

Ninth Expert Forum on Criminal Justice for Central Asia

CONFERENCE REPORT

Office for Democratic Institutions
and Human Rights (ODIHR)

2025





United Nations
Office on Drugs and Crime



Organization for Security and
Co-operation in Europe
Programme Office in Astana



Organization for Security and
Co-operation in Europe
Programme Office in Bishkek



Organization for Security and
Co-operation in Europe
Programme Office in Dushanbe



Organization for Security and
Co-operation in Europe
Programme Office in Tashkent



Organization for Security and
Co-operation in Europe
Centre in Ashgabat

Table of contents

4	Introduction
8	Main conclusions and recommendations
12	Introductory session: Reflection on criminal justice reforms in Central Asia
14	Country presentations
14	Kazakhstan
15	Kyrgyz Republic
15	Mongolia
16	Tajikistan
17	Turkmenistan
18	Uzbekistan
19	Plenary Session 1: Fair Trials and Reform of the Justice System
22	Working Group 1: Saafeguarding Human Rights during Pre-trial Investigations
25	Working Group 2: Effectiveness of investigation, arrest and interrogation
27	Plenary Session 2: Pre-trial Investigations
28	Side Event 1: Round table on improving the mechanism of compensation for harm caused to victims of torture and ill-treatment, as well as their rehabilitation in accordance with the recommendations of the Updated Istanbul Protocol and UN Treaty Bodies (Supreme Court of Kazakhstan)
30	Side Event 2: Access to justice and respect of fair trial rights during emergencies, natural disasters or conflicts Kadir-Kassiyet (Dignity)
32	Side Event 1: Criminal Justice Monitoring in the OSCE Region
33	Side Event 2: Tackling Serious environmental offences through criminal law and building national enforcement capacity – challenges and opportunities
34	Plenary session 3: Women and Justice
38	Plenary session 4: Digitalising criminal justice systems
40	Plenary session 5: Penitentiary Reform and Probation Services
42	Kazakhstan
42	Kyrgyzstan
42	Uzbekistan
43	Tajikistan
44	Working Group 5: Alternative Measures to Imprisonment
46	Working Group 6: Prison Reform Initiatives
47	Plenary Session 5: Penitentiary Reform and Probation Services (cont.)
49	Closing Session: Concluding Remarks
51	Annexes
51	1. Annotated agenda
57	2. About OSCE/ODIHR

Introduction



Photo: Group photo opening of the Ninth Expert Forum on Criminal Justice for Central Asia

The Expert Forum on Criminal Justice for Central Asia (CJFCA) serves as a platform for knowledge exchange of experiences among criminal justice stakeholders, promoting informed dialogue aimed at criminal justice reforms and policy development. The CJFCA has been organized by the Office for Democratic Institutions and Human Rights (ODIHR) since 2008 within the framework of its rule of law programme, in partnership with the United Nations Office on Drugs and Crime (UNODC) and the Regional Office for Central Asia of the UN High Commissioner for Human Rights

(OHCHR). The first CJFCA took place in Zerenda, Kazakhstan, in 2008, followed by a forum in Issyk-Kul, Kyrgyzstan (2009), in Dushanbe, Tajikistan (2010),¹ in Almaty, Kazakhstan (2012),² in Bishkek, Kyrgyzstan (2014),³ in Tashkent, Uzbekistan (2016),⁴ in Bishkek, Kyrgyzstan (2018),⁵ and in Tashkent (2021) (hybrid).⁶ A two-day online expert meeting “Criminal Justice in Central Asia: Recent Developments, Challenges and Impact of COVID-19 Pandemic” held on 25 and 26 November 2020 served as a bridge between the in-person forums of 2018 and 2021.⁷



Photo: Participants of the Ninth Expert Forum on Criminal Justice for Central Asia, 20-21 November 2024, Astana, Kazakhstan.

¹ Third Expert Forum on Criminal Justice for Central Asia: Final Report, 17-18 June 2010.

² Fourth Expert Forum on Criminal Justice for Central Asia: Final Report, 29-31 October 2012.

³ Fifth Expert Forum on Criminal Justice for Central Asia: Final Report, 24-25 November 2014.

⁴ Sixth Expert Forum on Criminal Justice for Central Asia Final Report, 16-18 November 2016.

⁵ Seventh Expert Forum on Criminal Justice for Central Asia Final Report, 27-29 November 2018.

⁶ Eighth Expert Forum on Criminal Justice for Central Asia Final Report, 24-25 November 2021.

⁷ UNODC, “OSCE/ODIHR, UNODC and OHCHR Conduct Online Criminal Justice Dialogue in Central Asia” available at: <https://www.unodc.org/centralasia/en/news/osce-odihr--unodc-and-ohchr-conduct-online-criminal-justice-dialogue-in-central-asia.html>.

On 20 and 21 November 2024, the Ninth CJFCA was held in Astana, Kazakhstan. The Ninth Forum had originally been scheduled to take place in 2023 but was postponed until 2024.

The Ninth Expert Forum brought together 214 experts and stakeholders (116 men, 98 women) in person and speakers, including online speakers.

Participants, including members of the judiciary and prosecution, lawyers, policy-makers, academics and civil society representatives from Kazakhstan, Kyrgyzstan, Mongolia, Tajikistan, Turkmenistan and Uzbekistan, gathered to discuss recent reforms, trends and challenges to criminal justice systems across Central Asia.



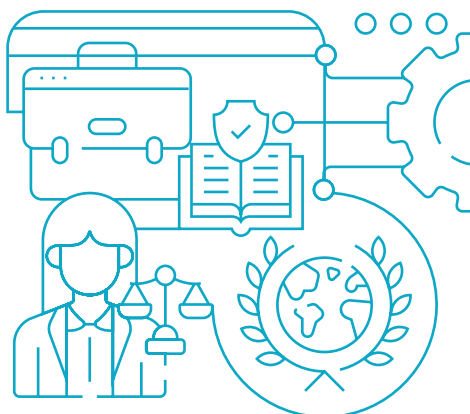
Photo: High-level panel delivering welcome remarks: Tea Jaliashvili, First Deputy Director, OSCE/ODIHR (online).

ODIHR extends its gratitude to the authorities of Kazakhstan, in particular the Supreme Court of Kazakhstan, which hosted the Ninth Expert Forum, and to ODIHR's counterparts in the region, in particular the OSCE Project Programme Office in Kazakhstan, and other OSCE field operations in Central Asia (OSCE Project Co-ordinator in Uzbekistan, OSCE Programme Office in Dushanbe, OSCE Programme Office in

Bishkek, and the OSCE Centre in Ashgabat, and the partners: Legal Policy and Research Centre (LPRC, Kazakhstan) with financial support of the European Union, Kadir-Kassiyet (Dignity, Kazakhstan)⁸, UNODC Regional Office for Afghanistan, Central Asia, Iran and Pakistan, OHCHR Regional Office for Central Asia and the UNDP for providing support and partnership in the development and execution of the Forum.

The Forum centred on these key areas:

- 1) Fair trials and reform of justice systems and pre-trial investigations, with working groups dedicated to: a) safeguarding human rights during pre-trial investigations, and b) effectiveness of investigation, arrest and interrogation;
- 2) Women and justice;
- 3) Digitalising criminal justice systems; and
- 4) Penitentiary reform and probation services, with working groups on: a) alternative measures to imprisonment, and b) prison reform initiatives.



⁸ The project "Coordinated Civil Society Action to Promote the Rule of Law for All", implemented by the Public Foundation «Legal Policy Research Centre» (LPRC) with the financial support of the European Union.

Side events were held on: 1) improving the mechanism of compensation for harm caused to victims of torture and ill-treatment, as well as their rehabilitation in accordance with the recommendations of the updated Istanbul Protocol (a manual on the effective investigation and documentation of torture and other cruel, inhuman, or degrading treatment or punishment) and UN Treaty Bodies, 2) access to justice and respect of fair trial rights during emergencies, natural disasters or conflicts, 3) criminal Justice Monitoring in the OSCE-Region, 4) tackling serious environmental offences through criminal law and building national enforcement capacity fair-trial standards during health emergencies.

