salaries 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	12 012 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 107 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 199 806 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 216 694 <input type="checkbox"/> NA <input type="checkbox"/> 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)	31 645 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 476 <input type="checkbox"/> NA <input type="checkbox"/> NAP	16 240 086 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 664 872 <input type="checkbox"/> NA <input type="checkbox"/> 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
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Comments

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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

134. If “other financial benefit”, please specify:

. Judges – lifelong allowance, only judges of retirement age who have retired with the necessary professional experience, are entitled to receive it. Funeral compensation.

NAP

=

135. Can judges combine their work with any of the following 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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Arbitrator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mediator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 mandate of a member of Parliament, with the occupation of another paid position, carrying out entrepreneurial activities, becoming a member of the governing body or supervisory board of a commercial organization, except for teaching, scientific or other cultural activities.

137. Can public prosecutors combine their work with any of the following 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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Arbitrator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mediator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify:

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 if possible 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, who are the members of this institution/body?

() Only judges

(X) Judges and other legal professionals

() Other, please specify:

Comments The Republican Public Association "Union of Judges of the Republic of Kazakhstan" (hereinafter – the Union of Judges) is a non-profit organization in the organizational and legal form of a public association with republican status, created on the initiative of a group of citizens of the Republic of Kazakhstan who voluntarily united on the basis of common interests for the implementation of statutory goals that do not contradict legislation, acting in order to implement and protect the interests of the judicial community. The Union of Judges does not influence the administration of justice in specific cases and does not pursue political goals. The subject of the 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 courts, the eradication of corruption and violations of the provisions of the Code of Ethics of Judges, improving the image of courts among the population, assistance in solving social issues and more. The goals and objectives of the Union of Judges are: to unite the efforts of the judicial community on improving the judicial system; increasing the authority of the judiciary, ensuring that judges comply with the requirements of the Code of Ethics of Judges; conducting scientific and practical conferences, seminars, round tables, events for the exchange of experience, professional development of judges; making proposals on strengthening the independence of the court, ensuring the social protection of judges, improving judicial self-government; representation of the interests of the judicial community in state bodies and public associations; making proposals on improving regulatory legal acts; organization of judicial mentoring within the framework of the educational program for training newly appointed judges; discussion with the public of issues related to the activities of courts and law enforcement practice; strengthening international relations with judicial communities of other countries and international organizations.

138-2. Are the opinions of this institution / body publicly available?

() Yes

(X) No

[] NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

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

(X) No

Comments The norms of ethics (behavior) of employees of the Prosecutor's office are fixed by the Code of Ethics of Civil Servants (approved by Presidential Decree No. 153 of 29.12.2015) and the Code of Honor of Employees of the Prosecutor's office system (approved by Order of the Prosecutor General 1034ca of 13.10.2009).

Currently, an assessment (conclusion) on violations of ethics by employees is given by officials authorized to conduct an internal investigation, and is considered by a Disciplinary Commission operating in the Prosecutor General's Office and in the Prosecutor's Offices of the regions, where a final decision is made on the presence/absence of violations of ethics in the actions of employees.

At the same time, there is no separate institution/state agency that gives opinions on ethical issues of the behavior of prosecutors.

138-4. If yes, who are the members of this institution/body?

() Only prosecutors

() 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.

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 replies possible)?

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court

Disciplinary body (disciplinary prosecutor, investigator etc.)

Ombudsman

Parliament

Executive power (please specify):

Other (please specify): Judicial Ethics Commission

This is not possible

Comments Since 2019 Judicial Jury was transferred to High Judicial Council.

141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple replies 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

Disciplinary body (disciplinary prosecutor, investigator etc.)

Ombudsman

Professional body

Executive power (please specify):

Other (please specify):

This is not possible

Comments

142. Which authority has disciplinary power over judges? (multiple replies possible)

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments The Judicial Jury, which functions under the High Judicial Council as of 2019, has the right to discipline a judge. At the same time, the Judicial Jury consists of 9 members, of which 6 are acting judges of various levels (2 judges each - from the Supreme Court, regional and district courts). The Judicial Jury also includes one member of the High Judicial Council from among the judges and two members of the public who have an advisory vote.

143. Which authority has disciplinary power over public prosecutors? (multiple replies 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

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)	91 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	10 <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	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	80 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: In 2020, the Judicial Jury considered 90 disciplinary cases, based on the results of the consideration of 24 disciplinary proceedings, they were terminated on various grounds.

Other: Gross violation of the law when considering cases - 79

Inadequate performance of official duties by presidents of courts and judicial chambers -1.

According to Article 39 of the Constitutional Law "On the Judicial System and the Status of Judges of the Republic of Kazakhstan", the grounds for bringing a judge to disciplinary responsibility are:

- 1) gross violation of the law when considering court cases;
- 2) committing a defamatory offense contrary to judicial ethics.

Presidents of courts and chairmen of judicial chambers may be disciplined for improper performance of their official duties provided for by the Constitutional Law "On the Judicial System and the Status of Judges of the Republic of Kazakhstan".

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 10)	66 <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	0 <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	28 [] NA [] NAP	[X] NA [] NAP
10. Dismissal	12 [] NA [] NAP	[X] NA [] 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. In accordance with Article 40 of the Constitutional Law "On the Judicial System and the Status of Judges of the Republic of Kazakhstan", the following types of disciplinary sanctions may be applied to judges: 1) a remark; 2) a reprimand; 3) dismissal of the president of the court or the chairman of the judicial chamber for improper performance of official duties; 4) dismissal of a judge on the grounds provided for by the Constitutional Law.

E3. Please indicate the sources for answering the questions in this part

Sources: High Judicial Council statistics

6.Lawyers

6.1.Profession of lawyer

6.1.1Status of the profession of lawyers

146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	5 448 [] NA	3 788 [] NA	1 660 [] 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

[X] NAP

Comments

149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies

possible)

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Dismissal cases	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases – Defendant	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases – Victim	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
Administrative cases	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights: In Kazakhstan, interests in clients in criminal cases can only be represented by lawyers (Article 66 of the Criminal Procedure Code of the Republic of Kazakhstan)

149-0. If other than lawyers may represent a client in court, please specify who:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	<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
Family member	<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
Self-representation	<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
Trade union	<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
Other	<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

Comments - If "other", please specify. In addition, for the categories selected please specify the types of cases concerned by this/these representation(s): Other: Legal counsellor, they can represent the client in court, except in criminal cases.

