



## **On Judicial System and Status of Judges in the Republic of Kazakhstan**

### *Unofficial translation*

Constitutional Law of the Republic of Kazakhstan dated December 25, 2000 N 132.

#### **Unofficial translation**

### **Section I. General Provisions**

#### **Article 1. Judicial Power**

1. Judicial power in the Republic of Kazakhstan belongs only to the Courts in the face of permanent judges, and jurors engaged in the criminal court proceedings in the cases and procedure stipulated by the Law.

Justice in the Republic of Kazakhstan shall be administered only by a Court.

It is prohibited to issue any legislative acts providing for transfer of exclusive powers of a Court to any other bodies.

No other bodies or persons shall have the right to assume the powers of a judge or the functions of judicial power.

Petitions, applications and complaints, which are subject to consideration in the course of Court proceedings, may not be considered or monitored by any other bodies, officials or other persons.

2. Judicial power shall be exercised on behalf of the Republic of Kazakhstan and is intended to protect the rights, freedoms and lawful interests of individuals and organizations, and to ensure the implementation of the Constitution, laws, other regulatory legal acts, and international treaties of the Republic.

Everyone shall be guaranteed with judicial defense against any unlawful decisions and acts of state bodies, organizations, officials and other persons which infringe or restrict the rights, freedoms and lawful interests provided by the Constitution and the Laws of the Republic.

No one may be deprived of the right to have his case considered in compliance with all the requirements of the law and fairness by a competent, independent and impartial court.

Judicial power shall be exercised by means of civil and criminal court proceedings and other forms of court proceedings established by the Law.

3. In the administration of justice, judges shall be independent and subordinate only to the Constitution and the Law. It shall not be allowed to adopt any laws or other regulatory legal acts impairing the status and independence of judges.

Any interference in the court's activity concerning administration of justice shall not be allowed and shall entail liability pursuant to the law. Judges shall not be accountable for specific cases. Petitions on court cases filed against the established order legal proceedings, as well as on matters not within the competence of the court, shall be left by the court without consideration or they shall be sent to the appropriate authorities.

Contempt of court or judge shall entail liability stipulated by the law.

Court decisions and demands of judges in exercising their powers shall be binding on all state bodies and their officials, natural persons and legal entities. Failure to execute court decisions and demands of a judge shall entail liability stipulated by the law.

**Footnote. Article 1, as amended by the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007).**

## **Article 2. Symbols of State Power**

1. The State Flag of the Republic of Kazakhstan and an image of the State Emblem of the Republic of Kazakhstan shall be set up and placed on court buildings and in the courtrooms.

2. Judges shall administer justice in their gowns, design and description of which shall be approved by the Plenary of the Supreme Court.

**Footnote. Article 2, as amended by the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2).**

## **Article 3. The Judicial System**

1. The judicial system of the Republic of Kazakhstan shall consist of the Supreme Court of the Republic of Kazakhstan, local and other courts established in accordance with the Constitution of the Republic of Kazakhstan and this Constitutional Law.

The establishment of special and emergency courts under any name shall not be permitted

2. The Local Courts shall include:

1) Regional courts and courts equivalent to them (the city court of the Republic's capital, city courts of the cities of Republic's significance);

2) District courts and courts equivalent to them (a city court, inter district court).

3. Other courts, including the specialized courts (martial, commercial, administrative, juvenile, and others) may be founded in the Republic of Kazakhstan.

3-1. Specialized courts shall be formed by the President of the Republic of Kazakhstan to the status of the regional or district court.

4. The Supreme Court of the Republic of Kazakhstan and local courts shall have a seal depicting the State Emblem of the Republic of Kazakhstan and their names.

5. The court of the Astana International Financial Centre, not part of the judicial system of the Republic of Kazakhstan, has a special status.

Footnote. Article 3, as amended by the Constitutional Laws of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007) from 17.11.2008 N 80-IV (the order of implementation, see Article 2); dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016).

#### **Article 4. The Unity of the Judicial System**

The unity of the judicial system of the Republic of Kazakhstan shall be ensured by:

- 1) the principles of justice general and uniform for all courts and judges and established by the Constitution, this Constitutional Law, procedural and other laws;
- 2) the exercise of judicial power within the forms of court proceedings uniform for all courts and established by the laws;
- 3) the application of the current law of the Republic of Kazakhstan by all courts;
- 4) the legislative enactment of the single status of judges;
- 5) the obligatory enforcement of judicial acts which have entered into legal force throughout the entire territory of Kazakhstan;
- 6) the financing of all courts only from the Republic budget.

Requirements provided in this article do not apply to the court of the Astana International Financial Centre.

Footnote. Article 4 as amended by the Constitutional Law of the Republic of Kazakhstan dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016).

#### **Article 5. Legislation Determining Procedure of the Activity of Courts and Status of the Judges in the Republic of Kazakhstan**

Judicial system and status of the judges, as well as the procedure of the Administration of Justice in the Republic of Kazakhstan shall be determined by the Constitution, Constitutional Law, and other legislative acts of the Republic of Kazakhstan.

### **Section II. The Judicial System**

#### **Chapter 1. District Courts and Courts Equivalent to Them**

#### **Article 6. Establishment of District Courts and Courts Equivalent to Them**

1. District and equivalent courts (hereinafter referred to as district courts) are formed, reorganized, renamed and abolished by the President of the Republic of Kazakhstan at the recommendation of the head of the authorized state body in the field of judicial administration (hereinafter referred to as the authorized body), agreed with the Chairman of the Supreme Court and the Supreme Judicial Council.

The President of the Republic of Kazakhstan may form an inter-district court in several administrative-territorial units or several district courts in one administrative-territorial unit.

2. The total number of judges for the district courts shall be approved by the President of the Republic of Kazakhstan pursuant to the proposal of the Chairman of the Supreme Court agreed with the Supreme Judicial Council.

3. The number of judges for each district court shall be established by the Chairman of the Supreme Court in consultation with the Supreme Judicial Council on the basis of the recommendation of the authorized body.

Footnote. Article 6 is in the wording of the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated 30.12.2022 № 176-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.03.2023 № 215-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 7. The Composition of a District Court**

1. A district court shall consist of the chairman and judges to be appointed in the procedure stipulated by the Constitution and this Constitutional Law.

If there is one judge on the staff of a district court (one-member court), he shall exercise the powers of the chairman of the court.

2. (is deleted by the Constitutional Law of the Republic of Kazakhstan of December 11, 2006 N 199 (shall be enforced on January 1, 2007)).

Footnote. Article 7, as amended by the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007)

#### **Article 8. The Powers of a District Court**

1. A district court shall be a court of first instance.

2. A district court shall:

1) consider court cases and materials referred to its jurisdiction;

2) (is deleted by the Constitutional Law of the Republic of Kazakhstan of December 11, 2006 N 199 (shall be enforced on January 1, 2007));

3) exercise other powers stipulated by the Law.

Footnote. Article 8, as amended by the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007).

#### **Article 9. Chairman of a District Court**

1. The chairman of a district court shall be a judge and alongside with performance of the functions of a judge he shall:

1) resolve the issues of the organization of legal proceedings in court;

2) Is excluded by the Constitutional Law of the Republic of Kazakhstan dated 30.12.2022 № 176-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

3) receive individuals;

4) organize internships of candidates for position of a judge;

5) provide the work on anti-corruption and compliance with the rules of judicial ethics;

6) issue orders; and

7) exercise other powers granted to him by the law.

2. In the temporary absence of the chairman of a district court, his duties shall be assigned to one of the judges of that court pursuant to the order of the chairman of that court.

In the absence of the chairman, judges in the district court, execution of their duties shall be assigned to the judges of another court by the order of the Chairman of a regional court in agreement with the Chairman of the Supreme Court.

In the case of early termination or expiration of the term of office of a district court chairman, the interim duties of the chairman shall be assigned to one of the judges of the court by the order of the Chairman of a Regional Court.

**Footnote. Article 9, as amended by the Constitutional Laws of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007) from 17.11.2008 N 80-IV (the order of implementation, see Article 2), from 29.12.2010 № 370-IV (shall be enforced upon expiry of ten calendar days after its first official publication); from 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); dated 30.12.2022 № 176-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

## **Chapter 2. Regional Courts and Courts Equivalent to Them**

### **Article 10. Establishment of Regional Courts and Courts Equivalent to Them**

1. Regional courts and courts equivalent to them (hereinafter - the regional courts) shall be established, reorganized and abolished by the President of the Republic of Kazakhstan pursuant to the proposal of the Chairman of the Supreme Court agreed with the Supreme Judicial Council.

2. The total number of judges for the regional courts shall be approved by the President of the Republic of Kazakhstan pursuant to the proposal of the Chairman of the Supreme Court agreed with the Supreme Judicial Council.

The number of judges for each Regional Court shall be established by the Chairman of the Supreme Court with the agreement of the Supreme Judicial Council on the basis of proposal of the authorized body.

Footnote. Article 10 is in the wording of the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 11. The Structure and Composition of a Regional court**

1. A regional court shall consist of the Chairman and Judges.
2. The judicial collegiums and specialized panels shall be set up by a regional court.
3. The bodies of the regional court are:
  - 1) plenary and extended plenary sessions;
  - 2) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2);
  - 3) the judicial collegium on civil cases;
  - 4) the judicial collegium on criminal cases;
  - 5) judicial collegium for administrative cases (with the exception of the Military Court of the Republic of Kazakhstan).

The judicial collegium shall be headed by the chairman, appointed to the position in the order established by this Constitutional law.

4. Numerical and personnel membership of the judicial collegium shall be determined by the plenary session of the Regional Court pursuant to the proposal of the Chairman of the Regional Court.

5. Specialized panels shall be formed by the Chairman of the Regional Court.

6. A consultative and advisory body - the Council on cooperation with the courts shall be formed in the regional court to assess the moral and ethical qualities of candidates for the position of a judge.

Conclusions on the candidates for the judges must be issued by the Council for interaction with the courts before the deadline for submission of documents to the Supreme Judicial Council.

Conclusion of the Council on cooperation with the courts is recommendatory character.

Footnote. Article 11 is in the wording of the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2); as amended by the Constitutional Laws of the Republic of Kazakhstan dated 16.02.2012 № 559-IV (shall be enforced from 01.07.2012); dated 07.11.2014 № 245-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 31.07.2015 № 340-V (shall be enforced from 01.01.2016); dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016); dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); dated 20.03.2021 № 19-VII (effective from 01.07.2021).

#### **Article 12. Powers of a Regional Court**

A Regional Court shall:

- 1) consider court cases and materials referred to its jurisdiction;
- 2) (is excluded by the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007));
- 3) study judicial practice and based on the results of summarizing it, consider the issues of keeping the law by the courts of the region when administering justice;
- 4) (is excluded by the Constitutional Law of the Republic of Kazakhstan dated 30.12.2022 № 176-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication));
- 5) exercise other powers stipulated by the law.

Footnote. Article 12, as amended by the Constitutional Laws of the Republic of Kazakhstan of 11.11.2006 N 199 (shall be enforced on January 1, 2007), from 29.12.2010 № 370-IV (shall be enforced upon expiry of ten calendar days after its first official publication), from 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 209-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication); dated 30.12.2022 № 176-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 13. Collegiums of a Regional Court**

Footnote. Article 13 is deleted by the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2).

