OVERVIEW OF THE SITUATION OF PROTECTION AND SAFETY OF LAWYERS AND ATTORNEYS IN KAZAKHSTAN FROM 2011–2019
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Introduction

Human rights lawyers and advocates’ security and protection, is a relatively new area of work in the Republic of Kazakhstan, and within expertise of the Kadyr Kassiyet (“Dignity”) NGO.

The Kadyr Kassiyet non-profit and non-governmental organization — registered on 1 September 2010 in the capital of the Republic of Kazakhstan — has since 2011 been monitoring the situation around the safety of human rights advocates, with the support from the Sigrid Rausing Trust.

This overview includes information for the period of June 2011 through July 2019. (8 years).

Lawyers are regarded as one of the seven categories of human rights advocates that has been threatened the most since 2017. At the same time, the following points need to be taken into account:

- Even though the country already had independent and non-governmental organizations, the state continued to create state-managed and state-funded “civic organizations”, and sometimes these organizations were tailor-made for specific purposes. Same treatment was given to each class of activists and human rights advocates, but gradually. The bar association suffered the same fate; a parallel entity — chambers of legal consultants — was founded, and lately they tend to merge. This enables the state to influence management and control. There is another factor: “Without any law to this effect, the Law Society of Kazakhstan is forcing its members to join regional legal consultant chambers. Registration of legal entities is well underway,”

- If a category of activists is threatened the most, therefore the right exercised by a person, and granted by said category, is also subjected to the highest degree of risk and restriction. As such, “front-line” lawyers are the subject of the highest level of restriction of the right to defense (article 14 of the Constitution of the RoK), to qualified defender, to effective remedy domestically (article 2 of the Covenant on Civil and Political Rights), the human rights in administrative and criminal proceedings, the right to liberty and security of person (article 9 of the Covenant), the right to fair trial (article 14 of the Covenant), human rights advocate rights (UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights, 9 December 1998).

- All categories of activists and human rights defenders face both general types of threats (and their sources) and occupation-specific ones. For lawyers and advocates, threats dwell in the field of law in general, in court proceedings (civil, administrative or criminal; the latter is exclusive to lawyers).

- Kazakhstan is unusual in that legal professionals are represented by only one entity engaged in protecting their rights — the Bar Association (nationwide, regional, city), unlike other countries with various forms of lawyer organizations. This constitutes one of the institutional issues of the legal community with respect to its ability to defend the rights of its members.

This overview is intended for all individuals and organizations interested in improving the situation around safety and protection of lawyers in the Republic of Kazakhstan.

1 http://kkassiyet.wordpress.com/; http://pana-defenders.info/
2 Lawyers are one of the 7 categories of human rights advocates whose safety and protection situation is subject to monitoring. Kadyr Kassiyet distinguishes the following categories of activists: human rights advocates (defenders), journalists, lawyers, civic activists, civic leaders, activists from occupational associations or religious associations (cases of threats against political party activists are included in the monthly monitoring for threat type analysis).
3 “The bar association is a non-profit, independent, professional, self-governed and self-funded association of lawyers, created by lawyers to render legal assistance to natural and legal persons, express and protect rights and lawful interests of lawyers, perform other functions established by this Law” (article 50 of the Law).
4 https://www.facebook.com/sergey.sizintsev/posts/1861636367182996?comment_id=1861993720480594 19.03.2018
Methodology

This overview was created using data obtained through mass media monitoring that that has been conducted by Kadyr Kassiyyet on a daily basis, with monthly case overviews and annual reports. The monitoring is not claimed to contain exhaustive information and results, because many lawyers do not publicize threats that they have received.

Despite the fact that not every lawyer is a human rights advocate, we attempted to monitor each instance of lawyers receiving threats. This work aims to compare the types and degree of threats received by lawyers with those received by other categories of activists and human rights advocates. It is important to determine why lawyers receive threats, and to what degree these reasons are legal profession-specific.

Analysis design was created by Kadyr Kassiyyet gradually, throughout the first year of monitoring. This involved singling out trends and security situations, specificities for each category of activists and human rights advocates, as well as specific threats.

The monitoring enables preventive measures, as there exist various types of threats depending on the classification criterion: potential and actual; general (background, community-specific), special (related to specific activity / behavior of a lawyer, or case-related); direct, indirect; recurrent, non-recurrent; distinctive or repetitive; short-term or ongoing; singular or mass: by degree of effect, etc.

Reasons behind threats (that often coincide with the aim) depend on the situation within the country, the lawyer’s effectiveness, nature and severity of the case, the client’s identity.

Legislation

On 5 July 2018 changes and additions (including the name) were introduced into the Law of the Republic of Kazakhstan No. 176-VI “On the practice of law and legal assistance”. The lawyer community did not agree with some proposals of the state and participated in their discussion. Eventually, lawyers were successful in defending part of the proposals.

Sparking disagreement was the matter of the composition of disciplinary commissions. Ministry of Justice proposed to change the composition of the commissions, because lawyers in the commissions, out of corporate solidarity, often let their colleagues escape punishment. Currently article 72 of the Law provides that the lawyer disciplinary commission includes: “6 lawyers with the length of employment of no less than 5 years, upon the motion of the bar association, 3 representatives of the public, proposed by justice authorities, 2 retired judges”; “a lawyer shall be the chair”.

The rationale behind abolishing the admission fee was as follows: “for each lawyer in Kazakhstan there are 3,890 regular citizens. A rise in the number of lawyers will increase competition and incentivize lawyers to engage in professional development.” The state also proposed to introduce a special electronic

6 Lawyer account for 4.2% (in 7 categories of human rights defenders).
7 Following the discussion in 2017, president, in July 2018, signed the law “On the practice of law and legal assistance” and the accompanying law “On introducing changes and additions into some legislative acts of the RoK on the matters of the practice of law and legal assistance.”
8 Following the deliberation on 553 complaints against lawyer actions, disciplinary action was mounted against 109 individuals. In 305 cases, presidiums found the actions in question not in violation of legislative norms on the practice of law.
data base — the e-advocat information system (used to access state authorities’ databases). It also planned to implement the pro bono practice, to support the socially vulnerable populations.9

The law defines the structure, procedure of the formation and the remit of the bodies of the bar association, as well as the management of the legal consultant’s association. The term of office for bar association’s presidium members and chair is set at no longer than four years, while the collegiate and executive bodies of the legal consultant association such a term is established in its charter. The legislation provides terms of admission, standards of assistance provision and the ban on admission fees at the bar association10, legal consultant association11 (para.1 art. 58 of the Law).