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- Notarial activity
- Arbitration / mediation

- 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?

- 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

151. Is there a specific initial training and/or exam to enter the profession of lawyer?

- Yes
- No

Comments - 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

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 the questions in this part

Sources: Civil Procedure Code, Criminal Procedure Code, Law On advocate practice and legal assistance

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

155. Are lawyers' fees freely negotiated?

- Yes
- No

Comments

156. Do laws or bar 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 advocacy 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? The quality criteria used for lawyers have been developed in accordance with the Law of the Republic of Kazakhstan "On Advocacy and Legal Assistance", in order to ensure the quality of legal assistance and the formation of uniform requirements for the quality of its provision (approved by the Republican Conference of Bar Associations on 23.11.2018).

158. If yes, who is responsible for formulating these quality standards:

- the bar association
- the Parliament
- other (please specify):

Comments

159. Is it possible to file a complaint about:

- the performance of lawyers
- the amount of fees

Comments - Please specify: The Law of the Republic of Kazakhstan "On advocacy and legal assistance" provides for the direction of a complaint against the action (inaction) of a lawyer during his professional activities. In this case, the consideration of complaints is carried out by the collegium of lawyers (bar chamber).

160. Which authority is responsible for disciplinary procedures?

- a judge
- Ministry of Justice
- a professional authority
- other (please specify):

Comments

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)	151 <input 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 checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	151 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	33 <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	79 <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. Total 151: admonishment (notice) - 64, reprimand - 33, strict reprimand - 15, exclusion from the collegium (bar) - 39

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

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 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 type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Family cases	<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 type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Administrative cases	<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 type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Labour cases including employment dismissals	<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 type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Criminal cases	<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 type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Consumer cases	(X) Yes () No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP
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Comments Court related mediation have evolved since 2019.

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

Yes

No

NAP

Comments - If yes, please specify (only one or both options):: According to the Rules for the payment of state-guaranteed legal assistance provided by a lawyer, and reimbursement of expenses related to the right to consult, defense and representation, as well as conducting conciliation procedures, the amount payable from budgetary funds for the participation of a lawyer in a particular case is calculated taking into account the time of preparation, including settlement agreements, mediation settlement agreements or a dispute settlement agreement in a participatory manner in the interests of the principal and others.

=

166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	<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

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)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	50 169 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 252 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil and commercial cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	19 644 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 147 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Family cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	14 039 <input type="checkbox"/> NA <input type="checkbox"/> NAP	738 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	13 278 <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	617 <input type="checkbox"/> NA <input type="checkbox"/> NAP	141 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	2 386 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 201 <input type="checkbox"/> NA <input type="checkbox"/> NAP

6. Consumer cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	205 <input type="checkbox"/> NA <input type="checkbox"/> NAP	25 <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments - Please indicate the source:

=

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): participatory procedures

Comments With the adoption of the new Civil Procedure Code, conciliation procedures are provided in civil proceedings. The Civil Procedure Code of the Republic of Kazakhstan was adopted on October 31, 2015 and entered into force on January 1, 2016. The parties can settle the dispute in full of mutual requirements or in part by concluding an amicable agreement, an agreement on the settlement of a dispute (conflict) by way of mediation or an agreement on the settlement of a dispute by way of a participatory procedure or using other methods in the manner prescribed by this Code. Other alternative methods of dispute settlement may be established by law or provided for in an agreement between the parties.

G1. Please indicate the sources for answering the questions in this part

Source: Civil Procedure Code of Kazakhstan, Criminal Procedure Code of Kazakhstan Code of the Republic of Kazakhstan on Administrative Offenses Constitution of Kazakhstan;
The Code of the Republic of Kazakhstan "On Marriage (Matrimony) and Family";
Form No. 2 Report on the consideration of civil cases by the courts of first instance, Table A "Movement and results of the consideration of civil cases"

8. Enforcement of court decisions

8.1. Execution of decisions in civil matters

8.1.1 Number of enforcement agents, status and mandate

169. Number and type of enforcement agents in your country.

	Total	Male	Female
Total (1+2+3+4)	2 506 <input type="checkbox"/> NA	1 755 <input type="checkbox"/> NA	751 <input type="checkbox"/> NA
1. Private professionals under the authority (control) of public authorities	2 243 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 554 <input type="checkbox"/> NA <input type="checkbox"/> NAP	689 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Enforcement agents working in a public institution (civil servants paid by state)	263 <input type="checkbox"/> NA <input type="checkbox"/> NAP	201 <input type="checkbox"/> NA <input type="checkbox"/> NAP	62 <input type="checkbox"/> NA <input type="checkbox"/> NAP

3. Judges	<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
4. Other	<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, please specify their status and competences:

170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other

Comments - If "other", please specify:

171. Are enforcement agents 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 - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: State bailiffs are appointed to the position on the basis of the Law of the Republic of Kazakhstan "On Civil Service" for an indefinite period. But at the same time, they can be dismissed from the civil service if there are legal grounds provided for by the Law of the Republic of Kazakhstan "On Civil Service" or at their own request.

Private bailiffs in accordance with the Law of the Republic of Kazakhstan "On enforcement proceedings and Status of Enforcement Agents ", receive a perpetual license for the right to carry out the activities of a private bailiff. In this case, the license may be terminated at the own request of a private enforcement agent or by a court decision in cases established by law.