Additionally, all speakers were asked to take into consideration gender aspects in their presentations. Organizers encouraged participants capable of contributing to the achievement of gender equality to take active participation in the discussions during plenary sessions and working groups. Overall, gender issues were reflected on the agenda through an integrated perspective. At the same time, to facilitate discussion on equal representation of women in criminal justice institutions, ODIHR made sure to include a gender-specific intervention in the Forum's agenda. Thus, ODIHR specifically engaged with stakeholders on gender issues by organizing dedicated discussion platforms, such as a plenary



Photo: Fabio Piana, Deputy Regional Representative of the Regional Office of the UN High Commissioner for Human Rights (OHCHR) for Central Asia

session on Women and Justice, as opposed to discussing the topic during a side event only, as was done in 2021.

Welcoming remarks were made by Mr. Aslambek Mergaliev, Chairperson, Supreme Court of the Republic of Kazakhstan; Ms. Tea Jaliasvhili, ODIHR Director's Alternate/First Deputy Director (online); Ms. Elvira Azimova, Chairperson, Constitutional Court of the Republic of Kazakhstan; Mr. Marat Kozhaev, Member of the Senate Parliament of Kazakhstan, Committee on Constitutional Legislation, Judicial System and Law Enforcement Agencies; Dr. Volker Frobarth, Head of Mission, OSCE Programme Office in Astana; Fabio Piana, Deputy Regional Representative of the OHCHR Regional Office for Central Asia; Johannes Baur, Head of Cooperation, EU Delegation Kazakhstan; Oliver Stolpe, UNODC Regional Representative for Afghanistan, Central Asia, Iran and Pakistan (video address); and Robert Bernardo, Team

Leader, Governance and Peacebuilding Team, UNDP Regional Hub for Europe and Central Asia (video address).

All speakers remarked on the progress made by Central Asian states since the Eighth Expert Forum in bringing their criminal justice systems in line with international standards. Mr. Aslambek Mergaliev highlighted the increase of the use of alternatives to imprisonment both in pre-trial and post-conviction phases. Ms. Tea Jaliasvhili thanked Kazakhstan for hosting the CJFCA and for the country's acceptance of monitoring of trials following the January 2022 events. Ms. Elvira Azimova emphasized the importance of the Constitutional Court, to ensure correct interpretation of the legislation, Mr. Marat Kozhaev mentioned the increased use of jurors in more categories of criminal cases, Dr. Volker Frobarth underscored the importance of building the capacity of both government agencies and civil society. Mr. Fabio Piana focused on the

implementation of recommendations of UN Human Rights Mechanisms, such as the Universal Periodic Review, UN Treaty Bodies and Special Procedures that focus on investigation and prevention of torture. Mr. Johannes Baur said long term cooperation with Central Asian countries is the key for progress, and mentioned the Central Asia Rule of Law Programme in cooperation with the Council of Europe. Mr. Oliver Stolpe said all the topics of the CJF CA are important, but underscored in particular the session on women in justice.

Criminal justice experts with a variety of backgrounds from Austria, Georgia, Latvia, the Netherlands, Spain and the United Kingdom offered input and analysis based on experiences beyond Central Asia.

The Forum took place, largely in in person format, but several statements were delivered via the Zoom platform by those who were unable to attend physically.

Due to the need to streamline the report, not all recommendations in the report may be reflected in the summary of discussions below.

The contents of this report and the recommendations herein may not reflect positions or official policy of ODIHR, as they are expressed by participants from a wide range of stakeholders present at the CJFCA.



Photo: Aslambek Mergaliev, Chairman of the Supreme Court of Kazakhstan

Main conclusions and recommendations

DAY 1 Plenary Session 1: Fair Trials and Reform of the Justice System

- **Ensure sustained implementation and monitoring of judicial reforms.** All reforms, including the establishment of cassation courts and electronic monitoring, must be accompanied by clear performance indicators, regular progress reviews, and input from legal professionals and court users to ensure they achieve their intended impact.
- **Guarantee equal standing between the prosecution and defence.** Legal frameworks should be strengthened to ensure that defence lawyers have practical, not just theoretical, equality with prosecutors, including equal access to investigative resources and procedural tools.
- **Establish independent bodies to investigate allegations of torture and judicial misconduct.** Effective, impartial mechanisms should be created to investigate complaints of torture, judicial corruption, and professional misconduct to uphold public trust in the judiciary and law enforcement.

Working Group 1: Safeguarding Human Rights during Pre-trial Investigations

- **Strengthen the role of investigative judges.** Ensure robust judicial oversight at all stages of pre-trial investigations.
- **Guarantee the independence of state-appointed lawyers.** Enforce the use of automated assignment systems and preventing investigative bodies from selecting preferred lawyers.
- **Expand access to free legal aid.** Such aid is needed especially in rural and remote areas, ensuring that all individuals, regardless of income, can secure competent legal representation.

Working Group 2: Effectiveness of investigation, arrest and interrogation

- **Guarantee the presumption of innocence.** Prohibit public statements that portray suspects as guilty before trial and by strengthening judicial oversight to prevent biased prosecutorial practices.
- **Combat forced confessions.** Enforce strict exclusionary rules for evidence obtained under duress and establishing independent monitoring mechanisms within detention facilities.
- **Enhance investigative standards.** Reducing reliance on witness testimony, promoting scientific forensic methods, and integrate modern profiling techniques into criminal investigations.



Plenary Session 2: Pre-trial Investigations

- **Guarantee judicial oversight of pre-trial detention.** Ensure that courts apply strict legal criteria when approving detention measures, strengthening the habeas corpus mechanism, and making pre-trial detention a genuine exception rather than the default practice.
- **Guarantee access to justice for victims.** Establish independent forensic assessment bodies, ensuring victims have unhindered access to legal remedies, and adopting automatic state compensation mechanisms for wrongful detention, torture, or other procedural violations.
- **Strengthen the protection of procedural rights in the pre-trial phase.** Introduce mechanisms to prevent arbitrary arrests, ensuring detainees are properly informed of their rights upon apprehension, and criminalising the practice of presenting suspects as guilty before judicial proceedings.

Side Event 1: Round table on improving the mechanism of compensation for harm caused to victims of torture and ill-treatment, as well as their rehabilitation in accordance with the recommendations of the Updated Istanbul Protocol and UN Treaty Bodies (Supreme Court of Kazakhstan)

- **Expand the Victims' Compensation Fund.** Include victims under Part 4 of Article 146 of the Criminal Code, and ensure compensation is accessible regardless of whether the perpetrator is identified or convicted.
- **Establish a mechanism to ensure that decisions and views issued by United Nations human rights bodies are implemented.** Decisions of bodies such as the Committee Against Torture, should automatically trigger state compensation and prompt case reviews.

Side Event 2: Access to justice and respect of fair trial rights during emergencies, natural disasters or conflicts, Kadir-Kassiyet (Dignity)

- **Where online proceedings are used, ensure that they conform to good practices.** Create recommendations and protocols for holding such meetings based on the experience of countries that have successfully implemented this practice.
- **Protection of rights during a state of emergency: establish legislative guarantees for the observance of citizens' rights even during a state of emergency.** Establish clear procedures to ensure access to justice in accordance with international standards.
- **Selection of preventive measures with the participation of the accused.** Establish at the legislative level the mandatory presence of the accused and/or his lawyer when choosing preventive measures, even in a state of emergency. This will avoid arbitrary detentions and protect the right to a fair trial.

DAY 2

Side Event 1: Criminal Justice Monitoring in the OSCE Region

- **Use criminal justice monitoring to develop more detailed and comprehensive recommendations on how to improve criminal justice policy.** Both quantitative and qualitative indicators can be useful in assessing the findings of criminal justice monitoring.