On 23 November 2018, a Republican Bar Association (RBA) conference took place, during which a new head of the RBA — Kadyrzhan Baimukhanov — was elected, along with the presidium members. Standards of lawyer professional development were approved,12, as well as lawyer standards for providing legal aid13, legal assistance quality criteria14, procedure for the submission of a written notification of defense (representation) and a list of other information included therein15, provisions on the procedure for lawyer study placements, on the scope and procedure for providing complex social legal assistance by lawyers, as well as other internal regulations. Previously lawyers’ code of professional ethics was enacted16. This conference was followed by general meetings of bar association members. At these meetings constituent instruments were approved, and managing body members elected.17

Following are the differences between legal consultants and lawyers:

- activities of the former are classified as entrepreneurship;
- consultants may not provide professional legal defense in criminal cases (art.46 of the Law);
- lawyers have more guarantees, rights and duties (art. 35, 37 of the Law);
- lawyers are prohibited from being civil servants, engaging in entrepreneurial activities, hold other paid office, unless they become members of the Supreme Court Council of the Republic of Kazakhstan and the supervisory council of a commercial organization, become elected or appointed arbiters of the appropriate arbitrage to resolve a dispute, or engage in teaching, research or creative activities;
- lawyers may be selected for a paid elected or appointed office within a bar association, the Republican Bar Association and international bar associations (para. 11 art.33 of the Law).

Lawyers may not be members of legal consultant associations (while being bar association members), but may be elected members of the Board and the Supervisory Council.

10 Previously, the admission fee amounted to some 800,000 KZT. Lawyers willing to work in rural areas were exempt from the admission fee, and membership fees were reduced by 50%.
11 Self-regulating, and compulsory membership-based organization established in order to govern the activities related to the rendering of legal aid and provide oversight of the activities of its members, their compliance with rules and standards of the legal consultant association, code of professional ethics, and included in the registry of legal consultant associations, with at least 50 legal consultants enrolled in membership. It is also provided that a legal consultant is a natural person with higher education and at least two years of employment in a legal profession, who has passed attestation and joined a legal consultant association and is actively engaged in providing legal aid. The law dated 1 January 2020 introduces mandatory insurance of the legal consultant associations, used to compensate for damages incurred by third parties (pursuant to para.4 part 7 art. 33, art. 36 of the Law). It was organizational (?) for legal consultants to join a legal association by 5 July 2019, otherwise no right to represent client interests in court shall be granted.
12 http://advokatura.kz/proekt-standartov-povysheniya-kvalifikatsii-advokatov/
15 advokatura.kz/wp-content/uploads/Pismennoe-vedomleniya-RUS.doc
16 advokatura.kz/wp-content/uploads/Kodeks-rus.docx Approved at the second republican conference of the delegates from bar associations, 26 September 2014.
17 https://forbes.kz/life/opinion/ryinok_yuridicheskikh_uslug_kakie_izmeneniya_proizoshli_v_2018-m_i_chto_ojidat_v_2019_godu/
Provision of legal assistance

Constitution of the Republic of Kazakhstan, article 13, provides: “3. Each individual is entitled to qualified legal assistance. In cases provided for by law, legal assistance is provided free of charge. Lawyers are listed as those who, within their competence, provide legal assistance, as well as state-guaranteed legal assistance. The right to receive free state-guaranteed legal assistance in the form of legal awareness raising shall be granted to all natural and legal persons. However, only 13 categories of citizens are eligible for such forms of aid as legal consulting, defense and legal representation of natural persons in courts, criminal prosecution bodies, other state authorities and non-governmental organizations. Involvement of lawyers in providing state-guaranteed legal assistance is secured by the bar association of an oblast (region), a city of republican significance, the capital city. Pursuant to article 28 of the Law, for this kind of involvement, the RBA adopted lawyer selection criteria. When selecting individuals eligible to be included in the list, priority is given to lawyers that provide comprehensive social legal assistance. List of lawyers can be generated automatically using the single information system for legal assistance. 2018 saw the opening of the ZangerKerek.kz website enabling clients to search for legal professionals with the required qualifications.

Among the principles of rendering legal aid, article 3 of the Law specifies compliance with legal assistance provision standards. Professional and ethical standards need to be met (art. 10 of the Law).

Legal awareness raising, consulting, defense and representation of natural persons by lawyers are governed by the minimal social standards, as part of the state-guaranteed legal assistance, in accordance with the Law of the RoK “On minimal standards and their guarantees”. The latter, just like legal assistance provision standards and quality criteria, are adopted by the Ministry of Justice of the RoK, as per art. 67 of the Law. Lawyers hold that this conflicts with the principles of independence and self-governance of the legal community. Obstacles in this regard, according to the RBA, are as follows:

1. Level of governance/regulation must not infringe upon the independence of lawyers.
2. Standards ought to be based on international standards of the practice of law, in compliance with the principles of independence and self-governance.
3. Standards must not and cannot be used as an additional method of influencing lawyers.

Lawyer rights and duties

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18 Pursuant to art.20 of the Law of the RoK “On the practice of law and legal assistance”, legal assistance within one’s competence shall be rendered by: 1) state bodies; 2) lawyers, notaries, private court enforcement agents, legal consultants; 3) natural persons providing legal assistance (and not members of non-commercial organizations of persons who provide legal assistance by virtue of compulsory membership in legal assistant associations).
19 According to art. 25 of the Law of the RoK, state-guaranteed legal assistance is rendered by:
   1) state authorities, on a free-of-charge basis, in the form of legal awareness raising measures, within the scope of their competence, and following the procedure established in the Law of the RoK “On access to information”;       2) lawyers, within the procedure established by this Law;
   3) notaries, on a free-of-charge basis, and following the procedure established by the Law of the RoK “On the notary practice”;
   4) private court enforcement agents, on a free-of-charge basis, within the scope of executing socially important categories of cases, in instances and following the procedure established by the Law of the RoK “On court enforcement action and status of enforcement agents”.
20 1) persons held administratively liable;
   2) plaintiffs, in accordance with the civil procedure legislation of the RoK;
   3) suspects, accused, defendants, convicts, acquitted, victims, in accordance with the criminal procedure legislation of the RoK;
   4) natural persons in matters of alimony recovery, assignment of pensions and benefits, rehabilitation/exculpation, obtaining refugee or Oralman status, minors left without parent care. Lawyers, where necessary, draw up written documents of legal nature.
21 http://advokatura.kz/vnedrenie-standartov-okazaniya-yuridicheskoy-pomoshchi/
Rights and duties of lawyers are listed in art. 33 and partially in art. 35, 37 of the Law. A lawyer is thus entitled\(^{22}\) to provide any legal assistance to those seeking such assistance, and conclude a legal assistance agreement in writing, in one’s own name. Furthermore, lawyers have the following 6 rights: have free access to administrative buildings of courts, prosecutor’s office, criminal proceedings authorities, upon producing their lawyer ID cards, and to facilities for those detained and serving a sentence — in compliance with the established access control; right to state-guaranteed social support delivered by means of compulsory insurance funds; to pension coverage; right to participate in court hearings clad in lawyer gowns; to security arrangements when engaged in lawyer practice; use court computers, smartphones and other equipment deemed necessary to perform one’s functions.