8.1.2 Activities/scope of competence

171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

	Access to information	Direct electronic access to information
Address	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date of birth	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Civil status	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cohabitant	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Employer	(X) Yes () No	(X) Yes () No
Motor vehicle	(X) Yes () No	(X) Yes () No
Movable property	(X) Yes () No	(X) Yes () No
Immovable property	(X) Yes () No	(X) Yes () No
Bank account	(X) Yes () No	(X) Yes () No
Other enforcement proceedings underway	(X) Yes () No	(X) Yes () No
Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)	(X) Yes () No	(X) Yes () No
Other	() Yes (X) No	() Yes (X) No

Comments - If "other", please specify:

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	() Yes, exclusively performed by enforcement agents (X) Yes, but not exclusively performed by enforcement agents () No [] NAP
Preventive seizure of movable tangible properties	() Yes, exclusively performed by enforcement agents (X) Yes, but not exclusively performed by enforcement agents () No [] NAP
Seizure of immovable properties	() Yes, exclusively performed by enforcement agents (X) Yes, but not exclusively performed by enforcement agents () No [] NAP
Preventive seizure of immovable properties	() Yes, exclusively performed by enforcement agents (X) Yes, but not exclusively performed by enforcement agents () No [] NAP

Seizure from a third party of the debtor claims regarding a sum of money	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizures of boats and ships	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of aircrafts	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of electronic assets (e.g cryptocurrency)	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

Sale of shares	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <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 from 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 or public auctions of moveable or immoveable property
- Custody 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

8.1.3 Training and ICT

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments

172-2. Do you have an e-learning training system established for enforcement agents?

Yes

No

Comments - If yes, please specify:

172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?

Yes

No

Comments - If yes, please specify:

172-4. Have an electronic service of documents or electronic notifications been introduced in your country?

Yes

No

Comments

172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?

Yes

No

Comments - Please explain: The technical development of the Automated Information System of enforcement bodies contributes to the prompt receipt of information from the systems of state bodies and second-tier banks for the issuance of enforcement measures. In addition, participants in enforcement proceedings can receive information on enforcement proceedings in the "Cabinet of the Parties". In this regard, the development of information technology simplifies a number of actions related to enforcement proceedings

8.1.4 Fees

174. Are enforcement fees easily established and transparent for parties?

Yes

No

Comments

175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?

Yes

No

Comments

175-2. Who has to pay these fees if the enforcement proceedings are successful?

The debtor

The creditor

Other – please specify

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

Yes

No

Comments

H0. Please indicate the sources for answering the questions in this part

Source: Law of the Republic of Kazakhstan "On Enforcement Proceedings and the Status of Enforcement Agents"

8.1.5 Organisation of profession and 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 In accordance with Article 161-3 of the Law of the Republic of Kazakhstan "On Enforcement Proceedings and the Status of Enforcement agents", the Republican Chamber of Private Bailiffs also monitors and controls the activities of bailiffs

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 for the execution of enforcement documents, bailiffs must take only the range of compulsory measures that are delegated to them by the Law "On Enforcement Proceedings and the Status of Enforcement

agents". The Ministry of Justice and the Republican Chamber of Bailiffs coordinate the activities of bailiffs and their compliance with the legislation.

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
- unethical behaviour of enforcement agent
- other (please specify):

Comments

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 serve and/or 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

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)	2 985 <input type="checkbox"/> NA <input type="checkbox"/> NAP

1. For breach of professional ethics	2 985 [] NA [] NAP
2. For professional inadequacy	[] NA [X] NAP
3. For criminal offence	[] NA [X] NAP
4. Other	[] NA [X] NAP

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	2 985 [] NA [] NAP
1. Reprimand	2 269 [] NA [] NAP
2. Suspension	0 [] NA [] NAP
3. Withdrawal from cases	35 [] NA [] NAP
4. Fine	[] NA [X] NAP
5. Other	681 [] 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: Until June 26, 2020, the Law had a norm (Article 170) providing for the type of disciplinary liability of private enforcement agents, as an admonition (notice).

H1. Please indicate the sources for answering the questions in this part

Source: the Law "On Enforcement Proceedings and the Status of Enforcement agents"

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

replies possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Enforcement agent
- Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). In Kazakhstan, decisions on criminal cases on the recovery of fines and confiscation of property are executed by bailiffs, court decisions on restricting the freedom are executed by 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:

9. Notaries

9.1. Profession of notary

9.1.1 Number, status and mandate of notaries

192. Number and status of notaries in your country.

	Total	Male	Female
TOTAL (1+2+3+4)	4 267 <input type="checkbox"/> NA <input type="checkbox"/> NAP	986 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 281 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Private professionals (without control from public authorities)	4 267 <input type="checkbox"/> NA <input type="checkbox"/> NAP	986 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 281 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Holders of public offices appointed by the State	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Civil servants (paid by the State)	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<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", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure:

192-1. What are the access conditions to the profession of notary (multiple replies possible):

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other (please specify):

Comments

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 term of activity of notaries is not regulated by the Law of the Republic of Kazakhstan "On Notaries". At the same time, the validity of licence is unlimited.

9.1.2 Activities/scope of competences

194. What kind of activities do notaries perform (multiple options possible):

	Please select one option
Authentication	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Certification of signatures	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Legalisation of signatures / Apostille	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Legality control of documents	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Mediation	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Taking of oaths	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Act as civil servant (for example performing marriage, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other judicial functions (for example, payment orders)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Public auctions	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other (for example collect taxes, run registers etc.)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify. Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or, on the opposite, other bodies that also have competences for the listed activities.

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
- Protection of vulnerable persons
- Other

Comments

9.1.3 ICT, organisation of the profession and training

194-3. Do notaries use specialised ICT systems in their activity?

- In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)
- In their relations with their clients
- In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments

194-4. Which computerised registries can notaries consult?

- Land registry
- Business registry
- Civil status / Population registry
- Succession / Family law registry
- Any other registry (please specify)
- None

Comments According to the Law of the Republic of Kazakhstan "On Notaries" the unified notary information system consists of an electronic register of notarial acts, a register of inheritance cases, a register of wills.

Entering the data into the unified notary information system is carried out by notaries.

194-5. Are there registries/ registry infrastructures run by the notaries?

- Yes
- No

Comments - If yes, please specify:

194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?

	Directly modifying	Indirectly modifying by submitting an online request
Land registry	<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

Business registry	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Civil status/ Population registry	() Yes () No [X] NAP	() Yes () No [X] NAP
Succession / Family law registry	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Any other registry (please specify)	() Yes () No [X] NAP	() Yes () No [X] NAP
None	() Yes () No [X] NAP	() Yes () No [X] NAP

Comments

194-7. What ICT tools are used by notaries in their relations with clients?

- [] Videoconferencing (e.g. digital advice)
- [] Digital act
- [] Digital identification
- [] Digital archiving
- [] Other, please specify
- [X] None

Comments

194-8. Who is responsible to run the digital archives?

