

# IMPROVING THE EFFECTIVENESS OF THE JUSTICE SYSTEM IN KAZAKHSTAN



**Project partners and beneficiaries:** Supreme Court, Court Administration, High Judicial Council, Academy of Justice, and Union of Judges

**Duration:** 17 September 2021 - 31 December 2026

**Project scope:** Countrywide

**Donors:**



## CONTEXT

Under the leadership of the President of Kazakhstan, judicial reforms are being implemented to grant equal status to all judges, reduce judicial reliance on superiors, and expand the competence of the High Judicial Council in the area of judicial education. Notably, President Kassym-Jomart Tokayev introduced elective mechanisms for selecting key judicial positions - most significantly, to reduce the state's interference in the judiciary, emphasizing a fair and impartial judicial system.

Following the State of the Nation Address on 1 September 2022, several initiatives relevant to the Project were initiated in response:

- Transformation of the Department for Court Administration under the Supreme Court into an autonomous state body – the Court Administration;
- Improving the methodology for the evaluation of judges' professional activities;
- Transfer of the Academy of Justice from the Supreme Court to the High Judicial Council;
- Improving disciplinary proceedings.

## OUTCOMES



Volker Frobarth, Head of the OSCE Program Office in Astana, and Nail Akhmetzakirov, Head of the Department for Ensuring the Activities of Courts at the Supreme Court of Kazakhstan, sign a Memorandum of Understanding, Astana, December 15, 2021.



Photo with Dr. Luis Maria Palma, the President of the Association for Court Administration at the round table "Court Administration for Independent Justice: International Standards and Best Practices held on 22 June 2023.



Discussion on OSCE participating states' best practices in judicial evaluation with participation of Dr. Dmitry Nurmov and the Commission on the Quality of Justice.



Meeting between Volker Frobarth, Head of the OSCE Program Office in Astana and the new Chairperson of the Supreme Court, Mr. Aslambek Mergaliyev.



Discussion held at the round table "Court Administration for Independent Justice: International Standards and Best Practices on 22 June 2023.



Interactive session at the Workshop "Women Judges: Professional Exchange and International Co-operation" held in Astana on 14-15 March 2024.

## PROJECT OBJECTIVE

The Project objective is to promote the rule of law and enhance transparency, accountability, and efficiency in the justice system of Kazakhstan. This goal will be achieved through the integrated efforts of **3 results**:

### 1. Modernization of court administration based on a quality assurance framework

Transparent and accountable court administration ensures the efficient and fair operation of the judicial system, reducing delays and enhancing access to justice for all citizens.

### 2. Improvement of the judicial performance evaluation system reflecting best practices

The Project seeks to keep a balance between the principles of judicial independence and accountability, which are fundamental to the rule of law and a fair trial.

### 3. Introduction of innovative judicial training practices in the Academy of Justice

A modern and responsive institution of judicial education is the key to a highly competent, adaptable and ethical judiciary, which ultimately contributes to public confidence in the judiciary.

## APPROACH

To enhance the effectiveness of Kazakhstan's judicial system, the Project implements a diverse set of activities guided by specific **elements and principles**:

- Using empirical data and analysis based on conducted surveys;
- Interviews and discussions with key stakeholders on an ongoing and iterative basis;
- Sustainability, consistency and interconnection of project activities;
- Employing a combination of national and international expertise for a comprehensive and complimentary approach to review host country documents;
- Adherence to the principles of independence and accountability of the judiciary;
- Targeting individuals as users of judicial services;
- Promotion of gender mainstreaming in decision making roles.

The Project team aligns its activities and expertise with the **Kyiv Recommendations** on Judicial Independence in Eastern Europe, South Caucasus and Central Asia (2010), the **Warsaw Recommendations** on Judicial Independence and Accountability (2023), and the **Bangalore Principles** of Judicial Conduct (2002).

## **ASSISTANCE IN DEVELOPING A STRATEGY FOR COURT ADMINISTRATION IN KAZAKHSTAN**

The ExB Project has played a crucial role in the development of Kazakhstan's Strategy for the Development of Court Administration for 2025- 2029, which aims to modernize the judiciary, enhance transparency, and align judicial processes with public needs and international standards. The strategy, informed by expert guidance, capacity-building workshops, and consultations with stakeholders, is designed to create a citizen-centric court administration that bridges the judiciary and society. It emphasizes accountability, streamlined processes, and the adoption of innovative tools, reflecting the OSCE's commitment to advancing the rule of law and judicial reforms in Kazakhstan. The strategy development has been supported through a series of collaborative initiatives, including a significant international round table held on 22 June 2023. This event, entitled "Court Administration for Independent Justice: International Standards and Best Practices", brought together 100 participants from countries including Argentina, Azerbaijan, Denmark, Great Britain, Kyrgyzstan, Turkey, and Uzbekistan. Participants discussed judicial efficiency, new technologies, access to justice, and modernizing court administration. The conclusions from this round table served as foundational recommendations for the draft strategy.

