



Date: 19 March 2015
HRC section: 28th Session, Agenda Item 6
Speaker: Ms. Judith Lichtenberg

**Oral Statement to the 28th Session of the UN Human Rights Council
Regular Session - Oral Statement Item 6: UPR Outcomes: Kazakhstan**

**Lawyers for Lawyers (L4L), Lawyers' Rights Watch Canada (LRWC)
and The Law Society of England and Wales (The Law Society), all non-
governmental organizations in special consultative statusⁱ**

Mr President,

Lawyers for Lawyers, The Law Society of England and Wales and Lawyers' Rights Watch Canada welcome Kazakhstan's commitment to strengthen the independence of the judicial system and the role of defence lawyers.ⁱⁱ

We request Council to call on Kazakhstan to speed up the effective implementation of the relevant UPR recommendations,ⁱⁱⁱ taking into account the UN Basic Principles on the Role of Lawyers.^{iv}

As of today, public prosecutors still play a dominant role in legal proceedings. As a result, lawyers are not in an equal position to represent their clients. Lawyers are subjected to intimidation by judges, public prosecutors and members of law enforcement agencies. Lawyers also face 'interim orders' issued by judges which may lead to disciplinary action. Several lawyers have been disbarred, or are facing disbarment, on improper grounds.^v

We regret Kazakhstan's refusal to ensure that human rights defenders, including lawyers, can freely practice their peaceful activities, without fear of administrative or other reprisals. Lawyers in Kazakhstan face threats and physical attacks in relation to their work. They are also subjected to criminal proceedings and even psychiatric confinement.^{vi}

We welcome the release of lawyer Zinaida Mukhortova from mental hospital^{vii}, but we regret Kazakhstan's refusal to accept recommendation 126.32.

We request Council to call on Kazakhstan to accept recommendation 126.46 and to ensure that forced psychiatric detention will meet international standards.

Thank you mr President.

ⁱ L4L, www.lawyersforlawyers.nl – LRWC, <http://www.lrwc.org/> - The Law Society, www.lawsociety.org.uk

ⁱⁱ Report of the Working Group on the Universal Periodic Review Kazakhstan, 10 December 2014, A/HRC/28/10, paragraphs 17, 22, 124 and 125.

ⁱⁱⁱ Idem. The following recommendations enjoy the support of Kazakhstan: 124.2 (including 'To strengthen the roles of judges and defence lawyers in the criminal procedure, and to guarantee full access of defendants to the legal counsel of their choice), 125.68 and 125.69.

^{iv} Basic Principles on the Role of Lawyers, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, UN Doc. A/CONF.144/28/Rev.1 at 118 (1990), available at: <http://www.advocatenvooradvocaten.nl/basic-principles/>

^v Lawyers for Lawyers UPR Submission – Kazakhstan – March 2014, par. 9, 11-17 available at: <http://bit.ly/1BceCuU>

^{vi} *Idem*, par. 10, available at: <http://bit.ly/1BceCuU>

^{vii} <http://www.advocatenvooradvocaten.nl/9846/kazakhstan-lawyer-released-from-psychiatric-clinic/>