- [X] Notariat / Professional body
- [] Other public authority
- [] Another entity (please specify)

Comments

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

- (X) Yes
- () No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

- [] professional body
- [] court
- [X] Ministry of Justice
- [] public prosecutor

[] other (please specify):

Comments

196-1. Is there a system of general continuous training for all notaries?

(X) Yes

() No

Comments

196-2. Do notaries have training on:

	Yes	No
European law	()	(X)
Law of another Member State (cross-border training programmes)	()	(X)

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities:

I1. Please indicate the sources for answering the questions in this part

Sources: The Law of the Republic of Kazakhstan "On Notaries"; Regulations on professional development of notaries approved by the decision of the Board of the Republican Notary Chamber of February 8, 2019.

10.Court interpreters

10.1.Details on profession of court interpreter

10.1.1Status of court interpreters

197. Is the title of court interpreters protected?

() Yes

(X) No

Comments

198. Is the function of court interpreters regulated by legal norms?

(X) Yes

() No

Comments The legal status of the translator is regulated by Articles 56-4 of the Code of Civil Procedure, 81 of the Code of Criminal Procedure and 758 of the Administrative Code

199. Number of 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): According to the Civil Procedure Code, the translator is obliged to make a complete and correct translation, to certify the correctness of the translation with his signature in the minutes of the court session held with his participation, as well as in other documents submitted to him for translation.

The presiding judge warns the translator about the responsibility provided for by the Criminal Code of the Republic of Kazakhstan for knowingly incorrect translation. The translator's subscription about this is attached to the minutes of the court session. If the translator refuses to appear in court or to perform his duties without good reason, an administrative penalty may be imposed on him.

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

J1. Please indicate the sources for answering the questions in this part

Sources: Civil Procedure Code, Criminal Code

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 participate in judicial procedures (multiple replies possible):

Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court

Experts appointed by the court or other authority independent of the parties

Other system of judicial expertise, please specify

Comments - Please specify who is proposing and appointing experts in an individual case.

202-1. Are there lists or any other form of official registration for judicial experts?

Yes

No

Comments

202-1-1. If yes, at which level is the list established (multiple replies possible):

- national
- administrative district or federal entity
- judicial district
- other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an oath? How are his/her skills evaluated? By whom?):

202-1-2. Are these lists publicly available?

- Yes, available on the internet
- Yes
- No

Comments

202-2. Which authority is competent for the registration of judicial experts?

- Ministry of justice
- Courts
- Administrative body
- Independent body (association of judicial experts)
- Other

Comments - Please also specify the registration criteria:

202-3. Is the registration of judicial experts limited in time?

- Yes, for how long
- No

Comments

202-4. Can an expert who is not on the list or not registered be appointed in a case?

- Yes
- No

Comment - If yes, please specify in which cases:

203. Is the title of judicial experts protected?

- Yes
- No

Comments - If appropriate, please explain the meaning of this protection:

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

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

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 - If yes, please specify:

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	2 000 <input 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

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)	2 154 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1.Civil and commercial litigious cases	1 879 <input type="checkbox"/> NA <input type="checkbox"/> NAP

2.Administrative cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3.Criminal cases	275 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4.Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

205-1. Who defines the amount of the expert remuneration?

	In civil/administrative cases	In criminal cases
Defined by law/by-law or a special regulation	<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
Defined by the court/judge	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Defined by Ministry of Justice or another ministry (setting a tariff for example)	<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
Salary of public official (in case of forensic or another specialist – who is public employee)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Freely agreed between expert and the parties	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments - If other, please specify:

206. Are there binding provisions for judicial experts regarding:

	Yes	No
Deadlines to provide expertise	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Quality of expertise	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>

NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions:

207-1. Does the judge or another body control the progress of the expertise?

Yes

No

If yes, please specify:

207-2. Are judicial experts' associations involved in:

- Selection processes
 Initial or continuous training
 Disciplinary procedures
 NAP

Comments

K1. Please indicate the sources for answering the questions in this part

Sources: Law of the Republic of Kazakhstan "On Forensic Expert Activity"

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:

208-1. (Comprehensive) reform plans

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: Information about the judicial system is published annually on the website of the Supreme Court in the form of a collection «Justice of Kazakhstan: realities, trends, prospects" on the website. It is based on the principle of making the judicial system open. It is available in Russian and English languages. <https://www.sud.gov.kz/eng/content/justice-kazakhstan-realities-trends-prospects> The state of the country's judiciary, the problems in this area and ways to solve them, the prospects for improving the system of selection and promotion of judges and the activities of the Supreme Judicial Council can be found on the Council's website at the following link: <https://www.gov.kz/memleket/entities/vss/documents/details/127876?lang=eng> By the Decree of the President of Kazakhstan from 15.10.2021 No. 674 was approved the Concept of Legal Policy of the Republic of Kazakhstan until 2030 (hereinafter - Concept). This Concept is the basis for the development of relevant documents of the State Planning System in the field of legal policy of the state, long-term and annual plans of legislative work of the Government of the Republic of Kazakhstan, draft regulatory legal acts of the Republic of Kazakhstan.

208-2. Budget

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: In order to strengthen the independence of the judicial system at the legislative level, financing of the judicial system is established in the amount of not less than a certain percentage of the total cost of maintaining all state bodies established by the republican budget for the previous financial year.

The procedure for the disbursement of funds will be carried out by the bodies of judicial self-administration. Control over the spending of budgetary funds remains with the Accounts Committee for control over the enforcement of the Republican Budget.

Mentioned amendments adopted by the Law of the Republic of Kazakhstan on Amendments and additions to the Constitutional Law of the Republic of Kazakhstan "On the judicial system and the Status of Judges" dated December 20, 2021 (Article 57).

208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: As part of the implementation of the Concept it is planned to consider the issues of changing the procedure for bringing cases to the cassation instance, specialization of courts, connecting courts of the first instance in cities, identifying signs of a gross violation of legality by a judge, further development of the institute of arbitration, revising approaches to state duty rates in courts.

Repairs were carried out:

in 2020 in 81 buildings,

in 2021 in 68 buildings.

In 2020-2021, new courthouses were built

-in 2020 4 buildings,

-in 2021, 3 buildings and the construction of 1 building has begun.