Side Event 2: Tackling Serious environmental offences through criminal law and building national enforcement capacity – challenges and opportunities

- **Introduce mandatory mechanisms for monitoring and appealing against the actions of the authorities in a state of emergency.** This can contribute to that each restriction is justified by strict necessity and accompanied by legal guarantees.

Plenary Session 3: Women and Justice

- **Strengthen legal frameworks to combat gender-based violence (GBV).** Governments must explicitly criminalise all forms of gender-based violence and ensure that only the perpetrator is held accountable, removing societal biases that place blame on victims. Legal reforms should enhance protection mechanisms for survivors, including emergency restraining orders, witness protection, and access to legal aid.
- **Increase female representation in law enforcement and judicial bodies.** Gender balance in law enforcement, prosecution, and judiciary is critical. Governments should actively increase the number of female investigators, particularly in cases involving GBV and sexual crimes, to ensure that survivors can report crimes in safe and supportive environments.
- **Establish and support women judges' associations.** More national and regional networks of women judges should be established in Central Asia to strengthen peer support, professional development, and judicial leadership. These associations should also serve as advocates for gender-sensitive judicial practices and policies.
- **Enhance the role of women in social and probation services.** Probation and rehabilitation services should reflect gender diversity, ensuring that women professionals are engaged in reintegration efforts for offenders. This includes increasing the number of female probation officers, social workers, and counsellors who can better support women in the justice system.

Plenary Session 4: Digitalising criminal justice systems

- **Cease the use of Artificial Intelligence (AI) in judicial decision-making processes until human rights compliance is ensured.** Digital technologies and AI have the potential to contribute to improving access to justice, but the application of such technologies also has the potential to negatively impact rights. Human rights compliance must be assured before AI is used.
- **Employ the principle of explainability, transparency and accountability when using AI.** Assessment of when AI can be used is needed. In criminal cases online hearings must only be used with the explicit consent of the accused.
- **Electronic monitoring at the pretrial stage should only be used as an alternative to detention.** Such technology should only be used prevent flights, tampering with evidence and when there is a risk of recurrence of crime.

Plenary Session 5: Penitentiary Reform and Probation Services

- **Reducing prison populations and expanding non-custodial measures.** Measures may include structured community service programmes, stronger supervision mechanisms, and greater investment in probation services.
- **Improve conditions in places of detention and strengthening rehabilitation efforts.** Ensure humane conditions by modernising prison infrastructure, improving medical care, vocational training, and strengthening rehabilitation programmes.
- **Strengthen co-ordination between government agencies and civil society.** A holistic, multi-stakeholder approach is essential for providing sustained support to individuals during and after their sentences, with stronger partnerships needed between correctional institutions, probation services, and community-based organizations.

Working Group 5: Alternative Measures to Imprisonment

- **Ensure adequate training and capacity-building for probation officers.** Equipping officers with skills in risk assessment, psychological support, and reintegration planning, ensuring they operate as rehabilitation specialists rather than enforcement agents.
- **Reduce stigma and promote public awareness on probation and rehabilitation.** Implementing community engagement initiatives, media campaigns, and awareness-raising activities to shift public perceptions towards probation and rehabilitation as essential components of justice reform.
- **Preserve the independent and rehabilitative nature of probation services.** Ensuring these services remain distinct from law enforcement agencies, maintaining a balance between supervision and support to facilitate successful reintegration.

Working Group 6: Alternative Measures to Imprisonment

- **Enhance the role of social workers in the penal system.** Replacing punitive models with rehabilitation-focused staffing. Prison officers should not be expected to perform social work functions. Instead, trained social workers, psychologists, and reintegration specialists should be employed to provide individualised support to prisoners.
- **Expand access to family contact for prisoners.** Strengthening video call and visitation rights, particularly for those serving long-term and life sentences.
- **Prioritise training and professional development for prison staff.** Introducing mandatory continuous education programmes for all penitentiary employees, including officers, social workers, and psychologists.



Photo: Elvira Azimova, Chairperson, Constitutional Court of the Republic of Kazakhstan

DAY 1: 20
November
2024

Introductory session: Reflection on criminal justice reforms in Central Asia

To follow up on the previous Forum, Ms. Carolyn Hammer, an independent rule of law expert, provided a short overview of some of the key results and challenges in the context of criminal justice reforms in Central Asia since the time of the last Forum in 2021.⁹

Ms. Hammer highlighted some of the broader themes which emerged during the period 2021-2024, from various perspectives: in terms of legal and institutional frameworks, the experience of criminal justice stakeholders, and evolving practices within the criminal justice chain. These included the pretrial, trial, and post-trial phases.

With regard to general human rights trends, in a number of countries in the region, there were examples of the establishment or re-establishment and the adoption of new institutional, as well as legal and practical frameworks for the protection of rights. A continuation of attempts to systematically address torture and other inhuman, cruel, or degrading treatment or punishment, including in places of detention, was also noted.

However, in some Central Asian countries, there continued to be limited space for fundamental freedoms, including freedom of peaceful assembly. Freedom of peaceful assembly remains restricted in contexts where permission to assemble must still be sought or the right to freedom of peaceful assembly is being denied in practice.

Ms. Hammer further noted that in some parts of the region, the freedom of association is restricted. A trend of shrinking space for civil society has been observed, including in some contexts through the introduction of so-called «foreign agent» laws for CSOs receiving funding from abroad. In some Central Asian countries, the freedom of expression and media are restricted, with human rights defenders and journalists facing pressure from authorities, and legislation frequently used to legitimize unjustified restrictions.

In some Central Asian countries, there have been recent improvements with respect to the provision of legal aid. A shift toward a more rights-based approach through efforts to modernize law enforcement systems, introducing new codes of criminal procedure and enhancing procedural safeguards for detainees can also be observed in some Central Asian countries.

Ms. Hammer noted that the widespread problem of hierarchical structures within the judiciary and instances of undue influence over junior judges' decisions, which compromise the credibility and independence of the judiciary, persists. A lack of credibility and independence enhances the perception that the judiciary is used as a tool for political repression.

Some legal frameworks have strengthened procedural safeguards for detainees during this period. However, the excessive use of force and the arbitrary application of the law, particularly in politically sensitive cases, also persisted. In some parts of the region, low public



Photo: Konstantine Vardzelashvili, Head of Democratization Department, ODIHR

⁹ Main conclusions and recommendations of the Eight Expert Forum on Criminal Justice for Central Asia are available at: <https://www.osce.org/odihr/535719>, p.6.

trust in the police, especially among women who are victims of gender-based violence, was noted. In many countries of the region, arbitrary detention, torture, and confession-based justice remain widespread, often due to political interference and weak judicial oversight.

Prison reform in the region has focused on aligning detention conditions with the Nelson Mandela Rules.¹⁰ However, overcrowding in places of detention is still noted, and credible reports of torture and/or ill-treatment remain a major concern in some places. Inadequate medical care in detention facilities and limited use of alternatives to imprisonment exist in some Central Asian countries despite existing legal provisions.

New mechanisms for complaints against and safeguards during pretrial investigations, as well as opportunities to challenge detention being introduced in some places. The Méndez principles for interrogation¹¹ were introduced during this period, although their application remains inconsistent. Widespread over-reliance on pre-trial detention as a preventative measure continued, and torture, duress to obtain confessions, and abuse in pretrial detention do still persist in some places. In many places, there are still also problems with the realization of the right to defence, and legal representation is not always guaranteed in practice.

Some countries in the region have addressed the need for clear differentiation at the trial stage and

in sentencing between administrative and criminal infractions. However, in many countries of the region, judicial systems remain susceptible to political pressure. There is a lack of effective access to evidence and insufficient time for case preparation for defence lawyers, therefore undermining respect for the principle of equality of arms. Constraints on the independence of defence lawyers and the bar association exist in many situations, especially in politically sensitive cases. And there is often a perception of undue state influence and political motivation in the classification of offenses.