Main 14 duties and restrictions for lawyers include:

1. be a member of a bar association\(^{23}\), and inform the client of this;
2. comply with the legislation, lawyer oath, lawyers’ code of professional ethics;
3. insure their professional liability (as of 1 January 2020);
4. inform the client of the impossibility of their involvement in providing legal assistance to the client due to circumstances that prevent them from doing so;
5. perform any actions not prohibited by law to ascertain factual circumstances, in order to protect rights, liberties and lawful interests of the client;
6. at the client’s request: enter into non-disclosure agreements with the client regarding confidential information; report on the performance of the written legal assistance agreement; store copies of documents used in the provision of legal assistance, using paper or digital media, or in the form of electronic documents, for the duration of three years from the date the legal assistance was terminated; provide a copy of the lawyer professional liability insurance agreement (as of 1 January 2020);
7. be continuously engaged in professional development;
8. perform other duties provided by the law or legal assistance agreement;
9. store in confidence any data that became known to them as a result of providing legal assistance, and not use said data in own interests or in the interests of third parties, and not

\(^{22}\) 1) protect and represent rights and interests of persons seeking legal aid, in all courts, state and other bodies and organizations;
2) request and receive information necessary for performing lawyer functions;
3) independently collect factual data necessary for providing legal assistance, and present those to state authorities and officials;
4) familiarize oneself with materials pertaining to the person seeking assistance, and register information contain therein using any method that is not prohibited by law;
5) from the moment of receiving clearance to participate in the case, be able to visit/meet with their clients unlimited number of times, with unlimited duration and with confidentiality maintained;
6) contractually request expert opinions from specialists to elucidate matters arising in the process of providing legal assistance and requiring special expertise;
7) move, file complaints against decisions and actions (inactions) of state authorities, local governance bodies, non-governmental organizations, organizations, officials and civil servants;
8) familiarize oneself with information containing state secrets, as well as containing military, commercial, internal and other legally protected secrets, if this is required in defense or legal representation in the process of inquest, preliminary investigation, court proceedings, following the procedure established by laws of the Republic of Kazakhstan;
9) use all means and methods not prohibited by law to protect rights and lawful interests of persons seeking legal assistance;
10) make settlement arrangements;
11) provide comprehensive social legal assistance;
12) perform other actions that do not contravene the law.

\(^{23}\) within a month after joining the ranks of a bar association, as well as following the registration of a commercial organization, place in trust any shares (stocks) owned by the lawyer in the equity capital of commercial organizations, or other assets use of which can yield profit, with the exception of money lawfully belonging to the lawyer, as well as property leases. Trust contract for the property in question shall be notarized. The lawyer may elect to not place in trust any obligations, equity positions in open and interval investment funds. The lawyer may collect revenue from property placed in trust or property lease.
discard without the consent of the person seeking legal assistance; take any necessary measures to preserve attorney-client privilege\(^{24}\), including the protection of the information from any unauthorized access\(^{25}\);

10. appeal against a sentence on account of its invalidity;
11. refuse to provide legal assistance where a conflict of interests may arise, if circumstances exist that preclude the lawyer’s involvement in the case;
12. not adopt a legal position in a case where such a position could aggravate the situation of the person seeking assistance;
13. not engage in public service or entrepreneurial activities, not engage in other remunerated positions\(^{26}\);
14. not seek paid elected or appointed office within a bar association, the Republican Bar Association and international bar associations.

In accordance to art. 34 of the Law, professional tenets that a professional lawyer must maintain when providing legal assistance include: integrity, proper conduct, inadmissibility of deliberate protraction of a case, illegal methods of providing legal assistance, fraud; loyalty to the interests of the person seeking legal assistance and inadmissibility of any actions against such interests.

Article 35 of the Law lists the following guarantees of the practice of law:

Lawyers’ rights may not be restricted, unless specifically prescribed by laws of the Republic of Kazakhstan. Those interfering with or obstructing the activities of a lawyer shall be held liable under the laws of the Republic of Kazakhstan (art. 668 of the Code of the RoK on administrative offenses\(^{27}\)).

State bodies, officials may not:

- identify the lawyer with the person they provide legal assistance to;
- question the lawyer as a witness regarding information that has become known to the lawyer as a result of performing their professional duties;
- subpoena or request from the lawyer, their assistant, intern, or any person engaged in labor relations with the lawyer, legal consulting firm, law firm, heads and employees of the presidium of a bar association, as well as the person whose right to practice law has been suspended or terminated, or otherwise seek, without the consent of the lawyer and their client, any information pertaining to the legal assistance provided, with the exception of cases specified by the legislation of the Republic of Kazakhstan;
- deny the lawyer the possibility of visiting the client confidentially and face-to-face, or limit the number or duration of such visits;
- unless otherwise prescribed by the legislation of the RoK, state bodies may not search, inspect, seize and control attorney records, other materials and documents, as well as the

\(^{24}\) Article 37 of the Law defines the scope of attorney-client privilege as the fact that the lawyer’s services were sought, the contents of oral and written communications with the person seeking assistance, and other persons, regarding the results of actions made in the interests of the person seeking assistance, as well as any other information pertaining to the legal assistance rendered. Attorney-client privilege is not time-limited. Yet, submission of information to the financial monitoring authority, in compliance with the Law of the Republic of Kazakhstan “On preventing legalization (laundering) of proceeds of crime and terrorist financing” does not constitute breach of attorney-client privilege.