In 2022, 3 buildings will be built

And projects of 4 courthouses will be developed

208-4. Access to justice and legal aid

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The right to judicial protection is referred to constitutional law and cannot be limited by anyone, including in cassation proceedings. Therefore, it is proposed to carry out preliminary consideration in cassation proceedings in criminal cases by a collegial composition (three judges). At the same time, it is proposed to exclude the right to make a submission by the Chairman of the Supreme Court on the revision of acts of the cassation instance on his/her own initiative in civil matters.

These proposals are being worked out within the framework of the working subgroup on improving criminal proceedings under the General Prosecutor's Office.

208-5. High Judicial Council

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The state of the country's judiciary, the problems in this area and ways to solve them, the prospects for improving the system of selection and promotion of judges and the activities of the Supreme Judicial Council can be found on the Council's website at the following link: <https://www.gov.kz/memleket/entities/vss/documents/details/127876?lang=eng> At the time of filling out the Questionnaire, legislative amendments to improve the system of recruiting and promotion of judges, as well as the activities of the High Judicial Council were under discussion in the Parliament of the Republic of Kazakhstan and were adopted by the Law of the Republic of Kazakhstan dated 20.12.2021. This law introduced amendments and additions to the Constitutional Law of the Republic of Kazakhstan "On the Judicial system and the Status of Judges of the Republic of Kazakhstan" and the Law of the Republic of Kazakhstan "On the High Judicial Council of the Republic of Kazakhstan" on the issues of: optimizing the stages of the qualification exam for narrowly focused specialists applying to regional (appeal) courts, reducing the time for retake of the qualification exam, securing the possibility of appointing participants of the second stage of the recruiting process for all failed positions, granting priority to judges of remote and small-scale courts in further promotion to judicial positions, increasing the statute of limitations for bringing judges to disciplinary responsibility, regulating the timing of the commission and detection of disciplinary misconduct, etc. Also, the issues of improving the institution of disciplinary responsibility of judges were reflected in Presidential Decree No. 804 "On Amendments and Additions to the Decree of the President of the Republic of Kazakhstan dated June 26, 2001 No. 643 "On approval of the provisions provided for by the Constitutional Law of the Republic of Kazakhstan "On the judicial system and the status of Judges of the Republic of Kazakhstan", adopted on February 7, 2022.

208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Adopted

Measures to strengthen the independence of the judiciary:

The responsibility of the judge for violation of labor discipline and other levers of pressure from higher courts and chairmen (on-site inspections, ratings) is excluded.

Access to the courts of appeal and cassation instances for highly qualified lawyers without any work experience in the district court is open. Thus, number of judges have been appointed as judges of the Supreme Court among highly qualified lawyers, without any judicial experience on the proposal of the President of the country.

The list of positions of judges that is selected on a competitive basis has been expanded. Previously, these were only judges of all instances and chairmen of district courts. Now, the chairmen of the boards of regional courts are selected on a competitive basis in addition to them.

It is planned

Judicial personnel. Amendments are proposed:

-improvement of the specialized qualification exam;

- priority for judges of small-size and remote courts while their participation in the competition;

- increasing the limitation period for bringing judges to disciplinary responsibility;
- increasing in the number of active judges in the composition of the Commission on the Quality of Justice under the Supreme Court; High Judicial Council:

The state of the country's judiciary, the problems in this area and ways to solve them, the prospects for improving the system of selection and promotion of judges and the activities of the Supreme Judicial Council can be found on the Council's website at the following link: <https://www.gov.kz/memleket/entities/vss/documents/details/127876?lang=eng>

208-7. Gender balance

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: Yes, adopted

1) The Administrative Procedural Code has been put into effect since July 1, 2021, and new administrative courts have begun their work in regional centers and in large cities (of republican significance, as well as Kaskelen, Semey, Zhezkazgan and Ekibastuz). Judicial collegiums on administrative cases have been established in the Supreme Court and regional courts.

The active role of the court is fixed in the administrative process. The judge helps actively the citizen in an initially unequal dispute. The court is not bound by the evidence presented by the parties, but it additionally examines all the circumstances of the dispute, based on the stated requirements, and helps the citizen to find the missing documents, assists in correcting errors in claims.

The Administrative Court will provide judicial control over the execution of its own decisions.

For their non-fulfillment, the court can impose instantly a fine on any official. A court fine will not be an administrative penalty.

Improvement of civil proceedings

A block of amendments aimed at improving the civil proceedings was initiated. The amendments are aimed at implementing approaches to simplify the civil procedure. The adoption of the amendments will reduce conflicts in society, significantly simplify and optimize civil proceedings, increase the responsibility of state bodies for their territorial structures, and ensure the equability of judicial practice, including through the usage of new IT- services with elements of artificial intelligence.

1. The CPC contains various types of appeals to the court: «claim», «statement of claim». For the convenience of citizens, uniformity of procedural appeals to the court is proposed. Replace the terms – «statement of claim», «statement» with – «CLAIM».

2. It is proposed to revise the action of the types of proceedings (writ, simplified (written), claim, special, special claim, correspondence) by differentiating them according to the subject of regulation:

- rename subsection 1 «Simplified production» to «Ordered production» with the preservation of the independent chapter of the same name;
- move the chapter «Simplified (written) proceedings» to subsection 2 «Claim proceedings», since it regulates the issues of consideration of cases of claim proceedings with certain features (simplified, written);
- exclude correspondence proceedings due to the lack of demand and the usage of the institute of simplified (written) production more often;
- exclude subsection 5 «Proceedings for the restoration of lost judicial or enforcement proceedings» with the transfer of Chapter 50 of the

CPC to the subsection «Special proceedings».

3. It is proposed to grant the right to a higher court, with the consent of the parties, to claim one of the homogeneous (similar) cases in its proceedings, to consider and make an exemplary decision on it.

If the situation is inside the region, then the regional court will make an exemplary decision. If the scale is evaluated as a country's scale – SC will make a decision. While considering cases, the courts will take into account the legal positions of the higher court in cases considered in accordance with such jurisdiction.

4. In order to distribute cases equally among the courts of the republic, it is proposed to introduce extraterritorial jurisdiction (with the consent of the parties). If the parties choose extraterritorial jurisdiction, the court will be determined taking into account the workload and specialization, regardless of its territorial location.