While the number of women working in the justice sector has increased in some countries, there are still challenges related to underrepresentation of women in leadership roles and in law enforcement and prosecution.

In some countries of the region, new electronic systems related to case management and allocation are implemented in an effort to make justice more impartial and efficient. However, in other countries, the use of such technologies remains low. Since the COVID pandemic, there has been a concerning heavy reliance on and lack of regulations for online trials. The use of AI tools for crime prevention and judicial analytics, which is aimed at streamlining legal processes and enhancing decision-making, may also pose threats to respect for fair trial rights and the independence of judges.



Photo: Carolyn Hammer, ODIHR Rule of Law Expert

¹⁰ The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).

¹¹ Méndez principles for interrogation (available in several languages including English and Russian).

Country presentations

Kazakhstan

Mr. Saken Abdolla, judge of the Supreme Court of Kazakhstan, informed participants that practical measures to modernize the pre-trial stage of criminal proceedings in Kazakhstan described at the previous Forum have now been implemented. A three-tier model of criminal proceedings has been introduced, where the areas of responsibility of the police, prosecutors and courts are delineated. Under the new model, the police collect evidence, prosecutors evaluate it, support the prosecution, and the courts issue a verdict. Each key decision of the investigator is approved by the prosecutor, and he draws up an indictment.

The institution of electronic criminal cases has been actively developed in Kazakhstan. With the help of modern digital technologies, today 90 per cent of cases are investigated and then considered in court in electronic format. This has made it possible to significantly reduce paperwork and falsification of materials.

The Concept of Legal Policy until 2030¹² defines the main vectors of development of criminal justice in Kazakhstan. Legislative changes that strengthened the role of the appellate instance have been implemented. Steps have been taken to eliminate pressure on judges from law enforcement activities. The list of cases that are considered with the participation of jurors is consistently expanding.

Significant reforms have been carried out in the cassation instance in Kazakhstan. From 1 July 2025, three cassation courts¹³ for administrative, criminal and civil cases will begin operating in Astana. The new courts will be given the powers of the Supreme Court for cassation review, and the highest judicial body will focus on supervisory functions and ensuring the uniformity of judicial practice.

Mr. Abdolla highlighted that the Supreme Court pays special attention to issues of the fastest possible resocialization of convicts. Together with the Human Rights Commissioner, a project is being implemented to transfer the functions of considering convicts' petitions for early release and replacing punishment with a more lenient one to the jury court.

At the initiative of the Supreme Court of Kazakhstan, a project for the use of electronic bracelets is also in the active implementation phase.

Mr. Abdolla outlined steps currently being undertaken in Kazakhstan to ensure genuine competition and equality of the parties to the criminal process, especially at the pre-trial stage. The Parliament is currently considering a package of proposals, the adoption of which will eliminate this imbalance and expand the scope of rights of lawyers, empower the courts to check the validity of the classification of the charges at the pre-trial stage, etc.



Photo: Saken Abdolla Judge, Supreme Court of Kazakhstan

Kyrgyz Republic

Mr. Damirbek Nazarov, judge of the Supreme Court of the Kyrgyz Republic, described the reforms aimed at improving the criminal justice system which are currently being implemented in the Kyrgyz Republic, as well as reforms of the criminal legislation aimed at modernizing and improving the legal system.

Mr. Nazarov recalled that in connection with the adoption of the new Constitution of the Kyrgyz Republic on 5 May 2021, the President of the Kyrgyz Republic approved the national development program of the Kyrgyz Republic until 2026,¹⁴ which was developed within the framework of the national

¹² Decree of the President of the Republic of Kazakhstan № 674, "On approval of the Legal Policy Concept of the Republic of Kazakhstan until 2030" of 15.10.2021.

¹³ Constitutional Law of the Republic of Kazakhstan № 109-VIII, "On Amendments and Additions to Certain Constitutional Laws of the Republic of Kazakhstan" of 05.07.2024.

development strategy of the Kyrgyz Republic until 2040 and is aimed at improving the well-being of citizens. The main principle of the development program is to protect every citizen of the Kyrgyz Republic from violence and humiliation, danger and arbitrariness. The constitutional duty of the state is to ensure guarantees of human rights and freedoms, in connection with which, on 1 December 2021, a new criminal code,¹⁵ a Criminal procedure code of the Kyrgyz Republic¹⁶ and a Code of offenses of the Kyrgyz Republic¹⁷ were introduced.

In the Kyrgyz Republic, work is underway to introduce and develop the process of digitalization of the judicial system, including through amendments to the current legislation. One of the striking achievements in judicial reform is the digitalization of the judicial system. This is a qualitatively new level in the development of domestic legal proceedings.

The transparency of the judicial system is ensured by modern technologies through the introduction of the automated information system: «AIS Court», which provides for audio and video recording of court hearings, and automatic distribution of cases to judges. Together with the «AIS Court», a system of audio and video recording of court hearings has been

introduced, which makes it possible to prevent fair trial violations, take testimony from witnesses and defendants, reduce the cost of transporting witnesses and suspects, and make the judicial system more open. Another important reform was the creation of a system for providing free legal assistance to citizens who are unable to hire lawyers. This is especially important for socially vulnerable groups of the population.

The implementation of the right to a fair trial in the Kyrgyz Republic is an important aspect of the legal system for the protection of human rights, which is guaranteed by the Constitution and international standards. The Constitution of the Kyrgyz Republic guarantees every person and citizen the protection of their rights and freedoms, including the right to sexual freedom and sexual inviolability. Mr. Nazarov informed participants that sexual crimes against children in the Kyrgyz Republic are a serious problem and are the subject of special attention from the state and society. In order to tighten criminal penalties for crimes against the sexual inviolability of children, in 2022, amendments were made to the Criminal Code and the Criminal Procedure Code, as well as to the law of the Kyrgyz Republic on the principles of amnesty and the procedure for its application.



Photo: Damirbek Nazarov, Judge, Supreme Court of Kyrgyz Republic

Mongolia

Mr. Naranbaatar Sainbayar, Senior Lecturer, Doctor of Law, Department of Criminal Procedure of the Police Institute, University of Internal Affairs of Mongolia, recalled that in 2019, a number of amendments were made to the Constitution of Mongolia.¹⁸ In the field of criminal proceedings, fundamental changes were made and reforms were carried out.

Since the most recent criminal procedure code was adopted in 2017 in Mongolia, 19 amendments have

been made. These were aimed at accelerating the consideration of cases, improving the protection of human rights and using modern technologies.

According to the criminal procedural legislation of Mongolia, the acceptance of a criminal case by the court is scheduled for preliminary hearings within 15 days. If the parties have not applied for a preliminary hearing to be held in court, the court will independently schedule this preliminary hearing. At this hearing, the

¹⁴ Decree of the President of the Kyrgyz Republic № 210, "National Development Program of the Kyrgyz Republic" until 2026 of 30.07.2024.

¹⁵ Criminal Code of the Kyrgyz Republic of 28.10.2021.

¹⁶ Criminal Procedure Code of the Kyrgyz Republic of 28.10.2021.

¹⁷ Code of offenses of the Kyrgyz Republic, of 28.10.2021.

¹⁸ The Constitution of Mongolia.

court must consider whether the rights of the parties to the criminal proceedings have been violated and whether all necessary investigative actions have been carried out. If these issues are not established, then this criminal case is accepted by the court. After accepting criminal cases, the court cannot and does not have the authority to return them for additional investigation.

In order to protect human rights during the preliminary investigation, a standard for interrogation rooms has been adopted whereby evidence obtained from interrogations conducted outside such interrogation rooms is inadmissible.

The use of electronic evidence in criminal proceedings was introduced in Mongolia in 2023.

Tajikistan

Ms. Mavljuda Pulodi, Judge, Supreme Court of Tajikistan, highlighted the link between well-functioning criminal justice system and sustainable socio-economic development, in addition to its role as a tool for preventing and combating human rights violations. She noted that in Tajikistan, special attention is paid to ensuring the rule of law and the independence of the judiciary.