\(^{25}\) Such an obligation applies not only to lawyers, but also to their associates, interns, employees of a bar association presidium, legal consulting company, law firm, as well as persons whose right to practice law is suspended or terminated.

\(^{26}\) Unless they become members of the Supreme Court Council of the Republic of Kazakhstan and the supervisory council of a commercial organization in entrepreneurial activities, become elected or appointed arbiters of the appropriate arbitration to resolve a dispute, or engage in teaching, research or creative activities;

\(^{27}\) Obstruction of lawful activities of a lawyer or a bar association, legal consulting firm, law firm, in the form of failure to present or refusal to present within legally specified time, upon written request, any documents, materials or information required for the performance of professional duties, if such actions do not qualify as criminally punishable acts, entails a fine for officials in the amount of fifteen, and for legal entities — twenty monthly calculation indexes.
lawyer’s property, including means of mobile communication, audio equipment, computer equipment.

State authorities shall notify the lawyer of the need to participate in proceedings, within the time agreed upon with the lawyer.

State authorities, local self-governance bodies and legal entities shall, within ten days, issue a written response to a request from the lawyer pertaining to the legal assistance rendered by said lawyer. The lawyer may be denied information requested if such information is classified/restricted.

**Other novelties in the legislation**

Besides the law amended on 5 July 2018, the lawyers were affected by the following novelties:

- On 28 December 2015, the Order No. 708 of the Ministry of Finance of the RoK adopted the “Requirements for the rules of internal control for purposes of combating legalization (laundering) of the proceeds of crime and terrorism financing for lawyers and other independent legal experts”

However, it was only in mid-2018 that these requirements became publicly available. Pursuant to the Requirements, lawyers are classified as financial monitoring entities that are obligated to provide information and documents to state authorities for control purposes, and may not notify their clients of this.

- On 17 June 2016 it became known that new court building access rules had been enacted. According to these rules, “even a public trial can be accessed only using a pass or through a list provided to court personnel. Court visitors may not bring along with them to the proceedings any smartphones, recording devices, laptops, modems, routers, memory sticks. RBA filed a petition to the Ministry of Justice of the RoK to revoke state registration of this order, as the rules contravene the Law of the RoK “On the practice of law”. Namely, the law prohibits searches and seizure of mobile phones, laptops or any other equipment from lawyers. Also lawyers are entitled to registering case materials for their clients using any methods. Lawyers claim that court building access rules were enacted without any public discussion. The Court Reporter Guild, in the interests of journalists, brought a case against the Ministry of Internal Affairs of the RoK, the Supreme Court of the RoK and the Ministry of Justice of the RoK. Ban on smartphones and other equipment in court buildings was imposed in accordance with a letter from the Prime Minister and the chief of the Executive Office of the President regarding the intensification of information security arrangements. Chairperson of the Supreme Court of the RoK issued an order “On ensuring information security in the court system of the RoK” in March. It says that the ban also applies to judges, court personnel, prosecutors and lawyers.”

**Resources and capabilities used by lawyers**

Assessing the situation around the protection of all categories of human rights advocates normally involves analyzing **resources** at their disposal. It should be noted that the activity of bar associations and lawyers themselves compared to previous years has grown considerably.

As at 2018 Q2, the country had 4,721 practicing lawyers.

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28 http://adilet.zan.kz/rus/docs/V1500013500
29 in cases where lawyers, on behalf of or at the direction of their clients, participate in transactions involving money and/or other property.
30 An inter-agency order “Rules of access and internal regime arrangements for visitors on the premises and in buildings of the Supreme Court of the RoK, local courts of the RoK, the Department for Court Operations under the Supreme Court of the RoK (central office) and its regional bodies” was registered at the Ministry of Justice of the RoK on 2 June 2016.
The organizational form of the legal profession (at least prior to 11 November 2018), as a self-governing and self-funding community, consists in bar associations, unified into the Republican Bar Association (RBA). The RBA’s primary objective is to coordinate the activities of regional bar associations and participate in law making on matters related to the practice of law.

Bar associations establish legal consulting firms. The community has created 184 consulting firms. In total, lawyers have acquired over 100 offices nationwide. Construction costs at over half a billion KZT. Offices are equipped with the necessary computer and office equipment. In total, at legal consulting firms legal assistance is provided by over 3,000 lawyers. Furthermore, lawyers have founded some 150 law firms.

The RBA developed and adopted new forms of statistics reports for lawyers, adopted the single Code of Professional Ethics and the Provision on attestation, unified guidelines for record-keeping, storage and issuance of orders (currently notifications).

The guaranteed legal assistance system involves over a half of all the lawyers of the country. In many regions lawyers started providing free-of-charge legal consultations at public venues. Thus a positive public opinion of the lawyer community is being actively fostered.

The RBA is represented in councils and commissions under the President of the RoK, in law-making commissions, and makes its position known at the meetings of the Constitutional Council. Lawyers participate in developing concepts of the legal policy, draft laws, judicial staffing.

One of the important functions of the RBA is participation in lawmaking. Research and consulting council under the RBA (RCC) is an advisory body composed of lawyers engaged in research and teaching. The goal of the council is to assist the RBA in performing its duties vested by the law and the charter, predict the needs of the legal community with regard to regulatory support, experience exchange, analysis of relevant issues in developing the Kazakhstani legislation, issuance of expert opinions and development of proposals on the pressing matters of the practice of law.

Raising concerns is the initiative to establish in the draft law a provision on prohibiting holding a position within the presidium of the relevant bar association for two instances in a row, which violates the principle of liberty and independence of bar associations established in the form of NGOs.

In this regard, the RBA made efforts to protect the interests of the law community in general, and lawyers in particular. In September 2017, the RBA presidium established a Commission for protecting social and professional rights of lawyers. The Commission’s aim is to protect and represent the rights and lawful interests of lawyers in state-run and other organizations in the Republic of Kazakhstan and abroad. The Commission is composed of regular lawyers, most active members of local bar associations who have volunteered to participate in protecting the rights of their colleagues.