5. It is proposed to introduce the preparation of a pre-trial protocol into the civil process. Parties are empowered to disclose, present and exchange evidence prior to the initiation of a case in court while filing a claim. Thus, the parties can come to a compromise solution, reconcile or abandon the trial.

6. It is proposed to expand further the institution of executive inscription by excluding certain requirements from writ proceedings with their transfer to notaries.

7. It is proposed to grant the court the right to consider some cases of claim proceedings at the request of the parties or on its own initiative in simplified (written) proceedings, with the exception of cases affecting the interests of children. Yes (planned)
Interdepartmental working groups of representatives of state bodies have been created for a comprehensive review of criminal and administrative proceedings.

Improvement of criminal justice

The right to judicial protection belongs to constitutional law and cannot be restricted by anyone, including in cassation proceedings. Therefore, it is proposed to carry out preliminary consideration in cassation proceedings by a collegial composition (three judges). At the same time, it is proposed to exclude the right to make a submission by the Chairman of the Supreme Court on the revision of acts of the cassation instance on his/her own initiative. These proposals are being worked out within the framework of the working subgroup on improving criminal proceedings at the Prosecutor General's Office.

Implementation of a three-tier model with the distinction of powers and areas of responsibility between law enforcement agencies, the prosecutor's office and the court (the law enforcement agency has to identify crimes, identify involved persons, collect and consolidate evidence; the public prosecutor is obliged to give an independent assessment to the collected evidence, suppress violations of citizens' rights, prevent involvement of conscientious citizens in the criminal process, support the charges in court; the court will consider complaints against the actions of the authorities and issue a final verdict on the case).

Improvement of legislation on administrative offences

As part of the further improvement of the legislation on administrative offenses, the following is planned.

To submit for consideration of the authorized bodies 20 structures entailing a fine, and about 60 structure that are related to the deprivation of a license, suspension or prohibition of activities.

The competence of the court should include only the consideration of cases on offenses where the sanction provides for the arrest, confiscation of property, deprivation of special rights, forced demolition and expulsion of a foreign citizen outside the republic.

Along with it, it is proposed to consider issues on: -the introduction of reduced proceedings under Part 1 of Article 610 of the Administrative Code, since in about 80% of cases, the fault is recognized as a violator;

-regulation of procedures for the introduction of a state of emergency (Articles 62, 829-5, 741, 835);

-exclusion of reconciliation for repeated offenses in the household sphere;

- mandatory explanation by the judge according to the made decision;

- limiting the possibility of changing the qualification of an offense only in the direction of improvement;

- revision of the terms of bringing to responsibility - 2 months from the moment of detection (for tax, customs, corruption, protection of competition, etc.);

- exclusion of interim judicial acts (determination on postponement and extension of court sessions);

- granting foreigners the right to appeal to the court of appeal for expulsion.

The Code of Administrative Offences of the Republic of Kazakhstan proposes an independent rule on liability for failure to review acts of prosecutorial supervision.

The Law «On the Prosecutor's Office» provides for amendments on the right of prosecutors:

- consider complaints from entrepreneurs about the actions of officials;

- to demand documents within the framework of the analysis and evaluation of acts within the time limit set by them;

- carry out inspections within 30 working days (instead of 30 calendar days);

- prolong inspections by deputy of GP and regional prosecutors;

- to make decisions on the abolition of measures of a prohibitive or restrictive nature imposed by a state agency;
- it will become mandatory to take measures to eliminate the identified violations indicated in the submission.
- restrictions on which auditors and audit commissions refused prosecutors to participate in inspections will be eliminated.

By the Law of the Republic of Kazakhstan dated 2.07.2021, amendments mentioned (excluding the amendments on audit commissions) were introduced into the legislation of Kazakhstan.

208-9. Enforcement of court decisions and in particular regarding decisions against public authorities

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: For non-enforcement of court decisions on public law disputes, the Administrative procedural and process-related code provides for a mechanism for imposing a money penalty.

208-10. Mediation and other Alternative Dispute Resolution

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: It is planned to adopt amendments and additions to some legislative acts of the Republic of Kazakhstan on the development of institution for out-of-court and pre-trial settlement of disputes.

208-11. Fight against crime

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: On the issues of strengthening the protection of citizens' rights in criminal proceedings and combating corruption, the following has been done.

In terms of the improvement of anti-corruption legislation, the Law has toughened the punishment for corruption for law enforcement officials, persons holding a responsible public position in a law enforcement agency and judges by introducing additional qualifying characteristics.

In addition, the sanctions against bribe-givers and their intermediaries have been strengthened, and the the size of multiple fines and terms of imprisonment have been increased;

For crimes against the sexual integrity of minors.

In order to exclude any forms of sexual exploitation of children, the range of crimes related to crimes against the sexual integrity of minors has been expanded .These include involvement of a minor in prostitution, involvement of minors in the production of erotic products, production and circulation of materials or objects with pornographic images of minors, or their attraction to participate in entertainment activities of a pornographic nature.

The sanctions for committing sexual crimes against minors have been strengthened,violent acts of a sexual nature,sexual intercourse or other acts of a sexual nature with a person under the age of sixteen,compulsion to sexual intercourse, sodomy, lesbianism or other actions

of a sexual nature, corruption of minors, involvement of minors in the manufacture of products of erotic content.

Changes in terms of toughening punishment affected acts that were committed as part of a criminal group or while committing a crime by a parent, teacher or other person who is has responsibilities for raising a minor.

Actions that resulted the death of the victim are punishable by a punishment of 20 years or life imprisonment.

A requirement on the appointment of imprisonment for the subjects of such crimes has been introduced in institutions of maximum security (Article 46 of the Criminal Code), only persons who have committed crimes in a minor age can be sent to institutions of medium security.

The possibility of imposing a lighter punishment than provided by the sanction for a criminal offense and reduction of the unserved part of the sentence is excluded.

In order to ensure an integrated approach to the provision of medical intervention against pedophiles, both in physical and mental forms, the court provides for the right of the court while determining compulsory medical measures, along with chemical castration, to prescribe treatment for propensity to sexual violence and disorders of sexual preference.

Theft of someone else's property

Anti-Theft Program for 2019-2020, aimed at preventing and solving crimes of average gravity was updated.