### **Article 14. The Chairman of a Regional court**

1. The chairman of a Regional Court shall be a judge, and alongside with performance of the duties of a judge he shall:

- 1) resolve the issues of the organization of legal proceedings in court;
- 2) may preside at meetings of the judicial collegiums;
- 3) convene plenary sessions, extended plenary sessions of the regional court and preside over them;

3-1) ensure that the plenary session of the regional court raises for discussion the issue of transferring materials to the Judicial jury apropos of the judge to verify his actions in the framework of disciplinary proceedings within the time established by the legislation of the Republic of Kazakhstan;

- 4) support the work to anti-corruption and compliance with the rules of judicial ethics;
- 5) (is excluded by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2));
- 6) approve a work plan for a regional court;
- 7) organize study of judicial practice;

8) issue orders;

9) Is excluded by the Constitutional Law of the Republic of Kazakhstan dated 30.12.2022 № 176-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

10) personally receive individuals; and;

11) exercise other powers stipulated by the law.

2. In the event of early termination or expiration of the term of authority of the chairman of the regional court, temporary execution of duties of the chairman shall be entrusted to one of the chairmen of the judicial collegiums of the regional court by the Chairman of the Supreme Court, and in the event of absence of the chairmen of the judicial collegiums, temporary execution of duties of the chairman of the regional court shall be entrusted to the judge of the regional court.

3. In the event of temporary absence of the chairman of the regional court, execution of duties shall be entrusted to one of the chairmen of the judicial collegiums of the regional court by the chairman of the regional court, and in the event of absence of the chairmen of the judicial collegiums, temporary execution of duties of the chairman of the regional court shall be entrusted to the judge of the regional.

4. The Chairman of the Supreme Court shall have the right to cancel the assignment of duties, stipulated by paragraphs 2 and 3 of this Article and assign execution of duties of the Chairman of the regional court to another Chairman of the judicial collegium or a judge of this regional court.

Footnote. Article 14 is in the wording of the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Constitutional Laws of the Republic of Kazakhstan dated 07.11.2014 № 245-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 31.07.2015 № 340-V (shall be enforced from 01.01.2016); № 209-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication); dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); dated 20.12.2021 № 82-VII (effective ten calendar days after the date of its first official publication); dated 30.12.2022 № 176-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Article 15. Chairman of a Collegium of a Regional Court**

1. The chairman of the judicial collegium of a regional court shall be a judge, and alongside with performance of the duties of a judge he shall:

1) resolve the issues of the organization of legal proceedings in the judicial collegium;

2) chair the sessions of the judicial collegium;

3) organize work on studying and summarizing of judicial practice;



4) submit information to a plenary session of the court concerning the activity of the judicial collegium; and

5) exercise other powers stipulated by the law.

2. The chairman of the judicial collegium makes proposals to the chairman of a regional court on the formation of specialized panels in the judicial collegium.

3. In the temporary absence of the chairman of the judicial collegium, the chairman of the court shall assign his duties to one of the judges of the collegium.

In the case of early termination or expiration of the term of office of a judicial collegium chairman of a regional court, his interim duties shall be assigned to the judge of the corresponding judicial collegium of a regional court by the chairman of the regional court.

**Footnote.** Article 15 is in the wording of the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Constitutional Law of the Republic of Kazakhstan № 340-V as of 31.07.2015 (shall be enforced from 01.01.2016).

#### **Article 16. Plenary and extended plenary sessions of the regional court**

**Footnote.** The title of Article 16 is in the wording of the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2).

1. Whenever necessary, but no less than twice a year, the regional court shall hold plenary sessions, on which it shall:

1) establish the numerical and personnel membership of the corresponding collegium;

2) **is excluded by the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2);**

3) hear information of the chairman of the regional court and the chairmen of the judicial collegiums;

4) discuss the judicial practice and based on the results of summarizing it, consider the issues of keeping the law by the regional courts when administering justice;

5) **Is excluded by the Constitutional Law of the Republic of Kazakhstan dated 30.12.2022 № 176-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);**

6) hear a report on the activity of the head of the territorial unit of the authorized body in a region, city of republican significance and the capital;

7) considers candidates for vacant positions of judges of district and regional courts and issues relevant conclusions before the deadline for submitting documents to the Supreme Judicial Council;

7-1) considers candidates for admission to the personnel reserve for the positions of chairman of the district court, judge of the regional court;

8) **Is excluded by the Constitutional Law of the Republic of Kazakhstan dated 30.12.2022 № 176-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);**

9) consider results of internship of the candidates for the position of a judge and submit the corresponding opinion;

9-1) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016);

9-2) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2);

9-3) discuss the issue of transferring materials to the Judicial jury regarding the judge to verify his/her actions in the framework of disciplinary proceedings and make an appropriate decision, based on the results of the discussion;

10) exercise other powers stipulated by the law.

2. The plenary session is competent in the presence of at least two thirds of the total number of judges of the regional court.

The extended plenary session is competent in the presence of at least two-thirds of the total number of judges of the regional court and judges of district courts of the relevant region, city of republican significance, the capital.

2-1. The regional court holds extended plenary sessions where it:

1) delegates two judges of the local court to the extended plenary session of the Supreme Court;

2) considers the candidacies of judges to the Supreme Judicial Council, the Judicial Jury and the Commission on personnel reserve under the Supreme Judicial Council, the Commission on the quality of justice at the Supreme Court and makes appropriate recommendations to the extended plenary session of the Supreme Court;

3) elects by secret ballot candidates on an alternative basis for vacant positions of district court chairpersons from among persons submitted by the Supreme Judicial Council from the personnel reserve and (or) self-nominated persons, and issues relevant conclusions.

Judges of the regional court and judges of district courts of the respective region, city of republican significance, capital city take part in extended plenary sessions of the regional court

3. The working procedure of the plenary and extended plenary sessions of the regional court shall be determined by the regulation, approved by the regional court.

4. Decisions of the plenary session regarding personnel issues and issues of disciplinary responsibility of judges shall be taken by secret ballot.

Footnote. Article 16, as amended by the Constitutional Laws of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007) from 17.11.2008 N 80-IV (the order of implementation, see Article 2), from 29.12. 2010 № 370-IV (shall be enforced upon expiry of ten calendar days after its first official publication), from 16.02.2012 No 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 245-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.12.2015 № 437-V (shall be enforced from

01.01.2016); № 209-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication); dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); dated 30.12.2022 № 176-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.03.2023 № 215-VII (for the procedure of enforcement see Art. 2).

#### **Article 16-1. Presidium of the plenary session of the regional court**

Footnote. Chapter 2 is supplemented by Article 16-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 07.11.2014 № 245-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); is excluded by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2).

### **Chapter 3. The Supreme Court of the Republic of Kazakhstan**

#### **Article 17. The Powers of the Supreme Court**

1. The Supreme Court is the highest judicial body on civil, criminal and other cases, which is subject to local and other courts, executes the functions of the cassation instance in relation to them and provides explanations on judicial practice issues through the adoption of regulatory resolutions.

2. The Supreme Court shall:

- 1) consider the court cases and materials referred to its jurisdiction;
- 2) study the judicial practice, and based on the results of its summarizing, consider the issues of keeping the law by the courts of the Republic when administering justice;
- 3) adopt regulatory resolutions, resolutions;
  - 3-1) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2);
  - 3-2) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016);
- 4) exercise other powers stipulated by the law.

3. Is excluded by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2).

Footnote. Article 17, as amended by the Constitutional Laws of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order implementation, see Article 2) from 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); from 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 245-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.12.2015 № 437-V ( shall be enforced from 01.01.2016); dated 15.06.2017 № 75-VI (shall be enforced from the

day of its first official publication); dated 21.02.2019 № 226-VI (the order of enforcement see Article 2).

## **Article 18. The Structure and Composition of the Supreme Court**

1. The Supreme Court shall consist of the Chairman and Judges.

The total number of Supreme Court judges shall be established by the President of the Republic of Kazakhstan pursuant to the proposal of the Chairman of the Supreme Court.

2. The judicial collegiums and specialized panels shall be set up by the Supreme Court.

3. Bodies of the Supreme Court include:

1) plenary and extended plenary sessions;

2) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2);

3) the judicial collegium on civil cases;

4) the judicial collegium on criminal cases;

5) judicial collegium for administrative cases.

The judicial collegium shall be headed by the chairman, appointed to the position in the order established by this Constitutional law.

4. The numerical and personnel membership of the judicial collegium shall be determined by the plenary session of the Supreme Court pursuant to the proposal of the Chairman of the Supreme Court.

5. Specialized panels shall be formed by the Chairman of the Supreme Court.

6. Scientific advisory council, international council and press body shall be established under Supreme Court.

7. Excluded by the Constitutional Law of the Republic of Kazakhstan dated 27.03.2023 № 215-VII (shall be enforced from 15.07.2024).

Footnote. Article 18 is in the wording of the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order implementation, see Article 2); as amended by the Constitutional Laws of the Republic of Kazakhstan dated 07.11.2014 № 245-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 31.07.2015 № 340-V (shall be enforced from 01.01.2016); dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016); dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); dated 20.03.2021 № 19-VII (effective from 01.07.2021); dated 27.03.2023 № 215-VII (shall be enforced from 15.07.2024).

## **Article 19. The Collegiums of the Supreme Court**

Footnote. Article 19 is deleted by the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2).

## **Article 20. The Chairman of the Supreme Court**

1. The Chairman of the Supreme Court shall be a judge, and alongside with performance of the duties of a judge he shall:

- 1) head the Supreme Court as a high judicial body;
- 2) may preside at meetings of the judicial collegiums;
- 3) convene plenary and extended plenary sessions of the Supreme Court and preside over them;
- 4) introduces to the plenary session of the Supreme Court materials for the adoption of regulatory resolutions of the Supreme Court on issues of judicial practice;
- 4-1) makes representations about revision of judicial acts on the grounds provided by law;
- 5) submits for approval to the plenary session of the Supreme Court candidatures of secretary of the plenary session of the Supreme Court, members of the scientific advisory council and international council;
- 6) when necessary, assign judges of one judicial collegium to consider cases in the panel of another judicial collegium;
- 6-1) provide the work on anti-corruption and compliance with the rules of judicial ethics
- 7) approve plan of work of the Supreme Court;
- 8) coordinate work of the collegiums;
- 8-1) establish the number of judges for each local and another court with the agreement of the Supreme Court Council
- 9) submit for approval of the President of the Republic of Kazakhstan Regulation on the authorized body;
- 9-1) in accordance with the procedure established by the legislation of the Republic of Kazakhstan, coordinate the structure and staffing table of the authorized body within the staffing limit approved by the President of the Republic of Kazakhstan;
- 9-2) submit to the President of the Republic of Kazakhstan a proposal on the appointment of the head of the authorized body and, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, appoint and dismiss deputy heads of the authorized body;
- 9-3) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016);
- 9-4) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2);
- 10) personally receive individuals; and
- 11) issues orders and instructions.