In the period from 2007 to 2021, four programs of judicial and legal reform were adopted and implemented in the Republic of Tajikistan, and they reflected the most important problems of the judicial system of their time. Reforms of constitutional proceedings, criminal, civil and administrative procedural law were carried out. All normative legal acts governing the fundamentals of the activities of the judicial system and law enforcement agencies were adopted in a new version.

In Tajikistan, one of the main objectives of judicial reforms was maximum judicial control in all areas of law enforcement.

Considering that openness and accessibility of justice is one of the priority areas of reforming the judicial and legal system in the Republic of Tajikistan, in accordance with the program of judicial and legal reform in the Republic for 2019-2021, the Law of the Republic of Tajikistan on access to information on the activities of the courts¹⁹ was adopted. To implement and harmonize this law, appropriate additions and amendments were made to the procedural codes, providing for the procedure for posting judicial acts on the official websites of the courts.

In this regard, in recent years, several policy documents have been adopted aimed at further development and improvement of the legal system, including the concept of legal policy of the Republic of Tajikistan for 2018-2028.²⁰

As part of the implementation of this concept, an interdepartmental working group, which also includes the Chairman of the Criminal Cases Collegium of the Supreme Court of the Republic of Tajikistan, has currently

The rules for the participation and appointment of a lawyer, which guarantees suspects the right to receive qualified legal assistance, have been improved.

Mr. Sainbayar pointed to some challenges related to criminal proceedings in Mongolia. These included with respect to the right to appeal; the independence of investigations; the problem of entry into force of a court decision before the prosecutor issues a ruling; evaluation of evidence in violation of the law; problems which arise when there is a contradiction of the Supreme Court's decision and the Constitution of Mongolia, and proceedings in absentia.

developed a draft Criminal Code of the Republic of Tajikistan in a new edition, which is under consideration by the Government of the Republic of Tajikistan.

The draft Criminal Code differs significantly from the current criminal law. In particular, the draft does not include the institution of repeated commission of crimes and introduces a new concept, such as repeated commission of a criminal act. Also, the qualifying features of committing a crime in case of recidivism, dangerous and especially dangerous recidivism have been excluded from the composition of crimes, which, in accordance with the current criminal law, is the basis for imposing a more severe punishment. At the same time, in order to guarantee and simplify the rule of law and order, criminal liability for organized crimes, corruption and torture, as well as cross-border crimes, has been strengthened. Criminal liability for domestic violence is provided for.

Another important area of development of criminal law is the reform of the country's penitentiary system, in connection with which a strategy for reforming the system of execution of criminal penalties in the Republic of Tajikistan for the period up to 2030²¹ has been adopted.

This strategy provides for the development of a system of punishment alternative to imprisonment and the establishment of a probation service in Tajikistan. Currently, a draft Law of the Republic of Tajikistan on Probation has been prepared. A draft of amendments and additions to other regulatory legal acts is being developed. Public hearings are expected to collect comments, recommendations and proposals and then send the projects to the government of the country. It should be noted that the expert working group on the development of the draft law, along with representatives of government agencies and academic circles, also includes representatives of civil society.

In 2024, important amendments and additions were also made to the Criminal Procedure Code of the Republic of Tajikistan, regulating international cooperation in the field of criminal proceedings.

¹⁹ Law of the Republic of Tajikistan "On access to information on the activities of the courts", of 25.06.2021.

²⁰ Presidential Decree of the Republic of Tajikistan № 1005, "About the Concept of legal policy of the Republic of Tajikistan for 2018-2028" of 06.02.2018.

²¹ Resolution of the Government of the Republic of Tajikistan №385, "On the Strategy for reforming the system of execution of criminal penalties in the Republic of Tajikistan for the period up to 2030" of 25.06.2020



Photo: Mavljud Pulodi, Judge, Supreme Court of Tajikistan

Turkmenistan

Mr. Annamyrad Saryyey, judge of the Ashgabat Court in Turkmenistan, noted some of the recent improvements to criminal legislation and law enforcement practice in criminal proceedings in Turkmenistan.

Mr. Saryyey informed participants of the Forum that in 2022 the Concept of Development of the Judicial System of Turkmenistan for 2022-2028 was adopted, which defined specific measures to improve the judicial system and improve the material and technical base of the courts. Draft laws were developed to improve the judicial system and laws establishing and regulating the main social relations in the field of legal proceedings, subsequently adopted by the national parliament, in particular, amendments and additions in the field of executive issues and the convocation of the Plenum of the Supreme Court of Turkmenistan on the number of assessors, on powers in court, on the requirements imposed on candidates in court and on additional payment to the official salary, as well as judicial bodies, judges and court employees, on the introduction of conference calls in court hearings and civil criminal proceedings and others.

The decree of the President of Turkmenistan dated 5 July 2022²² approved the program for the development of the Judicial System in Turkmenistan for 2022-2028, according to which the activities of the judicial system will be carried out in accordance with developed world systems, transparency of justice will be ensured, its quality will improve and its accessibility will be achieved, ensuring the independence of judges and subordination only to the Constitution of Turkmenistan and laws.

In recent decades, Turkmenistan, in accordance with its international obligations, based on the need for further successful integration into the global legal space, has paid great attention to the systematic implementation of legal norms in national legislation, implementing international conventions to which it is a party.

Training and raising the level of education and awareness of judicial and law enforcement officials in the field of human rights, as well as activities to raise public awareness on this issue, are continuing.

Also, guided by the principles of humanism and legislation, amendments were adopted in the field of criminal legislation to mitigate the general term of punishment associated with imprisonment and reduce the punishment for certain types of crimes provided for by sanctions. That is, a reduction in the term of punishment, replacement in the form of imprisonment, types of punishment in the sanctions provided for, as well as decriminalization of some crimes and others.

The legislation on the application of criminal punishment to minors is also guided by the principles of humanity and the 2009 edition of the Criminal Code with subsequent amendments. The terms of punishment not related to imprisonment have been reduced. The terms of criminal early release from punishment were taken into account in the case of the initial commission of a minor crime, as a result of which a minor cannot be sentenced to imprisonment.

²² Decree of the President of Turkmenistan, "the Concept of Development of the Judicial System of Turkmenistan for 2022-2028" of 05.07.2022, mentioned at the VII Conference of Judges of Turkmenistan, Turkmenistan Today. See also: OSCE supports development of 2020-2030 Tajikistan's Penal Reform Strategy Implementation Plan | OSCE

Uzbekistan

Ms. Elza Shamsutdinova, judge of the Supreme Court of Uzbekistan, shared information regarding the main reforms carried out in the Republic of Uzbekistan in the judicial and legal sphere in 2021-2024.

Over the past six years, the President of the Republic of Uzbekistan has adopted more than 50 decrees and resolutions in the judicial and legal sphere alone. Criminal procedure legislation²³ has undergone significant changes aimed at improving its norms, implementing advanced international standards and foreign practices in order to unconditionally ensure the rights and legitimate interests of citizens who are involved in criminal proceedings.

Ms. Shamsutdinova highlighted that one of the priority tasks of ensuring justice in Uzbekistan is the complete digitalization of the activities of the courts: the introduction of artificial intelligence technology, improving the interdepartmental exchange of electronic data, expanding the possibility of remote participation in court hearings, paying a fine, automatically distributing cases between judges, publishing court decisions on the internet, as well as sending executive documents for compulsory execution in electronic form.

International standards related to respect the rights of suspects and other persons in custody, ensuring the principle of the presumption of innocence, and fundamental rights and freedoms of defendants and convicts been implemented in the national legislation of the Republic of Uzbekistan and enshrined in the new version of the Constitution of Uzbekistan,²⁴ adopted by popular vote in a referendum held on April 30, 2023.

