



**Oral Statement to the 43rd Session of the UN Human Rights Council Regular Session
Item 6: UPR Outcomes: Kazakhstan**

**Joint statement by: the International Bar Association's Human Rights Institute,¹
Lawyers for Lawyers²**

Date: 12 March 2020

Speaker: Helene Boussard Ramos

Mr President,

We welcome the decision of Kazakhstan to accept³ some of the recommendations related to the legal profession, made at its 3rd UPR. We call on Kazakhstan to effectively implement these recommendations⁴ without delay.

Protection of human rights and fundamental freedoms requires effective access to legal services provided by an independent legal profession. Fundamental to improving human rights for the people in Kazakhstan is a justice system that allows lawyers to work independently without fear of harassment or intimidation.

According to our information, lawyers in Kazakhstan have been subjected to improper interference and harassment amongst others by the Ministry of Justice, members of the law enforcement agencies, investigative bodies, the judiciary as well as the bar association itself.

Lawyers working on sensitive cases are reportedly often pressured and intimidated to drop those cases. Their right to access and privately consult with their detained clients is often restricted.

Lawyers expressing critical views on social medias are reportedly subjected to, or threatened with, prosecution or disciplinary sanctions. Mr Amanzhol Mukhamedyarov, the Chair of the Lawyer's Rights Committee, and Mr Erlan Gazumzhanov, a lawyer from Nur-Sultan, have recently been disbarred upon the request of the Ministry of Justice, as a form of reprisal for expressing critical positions. A life-time disbarment is a disproportionate sanction with a chilling effect on the whole profession.

¹ The International Bar Association, established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. It has a membership of over 80,000 individual lawyers, and 190 bar associations and law societies, spanning over 160 countries. The IBAHRI, an autonomous and financially independent entity, works with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.

² Lawyers for Lawyers is an independent and non-political Dutch foundation which seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. We do this by supporting lawyers worldwide who are threatened or suppressed in the execution of their profession.

Lawyers for Lawyers was granted Special Consultative status with the UN Economic and Social Council in July 2013.
www.lawyersforlawyers.org

³ Report of the Working Group on the Universal Periodic Review of Kazakhstan, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, 26 February 2020, A/HRC/43/10/Add.1

⁴ Report of the Working Group on the Universal Periodic Review of Kazakhstan, 26 February 2020, A/HRC/43/10.

Supported recommendations:

139.86 Reform the judicial system in accordance with international standards related to the administration of justice, to guarantee that judges and lawyers exercise their profession independently (Mexico)

139.113 Ensure effective investigation into acts of intimidation and harassment against lawyers and human rights defenders (Austria);

Noted recommendations:

139.114 Take immediate measures to ensure the effective protection of lawyers, media workers, bloggers and human rights defenders against any form of harassment and immediately and unconditionally release human rights defender Max Bokayev as per the request made by the Working Group on Arbitrary Detention (Czechia);

We urge Kazakhstan to:

- uphold its commitment and take immediate measures to ensure the full independence of lawyers and their effective protection against any form of undue interference in their work, including their disbarment or other disciplinary actions on illegitimate grounds;
- reinstate the licences of lawyers Amanzhol Mukhamedyarov and Erlan Gazumzhanov; and
- respect and promote the role of the Republican bar association in protecting its members from persecution and improper restrictions and infringements.

Thank you.