2. The Chairman of the Supreme Court shall represent the interests of the judicial system of the Republic in mutual relations with the bodies of other branches of state power of the Republic and international organizations, shall:

1) (is deleted by the Constitutional Law of the Republic of Kazakhstan of 29.12.2010 № 370-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

2) submit the candidates for vacant positions of Chairmen of regional courts, Chairmen of judicial collegiums of the Supreme Court for consideration at the plenary session of the Supreme Court on an alternative basis;

3) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016);

3-1) represent the candidates for the positions of Chairmen of regional courts, Chairmen of judicial collegiums of the Supreme Court with the results of their discussion at the plenary session of the Supreme Court to the Supreme Judicial Council on an alternative basis;

4) submit to President of the Republic of Kazakhstan his proposals to improve the legislation;

5) excluded from the Constitutional Law of the Republic of Kazakhstan dated 27.03.2023 № 215-VII (shall be enforced ten calendar days after the date of its first official publication);

6) submit to the President of the Republic of Kazakhstan his proposals concerning awarding state awards and confer honorary titles to judges and employees of an authorized body;

7) awards judges of the Republic with departmental awards, assigns the title "Honorary judge" and approves the Regulation on order of assignment of this title;

8) (is excluded by the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced from 01.01.2007);

8-1) if necessary, engages for the administration of justice of retired judges who have not reached the age limit of being in position of a judge;

9) exercise other powers stipulated by the law and other regulatory legal acts.

3. In the temporary absence of the Chairman of the Supreme Court, his duties shall be assigned to one of the chairmen of the judicial collegiums, pursuant to an order of the Chairman of the Supreme Court.

In the absence of chairmen of judicial collegiums the interim duties of the Chairmen shall be assigned to one of the judges of the Supreme Court pursuant to the order of the Chairman of the Supreme Court.

4. If the Chairman of the Supreme Court retires or is dismissed early otherwise, the President of the Republic of Kazakhstan shall temporarily assign the Chairman's duties to one of the chairmen of the judicial collegiums (a judge) of the Supreme Court.

Footnote. Article 20, as amended by the Constitutional Laws of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007) from 17.11.2008 N 80-IV (the order of implementation, see Article 2), from 29.12. 2010 № 370-IV (shall be enforced upon expiry of ten calendar days after its first official publication); from 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 245-V (the order of enforcement see Art. 2); dated

31.07.2015 № 340-V (shall be enforced from 01.01.2016); dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016); dated 15.06.2017 № 75-VI (shall be enforced from the day of its first official publication); dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); dated 30.12.2022 № 176-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.03.2023 № 215-VII (shall be enforced ten calendar days after the date of its first official publication).

## **Article 21. Chairman of a Judicial Collegium of the Supreme Court**

**Footnote.** The title of Article 21, as amended by the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2).

1. The chairman of a collegium of the Supreme Court shall be a judge, and alongside with performance of the duties of a judge he shall:

- 1) chair the sessions of the judicial collegium;
- 1-1) resolve the issues of the organization of legal proceedings in the judicial collegium;
- 2) organize work on studying and summarizing of the judicial practice;
- 3) ensure preparation by judges of the corresponding documents for consideration at a plenary session of the Supreme Court;
- 4) submit information to a plenary session of the Supreme Court concerning the activity of the judicial collegium;
- 4-1) personally receive individuals; and
- 5) exercise other powers stipulated by the law.

2. In the temporary absence of the chairman of the judicial collegium, his duties shall be assigned to one of the judges of the judicial collegium, pursuant to the order of the Chairman of the Supreme Court.

In the case of early termination or expiration of the term of office of a judicial collegium chairman of the Supreme Court, his interim duties shall be assigned to the judge of the corresponding judicial collegium of the Supreme Court pursuant to the order of the Chairman of the Supreme Court.

**Footnote.** Article 21, as amended by the Constitutional Laws of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007) from 17.11.2008 N 80-IV (the order of implementation, see Art. 2), from 16.02. 2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 22. Plenary and extended plenary sessions of the Supreme Court**

**Footnote.** The title of Article 22 is in the wording of the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2).

1. A plenary session of the Supreme Court shall:
  - 1) establish the numerical and personnel membership of the corresponding judicial collegiums pursuant to the proposal of the Chairman of the Supreme Court;

2) on the basis of study and generalization of judicial practice considers issues of observance of legality in the administration of justice by courts of the Republic;

3) adopt regulatory resolutions, resolutions, give explanations on the issues of judicial practice and make proposals on improving the legislation.

Regulatory decisions shall be adopted at a plenary session of the Supreme Court by at least two-thirds of the votes of the number of present judges of the Supreme Court and if there is a quorum of at least three-quarters of the total number of judges of the Supreme Court ;

3-1) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 07.11.2014 № 245-V (shall be enforced from 01.01.2015);

4) hear information from the Chairmen of judicial collegiums of the Supreme Court and the head of the authorized body;

5) issue its opinion in the case stipulated by item 2 of Article 47 of the Constitution of the Republic of Kazakhstan;

6) considers candidatures for vacant positions of chairmen, chairmen of judicial collegiums of the regional courts, chairmen of judicial collegiums and judges of the Supreme Court and makes appropriate conclusions;

6-1) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2);

6-2) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2);

7) upon presentation of the Chairman of the Supreme Court, approve the secretary of the plenary session, the composition of the scientific-advisory and international councils;

7-1) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016);

7-2) approve the form and a description of the judge's gown;

7-3) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2);

7-4) approves provisions on scientific advisory and international councils under the Supreme Court;

7-5) discuss the issue on transfer of materials to the Judicial jury regarding the judge to verify his/her actions in the framework of disciplinary proceedings and, based on the results of the discussion, make an appropriate decision;

7-6) approve the rules for the automated distribution of cases in the courts;

7-7) approve the standard regulation of plenary and extended plenary sessions of the regional court;

7-8) considers candidates for admission to the personnel reserve for the positions of chairman and chairman of the judicial board of the regional court, judge of the Supreme Court , chairman of the judicial board of the Supreme Court;



8) exercise other powers stipulated by the law.

2. A plenary session shall be quorate if no less than two thirds of the total number of the judges of the Supreme Court attends it.

2-1. Extended plenary session of the Supreme Court, attended by the Supreme Court judges, as well as local courts' judges delegated by extended plenary sessions of regional courts shall:

1) approve the distribution of the judiciary budget by levels and directions of expenditures

;

1-1) approve the terms of remuneration of judges;

2) recommend candidates for the Supreme Judicial Council, the Judicial Jury and the candidates pool Commission under the Supreme Judicial Council, also for the Justice Quality Commission under the Supreme Court.

The judges, delegated to the extended plenary session of the Supreme Court shall not be Chairmen of collegiums, Chairmen of courts.

3. The working procedure of the plenary and extended plenary sessions of the Supreme Court shall be determined by the regulation, approved by it.

**Footnote.** Article 22, as amended by the Constitutional Laws of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007) from 17.11.2008 N 80-IV (the order of implementation, see Article 2), from 29.12. 2010 № 370-IV (shall be enforced upon expiry of ten calendar days after its first official publication); from 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 245-V (the order of enforcement see Art. 2); dated 31.07.2015 № 340-V (shall be enforced from 01.01.2016); dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016); dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); dated 20.12.2021 № 82-VII (effective ten calendar days after the date of its first official publication); dated 30.12.2022 № 176-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.03.2023 № 215-VII (shall be enforced ten calendar days after the date of its first official publication).

### **Article 22-1. Presidium of the plenary session of the Supreme Court**

**Footnote.** Chapter 3 is supplemented by Article 22-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 07.11.2014 № 245-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); is excluded by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2).

## **Section 3. The Status of Judges**

### **Chapter 1. The Legal Status of Judges**

## **Article 23. The Status of a Judge**

1. Judges of all Courts of the Republic of Kazakhstan shall have a uniform status and shall differ among themselves only by their powers.

A judge shall be an officer of the state vested in the procedure established by the Constitution of the Republic of Kazakhstan and this Constitutional Law with the power to administer justice, shall carry out his duties on a permanent basis, and shall be a bearer of judicial power.

The legal status of judges shall be determined by the Constitution of the Republic of Kazakhstan, this Constitutional Law and other laws.

2. A judge may not be assigned any non-judicial functions and duties, which are not stipulated by the law. A judge may not be a member of state structures on issues of crime control, and keeping the law and peace.

**Footnote. Article 23, as amended by the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 23-1. The status of judges of international courts delegated by the Republic of Kazakhstan**

1. The judges of international courts, delegated from the Republic of Kazakhstan shall be granted the right to occupy the last position without competition, and the working time of a judge in an international court shall be included in the length of service of judges and taken into account when retiring.

In the absence of vacant positions of judges in the relevant court, the persons specified in part one of this paragraph, with their consent, are appointed to the vacant position of a judge of an equivalent or lower court without competition.

Appointment without competition in the cases specified in part two of this paragraph shall be carried out in accordance with the procedure provided for in paragraph 10 of Article 31 of this Constitutional Law.

2. As to the part not regulated by international treaties ratified by the Republic of Kazakhstan, judges of international courts delegated by the Republic of Kazakhstan are subject to all material and social guarantees provided for by this Constitutional Law.

**Footnote. Chapter 1 is supplemented with Article 23-1 in accordance with Constitutional Law of the Republic of Kazakhstan № 245-V as of 07.11.2014 (shall be enforced ten calendar days after its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); dated 27.03.2023 № 215-VII (shall be enforced from 01.07.2023).**

## **Article 24. Irremovability of a Judge**

1. Judges shall be elected or appointed to position in accordance with the Constitution of the Republic of Kazakhstan, this Constitutional law, the Law of the Republic of Kazakhstan “On the High Judicial Council of the Republic of Kazakhstan” and are authorized on a permanent basis.

2. Powers of the judges may be terminated or suspended only on the grounds and in the procedure stipulated this Constitutional Law and other laws of the Republic of Kazakhstan.

**Footnote. Article 24, as amended by the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016).**

#### **Article 25. Independence of a Judge**

1. Independence of a judge shall be protected by the Constitution and the law. In the administration of justice judges shall be independent and subordinate only to the Constitution of the Republic of Kazakhstan and the Law.

2. No one may interfere in the administration of justice or exert any influence over a judge or jurors. Such acts shall be prosecuted according to the law.

3. A judge shall not be obliged to provide any explanations on the essence of considered or sub judicial court cases. Secrecy of retiring room must be secured in all cases without any exceptions.

4. Financing of courts, financial and social security of judges and providing them with housing, shall be provided by the national budget in the amount sufficient for a full and independent administration of justice.

**Footnote. Article 25, as amended by the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007).**

#### **Article 26. Guarantees of Judge's Independence**

1. The independence of a judge shall be ensured by the following:

- 1) the procedure stipulated by the Law for the administration of justice;
- 2) the liability stipulated by the Law for any interference in the judge's activity associated with the administration of justice and for contempt of court and judges;
- 3) the inviolability of a judge;
- 4) established by the Constitution of the Republic of Kazakhstan, this Constitutional law and the Law of the Republic of Kazakhstan "On the High Judicial Council of the Republic of Kazakhstan" order of election, appointment to position, termination and suspension of powers of the judge, the right of a judge to resign;
- 5) the provision to judges, at the expense of the state, of financial support and social security appropriate to their status, and prohibition to deteriorate it.

2. Judges, members of their family and their property shall be under the protection of the state. Internal Affairs Agencies shall take timely and exhaustive measures to provide for security of a judge and members of his family, safety of their property, if the judge files the corresponding application.

Any harm inflicted to a judge and his property in connection with his professional activity shall be reimbursed from the national budget.

**Footnote. Article 26, as amended by the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007); dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016);**

### **Article 27. The Inviolability of Judges**

1. A judge may not be detained, subjected to detention, house arrest, delivery administrative penalties imposed in a judicial procedure, brought to criminal liability without the consent of the President of the Republic of Kazakhstan based on conclusion of the High Judicial Council, and in the case stipulated by subparagraph 3) of article 55 of the Constitution, without the consent of the Senate of the Parliament of the Republic of Kazakhstan, except for cases of detention at the scene of a crime or committing serious or especially serious crime.

2. After registration of the reason for the start of the pre-trial investigation in the Unified register of pre-trial investigations, the pre-trial investigation may be continued only with the consent of the Prosecutor General of the Republic of Kazakhstan. In cases when a judge is detained at the scene of a crime or the fact of preparation or attempt to commit a grave or especially grave crime is established, or he has committed a grave or especially grave crime, the pre-trial investigation against him may be continued until the consent of the Prosecutor General of the Republic of Kazakhstan is obtained, but with mandatory notification within a day. Special operational investigative measures and secret investigative actions against a judge may be carried out in accordance with the procedure provided for by legislative acts of the Republic of Kazakhstan.

Special operational investigative measures against a judge may be carried out only with the approval of the Prosecutor General of the Republic of Kazakhstan.

3. The judge shall be awarded the certificate in the order established by the High Judicial Council of the Republic of Kazakhstan.

**Footnote. Article 27, as amended by the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007); dated 04.07.2014 № 232-V (shall be enforced from 01.01.2015); dated 03.07.2017 № 85-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 119-VI as of 22.12.2017 (shall be enforced ten calendar days after its first official publication); dated 27.03.2023 № 215-VII (shall be enforced ten calendar days after the date of its first official publication).**

## **Article 28. Requirements to a Judge**

1. A judge shall be obliged:

1) to strictly observe the Constitution and Laws of the Republic of Kazakhstan and be faithful to the oath of a judge;

2) in carrying out his constitutional duties associated with the administration of justice, and in unofficial relations, to comply with the requirements of judicial ethics and to avoid anything which might denigrate the authority or dignity of the judge or cause doubts about his honesty, fairness, objectivity and impartiality;

3) to oppose any attempts of corruption and illegal interference in his activity associated with the administration of justice; and

4) to observe the secret of judges' council.

1-1. The judges shall undergo an assessment of professional activity in the Commission for quality of justice at the Supreme Court (hereinafter - the Commission for quality of justice ) in cases provided for by this Constitutional Law.

2. The office of a judge shall be incompatible with a deputy's mandate, any paid position except teaching, research or other creative activity, business activity, or being a member of the management body or supervisory board of a commercial organization. Judges may not be members of parties or trade unions, and may not come out in support or opposition of any political party.

**Footnote. Article 28, as amended by the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007); dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016); dated 21.02.2019 № 226-VI (the order of enforcement see Article 2).**

## **Article 29. Requirements for candidate judges**

1. A citizen of the Republic of Kazakhstan may be appointed as the judge of a district court:

1) reached the age of thirty;

2) having a higher legal education, high moral and ethical qualities, impeccable reputation and experience in the legal profession for at least five years;

3) passed a qualification exam (a person, completed training and passed the qualification exam at the Academy of Justice under the Supreme Court shall be exempted from passing the exam within four years from the date of graduation);

4) passed a medical examination and confirmed the absence of diseases, impeding the performance of professional duties of a judge;

5) successfully completed paid internship in the court with separation from the main place of work and received a positive conclusion from a plenary session of the court based on the

results of internship (a person, completed training and passed the qualification exam at the Academy of Justice under the Supreme Court shall be exempted from internship within four years from the date of graduation);

6) passed polygraph examination in cases, provided for by the Law of the Republic of Kazakhstan “On the Supreme Judicial Council of the Republic of Kazakhstan”.

The requirements, provided for in subparagraphs 5) and 6) of part one of this paragraph shall not apply to the candidates, who are acting judges.

2. A judge cannot be a person:

1) recognized as incapable or partially incapable by the court;

2) who was brought to disciplinary liability for disciplinary misconduct, discrediting the public service for three years before participating in the competition for the position of a judge. At the same time, a person who has been dismissed for a disciplinary offense, discrediting public service cannot be appointed as a judge;

3) who was imposed an administrative penalty in the court for three years before participating in the competition for the position of a judge for committing a corruption offense;

4) in respect of whom, a court conviction was issued for committing a criminal offense or who was exempted from criminal liability for committing a criminal offense on the basis of paragraphs 3), 4), 9), 10) and 12) of part one of Article 35 or Article 36 of the Criminal procedure code of the Republic of Kazakhstan for three years before participating in the competition for the position of a judge;

5) was previously convicted;

6) exempted from criminal liability for committing of a crime on the basis of paragraphs 3), 4), 9), 10) and 12) of part one of Article 35 or Article 36 of the Criminal procedure code of the Republic of Kazakhstan;

7) dismissed for negative reasons from the position of a judge, from law enforcement agencies, special state bodies and courts, from military service, as well as in other cases, provided for by the laws of the Republic of Kazakhstan.

3. Non-submission or intentional misrepresentation of the information, specified in paragraph 2 of this Article shall be grounds for refusal to appoint a judge or to participate in a competition for a vacant position of a judge.

4. A citizen who meets the requirements of paragraph 1 of this Article and has at least fifteen years of experience in the legal profession or at least five years of experience as a judge may be a judge of a regional court.

5. A judge of the Supreme Court may be a citizen, meeting the requirements of paragraph 1 of this article, having at least twenty years of experience in the legal profession, including at least ten years of work as a judge, including five years as a judge of a regional court, and who also received the conclusion of a plenary session of the Supreme Court.

The conclusion of the plenary session is of recommendatory character.

The requirements for seniority, internship, passing a qualification exam, the need for a conclusion of the plenary session of the Supreme Court do not apply to a candidate for the position of Chairman of the Supreme Court, as well as in cases provided for by part nine of paragraph 4 of Article 30 of this Constitutional Law.

6. The participants of the competition for the position of chairman and judge of the district court must receive the conclusions of the Council for interaction with the courts and the plenary session of the regional court at the place of work.

The participants of the competition for the positions of the chairman of the judicial board and the judge of the regional court must receive the conclusions of the Council for interaction with the courts and the plenary session, respectively, of the Supreme Court or the regional court at the place of work.

The requirement of this paragraph on the need to obtain the conclusion of the plenary session of the regional court applies only to candidates who are acting judges, as well as persons who previously held the position of a judge.

The participants of the competition for the position of a judge of the Supreme Court must also receive the conclusion of the Council for interaction with the courts at their place of work

The conclusions of the Council for interaction with the courts and the plenary session are advisory in nature.

7. Participation in the competition for the vacant judicial position is not allowed to:

1) a judge, if less than one year has passed since the date of removal from him of the disciplinary penalty provided for in subparagraphs 2) and 4) of paragraph 1 of Article 40 of this Constitutional Law;

2) a judge, if less than two years have passed since the decision on transfer to another court or to another specialization was made against him by the Commission on the quality of justice;

3) a judge who has worked in his position for less than two years;

4) a member of the Supreme Judicial Council.

The requirement of this paragraph on the non-admission to participate in the competition of a judge who has worked in his position for less than two years does not apply to:

1) judges who wish to take up the position of judge in courts located in a remote area;

2) judges who have a medical report on the presence of a disease requiring a change of residence;

3) judges previously appointed without competition to the position of judge in connection with the reorganization and abolition of the court, reduction of the staff number of judges of courts.

The list of courts located in remote areas is determined by the Supreme Judicial Council.

8. Candidates for judges undergo paid internship in court on a permanent basis with separation from their main place of work. At the same time, candidates for judges can

undergo an internship after receiving the recommendation of the Supreme Judicial Council on appointment to a vacant position. The conditions and procedure for the internship of a candidate for a judge are determined by the regulations approved by the President of the Republic of Kazakhstan.

9. The persons, elected or appointed from a judge to a public position in representative bodies shall be granted the right to occupy a judicial position on a competitive basis without undergoing an internship.

9-1. For judges appointed to the Supreme Judicial Council, the time of service as a member of the Supreme Judicial Council shall be included in the judicial service record and taken into account upon retirement.

10. The time of work as a judge in the positions, specified in paragraph 6 of Article 56 of this Constitutional Law shall be included in the length of judicial service.

To a judge who has terminated his powers in connection with his appointment to the post of Chairman of the Supreme Judicial Council, the time spent for the work as the Chairman of the Supreme Judicial Council is included in the length of judicial service and is taken into account when retiring.

11. Selection of candidates for vacant judicial positions shall be made by the Supreme Judicial Council in accordance with the procedure, established by this Constitutional Law and the Law of the Republic of Kazakhstan “On the Supreme Judicial Council of the Republic of Kazakhstan” using a system of criteria, including those that take into account the work in the court, prosecution bodies, and advocacy.

**Footnote.** Article 29 is in the wording of the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); as amended by the Constitutional Law of the Republic of Kazakhstan dated 20.03.2021 № 19-VII ((effective ten calendar days after the date of its first official publication); dated 20.12.2021 № 82-VII (see Article 2 for the procedure for entry into force); dated 27.03.2023 № 215-VII (for the procedure of enforcement see Art. 2).

#### **Article 29-1. Medical Examination of a Candidate for Position of a Judge**

1. To confirm that a candidate for judge does not have diseases which prevent the execution of professional duties of a judge, he shall pass a medical examination.

2. The list of diseases, impeding the performance of professional duties of a judge shall be established by a joint regulatory legal act of the authorized body and the authorized body in the field of healthcare.

**Footnote.** The Law is supplemented by Article 29-1 in accordance with the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007), as amended by the Constitutional Laws of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2), from 29.12.2010 № 370-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2022



№ 176-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

**Article 30. The selection of candidates for the position of judge, the President, the Chairman of the Judicial panel of the court**

1. Candidates for the position of judge should be given equal right to hold office irrespective of their origin, social and property status, racial and national belonging, sex, political views, religious beliefs and other circumstances.

2. Selection of candidates for vacant positions of a Chairman and a judge of the district court, a Chairman of the judicial collegium and a judge of the regional court, a judge of the Supreme Court shall be carried out by the Supreme Judicial Council on a competitive basis from among those, who have applied for vacant positions and meet the requirements of Article 29 of this Constitutional Law.

For persons who are specialists in certain areas of law, the list of which, upon the proposal of the Supreme Court is approved by the Supreme Judicial Council, applying for a vacant position as a judge of a regional court, a separate competition may be held. The procedure for such a separate competitive selection shall be determined by the Supreme Judicial Council.

2-1. Selection of candidates for a vacant position of the chairman of the district court shall be carried out by the Supreme Judicial Council from among persons elected by the extended plenary meeting of the regional court.

3. Candidates for vacant positions of Chairmen of regional courts, Chairmen of judicial collegiums of the Supreme Court shall be considered on an alternative basis by the Supreme Judicial Council on presentation of the Chairman of the Supreme Court, made by him/her after their consideration by the plenary session of the Supreme Court.

4. The candidates for vacant position of a Chairman of the district court shall be recommended from among acting judges or persons, having at least five years of experience in the position of a judge.

Judges who have worked for at least five years in courts located in a remote area, or in courts with a staff of no more than three employees, with other things being equal, shall have priority in the selection of candidates for equivalent positions in district courts.

The candidates for vacant positions of a Chairman and Chairmen of the judicial collegiums of the regional court shall be recommended, as a rule, from among the judges of the regional court or persons, having at least ten years of experience in the position of a judge.

Moreover, the priority in the selection of candidates for the positions of a Chairman of the district court, a chairman, Chairmen of judicial collegiums and judges of the regional court, a judge and Chairmen of judicial collegiums of the Supreme Court shall be given to the persons who are in the personnel reserve.

When selecting candidates for the positions of the chairman of the district court, the chairman and the chairmen of the judicial boards of the regional court, the chairmen of the

judicial boards of the Supreme Court, in addition to the criterion specified in part three of paragraph 4 of this article, organizational abilities are also taken into account.

A candidate for the position of a Chairman of the judicial collegium of the Supreme Court shall be recommended from among the judges of the Supreme Court.

The Supreme Judicial Council shall recommend the candidates for vacant positions of Chairmen, Chairmen of judicial collegiums of local and other courts, Chairmen of judicial collegiums of the Supreme Court to the President of the Republic of Kazakhstan for appointment to the positions.

The candidacy for the position of a Chairman of the Supreme Court shall be considered by the Supreme Judicial Council.

The President of the Republic of Kazakhstan shall have the right to make a proposal on election of a candidate for the position of a judge of the Supreme Court out of competition.

The Supreme Judicial Council shall recommend the candidates for vacant positions of a Chairman, a judge of the Supreme Court to the President of the Republic of Kazakhstan for representation in the Senate of the Parliament of the Republic of Kazakhstan.

Candidates for the position of a judge of the Supreme Court are submitted by the President of the Republic of Kazakhstan to the Senate of the Parliament of the Republic of Kazakhstan on an alternative basis, except for the cases provided for in part nine of this paragraph.

**Footnote. Article 30 in the new wording of the Constitutional Law of the Republic of Kazakhstan dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016); as amended by the Constitutional Law of the Republic of Kazakhstan dated 15.06.2017 № 75-VI (shall be enforced from the day of its first official publication); dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); dated 20.12.2021 № 82-VII (effective ten calendar days after the date of its first official publication); dated 27.03.2023 № 215-VII (for the procedure of enforcement see Art. 2).**

#### **Article 30-1. The assessment of the judges' professional activities.**

1. Assessment of the professional activities of judges recognized assessment of the level of his professional knowledge and ability to apply them in the administration of justice, legal activities, business and moral qualities of the judge and its compliance with the requirements of this Constitutional law and the Code of judicial ethics.

Assessment of professional activities of judges is for the purpose of improving the qualitative composition of the judiciary, evaluating and stimulating the development of their professional skills, increase the responsibility for strengthening the rule of law in matters of protection of rights of citizens and interests of society.

Evaluation of a judge's professional performance made for the first time shall be based on the results of one year's work as a judge. Subsequently, the evaluation of the judge's professional performance shall be made every five years.

Exempt from periodic assessment of professional activities of judges that have twenty or more years of judicial experience.

2. The results of work of a judge after a one-year term shall be considered at the session of the Commission for quality of justice and submitted for approval by the Supreme Judicial Council on the proposal of the Chairman of the Supreme Court.

The results of the judge's work coincide on the following criteria:

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

3. Evaluation of a judge's professional performance shall be carried out by the Justice Quality Commission.

The Justice Quality Commission shall be comprised of seven members - three judges of regional courts, three judges of the Supreme Court and one retired judge.

The procedure for the formation and organization of the Justice Quality Commission's work shall be determined by the Regulations approved by the President of the Republic of Kazakhstan.

The methodology for evaluating the professional activities of a judge shall be developed by the Justice Quality Commission and approved by the plenary session of the Supreme Court after prior agreement with the Supreme Judicial Council.

**Footnote. Chapter 1 is supplemented by Article 30-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016); as amended by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); dated 20.12.2021 № 82-VII (effective ten calendar days after the date of its first official publication ).**

### **Article 31. Procedure for Vesting Powers in a Judge**

1. Judges of the Supreme Court of the Republic of Kazakhstan shall be elected by the Senate pursuant to the proposal of the President of the Republic of Kazakhstan based on the recommendation of the Supreme Judicial Council.

2. Judges of local and other courts shall be appointed to office by the President of the Republic of Kazakhstan pursuant to the recommendation of the Supreme Judicial Council.

3. The Chairmen of the judicial collegiums of the Supreme Court shall be appointed by the President of the Republic of Kazakhstan on the recommendation of the Supreme Judicial Council on the basis of a proposal of the Chairman of the Supreme Court and a decision of the plenary session of the Supreme Court for a period of five years.

The conclusions of the plenary session are of recommendatory character.

3-1. The Chairmen of the judicial collegiums of regional courts shall be appointed by the President of the Republic of Kazakhstan on the recommendation of the Supreme Judicial Council for a term of five years.

4. The Chairman of the Supreme Court shall be elected by the Senate pursuant to the proposal of the President of the Republic of Kazakhstan based on the recommendation of the Supreme Judicial Council for a five-year term.

5. The chairmen of local and other courts are appointed by the President of the Republic of Kazakhstan at the recommendation of the Supreme Judicial Council for a period of five years.

The chairmen and chairmen of judicial boards of regional courts, chairmen of the collegiums of the Supreme Court may not be appointed to the position they hold or a similar position in equivalent courts more than twice.

6. (is excluded by Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2);

7. The chairmen and chairmen of judicial boards of local and other courts, the Chairman and chairmen of judicial boards of the Supreme Court, upon termination of the term of office, continue to exercise the powers of a judge of the relevant court, unless they have been respectively appointed or elected to a similar position in another court.

If there are no vacant positions of judges in the relevant court, the chairmen and chairmen of judicial boards of local and other courts who have not been appointed to a similar position in another court, with their consent, are appointed to the vacant position of a judge of an equivalent or lower court without competition.

If there are no vacant positions of judges in the Supreme Court, the chairman and chairmen of the judicial boards of the Supreme Court who have not been appointed to a similar position, with their consent, are appointed to the vacant position of a judge of a lower court without competition.

8. When reorganizing or abolishing a court, reducing the number of judges of the relevant court, the judges of this court, with their consent, may be appointed to a vacant position of a judge of an equivalent or lower court without competition.

8-1. When transferring a judge to another court, to another specialization in the cases provided for in subparagraph 4) of paragraph 1, part two of paragraph 5 of Article 44 of this Constitutional Law, the judges, with their consent, may be appointed to a vacant position of a judge of another equivalent or lower court without competition.

9. The chairmen and chairmen of judicial boards of local and other courts, the chairman and chairmen of judicial boards of the Supreme Court, dismissed from office on the grounds specified in subparagraph 4) of paragraph 1 of Article 40 of this Constitutional Law, continue to exercise the powers of a judge of the relevant court.

If there are no vacant positions of judges in the relevant court, the chairmen and chairmen of the judicial boards of local and other courts, with their consent, are appointed to the vacant position of a judge of an equivalent or lower court without competition.

In the absence of vacant positions of judges in the Supreme Court, the chairman and chairmen of the judicial boards of the Supreme Court, with their consent, are appointed to the vacant position of a judge of a lower court without competition.

10. The issues of appointing candidates to vacant positions of judges without competition are considered by the Supreme Judicial Council.

**Footnote. Article 31, as amended by the Constitutional Laws of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007), from 17.11.2008 N 80-IV (the order of implementation, see Art. 2), from 16.02. 2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 245-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016); dated 13.03.2017 № 52-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); dated 27.03.2023 № 215-VII (for the procedure of entry into force, see Article 2).**

### **Article 32. The Judge's Oath**

1. A person elected or appointed to the position of a judge for the first time shall take the following oath:

"I solemnly swear to carry out my duties honestly and conscientiously, to administer justice subject only to the Constitution and the Laws of the Republic of Kazakhstan and to be impartial and fair as my duty of a judge tells me."

2. The Chairman and judges of the Supreme Court shall take the oath at a session of the Senate of the Parliament of the Republic of Kazakhstan.

**3. (is deleted by the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2).**

4. A person appointed to the position of a chairman, chairman of a judicial collegium and judge of a regional court, chairman and judge of a district court for the first time shall take the oath at a plenary session of a regional court.

In appointing a judge, the oath shall not be taken repeatedly by the chairman or the chairman of judicial collegium or the judge of another court.

**Footnote. Article 32, as amended by the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2).**

### **Article 33. Suspension of the Powers of a Judge**

1. The powers of a judge shall be suspended if:

1) the judge has been registered as a candidate for the President of the Republic of Kazakhstan, for a deputy of the Parliament or Maslikhats of the Republic of Kazakhstan;

1-1) a judge has been appointed a member of the Supreme Judicial Council;

2) having entered into force, the judge has been recognized as missing by a court decision;

3) a consent has been given to charge the judge with criminal liability;

3-1) there is a decision of the Commission for quality of justice or the Judicial jury on necessity to terminate the powers of a judge on the grounds, provided for in subparagraphs 11 ) and 11-1) of paragraph 1 of Article 34 of this Constitutional Law;

3-2) is deleted by the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); and

4) in case of his transfer to another job.

5) filed the application for exemption from the post of judge at their own request.

2. The suspension of the powers of a judge is carried out:

with respect to the Chairman of the Supreme Court – by the President of the Republic of Kazakhstan;

with respect to all other judges of the Republic – by the Chairman of the Supreme Judicial Council.

In the cases provided for in sub-paragraphs 1) and 2) of paragraph 1 of this Article, the Chairman of the Supreme Judicial Council considers issues of suspension of the powers of a judge on the basis of a message from the authorized body with the attachment of a supporting document.

2-1. In suspending powers of a judge his powers of a chairman or the chairman of the judicial collegium of the corresponding court shall be suspended.

2-2. When applying for exemption from office of a judge at his own request, his powers are suspended following the expiration of one month from the date of submission of the application.

2-3. When a judge is appointed a member of the Supreme Judicial Council, his powers shall be suspended with the title of judge and membership in the judiciary community retained.

3. The powers of a judge shall be renewed if the circumstances, which served as the grounds for making decision to suspend the powers of a judge, are no longer relevant.

**Footnote. Article 33, as amended by the Constitutional Laws of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007) from 17.11.2008 N 80-IV (the order of implementation, see Art. 2), from 16.02. 2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 245-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016); dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); dated 20.12.2021 № 82-VII ( effective from 01.07.2022); dated 27.03.2023 № 215-VII (shall be enforced ten calendar days after the date of its first official publication).**

**Article 34. Dismissal and termination of powers of the Court Chairman, the chairman of Judicial Board, and the Judge.**

*Footnote. The title of Article 34 in the new wording of the Constitutional Law of the Republic of Kazakhstan dated 13.03.2017 № 52-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).*

1. The grounds for termination of the powers of a judge are as follows:
  - 1) judge's resignation
  - 2) judge's discharge from office pursuant to his own wish;
  - 3) state of health impeding further performance of professional duties, in accordance with a medical opinion;
  - 4) entering into legal force of a court decision recognizing the judge as legally incapable or restrictedly incapable, or applying compulsory measures of a medical nature to him;
  - 5) entry into legal force of a guilty verdict against this judge, termination of a criminal case at the pre-trial stage on the basis of subparagraphs 3), 4), 9), 10) and 12) of paragraph one of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan ;
  - 6) loss of citizenship of the Republic of Kazakhstan;
  - 7) death of the judge or entering into legal force of a court decision recognizing him as deceased;
  - 8) the appointment, election of a judge to another position and his/her transfer to another job, except for cases provided for in paragraph 6 of Article 56 of this Constitutional Law;
  - 9) the abolition of the court or the reorganization of the court, the reduction in the number of judges of the relevant court, if the judge does not consent to occupy the vacant position of a judge in another court, as well as the refusal of the judge to be transferred to another court, to another specialization in the cases provided for in subparagraph 4) of paragraph 1, part two of paragraph 5 of Article 44 of this Constitutional Law;
  - 10) the abolition of the court or the reorganization of the court, the reduction in the number of judges of the relevant court, the expiration of the term of office, if the chairman of the court, the chairman of the judicial board do not consent to occupy the vacant position of a judge in another court, as well as the refusal of the chairman of the court, the chairman of the judicial board to be transferred to another court, to another specialization in the cases provided for by subparagraph 4) of paragraph 1, part two of paragraph 5 of Article 44 of this Constitutional Law;
  - 11) the decision of the Commission for quality of justice on non-compliance of a judge with the position due to professional unsuitability;
  - 11-1) the decision of the Judicial jury on necessity to dismiss a judge for committing a disciplinary offense or for non-fulfillment of the requirements, specified in Article 28 of this Constitutional Law;

12) coming of retirement or limit age of being in office of a judge.

2. The powers of the chairman, the chairman of the judicial collegium of the court may be terminated early pursuant to his own wish or failure to meet the requirements stipulated in Articles 9, 14, 15, 20, 21 and 28 of this Constitutional Law.

2-1. If the grounds provided for by this Constitutional Law arise, the Supreme Judicial Council shall consider the termination of the powers of the chairmen, chairmen of judicial boards and judges of the courts of the Republic.

2-2. In the cases provided for in sub-paragraphs 4), 5), 6) and 7) of paragraph 1 of this article, the Supreme Judicial Council shall consider the termination of the powers of a judge on the basis of a message from the authorized body with the attachment of a supporting document.

3. Decision to discharge a judge from office shall be made by:

1) a resolution of the Senate of the Parliament of the Republic of Kazakhstan, with regard to the Chairman and judges of the Supreme Court, pursuant to the proposal of the President of the Republic of Kazakhstan;

2) a decree of the President of the Republic of Kazakhstan, with regard to the chairmen of judicial collegiums of the Supreme Court, chairmen, chairmen of judicial collegiums and judges of local and other courts.

4. The dismissal of the judges at the same time shall entail the termination of powers of the Chairman or Chairman of judicial Collegium of the corresponding court.

The dismissal of the Chairman or the Chairman of the judicial Collegium of the corresponding court at his own request or the expiration of the term of office shall not entail dismissal from office of a judge of that court, except in the cases prescribed by paragraph 7 of article 31 of this constitutional law.

In the absence of a vacant position of a judge in the relevant court, the chairman or the chairman of the judicial board, with his consent, is appointed to the vacant position of a judge of an equivalent or lower court without competition in the manner provided for in paragraph 10 of Article 31 of this Constitutional Law.

5. Grounds for termination of office of judges stipulated by sub-paragraphs 5), 11) and 11-1) of paragraph 1 of this article shall be recognized as negative motives.

**Footnote. Article 34 is in the wording of Constitutional Law of the Republic of Kazakhstan of 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Constitutional Laws of the Republic of Kazakhstan dated 07.11.2014 № 245-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016); dated 13.03.2017 № 52-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 119-VI as of 22.12.2017 (shall be enforced ten calendar days after its first official publication); dated 21.02.2019 № 226-VI (the order of**



enforcement see Article 2); dated 27.03.2023 № 215-VII (see Article 2 for the procedure for entry into force).

#### **Article 34-1. The Limit Age of Tenure in the Position of a Judge**

1. When a judge reaches the retirement age established by the law of the Republic of Kazakhstan, further stay in the position of a judge until he reaches the age limit is allowed by the Supreme Judicial Council

2. The tenure of the judges is permitted until they reach the upper age limit of sixty-five years, which in exceptional cases may be extended for not more than five years in accordance with paragraph 1 of this article.

Footnote. Chapter 1 Section 3 is amended by Article 34-1 in accordance with the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Art. 2), is in the wording of the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016); dated 27.03.2023 № 215-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 35. Resignation of a Judge**

1. Resignation is termination of powers of the judge in the form of honour retiring judges, who have an excellent reputation, the experience of judicial work not less than twenty years, to preserve his title of judge, belonging to the judicial community, guarantees of personal immunity and other material and social guarantees stipulated by this Constitutional law.

The dismissal of a judge from office in the form of resignation is carried out upon the written application of the judge for resignation to the Supreme Judicial Council. The procedure for considering a judge's resignation application is determined by the Supreme Judicial Council.

1-1. The judges, who have terminated their powers in connection with their appointment to other positions by the President of the Republic of Kazakhstan shall have the right to retirement and the payments and guarantees, provided for in this Article, subject to compliance with the requirements, established by this Article.

2. When retiring a judge shall be paid lump-sum severance allowance in the amount of twenty-four-month official salaries with the experience of judicial work of twenty or more years, with experience of judicial work from fifteen to twenty years in the amount of eighteen-month official salaries according to the latest position.

2-1. A retired judge, including one who retired before January 1, 2016, who has at least fifteen years of judicial experience, who has reached the retirement age established by the legislation of the Republic of Kazakhstan on social protection, is paid a tax-free monthly

lifetime maintenance in the amount of fifty percent of the official salary for the last position of a judge, except in cases of suspension or termination of resignation.

For each year of experience of judicial work for over twenty years, and for judges who retire before January 1, 2016, for each year of experience of judicial work for more than fifteen years, the monthly annuity of a judge staying in resignation, increased by one percent of the salary at the last position of a judge.

The maximum amount of monthly annuity of the judge staying in resignation, shall not exceed sixty-five percent of the salary at the last position of the judge and studentticket monthly calculation index established by the law on Republican budget for corresponding financial year.

The monthly annuity of the judge staying in resignation, shall be calculated at the last position according to the remuneration system for judges, effective on the date of the request for payment specified content.

An increase in prescribed by the legislative acts of the Republic of Kazakhstan order of the size of remuneration of judges, respectively, recalculated monthly annuity.

The order of payment of the monthly annuity of the judge staying in resignation, determined by the Government of the Republic of Kazakhstan.

The judge staying in resignation, has the right to receive pension payments from the pension savings formed in his individual retirement account.

2-2. Payment of the monthly annuity of the judge staying in resignation, shall be suspended in case of occupation in accordance with legislation of the Republic of Kazakhstan paid from the Republican or local budget or from the funds of the National Bank of the Republic of Kazakhstan office, except as related to the occupation of teaching, research or other creative activity.

In the event of termination of office, paid from the Republican or local budget or from the funds of the National Bank of the Republic of Kazakhstan, the payment of a monthly annuity to the judge resumed.

3. A judge's resignation shall be terminated in the following cases:

- he commits a crime or misdemeanor which brings the authority of the judiciary into disrepute;

- at his own wish;

- loss of citizenship of the Republic of Kazakhstan;

- his death or entering into legal force of a court decision recognizing him as deceased;

Before considering the grounds for termination of resignation of a judge resignation of a judge shall be suspended

The suspension of a judge's resignation is carried out by the Supreme Judicial Council.

Resignation of judge shall be renewed if the circumstances, which served as the grounds for making decision to suspend the resignation of a judge, are no longer relevant.

4. In the event of termination of resignation the judge shall be deprived of guarantees of personal inviolability and guarantees stipulated by Articles 51, 53 and 55 of this Constitutional Law.

In suspending resignation of judge, the validity of the guarantee of personal inviolability and guarantees provided by Articles 51, 53 and 55 of this Constitutional Law shall be also suspended.

5. Termination of resignation shall be carried out in the same procedure as the discharge of a judge from office due to resignation.

6. The judges who are retired under the age limit of tenure of a judge may, if they consent to be involved in the administration of justice for the period of temporary absence of a judge, but not more than six months.

7. Confirmation of the right to resign and its termination are considered by the Commission on the quality of justice on the basis of materials submitted by the Supreme Judicial Council.

The decision of the Commission on the quality of justice is submitted to the Supreme Judicial Council for consideration.

**Footnote.** Article 35 is in the wording of the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007), as amended by the Constitutional Laws of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation see Article 2) from 29.12.2010 № 370-IV (shall be enforced upon expiry of ten calendar days after its first official publication), from 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 № 245-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 31.07.2015 № 341-V (shall be enforced from 01.01.2016); dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016); dated 13.03.2017 № 52-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); dated 27.03.2023 № 215-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.04.2023 № 225-VII (shall be enforced from 01.07.2023).

#### **Article 35-1. Pension Provision of a Judge**

1. Pension provision of a judge is carried out in accordance with the procedure and conditions established by the legislation of the Republic of Kazakhstan on social protection.

2. When the dismissal of a judge from office on negative grounds, the additional mandatory pension contributions, as listed due to the budget until January 1, 2016, shall be removed to the Republican budget.

**Footnote.** Article 35-1 is amended by the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007); as amended by the Constitutional Law of the Republic of Kazakhstan dated 31.07.2015 № 341-V (shall be

enforced from 01.01.2016); dated 20.04.2023 № 225-VII (shall be enforced from 01.07.2023)

### **Article 36. Supreme Judicial Council**

The status, the procedure for forming the composition, and the organization of work of the Supreme Judicial Council shall be determined by the Law of the Republic of Kazakhstan “On the Supreme Judicial Council of the Republic of Kazakhstan.

Footnote. Article 36 is in the wording of the Constitutional Law of the Republic of Kazakhstan dated 05.11.2022 № 156-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 37. Judicial Community and its Bodies**

1. In order to exercise and protect common interests of judicial community, judges shall have the right to create public associations.

2. Judicial associations shall, where necessary, represent and protect interests of their members in the procedure established by the legislation and may not influence the administration of justice, and shall not pursue any political goals.

### **Article 38. Disciplinary and Qualification Collegiums of Judges**

Footnote. Article 38 is deleted by the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 38-1. The Judicial jury**

1. The Judicial jury at the Supreme Judicial Council shall be formed for consideration of disciplinary cases in respect of judges.

The Judicial jury consists of six judges. The Judicial jury also includes representatives of the public and one member of the Supreme Judicial Council from among the judges, having the right to an advisory vote.

The judges shall be appointed to the Judicial jury on the recommendation of an extended plenary session of the Supreme Court in accordance with paragraph 2-1 of Article 22 of this Constitutional Law, and a member of the Supreme Judicial Council from among the judges and representatives of the public - by the Supreme Judicial Council.

The Supreme Judicial Council shall have the right to reject the candidates for the Judicial jury, recommended by the extended plenary session of the Supreme Court by a motivated decision.

The Chairman of the Judicial jury shall be elected by the composition of the Judicial jury itself from among its members.

2. The grounds for consideration of materials in respect of a judge by the Judicial jury shall be:

- 1) representation of the Chairman of the Supreme Court;
- 2) decisions of plenary sessions of regional courts and the Supreme Court;
- 3) information and facts, contained in mass media publications, appeals of individuals and legal entities, confirmed by the results of inspections;
- 4) decisions of commissions for judicial ethics.

3. Ensuring the activities of the Judicial jury shall be carried out by the Apparatus of the Supreme Judicial Council.

4. The procedure for formation and organization of work of the Judicial jury, as well as consideration of materials, disciplinary cases by the Judicial jury shall be determined by the Regulation, approved by the President of the Republic of Kazakhstan.

**Footnote. Article 38-1 is supplemented of the Constitutional Law of the Republic of Kazakhstan dated 11 December 2006 № 199 (shall be enforced from 1 января 2007 г.); is in the wording of the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2).**

#### **Article 38-2. Justice academy. Academy is a Justice in the Supreme court**

The Academy of justice at the Supreme Court (hereinafter- the Academy) implements educational programs of postgraduate education, provides retraining, advanced training for the personnel of judicial system and scientific activity.

The Supreme Court is the authorized body responsible for the overall management of the Academy.

Education, status and organization of the work of the Academy shall be determined by the President of the Republic of Kazakhstan.

**Footnote. Chapter 1 раздела 3 is supplemented by Article 38-2 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016); as amended by the Constitutional Law of the Republic of Kazakhstan dated 27.03.2023 № 215-VII (shall be enforced from 15.07.2024).**

#### **Article 38-3. Personnel reserve for the positions of a Chairman of the district court, a chairman, Chairmen of the judicial collegiums and a judge of the regional court, a judge and Chairmen of the judicial collegiums of the Supreme Court**

The personnel reserve for the positions of a Chairman of the district court, a chairman, Chairmen of the judicial collegiums and a judge of the regional court, a judge and Chairmen of the judicial collegiums of the Supreme Court (hereinafter- the personnel reserve) shall be formed by the Commission for personnel reserve at the Supreme Judicial Council.

The procedure for formation of the Commission for personnel reserve and organization of work with the personnel reserve shall be determined by the Supreme Judicial Council.

Footnote. Chapter 1 is supplemented by Article 38-3 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2).

## **Chapter 2. Disciplinary Liability of Judges**

### **Article 39. Grounds for Disciplinary Liability of Judges**

1. A judge may be disciplined for committing a disciplinary offense.

A disciplinary offence is a culpable action (inaction) in the performance of official duties or when off duty activities, which were violated the provisions of this constitutional law and (or) the code of judicial ethics, which resulted in a diminution of the authority of the judiciary and damage the reputation of the judge.

A judge may be disciplined:

- 1) for gross violation of law in the trial cases;
- 2) for the Commission of defamatory offense, contrary to judicial ethics;

3) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2).

2. Chairmen of courts and chairmen of judicial collegiums of courts may be charged with disciplinary liability for improperly carrying out their official duties as stipulated by this Constitutional Law.

3. A judicial error, as well as the repeal or amendment of a judicial act shall not entail liability of the judge unless there had been gross violations of the law as indicated in a judicial act of a higher court.

Judicial error is an act, led to an incorrect interpretation and application of substantive or procedural rights not associated with the wrongful actions of a judge.

Footnote. Article 39, as amended by the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2); dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016); dated February 21, 2019 № 226-VI (the order of enforcement see Article 2).

### **Article 40. Types of Penalties Applied to a Judge**

1. The following disciplinary penalties may be applied to judges:

- 1) notice;
- 2) reprimand;

3) is deleted by the Constitutional Law of the Republic of Kazakhstan of 29.12.2010 № 370-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

4) discharge of the chairman of a court or chairman of a judicial collegium from office for the improper performance of official duties;

- 5) discharge of a judge from office on the grounds stipulated by this Constitutional Law.

2. Only one disciplinary penalty shall be imposed for each breach subject to the nature of the disciplinary misdemeanor, data on the judge's personality and degree of his guilt.

Footnote. Article 40, as amended by the Constitutional Laws of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2) from 29.12.2010 № 370-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 41. Right to Initiate Disciplinary Proceedings**

Footnote. Article 41 is deleted by the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 42. Terms for consideration of a disciplinary case**

1. 1. Disciplinary proceedings in respect of a judge may be initiated no later than one year from the day the misconduct was discovered and no later than two years from the day the misconduct was committed.

The term specified in the first part of this paragraph shall not include the time of the judge's absence from work for a valid reason after the day the disciplinary misconduct was discovered.

1-1. The day of detecting a disciplinary offense related to the breach of legality by a judge during the consideration of a court case shall be the day of enforcement of the judicial act of a higher judicial instance, which establishes the fact of a breach of the law, and the day of the commission of such an offense shall be the date the unlawful judicial act was issued.

The day of detecting a disciplinary offense that is contrary to judicial ethics shall be the day when the Judicial Ethics Commission makes a decision, establishing the fact that a judge has committed a discrediting offense that is contrary to judicial ethics, and the date of such an offense shall be the day or period of its commission.

The date of detecting a disciplinary offense related to improper performance by the chairmen of courts, chairmen of the judicial boards of courts of their official duties shall be the day of submission of the Supreme Court chairman, adoption of resolutions by the plenary sessions of the regional courts and the Supreme Court, which established the fact of improper performance of official duties, and the date of such misconduct shall be the day or period of improper performance by the chairmen of the courts, chairmen of the judicial boards of courts of their official duties.

If the date of committing a disciplinary offense is determined by a period of time, the calculation of the terms established by paragraph 1 of this article shall be started from the next day after the end of the period.

2. Disciplinary proceedings must be completed within two months from the date of its commencement, not counting the time of internal audit and absence of a judge at work for a good reason.

Footnote. Article 42 is in the wording of the Constitutional Law of the Republic of Kazakhstan dated 02.21.2019 № 226-VI (the order of enforcement see Article 2); amended by the Constitutional Law of the Republic of Kazakhstan dated 20.12.2021 № 82-VII (effective ten calendar days after the date of its first official publication).

#### **Article 43. Agencies for the Consideration of Disciplinary Cases**

Footnote. Article 43 is deleted by the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 44. Decisions of the Commission for quality of justice**

1. The Commission for quality of justice, based on the results of consideration of materials on assessment of qualification of acting judges, shall make one of the following decisions:

- 1) to recognize as appropriate for the position held;
- 2) Excluded by the Constitutional Law of the Republic of Kazakhstan dated 20.12.2021 № 82-VII (effective ten calendar days after the date of its first official publication);
- 3) to recommend for admission to the personnel reserve for a higher position (in a higher court instance);
- 4) on transfer to another court, another specialization;
- 5) to recognize as inappropriate for the position held due to professional unsuitability;
- 6) Excluded by the Constitutional Law of the Republic of Kazakhstan dated 20.12.2021 № 82-VII (effective ten calendar days after the date of its first official publication).

The decision of the Justice Quality Commission, provided for by subparagraph 3) of the first part of this paragraph, is of advisory nature.

2. The decision of the Commission on the quality of justice on the recognition of a judge as unfit for his position due to professional unfitness based on the results of an assessment of professional activity is the basis for consideration by the Supreme Judicial Council of the issue of dismissal of a judge from his post.

The decision of the Commission on the quality of justice on the transfer of a judge to another court based on the results of a periodic assessment of professional activity is the basis for consideration by the Supreme Judicial Council of the issue of transferring a judge to another court, and in case of refusal of transfer – on the dismissal of a judge from his post.



3. The Commission for quality of justice based on the results of consideration of the material on application for confirmation of the right to retirement, as well as the material on termination of retirement, shall make one of the following decisions:

- 1) on confirmation of the right to retirement;
- 2) on refusal to confirm the right to retirement;
- 3) on termination of the retirement of a judge;
- 4) on refusal to terminate the retirement of a judge.

4. The decision of the Commission for quality of justice may be appealed by a judge to the Supreme Judicial Council.

5. The refusal of the Supreme Judicial Council to make a recommendation on the dismissal of a judge from his post cancels the decision made by the Commission on the quality of justice. The cancellation by the Supreme Judicial Council of the decision of the Commission on the quality of justice is the basis for the adoption by the Supreme Judicial Council or the Commission on the quality of justice of another decision provided for in this article.

Adoption by the Supreme Judicial Council of the decision provided for in subparagraph 4) of paragraph 1 of this article is the basis for consideration by the Supreme Judicial Council of the issue of transferring a judge to another court, to another specialization.

**Footnote. Article 44 is in the wording of the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); as amended by the Constitutional Law of the Republic of Kazakhstan dated 20.12.2021 № 82-VII (effective ten calendar days after the date of its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan; dated 27.03.2023 № 215-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 44-1. Decisions of the Judicial jury**

1. Based on the results of consideration of a disciplinary case, the Judicial jury shall make one of the following decisions:

- 1) on imposing a disciplinary sanction, provided for by paragraph 1 of Article 40 of this Constitutional Law;
- 2) on termination of disciplinary proceedings.

2. The decision of the Judicial jury shall be the ground for consideration of the issue on dismissal of a chairman, a Chairman of the judicial collegium and a judge from their holding positions by the Supreme Judicial Council.

3. The decision of the Judicial jury may be appealed by a judge to the Supreme Judicial Council.

4. Refusal of the Supreme Judicial Council to issue a recommendation on the dismissal of the chairman of the court, the chairman of the judicial board and the judge from their positions, or the decision of the Supreme Judicial Council on the groundlessness of imposing

any disciplinary sanction on the judge, shall cancel the decision made by the Judicial Jury, and the disciplinary case shall be referred for retrial.

When canceling the decision of the Judicial Jury, the Supreme Judicial Council shall have the right to recommend to the Judicial Jury to apply another disciplinary sanction, provided for in paragraph 1 of Article 40 of this Constitutional Law, or to terminate disciplinary proceedings against the judge.

**Footnote.** Chapter 2 is supplemented by Article 44-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2); as amended by the Constitutional Law of the Republic of Kazakhstan dated 20.12.2021 № 82-VII (effective ten calendar days after the date of its first official publication).

#### **Article 45. Term of a Disciplinary Penalty**

1. If for one year from the date of imposition of a penalty, a judge is not subjected to another disciplinary penalty, he shall be deemed not to have been subjected to any disciplinary penalty.

2. Upon the expiry of six months from the date of imposition of a disciplinary penalty, the penalty may be remitted early by the Trial Jury if the judge's behavior has been irreproachable and the judge's attitude towards his duties has been conscientious.

**Footnote.** Article 45, as amended by the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 46. Appealing against Decisions of Disciplinary and Qualification Collegiums**

**Footnote.** Article 46 is deleted by the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Chapter 3. Financial Support and Social Security for Judges**

#### **Article 47. Financial Support for Judges**

1. Financial support for a judge must conform to his status and ensure the possibility of full and independent administration of justice, and may not be reduced.

2. Salaries of judges are determined in accordance with subparagraph 9-1) articles 66 of the Constitution based on the status of judge, procedure of his appointment and election, as well as functions performed by him.

3. In the cases provided by subparagraph 9) of paragraph 1 of article 34 of this constitutional law, if the judge was dismissed from his position, he is given the payment of

severance in the amount of four monthly average wages at the experience of judicial work not less than three years.

Footnote. Article 47, as amended by the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007); dated 07.11.2014 № 245-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 15.06.2017 № 75-VI (shall be enforced from the day of its first official publication).

#### **Article 48. Qualifications of Judges**

Footnote. Article 48 is deleted by the Constitutional Law of the Republic of Kazakhstan of 29.12.2010 № 370-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 49. Judges' Annual Leave**

Judges shall be granted annual leave of thirty calendar days with payment of a recuperation allowance in the amount of two official salaries.

#### **Article 50. Compensation for Relocation**

Footnote. The heading of Article 50 as amended by the Constitutional Law of the Republic of Kazakhstan dated 17.11.2008 N 80-IV (enforcement Article 2).

Judges who are assigned (elected) or reassigned (re-elected) from one region of Kazakhstan to another and members of their families shall be paid the relocation costs actually incurred in full.

Footnote. Article 50, as amended by the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2).

#### **Article 51. Housing Provision**

Footnote. The title of Article 51 is in the wording of the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2)

1. Housing shall be provided to judges from the funds of the national budget.
2. The judge and the members of his family in an extraordinary manner, but not later than six months from the day of intercession in position, are provided in relation to a particular area comfortable dwelling from the state housing Fund according to the norms precluding the assignment of a judge to the category of citizens who need better housing conditions. Office housing occupied for permanent residence by a judge, can be his desire privatized in the order established by the legislation of the Republic of Kazakhstan.
3. If a judge has been discharged from office, he and his family members may not be evicted from official housing without being granted other housing.

4. In the cases provided by subparagraph 9) of paragraph 1 of article 34 of this constitutional law, if the judge was dismissed from his position, he is given the right to privatize the office accommodation occupied by him in the order established by the legislation of the Republic of Kazakhstan.

**Footnote. Article 51 as amended by the Constitutional Law of the Republic of Kazakhstan dated 07.11.2014 № 245-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 52. Providing Gowns to Judges**

Judges of all courts shall be provided with judge's gowns from the funds of the national budget.

#### **Article 53. Medical Care for Judges**

1. Judges and members of their families who live together with them shall be supplied with medical care at the relevant state health care institutions in the established procedure.

2. The procedure and conditions of medical care for judges shall be determined by legislation of the Republic of Kazakhstan.

**Footnote. Article 53, as amended by the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2); dated 07.11.2014 № 245-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

#### **Article 54 Compensations in case of injury (trauma, wound, contusion, and professional disease) or fate (death) of a judge**

1. If a judge receives an injury (trauma, wound, contusion, and professional disease) while performing of his official duties he shall be paid lump-sum compensation in the amount established by this article.

2. In the event of fate (death) of a judge while performing official duties or within one year after termination of the judge's powers due to injury (trauma, wound, contusion, and professional disease), which has been received while performing official duties, the persons entitled to compensation shall be paid a lump sum compensation in the amount of sixty-month official salary according to the latest occupied position.

3. When a judge gets a disability that has occurred as a result of an injury (trauma, injury, contusion, occupational disease) received during the performance of official duties, he is paid a one-time compensation in the amount of:

- 1) to a person with a disability of the first category - a thirty-month official salary;
- 2) to a person with a disability of the second category - an eighteen-month official salary;
- 3) to a person with a disability of the third category - a six-month official salary.

4. If a judge while performing his official duties receives a serious injury (trauma, wound, contusion, and professional disease) which has not entailed the establishment of disability, he shall be paid a lump sum compensation in the amount of six-week official salary, slight injury - a half month's official salary.

5. The payment procedure of lump-sum compensation shall be determined by the Government of the Republic of Kazakhstan.

6. Lump-sum compensation shall not be paid if in the procedure established by legislation of the Republic of Kazakhstan, it is proved that injury (trauma, wound, contusion, and professional disease) or fate (death) of the judge occurred due to circumstances irrelevant to the performance of official duties.

**Footnote.** Article 54 is in the wording of the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007); as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 № 225-VII (shall be enforced from 01.07.2023).

#### **Article 55. Compensation of Funeral Costs**

Lump-sum monetary compensation in the amount of three-month judge's salary at the corresponding office as of the moment of the judge's death shall be paid for the funeral of deceased or dead judges and pensioners who retired from the office of judge.

The payment procedure of lump-sum monetary compensation shall be determined by the Government of the Republic of Kazakhstan.

**Footnote.** Article 55, as amended by the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2).

#### **Article 55-1. Deprivation of judge of guarantees on material and social security**

The judge at the time of termination of his powers on the basis of the decision of the Trial jury in connection with the Commission of a crime or discrediting misconduct that would impair the authority of the judiciary, failure to comply with the requirements of judicial ethics and failure to comply with other requirements set forth in article 28 of this constitutional law and on the basis of the decision on professional incompetence deprived:

- 1) the right for resignation and the guarantees of personal inviolability;
- 2) all the material and social guarantees, stipulated in Articles 51, 53, 54 and 55 of this Constitutional Law. "

**Footnote.** Article 55-1 is amended by the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 № 199 (shall be enforced on January 1, 2007); is in the wording of the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 № 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by

the Constitutional Law of the Republic of Kazakhstan dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016).

#### **Section 4 Judicial administration**

Footnote. The heading of section 4 is in the wording of the Constitutional Law of the Republic of Kazakhstan dated 30.12.2022 № 176-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 56. Judicial administration**

1. Organizational-legal, information-analytical, and logistical support for the activities of the Supreme Court of the Republic of Kazakhstan, local and other courts, provision of legal statistical documented information to the authorized body in the field of legal statistics and special records in accordance with the legislation of the Republic of Kazakhstan shall be carried out by the authorized body formed by the President of the Republic of Kazakhstan.

2. The unified system of the authorized body is formed by the relevant authorized state body and territorial subdivisions of the authorized body in the regions, the capital, and cities of republican significance.

3. The competence of the authorized body shall be determined by the regulation approved by the President of the Republic of Kazakhstan.

4. The head of the authorized body shall be appointed and dismissed by the President of the Republic of Kazakhstan on the proposal of the Chairman of the Supreme Court of the Republic of Kazakhstan in agreement with the Supreme Judicial Council.

5. The structure and staffing table of the authorized body and its territorial subdivisions in the regions, the capital, and cities of republican significance shall be approved by the head of the authorized body in accordance with the procedure established by the legislation of the Republic of Kazakhstan within the staffing limit approved by the President of the Republic of Kazakhstan.

6. The activity of the authorized body shall be carried out in accordance with the legislation of the Republic of Kazakhstan in the field of civil service.

7. Employees of the authorized body on the status, size and level of wages, other conditions of material, financial and social security are equated with the corresponding employees of the Apparatus of the Government of the Republic of Kazakhstan.

Footnote. Article 56 is in the wording of the Constitutional Law of the Republic of Kazakhstan dated 30.12.2022 № 176-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Constitutional Law of the Republic of Kazakhstan dated 19.04.2023 № 222-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 57. Financing of courts**

1. The Supreme Court, local and other courts of the Republic of Kazakhstan shall be financed at the republican budget expense.

2. The judiciary budget must fully ensure the exercise by the courts of their constitutional powers.

The judiciary expenses shall constitute at least six and a half percent of the total amount of expenses under the budget program 001 of all state bodies established by the republican budget over the previous financial year.

3. In the event of a decrease in the total amount of expenditures under the budget program of all state bodies resulting from revision of the republican budget, adjustment of the republican budget or sequestration, the amount of judiciary expenses established by the republican budget for the corresponding planning period shall not be reduced.

4. Expenses for the judicial system, established by the republican budget for the corresponding planning period, are not subject to sequestration.

When revising, adjusting the republican budget during the current financial year, the costs of the judiciary, established by the republican budget for the corresponding planning period, shall not be reduced.

For the judiciary budget programs administrator, no limit shall be established on current administrative expenses provided for by the Budget Code of the Republic of Kazakhstan.

5. The judiciary budget distribution by levels and expenditure areas shall be approved at an expanded plenary session of the Supreme Court in accordance with the regulations approved by it.

6. The budget application of the judiciary budget program administrator shall be included in the draft republican budget without any changes.

For consideration by the Republican Budget Commission, in accordance with the procedure established by the budgetary legislation of the Republic of Kazakhstan, the authorized budget planning body shall prepare a conclusion for the judiciary budget program administrator on compliance with the budgetary legislation of the Republic of Kazakhstan and correctness of the calculations.

7. The procedure for application of the funds allocated from the republican budget for organizing the activities of the international council shall be determined by the authorized body.

8. The head of the authorized body shall be a member of the Republican Budget Commission formed in the manner prescribed by the Budget Code of the Republic of Kazakhstan.

**Footnote. Article 57 as amended by the Constitutional Law of the Republic of Kazakhstan dated 20.12.2021 № 82-VII (effective from 01.01.2022).**

## **Section 5. Concluding and Interim Provisions**

### **Article 58. Legislative Acts Deemed to Have Lost Force**

The following shall be deemed to have lost force:

1. Law of the Kazakh SSR On Judicial System of the Kazakh SSR dated November 23, 1990 (Bulletin of the Supreme Soviet of the Kazakh SSR, 1990, № 48, Article 443; Bulletin of the Supreme Court of the Republic of Kazakhstan, 1992, № 8, Article 206; № 11-12, Article 293; 1993, № 8, Article 161; 1995, № 23, Article 140).

2. Resolution of the Supreme Soviet of the Kazakh SSR On the Procedure of Giving Effect to the Law of the Kazakh SSR On Judicial System of the Kazakh SSR dated November 23, 1990 (Bulletin of the Supreme Soviet of the Kazakh SSR, 1990, № 48, Article 444).

3. Edict № 1545 of the President of the Republic of Kazakhstan Having Force of Law On Organizational Issues of Activity of the Supreme Court of the Republic of Kazakhstan dated February 7, 1994 (Collection of Acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan, 1994, № 6, Article 62).

4. Edict № 1670 of the President of the Republic of Kazakhstan Having Force of Law On Further Measures to Increase the Level of Financial and Social Support for Judges of the Courts of the Republic of Kazakhstan dated 18 April 1994 (Collection of Acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan, 1994, № 18, Article 182).

5. Edict № 2125 of the President of the Republic of Kazakhstan Having Force of Law On the Procedure of Forming Lower Courts of the Republic of Kazakhstan dated March 17, 1995 (Collection of Acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan, 1995, № 10, Article 113).

6. Edict № 2581 of the President of the Republic of Kazakhstan Having Force of Law On Courts of the Republic of Kazakhstan dated October 20, 1995 (Bulletin of the Supreme Court of the Republic of Kazakhstan, 1995, № 21, Article 128; № 22, Article 134).

7. Edict № 2694 of the President of the Republic of Kazakhstan Having Force of Constitutional Law On Courts and Status of Judges in the Republic of Kazakhstan dated December 20, 1995 (Bulletin of the Supreme Court of the Republic of Kazakhstan, 1995, № 23, Article 147; Bulletin of the Parliament of the Republic of Kazakhstan, 1997, № 7, Article 78; № 11, Article 156; № 13-14, Article 194; 1999, № 4, Article 100; № 23, Article 915; 2000, № 10, Article 231).

#### **Article 59. Giving Effect to this Constitutional Law and Related Peculiarities of Judges' Activity**

1. This Constitutional Law shall be enforced from the day of its official publication, except for item 2 of Article 11, Article 13, item 2 of Article 18, Article 19, Article 30 and part two of item 2 of Article 36, which shall be enforced according to adoption of the corresponding legislation, but not later of July 1, 2001.

2. The current chairmen and judges of the courts of the Republic, who were appointed or elected to their offices, shall retain their powers before this Constitutional Law is enforced.



3. The five-year term of powers of the courts' chairmen, who were elected or appointed to their offices, shall be calculated from the moment of their election or appointment before this Constitutional Law is enforced.

4. Chairmen of judicial collegiums of the regional courts and courts equivalent to them as well as of the Supreme Court of the Republic of Kazakhstan shall retain their powers before collegiums of the courts of the Republic of Kazakhstan, which are stipulated by this Constitutional Law, are formed.

5. For the judges, who have retired from January 1, 2019 to December 31, 2021 and have not reached the retirement age, established by the Law of the Republic of Kazakhstan “On Pension Provision in the Republic of Kazakhstan”, the amount of the lump sum, stipulated by paragraph 2 of Article 35 of this Constitutional Law, shall be determined from the amount of remuneration effective as of January 1, 2018.

6. Paragraph 1-1 of Article 35 of this Constitutional Law shall apply to the persons, who have terminated the powers of a judge before its entry into force.

**Footnote. Article 59 as amended by the Constitutional Law of the Republic of Kazakhstan dated 21.02.2019 № 226-VI (the order of enforcement see Article 2).**

*President of the Republic of Kazakhstan*