The President of Uzbekistan approved the long-term development strategy of the country «Uzbekistan 2030» on 11 September 2023.²⁵ This document pays special

attention to ensuring the rule of law and the independence of the judicial system. Strengthening the rule of law and fair justice is proclaimed one of the key goals for the new Uzbekistan, where courts and laws should become real guarantors of the protection of the rights of citizens and businesses. In this regard, the President signed the law on 27 September 2023, according to which the procedure for reviewing cases in an audit procedure was introduced from 1 January 2024.

On 10 June 2024, the President of the Republic of Uzbekistan signed a decree²⁶ according to which, from 1 January 2025, sanctions for procedural actions in criminal cases will be considered by individual judges, (investigative judges). The new strategy provides for a reduction in the practice of detention during the investigation and a wider use of an alternative preventive measure in the form of bail. Now, accused persons and their defence lawyers can apply to the court to change the preventive measure to another preventive measure. Previously, this was an appeal to the investigator. Approaches to initiating criminal cases and sentencing will be revised. It is planned to introduce the possibility of reconciliation of the parties without initiating a criminal case based on a petition from the victim.

It is also envisaged to expand the use of alternative types of punishment and other legal measures against persons who have committed crimes for their subsequent correction. Thus, the emphasis is on the humanization of criminal proceedings and legal proceedings, ensuring a balance between the protection of human rights and the interests of justice. It should also be noted that the strategy has a separate direction on achieving gender equality in the Republic of Uzbekistan by 2030. A separate resolution was adopted by the Senate, the Oliy Majlis of the Republic of Uzbekistan, according to which it was established to increase the proportion of women judges to 30 per cent by 2030.



Photo: Elza Shamsutdinova, Judge, Supreme Court of Uzbekistan.

²³ Criminal Procedure Code of the Republic of Uzbekistan of 22.09.1994, as amended by 29.02.2025.

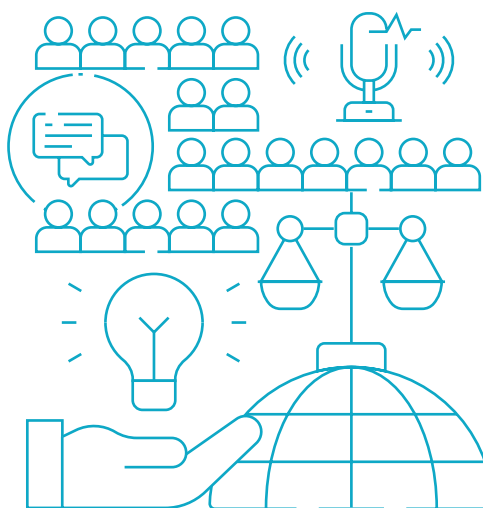
²⁴ Constitution of the Republic of Uzbekistan, adopted by nationwide vote at the referendum of the Republic of Uzbekistan held on April 30, 2023 of 30.04.2023.

²⁵ Decree of the President of the Republic of Uzbekistan № УП-15, "About the Strategy "Uzbekistan - 2030" of 11.09.2023.

²⁶ Decree of the President of the Republic of Uzbekistan № УП-89, "About measures for further strengthening of guarantees of reliable protection of the rights and personal freedoms in operational search and investigative activities", of 10.06.2024.

Plenary Session 1: Fair Trials and Reform of the Justice System

The plenary session on Fair Trials and Reform of the Justice System brought together leading experts from academia, judicial representatives, and legal professionals from across the region and beyond. The session provided a platform to exchange experiences and discuss key reforms aimed at enhancing judicial independence, ensuring fair trial guarantees, and strengthening access to legal defence. Participants examined recent developments in judicial administration, the role of digital technologies, and the importance of transparent and merit-based judicial appointments. The session also addressed challenges such as the overuse of pre-trial detention, the need for robust safeguards in plea bargaining, and the protection of lawyers' rights. Ongoing reforms in Kazakhstan, Georgia, Tajikistan, Kyrgyzstan, and Uzbekistan were highlighted, offering valuable lessons and good practices for the broader Central Asian region.



Key recommendations:

1. **Ensure sustained implementation and monitoring of judicial reforms.** All reforms, including the establishment of cassation courts and electronic monitoring, must be accompanied by clear performance indicators, regular progress reviews, and input from legal professionals and court users to ensure they achieve their intended impact.
2. **Guarantee equal standing between the prosecution and defence.** Legal frameworks should be strengthened to ensure that defence lawyers have practical, not just theoretical, equality with prosecutors, including equal access to investigative resources and procedural tools.
3. **Expand access to non-custodial measures.** Pre-trial detention should remain a measure of last resort. Greater investment is needed to expand the use of electronic monitoring and other alternatives, ensuring affordability and availability across urban and rural areas.
4. **Safeguard judicial appointments and evaluations from political and administrative influence.** Judicial appointments, evaluation, and disciplinary procedures should prioritise merit, transparency, and independence, ensuring that career progression is based on competence, not political loyalty or administrative convenience.
5. **Strengthen the protection and status of lawyers.** Legal practitioners require stronger institutional protections, including criminal and administrative sanctions against interference with their work, as well as enhanced procedural powers to secure evidence and represent clients effectively.
6. **Ensure plea bargaining respects fair trial standards.** Legal safeguards must prevent abuse or coercion during plea bargaining negotiations. Judicial oversight, transparency, and the presence of legal counsel must be guaranteed throughout the process.
7. **Establish independent bodies to investigate allegations of torture and judicial misconduct.** Effective, impartial mechanisms should be created to investigate complaints of torture, judicial corruption, and professional misconduct to uphold public trust in the judiciary and law enforcement.



Photo: Dr. Ganna Yudkivska, Vice-Chair of the UN Working Group on Arbitrary Detention, Vice-President of the European Society of International Law, Judge of the European Court of Human Rights in 2010-2022

Summary of discussions of plenary session 1

The plenary session on Fair Trials and Reform of the Justice System focused on key themes related to judicial independence, fair trial guarantees, plea bargaining, access to effective legal defence, and broader reforms within the justice system, including the prosecution service and the bar association. Moderated by a representative of a Kazakh CSO (LPRC), the session began with a detailed presentation on the OSCE Programme Office's project aimed at improving the effectiveness of the judicial system in Kazakhstan.

A representative from the OSCE Programme Office in Astana, outlined the comprehensive approach taken to develop a new strategy on court administration. The strategy development involved an extensive survey covering over 5,000 judicial administration staff and data collection from more than 1,000 judges. This was complemented by international comparative studies, including best practices from the Netherlands, the United States, and Norway, as well as strategic planning sessions with stakeholders and a business consulting firm. The resulting strategy, which aims to streamline court administration and enhance public service delivery, was presented to the Supreme Court of Kazakhstan but has not yet been formally adopted. This representative also highlighted OSCE's work in supporting judicial training, particularly a new preparatory course for judicial candidates.

A representative from the UN Working Group on Arbitrary Detention and former Judge at the European Court of Human Rights, emphasised the importance of securing judges' tenure and protecting them from undue influence by the executive or legislative branches. The judge referenced the 2023 Warsaw Recommendations on Judicial Independence and Accountability²⁷ as a guiding document, urging states to ensure transparent appointment and dismissal processes, pointing to European Court of Human Rights cases,²⁸ demonstrating how flawed appointment or dismissal processes can undermine public confidence in the judiciary.

A representative from the Rule of Law Section of the OHCHR in Geneva, reinforced the absolute nature of judicial independence under Article 14 of the

International Covenant on Civil and Political Rights. She also underlined that the importance of transparent appointments, security of tenure and protection from arbitrary dismissal. The representative highlighted several fair trial rights, including equality of arms, protection against self-incrimination, and also emphasised the absolute prohibition of torture and ill-treatment. She raised concerns about the use of plea bargaining,²⁹ noting that while it can expedite proceedings, it must be transparent, free from coercion, and subject to judicial oversight.

A representative of the Judicial Collegium for Criminal Cases of the Supreme Court of Kazakhstan, detailed the country's judicial reforms, including the creation of new cassation courts that will become operational from 1 July 2025. These courts, based in the capital, will specialise in criminal, civil, and administrative cases, functioning independently of regional appellate courts to enhance impartiality and reduce local pressures. This representative highlighted a pilot project promoting the use of electronic monitoring devices as an alternative to pre-trial detention. She also discussed the increasing digitisation of the judicial process, with 87 per cent of criminal cases now processed electronically, contributing to greater efficiency and transparency.

A Member of the High Judicial Council of Kazakhstan, described the Council's evolution into an autonomous state body in 2019, with a focus on safeguarding judicial independence. Key reforms included transferring judicial training, appointment, and disciplinary procedures from the Supreme Court to the Council. She highlighted the introduction of elections for district court chairs and the alternative nomination process for Supreme Court candidates as measures to reduce political and administrative influence over judges.

A representative of the Bar Association of Kazakhstan, reflected on the progress and remaining challenges in enhancing the legal profession. He raised concerns about the persistent overuse of pre-trial detention, as annually 2,000 individuals in remand detention ultimately do not receive custodial sentences. He stressed the need for greater availability of electronic



Photo: Working Group session

²⁷ Recommendations on Judicial Independence and Accountability (Warsaw Recommendations), 2023.

²⁸ European Court of Human Rights, *Guðmundur Andri Ástráðsson v. Iceland* (Application no. 26374/18), judgement 1 December 2020; *Oleksandr Volkov v. Ukraine* (Application no. 21722/11), final judgement 27 May 2013; *Baka v. Hungary*, [Application no. 20261/12], judgement 23 June 2016.

²⁹ United Nations Working Group on Arbitrary Detention: Preliminary Findings from its visit to Canada (13 to 24 May 2024).

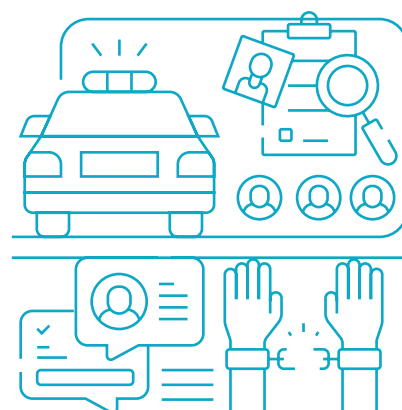
monitoring devices and called for judicial discipline for judges who impose detention without sufficient grounds. He advocated for stronger protections for defence lawyers, including criminal and administrative liability for obstructing legal defence work. A representative of the Union of Lawyers of Tajikistan, reported on positive developments in Tajikistan's human rights framework, notably the 2023 National Human Rights Strategy, which calls for criminal liability for obstructing lawyers' work and violating lawyer-client privilege. He underlined the need for further efforts to ensure the independence of the bar, particularly in the licensing process, which remains under government control. A Defence Lawyer from Uzbekistan, concluded the session by calling for reforms to strengthen the adversarial system in court proceedings. He emphasised the need for independent platforms enabling lawyers to contribute to legislative processes and advocated for expanding lawyers' rights to gather evidence in defence of their clients.

A Prosecutor from the International Cooperation Unit of the Prosecutor General's Office of Georgia, emphasised the importance of judicial openness to build public trust. He highlighted Georgia's legal provisions ensuring equality of arms, allowing defence lawyers to request investigative actions through the courts. He stressed the necessity of retrials when trials are conducted in absentia, ensuring that defendants can challenge evidence in person.

A Defence Lawyer from Kyrgyzstan, presented alarming data from the National Centre for the Prevention of Torture indicating that, in 2022, 20 per cent of detainees reported experiencing torture.³⁰ He stressed that the majority of torture allegations arise during initial detention, with few cases resulting in criminal prosecutions. From 2012 to 2023, only 5 torture cases involving 17 officials were adjudicated, with 13 defendants acquitted. He called for the establishment of an independent investigative body for torture complaints.

Working Group 1: Safeguarding Human Rights during Pre-trial Investigations

This working group addressed crucial aspects of protecting human rights at the pre-trial stage, focusing on the role of investigative judges, judicial oversight over investigative measures, alternatives to pre-trial detention, and access to free legal aid and effective legal representation. The pre-trial phase is a critical stage in criminal proceedings where the risk of human rights violations is particularly high. Arbitrary detention, lack of access to legal defence, coercive investigative practices, and inadequate judicial oversight can undermine the right to a fair trial and the presumption of innocence. The working group brought together judges, defence lawyers, and legal aid experts from Central Asia and beyond to discuss existing challenges, good practices, and necessary reforms to strengthen human rights protection during pre-trial investigations.



Key recommendations:

1. **Strengthen the role of investigative judges.** Ensure robust judicial oversight at all stages of pre-trial investigations.
2. **Fully implement electronic monitoring systems.** Monitoring can be a viable alternative to pre-trial detention, reducing the reliance on custodial measures.
3. **Ensure that defence lawyers have the right to challenge pre-trial detention decisions.** Lawyers should be able to directly challenge before the court in all cases.
4. **Guarantee the independence of state-appointed lawyers.** Enforce the use of automated assignment systems and preventing investigative bodies from selecting preferred lawyers.
5. **Increase training for judges, investigators, and defence lawyers on international standards.** Training is needed in particular on standards pre-trial detention, legal representation, and safeguards against torture.
6. **Expand access to free legal aid.** Such aid is needed especially in rural and remote areas, ensuring that all individuals, regardless of income, can secure competent legal representation.
7. **Monitor and evaluate the application of pre-trial detention and alternative measures.** Ensure consistent implementation of legal safeguards and prevent abusive practices.

³⁰ Kyrgyz Republic - United States Department of State.



Photo: Mindia Vashakmadze, UNDP Regional Hub for Europe and Central Asia, and panellists during Working Group session on Safeguarding Human Rights during Pre-trial Investigations



Photo: Working Group 1: Safeguarding Human Rights during Pre-trial Investigations

Summary of discussion of working group 1:

The session opened with remarks from a Judge of the Almaty City Court in Kazakhstan, who highlighted Kazakhstan's commitment to human rights protection through judicial reform. She noted that the transfer of all pre-trial sanctioning powers from prosecutors to judges since 2008 has strengthened judicial oversight and expanded the rights of defendants. She described alternative measures to pre-trial detention available in Kazakhstan, including bail, house arrest, and a pilot project on electronic monitoring bracelets in

Astana, which provides a cost-effective and humane alternative to custodial measures.

A Judge of the North Kazakhstan Oblast Court, stated that as of 2024, investigative judges in Kazakhstan have 18 distinct powers in the Criminal Procedure Code.³¹ He stressed that judicial oversight is essential to prevent unlawful detention and investigative abuses, ensuring that pre-trial detention remains an exceptional measure.

Judicial oversight and pre-trial procedures:

A Defence Lawyer from Tajikistan, emphasised the need for judicial oversight throughout the entire pre-trial process. She called for reforms to allow defence lawyers to directly request a review of pre-trial detention measures. A Defence Lawyer from Kazakhstan, raised concerns about the misuse of Article 65-1 of the Criminal Procedure Code, which allows suspects to be questioned as witnesses without being formally detained. She noted that this practice often results in individuals being questioned without legal representation, undermining their right to defence. This defence lawyer also asked for an automated system of appointment of defence lawyers to ensure independent and unbiased appointments. A representative from the Legal Service under the Ministry of Justice of the Kyrgyz Republic highlighted significant improvements in legal aid provision following the adoption of the Law on State-

Guaranteed Legal Aid. He explained that tariffs for legal aid services have been increased nearly 40 times over five years to attract qualified lawyers. He also outlined the introduction of quality standards and an automated system to assign lawyers and monitor their performance, which has improved access to legal defence. A representative from the Union of Lawyers of Tajikistan, described Tajikistan's legal aid system, established under the 2020 Law on Legal Aid. He noted that while the law provides for both primary and secondary legal aid, challenges remain, particularly in rural areas with few lawyers. He also informed the participants that, as part of Tajikistan's National Human Rights Strategy until 2038, amendments to the Criminal Code are being considered to introduce criminal liability for obstructing lawyers' activities and violating lawyer-client privilege.