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32 A nationwide campaign called “Lawyer of the people” was organized with the support of the Paragraf information system and zakon.kz, and has been held in various cities of Kazakhstan for four years straight. Over this period, over 5,000 people received actual legal aid completely free. https://www.zakon.kz/4933131-v-astane-gotovitsya-respublikanskaya.html
33 We extend our gratitude to the management of the Republican Bar Association for the information provided.
Lawyer (attorneys) safety situation in Kazakhstan


Over the past 8 years, threats were received by 76 individuals (29 women, 47 men, including 5 legal workers representing citizens), 3 bar associations, 1 legal consulting firm. Year 2017 is leading the chart at 31 individuals, followed by 2018 (24) and 2019 (15).

Women are threatened more often. For instance, 29 women received 97 threats (47.3%), and 47 men received 103 threats (50.3%).

Diagram 2. Number of threats by year

The highest number was registered in 2017 (57), 2018 (37), 2013 (24), 2019 (21), 2014 (18). The most challenging months were January-April, October. Speculatively, this is related both to the active participation of the law community in deliberating draft laws, and in general to the background of threats towards the civil society.

Diagram 3. Number of threats by city
Out of the 16 cities of Kazakhstan, the most threats were detected in the cities of Almaty (82), Astana (Nur-Sultan) (46). Same could be said in regard to other categories of activists, with the exception of the cities of Balkhash, Ust-Kamenogorsk (Oskemen), Aktobe and Kostanay.

**Risk assessment**

Lawyers themselves did not conduct a systemic analysis of the situation to assess risks. Meanwhile, on 30 July 2019, in Nur-Sultan, Kadyr Kassiyet, jointly with the International Bar Association (London), held a meeting of lawyers. The discussion of the situation helped establish the primary threats faced by lawyers, and develop an action plan. Out of the list of threats, the following were singled out: provocation/entrapment, defamation, audit of lawyer’s operations, revocation of license, finding civilly, administratively or criminally liable, violation of privacy, threat of bodily harm, psychological pressure, vicarious trauma.

How long do lawyers and legal experts work while threatened? One lawyer was receiving threats for 6 years, two layers — for 2 years, four lawyers — for 4 years, three lawyers — for 3 years, and ten lawyers were receiving threats for 2 years. Reasons vary. Contributing factors are:

- nature of case that the lawyer is involved in;
- persistence in following strictly the letter of the law;
- objection to violations of the rights of the client and the lawyer;
- publicity, publicizing violations;
- professionalism;
- personal involvement;
- open expression of own opinions on various social issues, including legal awareness raising;
- working alone;
- self-promotion, ambition, outrageous antics.

**Multiple threats** were received by 14 lawyers and 2 legal experts, of whom 7 were men (2–5 times) and 9 — women.

**52 types of threats** were distinguished, of which the majority were:

1. Revocation of license (attempted) — 17 individuals (23 instances);
2. Partial court ruling — 14 individuals (16 instances), of whom 2 individuals had it happen 2 times;
4. Denial in access to the client — 9 individuals. 11 instances. Two lawyers had 2 instances;
5. Beating of lawyers - 9 individuals
6. Questioning summons — 6 individuals.
7. Arrest — 5 individuals.
8. Insults — 5 individuals.
9. Initiation of criminal proceedings — 5 individuals.
10. Compulsion to carry-on screening — 5 individuals.
11. Death — 5 individuals.
13. Searches — 3 individuals.
14. Theft — 3 individuals.
15. Legal action — 3 individuals.
16. Demanding that client waive right to counsel — 3 individuals.

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34 Threats in italics are definitely relevant to all categories of human rights defenders and activists.
35 Failure to pay for hotel stay, rape of a hotel employee, obscenities, fraud, slander, resisting police — 2, and violence against police, insulting a police officer, slander, smuggling a SIM card into a penitentiary facility, disclosure of investigation materials, subornation to perjury.
36 For being 3 minutes late for trial; for smuggling prohibited items or substances to penitentiary facilities, contempt of court.
17. Threats of bodily harm — 3 individuals.

Diagram 4. Number of threats to each of the 76 lawyers, legal experts

![Threats to Lawyers Diagram]

Such a threat intensity can attest to both the escalation of threats and indicate specific reasons why this situation exists (with consideration to case-by-case analysis). All these instances share at least two traits — activity and publicity of the lawyers involved.

Out of the 19 types of sources of threats, the majority are police officers — in 43 cases (correctional system employees — 9 cases) and the court — 44 instances.37 “Police” is registered in the instances involving other categories of activists;38 the court is also ranked second (80 instances of threats against civic activists — 20, human rights advocates — 18, and journalists — 17).

Reasons (that often coincide with the aims of threats) for such adverse work conditions that lawyers find themselves in could be as follows:

- desire to control lawyers’ activities;
- solve a crime through the defense;
- obtain information on persons that are financed using the proceeds of crime, or illegally;
- dismiss or disallow participation of a lawyer that stands in the way of implementing certain plans;
- prevent information leaks regarding violations of rights and liberties of lawyers’ clients;
- willingness to reduce the activity of a lawyer in social media, terminate active defense efforts, intimidate, punish, isolate a qualified legal expert, and so forth.

Examples of lawyer threat cases

Following is a breakdown by threat type: one type of threats was faced by 47 lawyers and 5 legal entities, 2 types of threats — 10 individuals, 3–11 types of different threats — 19 individuals.

According to media outlets, 5 lawyers (legal experts) were found criminally liable39. There is no accurate information on all instances.

37 Unknown party — 16, ministries — 17: of finance — 1, healthcare — 5, justice — 11, prosecutor’s office — 7, client, his/her relatives — 3, National Security Committee, anti-corruption agency, a party in proceedings, mass media — 2 each; akimat (mayor/governor office), Parliament member, convict, bar association, hotel, Russian law enforcement — 1 each.

38 For instance, out of 381 instances of threats, 102 were registered in the period between August 2016 through March 2017, especially against civic activists (39) and journalists (25).

