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Supreme Court, Kazakhstan**

Speech in the debate:

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Wien city

Ladies and Gentlemen!

I would like to remind about the changes in the legislation of the Republic of Kazakhstan relating to facilitate public access to justice

Since the beginning of 2016 Kazakhstan has moved from a 5 justice system (first, appeal, cassation, supervisory oversight and repeated) to a 3-level (first, appeal, cassation). Disputes involving large investors considered a specialized Chamber of the Supreme Court as the court of first instance. Appealing acts of the board made the appeal board of the Supreme Court.

Within the Supreme Court are established the International Council with the participation of authoritative international Judges and Lawyers to implement the best international standards, cottages consultations on improvement of Kazakhstan's justice.

All the 1396 courts of the republic are equipped with audio-video fixation systems. Just over 10 months in 2016 the courts imposed 342 851 hearings, of which 306,265 (89.3%) considered using audio-video fixation. The courts have a viewing room where is possible to watch debatable moments and keep track of points of contention. An electronic document management system was installed and is running. The claimant may apply to the court with the help of e-mail using any gadget. The applicant can prove his/her identity by means of the electronic digital signature. When the application arrives in the court, the applicant receives an SMS-message with the notification of his registration. Within 5 days, the judge decides on the acceptance of the application to production, as well the time, place and date of the hearing. This claimant shall also be notified by SMS. Participants of trial can be viewed in real time and make copy records of court hearings through the «Judicial cabinet» through a centralized data storage system.

Enhanced accountability of judges, introduced the possibility of appeal judges actions by citizens in a specially created Judicial Jury at the Supreme Court of the country.

In Kazakhstan, the public's right of access to justice is guaranteed by the Constitution, the Environmental Code and other legislative acts.

According to the civil procedural law, everyone has the right to appeal in court to protect violated or disputed constitutional rights, freedoms and lawful interests. Legal entities, environmental associations, citizens under the principle of *actio popularis* may apply to the court for protection of rights and lawful interests of other persons or unspecified persons.

According to Article 14 of the Environmental Code and Article 4 of the Aarhus Convention, environmental associations are entitled to receive from the

state bodies and organizations timely, complete and reliable environmental information. By virtue of Article 17 of the Law «On State Secrets», information about the state of the environment cannot be kept secret. According to paragraph 4 of Article 6 of the Law «On Access to Information» is not subject to limitation of access to information on the state of the environment.

From April 2016 to Article 57 of the Environmental Code, individuals and legal entities have the right to appeal against the conclusions of the State Ecological Expertise. Previously, it was one of the main demands of the international community to Kazakhstan with regard to access to justice. Now this problem is solved.

The Supreme Court, by studying and summarizing the judicial practice, adopts normative regulations, which gives an explanation of the judicial practice, makes proposals to improve the legislation. They provide unity of jurisprudence in the country and serve as a legal basis for the enforcement process, the correct interpretation and uniform understanding and application of the law in legal proceedings, has a positive effect on the development of the national legal system as a whole.

The regulatory decisions are explained, specified and details the laws. They are produced exclusively in connection with the needs and urgent problems of law enforcement.

The unity of the judicial practice is not making the identical decisions on similar cases, but in the unity of the understanding and application of the legislation in decision-making: as a model of interpretation of the law, as a legal precedent in the Anglo-Saxon law.

On November 25 this year, the Kazakhstany Supreme Court will be discussed the Draft of new regulatory decisions on the application of environmental legislation in civil matters to replace the obsolete regulatory decree of 16 December 2000.

For the first time in the history of Kazakhstan, with the exception of a special resolution on the implementation of international treaties and arbitral awards the branch normative regulatory decree introduced norms on implementation of international normative legal act - the Aarhus Convention. In case of acceptance of this normative regulatory Judges will be required to refer also to the norms of the Aarhus Convention on public access to justice!

I want to emphasize that this has been made possible thanks to the active role of the Programme Office of OSCE in Astana and Kairat Mami, the chairman of the Supreme Court, who insisted on the implementation the provisions of the Aarhus Convention into the text of Regulatory decision, despite the protests of some representatives of the legal community of the country.

Thank you for attention!