Collectively with local executive and other state bodies, targeted organizational and legislative measures have been taken:

- The Criminal Code was amended to provide for tougher punishment for «repeatability» (commission of two or more actions provided by the same article of the Criminal Code) by transferring this qualifying attribute to category of grave crimes.

- Collectively with the Veterinary Control Committee of the Ministry of Agriculture, standard rules for grazing livestock have been developed

- The Criminal Code introduced an independent norm for committing thefts of livestock - «Animal stealing» with a maximum punishment of imprisonment up to 12 years. The punishment for «illegal entry into premises» while committing thefts has been toughened by transferring the qualifying attribute to the category of serious crimes.

- Changes and additions have been made to the «Rules of Internal Trade» in connection with the sale of expired non-grocery goods, including automotive spare parts, have to be carried out only in specialized stores. While accepting the determined goods for sale, the subject of internal trade has to draw up a written contract, indicating the person who handed over the goods and attach a photographic image of the product. Responsibility for violation of these Rules in the form of a fine of 50 MCI has been established.

- Since January 1, 2020, pawnshops are classified as microfinance organizations, in connection with it, the Rules for organizing the activities of pawnshops, providing for measures to counteract the circulation of illegally obtained things in pawnshops have been developed and approved. According to the new rules, pawnshops are required to transfer information about all collateral to the credit bureau, and police units will have access to check the subject of bail with stolen property to this bureau.

By order of the Minister of Internal Affairs in 2020, the Property Protection Program for 2021-2023 was approved, which provides for further improvement at the state level of systemic and integrated approaches to solve existing problems in countering theft of other people's property.

Collectively with the national railway carrier the issue to equip passenger train cars with video surveillance cameras and equip commercial inspection points of interstate, joint and junction stations with modern ASI TW technical means (automatic systems for commercial inspection of trains and wagons), as well as the installation of a video surveillance system in the parks of the station is being worked out.

208-12. Prison system

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The following legislative amendments have been made:

- Article 62 of the Criminal Code of the Republic of Kazakhstan provides for a preferential calculation of the time of detention of persons in custody while imposing a sentence of imprisonment

and restrictions on freedom (1 day of detention for 1.5 days in medium security institutions and in minimum security institutions for 2 days, as well as restrictions of freedom);

- term of consideration of the institution's submission on the release of a convicted person due to illness, reduced from 1 month up to 10

days;

- the right of convicts to imprisonment is provided to submit applications to the court, prosecutor's office and other state bodies in the form of an electronic document;
- control over the appeals of convicts addressed to the Commissioner for Human Rights in the Republic of Kazakhstan has been excluded;
- the frequency of presence of a convict for correctional labor in the probation service for a preventive conversation has been reduced from 1 time per month up to 1 time per quarter;
- the duty of the Penal Enforcement System Committee was established while transferring a convicted person (for provision of security, as well as maintain law and order in the institution) notification of the prosecutor;
- the presence of a positive degree of behavior to transfer convicts to their place of residence is excluded;
- the obligation of the administration of the remand center to notify the convicted person of the onset of the right to submit a petition to the court to consider the issue of parole or replacement of the unserved part of the punishment with a milder type of punishment, as well as to send timely such kind of petition and to send it to court with notification of the prosecutor has been established;
- the possibility of keeping convicts - former employees of courts, law enforcement and special state bodies, persons authorized to exercise control and supervision for the behavior of convicts in minimum security institutions at the place of residence of relatives;
- from the criteria for assessing the behavior of a convict, the presence of his/her membership in a voluntary organization of convicts is excluded;
- there is a ban on preventing the change of the institution to establish complete safety in relation to convicted pregnant women and convicted women who have small children with them, as well as convicted persons with disabilities (On the issue of prohibiting the change of the type of institution to a full security institution for convicted pregnant women and convicted women with small children, as well as convicted persons with disabilities).

The change in the type of institution in the penal correction system is governed by article 96 of the Penal Execution Code of the Republic of Kazakhstan.

This article provides for changes in the type of facility for convicts with positive characteristics and for convicts recognized as persistent violators of the regime of detention, depending on their behavior and attitude to the main means of correction (regime, upbringing, labour, training, etc.).

At the same time, it is the responsibility of the courts to consider the question of changing the type of institution of the penal correction system that is being imposed on a person sentenced to deprivation of liberty in accordance with penal enforcement legislation.

Article 96 of the Penal Enforcement Code has been amended by the Law of 27.12.2019 to ensure the safety of a specific category of women and persons with disabilities with a view to strengthening legal restrictions.

Thus, changing the type of institution to a full security institution is not allowed in relation to convicted pregnant women and convicted women who have small children with them, as well as convicted persons with disabilities);

- the right of convicts to access his/her accounts, obtain an official copy of such accounts upon release, to have telephone conversations not only with convicts who are their spouses and close relatives, as well as unmarried persons, but also with convicts who have joint children with him/her; has been introduced;
- the right of convicts to imprisonment, serving a sentence in preferential conditions of detention is enshrined - to purchase food and basic necessities via cashless payments without limitation at the expense of funds that are available in their accounts, including usage of bank payment cards;
- excluded from the number of disciplinary sanctions applied to convicted persons - a penalty in the form of a disciplinary fine in the amount of up to 2 MCI, and the term of detention in a solitary confinement cell was reduced from 6 to 4 months;
- the list of permitted items for convicts who are held in minimum security institutions has been expanded;
- conditions for the independent acquisition of primary, basic secondary, general secondary education not only for convicts serving life imprisonment, but also for convicts who are in medical preventive institutions, disciplinary isolation wards, solitary confinement cells, temporary isolation rooms, as well as those who are transferred to mixed security institutions for violation of the order and conditions of serving a sentence in institutions have been created.
- in order to maintain socially useful contacts (with their close relatives), "video conversations" between convicts and their relatives through the Internet are being introduced into practice.

208-13. Child friendly justice

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: An international project «Juvenile Justice in Kazakhstan» was implemented in the republic in 2003-2006, within the framework of it the first experimental juvenile courts were formed in the cities of Astana and Almaty by the Decree of the Head of State dated August 23, 2007.

Nowadays, 20 specialized inter-district juvenile courts are successfully functioning in Kazakhstan.