39 2013 — M. Blaschenko (fraud, art. 325 CC RoK, forgery, manufacture or sale of forged documents), T. Safarov (subornation to perjury). 2014 — Ye. Tankov (art. 341 p.3, art. 342 p.2 CC RoK — sentenced to 3 years of imprisonment). 2015 — M. Blaschenko (fraud perpetrated by a group of individuals in collusion, in especially large amount, in multiple instances, use of violence or threat of violence against an agent of state authority in connection with the performance of duties of the latter). On 8 April 2015, the court issued a 6-year imprisonment sentence with confiscation of property, revoking the right to practice law for 3 years. Pursuant to article 72 part 1 of the Criminal Code of the RoK (having a minor child resulted in a 5-year stay of sentence). 2016 — Yu. Lednev sentenced for coercion to bribe, fraud — 3 years of custodial restraint, on probation, 4 million KZT fine, confiscation of property, life-long revocation of the right to work in public service, 3-year
Meanwhile, 13 lawyers faced attempts to find them criminally liable.\(^{40}\) Since 2012, throughout a five-year period, Zinaida Mukhhortova, a lawyer from the city of Balkhash, was subjected to involuntary commitment into a psychiatric facility. A complaint to the president of the RoK regarding interference in court cases by an official cost her health and personal freedom, as the court first found her guilty in deliberately false denouncement, and then diagnosed “delusional disorder”.

Instances of lawyer beatings are being reported. On 9 June 2019, in Almaty, near the building of the Bostandyk district police department, Zhas-Ulan organization members assaulted lawyer Aidyn Turganbekov, who came to visit his client, who had been detained for participating in protests on the presidential elections day.\(^{41}\) On 22 June 2019, in Almaty, lawyer Galym Nurpeissov was assaulted — he was attempting to free his client’s mother, who was clutching her 8-month-old granddaughter in her hands, from a crowd of aggressive women who had sabotaged a press conference.

With respect to certain lawyers, motions are made to hold them liable. For instance, on 21 December 2018, in Almaty, a special ruling was made in regard to Gulnar Zhusapayeva, of which she learned only on 28 December 2018, upon receiving a sentence. The reasoning was, supposedly, her obligation to calm down the defendants — not her clients.\(^{42}\) On 31 May 2018, in Ust-Kamenogorsk a trial of Kuat Dalabayev was held, on the accusation of subornation of the other party to perjury. Over 20 individual complaints from lawyers were submitted in defense.\(^{43}\)

There was an instance of disrespectful attitude of the prosecutor’s office towards a lawyer. Aiman Umarova received a written response from the prosecutor’s office of the Bostandyk district of Almaty. In it, instead of her name, there was a made-up name composed of expletives: “Pupkina Zalupkina”.\(^{44}\) Three employees (including the acting district attorney) were removed from office, and Almaty city attorney sent the lawyer a letter of apology.\(^{45}\)

Lawsuits are filed to suspend licenses to practice law. In March 2019, the Ministry of Justice lodged a claim with the Court No. 2 of the city of Petropavlovsk to revoke the license from Sergey Sizintsev for receiving remuneration throughout two years of his tenure as the executive director of the Republican Bar Association.\(^{46}\) On 19 February 2018, the Saryarka district court of the city of Astana (Nur-Sultan) dismissed a claim against Khamida Aitkaliyeva (for publishing privileged information, for disrespectful shortening of the name of the Anti-corruption Agency and the Ministry of Justice, and “Drop dead, all of you” towards the investigator and the prosecutor). Two lawyers from Ust-Kamenogorsk — Polina Zhukova and Lyubov Agushevich, in 2013–2014, had their licenses revoked for the use of rights, which was interpreted as proportion of case.

Lawyers are summoned to questioning in regards to circumstances related to the provision of legal assistance. As an example, on 27 March 2019, Snezhanna Kim was questioned as a witness with the right to defense\(^{47}\); on 5 April 2018 the East Kazakhstan regional court found illegal the prosecutor’s decision to revocation of the right to practice law; 2017 — S. Bukenov for deliberately misleading denouncement of public authority personnel, sentenced on 3 March 2017 to 4 years of imprisonment.

\(^{40}\) Against A. Umarova, V. Kuznetsov, N. Kononenko, G. Suleimenova, K. Dalabayeva (disclosure of pre-trial proceedings, art.423 CC RoK), B. Azanova (dissemination of deliberately false information), A. Kuspanova, G. Uteuva, Z. Kaldybayeva, S. Saulebai, B. Baitykova (slander), G. Zhusapayeva, A. Ibraynova (art. 422 p.2 CC RoK).

\(^{41}\) https://www.facebook.com/ouicestjohannaakberg/posts/444860089603942, 09.06.2019

\(^{42}\) https://www.facebook.com/gulnara.ju/posts/1618094161670103?_tn__c=R 29.12.2018


\(^{44}\) https://www.zakon.kz/4928743-pupkina-zalupkina-advokata-iz-almaty.html


\(^{46}\) https://www.facebook.com/sergey.sizintsev/posts/2338108852869076 04.03.2019

\(^{47}\) https://time.kz/articles/risk/2019/04/02/igry-politejskih?fbclid=IwAR1cUQ-if1le0iAsdKIeRhEDCtdg7UdbhTbTzhAfCpPERXZGw_d2HZCXUE 02.04.2019
issue compulsory summons to lawyer Kuat Dalabayev to be questioned as a witness\textsuperscript{48}; Zakir Asadov received a text message summoning him to questioning on 25 June 2018.\textsuperscript{49} 

Assaults on lawyers are being reported. For instance, on 30 December 2016, pursuant to art. 191 p.1 of CC RoK, police registered an instance of robbery perpetrated against Zhanara Balgabayeva in Ust-Kamenogorsk. Investigation was interrupted twice, and on 5 January 2018 the proceedings continued. Searches are conducted in lawyers’ offices. 

No exceptions are instances of barring free access of lawyers to buildings of state authorities (police, courts) without carry-on baggage searches. For instance, on 16 January 2019, Anna Sleta was denied access to the Abay police department of the city of Uralsk and was required to have her coat removed for a frisk to be conducted by a person of different gender.\textsuperscript{50} 

Lawyers are relieved from defense. On 25 January 2019, Almaty city court redressed Yuri Dyuzhikov’s complaint and overruled the prosecutor’s office’s decision to take him off the case (his client was pressured to confess and waive counsel, while attempts were made to question Dyuzhikov as a witness\textsuperscript{51}). Previously the Almaty prosecutor’s office requested that the bar association be stripped of license.\textsuperscript{52} Due to Nurlan Beisekeyev’s prior engagement at a different court, Court No. 2 of the Almaty district of the city of Astana replaced counsel; Beisekeyev moved for a special decision to be issued, and it became clear that no special decision was made by the court on 16 April 2018.\textsuperscript{53} 

Complaints against specific lawyers are often related to their posts in social media, in mass media, on problems and human rights violations on the part of law enforcement agencies and courts. On 15 December 2018, Almaty City Bar Association (ACBA) held a delegate conference. Lawyers were prohibited from issuing comments to the media and in social media regarding cases investigated or deliberated in court, unless they personally engaged in those.\textsuperscript{54} On 22 March 2019, using such wording as “his Facebook posts contravene the Constitution of the RoK...”, the Republican Bar Association posted on its website a motion to the disciplinary commission in regard to the behavior of an Almaty lawyer Jokhar Utebekov.\textsuperscript{55} On 19 September 2018, when J. Utebekov had trial proceedings in progress, ACBA demanded that any internet postisor comments to the press be prohibited.\textsuperscript{56} On 6 May 2018, a Facebook page called “Enemies of the people” published a post entitled “lawyer of a sect”, referencing a case against the “New Life” church, and giving an unflattering account of lawyer Aiman Umarova.\textsuperscript{57} 

**Trends**

Following are trends in the lawyer and legal worker safety and protection situation: 

- considerable intensification of state regulation of the legal profession; 
- lawyers being punished for honestly performing their professional duties to provide qualified legal assistance, supposedly for contempt of court; 

\textsuperscript{48} http://advokatura.kz/postanovlenie-sledovatelya-o-primiditelnom-privode-advokata-na-dopros-priznano-nezakonnym 05.04.2018 
\textsuperscript{49} https://www.facebook.com/groups/hrdMonitoring/ 
\textsuperscript{50} https://kaztag.kz/ru/news/advokata-ne-pustili-v-otdel-polisii-i-trebovali-razdetsya-v-uralske?utm_source=facebook&fbclid=IwAR0krTC0V4N1QsdOV8TFpusZkoIg7pjeY6Sg30fPmcgWqZoNr4VazQnA 17.01.2019 
\textsuperscript{51} https://www.zakon.kz/4954701-ayman-umarova-o-nezakonnom-ostraneni.html?fbclid=IwAR2liEO69yh6mE1N83fe6fD4YEzXhh7ipvRU4L8673Ma4lDRsa6yH9sgQ, 21.01.2019 
\textsuperscript{52} https://informburo.kz/novosti/sud-otkazalsya-otstranyat-advokata-ot-dela-po-trebovaniyu-prokurorov-ego-zashchishchali-35-kolleg.html?fbclid=IwAR3hk42sQ6ki_K98iXGumFOQqFmQ_y8F-7dYWPOcHZVBejv3fwwjYFYFjgl 25.01.2019 
\textsuperscript{53} Nurlan Beisekeyev’s Facebook page, 09.06.2018 
\textsuperscript{55} https://www.facebook.com/permalink.php?story_fbid=233840723308418&id=100007447955436 22.03.2019 
\textsuperscript{57} https://www.facebook.com/aiman.umaro?ref=nf
• hampering lawyers’ work (barring access to client);
• searches of personal effects of lawyers upon entry to courts;
• arbitrary questionings of lawyers as witnesses;
• publicity of many lawyers;
• selective approach, as, for example, in the city of Aktobe, among the first 38 lawyers (against whom license revocation proceedings had been initiated by justice authorities), only 3 received a ruling to revoke their license to practice law. The others were former employees of the court system and law enforcement bodies.

Along with the republican lawyer congress (arrangements for it were accompanied by multiple and mass direct and indirect threats to the candidates), especially active measures against legal experts, following the legislation amendments enacted on 11 July 2018, involved hampering the activities of lawyers (see above the list of threats), as well as removing certain personalities from the professional field by means of revoking licenses or physical isolation, which are also tool typically employed against other categories of human rights advocates. It is clear that this is associated with the increased social media activity of lawyers.

It is precisely this issue that rouses displeasure of certain representatives of the police, prosecutor’s offices, the court system and other institutions (in order to sign a non-disclosure agreement, a publication ban or, as an additional option, a prohibition of lawyer ethics violations). As far as certain cases are concerned, it is important to maintain closed court proceedings requirements, as well as various types of secrets, and so forth. However, in cases “of public interest”, it is imperative that specifically lawyers can enjoy freedom of speech, as it is them who play a role in fostering the lawful culture, rendering legal aid to citizens, and so forth.

Thus, phenomena that were typical for other categories of activists and human rights advocates in 2011–2013 (freedom of expression, freedom of association, personal liberty, right to defend human rights and liberties) has become specific to the situation around the safety and protection of lawyers in 2016–2019.

Conclusions

The analysis yields the following conclusions:

• The lawyer safety situation was relatively recently far removed from that of the neighboring Central Asian nations, but gradually it is approaching the point where defenders become increasingly threatened as a result of their work: they receive threats, and at times they risk their lives and health;
• Observers participating in the trials on the revocation of lawyers licenses of Polina Zhukova and Lyubov Agushevich, including international observers, reported instances of courts ignoring legislation requirements, and the international bar commission, in its opinion report, confirmed the existence of violations of professional legal experts’ rights;
• Threat sources are the same as in the other categories of activists: police and courts are topping the list;
• The number of various types of threats indicates heterogeneous approaches to restricting the activities of lawyers — evidently, for different purposes;
• Regarding the issue of the reasons why lawyers receive threats, in general, it is important to note an increase in publicity of lawyers themselves, their opinions, reasonings, publications, analyses. It is also noteworthy that the latter are not necessarily related to specific cases that these lawyers are involved in, but also their social commentary, consultations and recommendations regarding issues of public interest: Many lawyers that utilize freedom of expression become well-known and at times society’s favorites;
• One must not overlook the fact that one of the reasons for threats are HUMAN RIGHTS (the so-called human rights advocacy cases). It is relatively easy to spot “human rights lawyers” that engage in advocacy — they are the most threatened ones;

• Pro bono is becoming an increasingly common term; we would like to extend our special gratitude to lawyers who defend the rights of human rights defenders and activists for a nominal fee (Olga Enns, Fatima Bersanova from Nur-Sultan, Razia Nurmashueva from Almaty, Ruslan Shagatayev and Mereke Gabdualiye from Uralsk).

Recommendations

Overview of lawyer safety situation in the Republic of Kazakhstan enabled us to prepare main recommendations:

1. It is important for Kazakhstan to launch a national human rights advocate protection mechanism. 58

58 Kadyr Kassiyet NGO has been making consistent attempts of promoting the process of creating a national human rights advocate protection mechanism:

• In late 2013, following the submission of a human rights defender situation report to the Executive Office of the President of the RoK, investigation was launched into a number of cases (Ministry of Internal Affairs, General Prosecutor’s Office) and 1 conviction was made.

• In 2014, the Senate of the Parliament of the RoK replied to a letter proposing the creation of a national human rights advocate protection mechanism: “we will take it into consideration”.

• 22 December 2014: the expert council under the Human Rights Ombudsman in the RoK (HRO) deemed it ill-advised to create a national human rights advocate protection mechanism. A second letter was sent on 30 March 2015 (on the establishment of a human rights advocate protection body under the HRO).

• 22 January 2015: at a meeting at the Supreme Court of the RoK with regional courts, a report was disseminated regarding the results of the monitoring of court trials of human rights advocates, activists.

• 17 April 2015: during a meeting of the public council under the Ministry of Justice of the RoK, the vice minister of justice E. Azimova informed of her intention to relay KK publications and recommendations to state authorities.

• In April 2014 – July 2015 (with the engagement of a member of the Coalition on the matter of safety and protection of human rights defenders, Z. Battalova) joint efforts were made with several members of the Majilis of the Parliament of the RoK (T.K. Omurzakov, Zh.A. Akhmetbekov, A.T. Peruashev): Ak Zhol Democratic Party, “People’s Communists”, “Nur-Otan”, with the secretary of the Human Rights Commission under the President of the RoK, T.D. Abishev, as well as with the head of the Internal Police Department of the Executive Office of the President of the RoK, A.G. Balayeva.

• 25 September 2015: at a meeting with the chairman of the Supreme Court of the RoK, K. Mami, Kazakhstan human rights advocate safety monitoring, report and overview results were presented.

• 27 October 2015: a letter was sent to the chairman of the Human Rights Commission under the President of the RoK, K. Sultanov, with a proposal to hold a meeting of the Commission on the matter of creating a national human rights advocate protection mechanism (Q2 2016), joint organization of a conference (Q3 2016), preparation of a special report of the Commission concerning the rights of human rights advocates, activists (Q4 2016). For lobbying purposes, a participant of the Coalition on the issues of safety and protection of human rights advocates, Z.M. Baisakova. It was proposed to establish a Permanent Council under the Commission, with the participation of the prosecutor’s office, MIA, the Supreme Court, the Ombudsman (with the involvement of OHCHR and civil society representatives), to perform the following functions: receive complaints, react promptly, lead investigations (GP), guarantee protection (use of security measures). The Council could also incorporate a primary assessment group — the Risk Assessment Committee, with the objective of examining the situation, analyzing cases in the context of risks, coordinating the interaction of state authorities and the public, maintaining the case-by-case approach, protecting human rights advocates, preventing threats (assaults, etc.).

• 23 August 2016: jointly with the Human Rights Commission under the President of the RoK and the MIA RoK, and with the participation of experts E. Eguren, M. Innehen, D. Gaziyeva, a conference was held as a platform for a presentation of the model law on the national human rights advocate protection mechanism.

• In 2017–2018, conceptual proposals for the creation of a national human rights advocate protection mechanism in the Republic of Kazakhstan based on international principles and standards (E.A. Zhovtis was engaged).

• 26 June 2018: chairman of the expert council under the Human Rights Ombudsman in the RoK, Zh.D. Busurmanov, made the following valuation summary (verbatim): “the problem has been discussed, a solution is within view. On the basis of information presented by A.N. Ibrayeva, develop a draft human rights advocate protection mechanism. We could at least start with its institutional support. Draft a provision on the Human Rights Advocate Council at the Ombudsman’s office. Create a working group to this end”. Meanwhile, protocol No. 3 of the expert council reads: “it is decided to discuss the matter of establishing the national human rights advocate protection mechanism (assign a responsible person from the National Human Rights Center (NHRC), supervise human rights advocate protection matters) with the Ombudsman and head of the NHRC.”
2. Eliminate any threats and persecution of lawyers, legal experts, for their professional activities, and eliminate violations of their rights, take measures to maintain minimal guarantees granted to the bar community, as established by UN documents.

3. Ensure full institutional independence of the bar community of Kazakhstan by bringing the 2018 law in compliance with the minimal international guarantees for lawyers and state’s obligations as a member of the United Nations.

4. Provide for a stricter liability for hindering the work of lawyers. Strictly on a case-by-case basis, hold violators liable for hindering the work of lawyers.

5. Investigate each instance of lawyers receiving threats, and make results public.

6. Cease the practice of associating lawyers with their clients; oblige law enforcement agencies, prosecutor’s offices and courts to respect the dignity of each lawyer as a human rights advocate.

7. Lawyer, as any other person, and as a human rights defender, is entitled to use his/her rights and liberties. In the event that a lawyer’s rights are being limited, in contravention of the Siracusa Principles, the very essence of the limited right shall not be lost.

The following recommendations are relevant to the topic of this overview and are given to 104 participants of the Sixth Regional Platform on the Matters of Safety and Protection of Human Rights Advocates of the Four Central Asian Countries, held in Bishkek, 17–18 May, 2018.

For the civil society:
1. Form a robust coordinating mechanism for joint activities, so as to: a) conduct joint campaigns, for instance in the event of a lawyer’s detention;

For Central Asian countries:
2. Recognize the important role of human rights defenders and adhere to the principles of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
3. Investigate all instances of persecution and threats to human rights advocates and hold those responsible legally liable for crimes against human rights advocates;
4. Revisit extremism legislation to abolish excessive restrictions on fundamental rights and freedoms;
5. Bring legislation that affects freedom of speech, freedom of association and freedom of peaceful assembly into compliance with international human rights standards.

For international organizations:
6. Recognize the importance of the role of human rights advocates on the international level; maintain the commitment to human rights on the part of various international financial and political institutes;
7. Articulate on international, regional and national levels issues that pertain to the safety of human rights advocacy;
8. Include matters related to the rights of human rights advocates into programs and support regional solidarity mechanisms.
9. Enhance the effectiveness of the UN mechanisms, and, namely, accelerate the procedures of individual complaint handling both within the system of special procedures and when handled by treaty bodies of the UN.
10. To donors and financial institutes: revisit the balance between financial support provided to state authorities and financial support for human rights advocacy. Against the backdrop of the inefficacy of funding court reforms in authoritarian states, it is necessary to revisit the amounts of funding provided and arrange for a more adequate funding of human rights advocacy, such as, for instance, strategic litigation cases.