In further support of this effort, a Danish study visit was organized, where experts examined autonomous models of court administration, drawing from practices in Denmark, Norway, and the U.S. These insights, along with other activities such as an international round table held on 4 October 2024, where the draft strategy was reviewed, have provided essential feedback on how to integrate international best practices while ensuring judicial independence and upholding the rule of law. The OSCE's continued support of the Court Administration of Kazakhstan, through workshops, consultations, and expert recommendations has contributed to a comprehensive road map aimed at transforming Kazakhstan's judiciary into a more transparent, efficient, and citizen-centered system. This effort is aligned with the country's broader judicial reform priorities, and the finalized strategy will help foster greater public confidence in the justice system.

## **MODERNIZING HR POLICIES BASED ON A SURVEY OF ADMINISTRATIVE STAFF**

In 2022-2023, the Project conducted a comprehensive survey to assess the motivation, communication and training needs of court administrative staff. With a response rate of 5,250 officials out of around 6000 total staff (88%) from 17 regions and 3 major cities, survey findings were compiled into a gender disaggregated data report, pinpointing areas for improvement in human resources policies for the newly established Court Administration. Based on the results of the survey, the Project presented recommendations on 6 areas for improving Human Resources processes and regulations in Court Administration, including compensation and rewards, workload and resources, and professional development and training.

## **IMPROVING EVALUATION OF JUDICIAL PERFORMANCE BASED ON A SURVEY OF JUDGES**

In 2023, the Project conducted a comprehensive survey of judges across Kazakhstan to assess their views on the judicial performance evaluation system and professional development needs. A total of 1,274 judges from 17 regions and 3 major cities participated, representing 57% of all judges. The survey results, categorized by gender, age, and experience, were summarized in a report to assist the Commission on the Quality of Justice of the Supreme Court to improve judicial performance evaluation methodology. To provide further support, the Project: 1) participated 4 times in the discussion of amendments to the Law on Judicial System and Status of Judges aimed at improving the evaluation system, organised by the Institute of Parliamentarism; 2) presented 3 best practice reviews with recommendations for improving judicial evaluation, including peer review, focusing on linking evaluation to the promotion and professional development of judges. The results of the survey, together with the Project's recommendations, in particular to separate the evaluation of judges from disciplinary proceedings and to allow the evaluation to serve as a tool for the professional development and promotion of judges, were instrumental in amending the Constitutional Law on the Judiciary and the Status of Judges.

## **ENHANCING JUDICIAL ACCOUNTABILITY THROUGH REFINEMENT OF THE CODE OF JUDICIAL ETHICS**

Responding to a request of the Union of Judges, the Project contributed to the improvement of the Code of Judicial Ethics through two substantial reports containing an overview, comments and recommendations on ethical norms based on international standards and best practices, including the Bangalore Principles. These recommendations were presented during a roundtable in September 2023 on the draft new Code of Judicial Ethics.

## **IMPROVING JUDICIAL EDUCATION**

Responding to a request of the High Judicial Council, whose competence in judicial education has been expanded, the Project has prepared two extensive consultative documents containing: 1) an analysis of the organisational conditions of judicial education in Kazakhstan; and good practices in the institutional organisation of judicial education. These documents were intended to support the process of transferring the Academy of Justice from the Supreme Court to the High Judicial Council. In May 2024, the Project co-operated with the Supreme Court, Court Administration, Academy of Justice, High Judicial Council, and Maqsut Narikbayev University (MNU) in organizing an intensive legal training for 150 legal professionals. This initiative aimed to address the growing shortage of judges in Kazakhstan while enhancing the overall quality of judicial candidates. Preceded by a two-week online programme, the week long offline intensive training included tests, rigorous coursework on judicial practices, and skill-building sessions. The curriculum mirrored the structure of the judicial qualification exam, incorporating practical exercises in judicial drafting, case-solving, argumentation, conflict resolution, and public speaking. Delivered by experienced faculty, active judges, and court administrators, the programme provided a rigorous and immersive learning experience.