The jurisdiction of juvenile courts includes criminal cases on crimes committed by minors and violating the rights of minors, as well as civil and administrative cases.

The aim is to protect the legitimate interests and rights of minor children. The physical and mental well-being of minors, guaranteed by legal mechanisms, is the most important prerequisite to have a young generation capable to participate fully in the political, economic and social life of the state for society in the future. And the importance of juvenile courts in this context is more than obvious.

The jurisdiction of juvenile courts includes civil cases on determining the place of residence of a child, deprivation (restriction), restoration of parental rights, adoption of a child.

The jurisdiction of juvenile courts also includes cases of administrative offenses, for example, encroachment on the rights of minors, failure by parents or persons substituting them, their responsibilities for raising children, for involving minors in committing an administrative offense, etc.

Nowadays, juvenile courts have created a juvenile-friendly atmosphere in relation to minors. There are no prison bars in the halls; cases are considered more in the form of a dialogue between an adult and a child.

Many juvenile courts have offices for psychological work with children. Where a psychologist provides a minor with the necessary psychological assistance, conducts a preliminary conversation in a relaxed atmosphere, establishes a picture of the psychological perception of a particular situation considering cases with the participation of a minor.

The specificity of juvenile justice is to apply to a teenager who has come into conflict with the law, legislation, the resolution of issues that have arisen regarding foreign adoptive parents through the Committee for the Protection of Children's Rights as a central body.

Nowadays, there is a juvenile advocacy in Kazakhstan, juvenile police, prosecutors specializing in juvenile cases. This is a whole complex aimed at protecting the interests of minors.

208-14. Domestic violence

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: A draft law "On amendments and additions to some legislative acts on certain issues of strengthening the institution of the family" is being developed.

In addition, issues of improving the activities of social services are being worked out in terms of introducing special rehabilitation programs for people prone to offenses in the family and household sphere, including those who are dependent on alcoholic beverages and narcotic substances.

It is planned to introduce norms of public control, improve measures to ensure the safety and protection of victims of domestic violence and strengthen responsibility for domestic violence.

A working group consisting of representatives of interested state bodies, departmental education, non-governmental organizations, public figures, human rights defenders and experts is conducting a study on the feasibility of criminalizing certain elements of administrative offenses committed in the field of family and household relations.

This issue is planned to be submitted for consideration by the Interdepartmental Working Group under the Prosecutor General's Office for monitoring and summarizing the practice of applying the Criminal Code and the CPC this year.

In addition, the responsibility for domestic violence has been toughened:

Torture has been transferred from private prosecution cases to private-public ones. Article 110 of the Penal Code «Torture» has been transferred from cases of private prosecution to private-public. Thus, the duty to collect evidence of the guilt of the family brawler is assigned to the police, and not to the victims, as it was previously;

– for committing the same crime against pregnant women who are in a helpless state, minors - the lower threshold for deprivation of

liberty has been raised from 3 to 4 years;

- for illegal actions in the sphere of family and household relations the term of arrest has also been increased from 3 to 5 days.

Provision is made for offences for the intentional infliction of light bodily harm and battery committed in the context of family and domestic relations, with the imposition of penalties under these articles of arrest (15 and 10 days, respectively) and the exclusion of fines as ineffective punishment.

The powers of the court in making decisions on the reconciliation of the parties and the establishment of special requirements for the behavior of the offender have been expanded, as well as responsibility for their violation has been introduced.

This endowed the police with the competence to collect evidence of the guilt of the family "tyrant" and submit it to the court. Previously, they were provided to the court directly by the victims themselves.

By raising the lower threshold of imprisonment from 3 to 4 years, the punishment for the use of torture against pregnant women who are in a helpless state, minors and other persons has been tightened.

The Code of Administrative Offenses strengthens the sanction for unlawful acts in the field of family and domestic relations from 3 to 5 days of arrest.

An independent special composition of the offense is provided on the facts of causing minor harm to health and beatings committed in the field of family and domestic relations, with the introduction of sanctions in these articles of arrest (15 and 10 days, respectively) and the exclusion of fines as an ineffective punishment.

As an alternative, a "warning" was introduced, as far as the fine was a burden on the overall family budget.

At the same time, the court, taking into account the personality of the offender and the circumstances of the case, can warn or arrest immediately.

If these offenses are committed again within a year, the sanctions of the articles will provide: for deliberate infliction of minor harm to - arrest up to 20 days (without warning), for beatings - arrest up to 15 days (warning is not applied).

The powers of the court in making decisions on the reconciliation of the parties and the establishment of special requirements for the behavior of the offender have been expanded, as well as liability for their violation has been introduced.

If the reconciliation procedure took place earlier at any stage of administrative proceedings, now it is possible to reconcile only in court, having passed the stage of mediation.

In addition, the courts are empowered, on their own initiative, to establish special requirements for the behavior of the offender while considering domestic offenses (previously only at the request of participants in administrative proceedings).

For violation of established restrictions by the court, administrative liability was introduced in the form of a fine in the amount of 5 MCI or administrative arrest for up to 7 days. In case of repeated violation - administrative arrest is concluded for up to 10 days.

208-15. New information and communication technologies

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Yes, adopted

A unified information system of legal aid has been launched (considered by Article 24 of the Law of the Republic of Kazakhstan «On advocacy and legal aid»)

Yes, it is planned

The following projects are being implemented in the field of information technology implementation

:1) «Smart analytics» - this project is aimed at introduction of elements of artificial intelligence into legal proceedings by creating a service using a machine learning algorithm. It provides the judge with data on judicial practice in similar cases, and provides external users with the opportunity to assess objectively their chances before going to court. There is a prototype that is being tested in a pilot mode;

2) «Chatbot» – this project assumes an improvement of chatbots in courts for the instant resolution of issues arising from citizens that are related to obtain judicial services;

3) «Torelik 2.0" – this project is aimed at a modernization and ensuring the smooth functioning of the information and analytical system of the judiciary «Torelik»;

4) «Digital judge» – this project assumes a robotization of the processes of considering cases, where judicial discretion is strictly limited

by law. Clear decision-making algorithms on the basis of which the smart-assistant judge will prepare a draft judicial act in an automated mode will be prescribed.

208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: