Kazakhstan

**QUESTIONNAIRE**

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| --- |
| 1. **Please provide detailed information, including disaggregated data, on the number of judges that have been subject to disciplinary proceedings in the last ten years. How many of them were found guilty of a disciplinary misconduct? How many of them were removed from office?** |
| We`ve attached to the questionnaire tables with data on the number of disciplinary actions for the past five years. Unfortunately, data for an earlier date has not been officially published and may be unreliable.  *In the Appendix, tables A and B.* |
| 1. **Has any judge belonging to your association been subjected to any form of sanctions that were not previously established by law or that were imposed through a procedure that did not meet the procedural requirements established by the law? If yes, please provide information on the case(s).** |
| Analysis of the development of the law on the status of judges shows a tendency to reduce the types of sanctions. However, statistics show an increase in cases of punishment of judges. Disciplinary sanctions under the Law:   1. Remark; 2. Reprimand; 3. Dismissal of the Chairman of the court; 4. Dismissal of the judge (for illegal decision, violation of ethics). A separate measure is the exemption for non-compliance with qualifications (judges with up to 20 years of experience are certified every 5 years). |
| 1. **Apart from disciplinary proceedings, are there any other measures that may be used to interfere with the capacity of a judge to adjudicate cases before him or her in full independence? Are you aware of any case in which a judge has been promoted, transferred to another court, forced to take a training course, a vacation or medical leave, or coerced or pressured in similar ways in order to abandon a case pending before him or her? If yes, please provide information on the case(s).** |
| There are no legitimate means of direct influence on the judge in adjudicating a case.  Refusal of the judge to consider the case is also difficult to imagine, although the law provides for the case of recusal of the judge (at the request or initiative of the judge if there are good reasons). Redistribution of the case in the absence of a judge is possible only if the period of absence is long. |
| 1. **What measures have been put in place in your country to enable judges to decide matters before them impartially and without any pressure or interference?** |
| 1. An automated system for assigning cases. Interference with distribution is recorded by the system. This program is being improved.  2. Monitoring and analysis of the distribution of cases (conducted by the judicial administration).  3. We have the Internal security officer in each region (appeal courts) to assist in prevent corruption and abuse. The judge has the right to ask for help and initiate an investigation.  4. Established a telephone hotline.  5. Code of judicial ethics, the National Association of judges has established commissions on judicial ethics. A dissenting judge may apply to the ethics Commission. |

*In the Appendix*

**Tab. ADisciplinary responsibility of judges**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Penalty** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Remark | 4 | 18 | 20 | 17 | 15 | 32 | 25 | 39 |
| Reprimand | 16 | 25 | 21 | 26 | 23 | 36 | 26 | 33 |
| Dismissal | 16 | 25 | 21 | 6 | 2 | 15 | 6 | 29 |

**Tab. B.Dismissal from office on negative grounds**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Reasons** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Violation of ethics | 4 | 2 | 10 | 4 | 15 |
| Violation of the law in the case | 2 |  | 1 |  | 7 |
| Violation of labor discipline |  |  | 1 |  |  |
| Lack of qualification |  |  | 3 | 2 | 7 |
| **Total** | 6 | 2 | 15 | 6 | 29 |