Pretrial detention:

A Defence Lawyer from Tajikistan stressed that legal framework should be revised to reduce the automatic imposition of detention for offences carrying sentences of over two years. She underlined the value

of electronic monitoring as an alternative to detention and noted that legislation alone is insufficient unless consistently applied in practice.

³¹ Criminal Procedure Code of Kazakhstan, Article 55.

Working Group 2: Effectiveness of investigation, arrest and interrogation

The Working Group on Effectiveness of Investigation, Arrest, and Interrogation brought together legal professionals, human rights experts, and academics from Kazakhstan, Kyrgyzstan, Tajikistan, and Mongolia to examine systemic challenges in criminal investigations, the use of pre-trial detention, forced confessions, and judicial independence. The discussion highlighted widespread violations of the presumption of innocence, over-reliance on confession-based convictions, lack of independent legal representation, and barriers to justice for torture survivors. Experts underscored the urgent need for judicial reforms, stricter oversight of law enforcement, and stronger procedural safeguards to ensure compliance with international human rights standards. The session concluded with seven key recommendations addressing these issues, including judicial independence, restriction of pre-trial detention, exclusion of evidence obtained under duress, and enhanced legal protections for victims of torture and abuse.



Key recommendations:

1. **Guarantee the presumption of innocence.** Prohibit public statements that portray suspects as guilty before trial and by strengthening judicial oversight to prevent biased prosecutorial practices.
2. **Restrict the use of pre-trial detention.** Ensure pre-trial detention is applied only in exceptional cases, with courts mandated to explore alternative measures such as bail and electronic monitoring.
3. **Combat forced confessions.** Enforce strict exclusionary rules for evidence obtained under duress and establishing independent monitoring mechanisms within detention facilities.
4. **Ensure effective legal representation.** Strengthen bar associations, eliminate the practice of appointing state-controlled lawyers, and ensure independent legal aid is available to all defendants.
5. **Strengthen judicial independence.** Reform judicial appointment processes, implementing transparent selection criteria, and ensure that courts operate free from executive or prosecutorial influence.
6. **Guarantee access to justice for victims.** Establish independent forensic assessment bodies, ensuring victims have unhindered access to legal remedies, and adopting automatic state compensation mechanisms.
7. **Enhance investigative standards.** Reducing reliance on witness testimony, promoting scientific forensic methods, and integrate modern profiling techniques into criminal investigations.

Summary of discussion of working group 2:

The session on the effectiveness of investigation, arrest, and interrogation, moderated by a lawyer from a Kazakh CSO, examined systemic challenges in criminal investigations, the use of pre-trial detention,

forced confessions, and judicial independence. The discussion underscored the urgent need for reform to ensure that law enforcement and judicial practices comply with international human rights standards.

Presumption of innocence:

An Expert (PhD) from a Kazakh CSO provided an in-depth analysis of systemic failures in upholding the presumption of innocence in Kazakhstan. He argued that this principle is not limited to acquittals but must also include legal decisions that favour the defence, such as the release of detainees or reclassification of suspects as witnesses. He also stressed that it needs to be ensured that witnesses do not run the risk of

self-incrimination. However, statistical data on such procedural protections is currently lacking, making it difficult to assess how effectively the principle is upheld in practice. He recommended that Article 19 of the Criminal Code be amended to ensure broader application of the fundamental principle of presumption of innocence.

Prevention of torture

A representative from the National Centre for the Prevention of Torture in Kyrgyzstan, highlighted the unbalanced application of detention measures. Despite legal provisions that mandate pre-trial detention only in exceptional circumstances, in practice, courts continue to default to detention, even in cases where alternative measures, such as bail or house arrest, should be prioritised. He also stressed that pre-trial detention is frequently used as a method of pressuring defendants into confessions, contradicting the principle of proportionality and necessity under international law.³²

A Kazakh lawyer strongly criticised the investigative and prosecutorial reliance on confession-based convictions. He argued that law enforcement agencies prioritise extracting confessions rather than conducting thorough, evidence-based investigations, and condemned the public staging of confessions before trial, often through state-controlled media, which irreversibly damages the presumption of innocence and biases court proceedings. He called for greater judicial oversight on the admissibility of confessions, stressing that evidence obtained under duress must be excluded automatically.

Legal representation

The role of legal representation in ensuring fair trials was another focal point. A representative of the Kazakh Bar Association addressed systemic barriers that undermine the right to effective legal defence. She highlighted the prevalence of “red lawyers” (state-appointed legal representatives who collaborate with the prosecution instead of defending their clients’ rights), noting that disciplinary measures against such lawyers remain weak. Victims of ineffective legal representation do not file complaints, making it difficult to hold unethical lawyers accountable. She also stressed that bar associations in Central Asia lack full independence, as state interference in legal practice restricts defence lawyers from challenging prosecutorial misconduct. She called for merit-based judicial appointments, transparent disciplinary procedures within bar associations, and stronger protections for independent lawyers who take on politically sensitive cases.

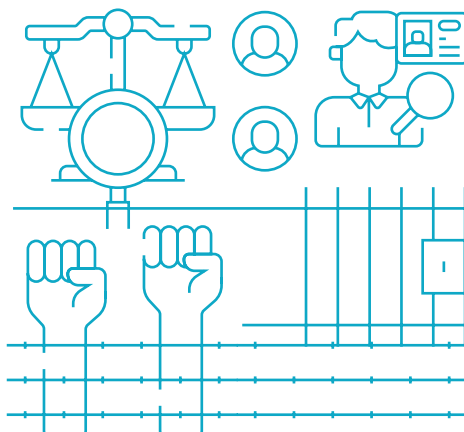
A director of a Tajik CSO outlined serious barriers faced by victims of torture in seeking justice. Despite legal provisions allowing victims to claim compensation, she noted that implementation remains weak, with survivors facing intimidation, bureaucratic delays, and legal roadblocks. One of the main obstacles is the lack of independent forensic medical assessments, which undermines victims’ ability to prove they were tortured.

She argued that international law requires independent, transparent, and timely investigations into all allegations of abuse. She recommended the creation of specialised victim support units within law enforcement agencies, ensuring that victim protection is integrated into broader criminal justice reforms.

³² United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)

Plenary Session 2: Pre-trial Investigations

The discussions in Working Group 1: Safeguarding Human Rights during Pre-Trial Investigations and Working Group 2: Effectiveness of Investigation, Arrest, and Interrogation revealed deep-seated challenges in the pre-trial phase of criminal justice across the region. A central concern was the lack of judicial independence, which undermines the ability of courts to provide effective oversight of law enforcement and prosecutorial actions. The systematic overuse of pre-trial detention, often without sufficient justification, remains a widespread issue, leading to prolonged deprivation of liberty and increased risks of abuse.



Key recommendations:

1. **Guarantee judicial oversight of pre-trial detention.** Ensure that courts apply strict legal criteria when approving detention measures, strengthening the habeas corpus mechanism, and making pre-trial detention a genuine exception rather than the default practice.
2. **Eliminate coercive interrogation practices; prohibit the use of evidence obtained under duress.** Require mandatory video and audio recording of interrogations, and adopting the Mendez Principles on Effective Interviewing to promote ethical, evidence-based investigations.
3. **Strengthen access to independent legal representation.** Provide detainees with unhindered, confidential, and early access to qualified defence lawyers, eliminating administrative barriers, and introducing effective legal aid mechanisms to prevent manipulation by law enforcement.
4. **Enhance investigative standards.** Reduce reliance on witness testimony, promoting scientific forensic methods, and integrating modern profiling techniques into criminal investigations to ensure fact-based, rather than confession-driven, case-building.
5. **Ensure independent oversight of law enforcement and investigative bodies.** Establish independent forensic assessment units, enabling external monitoring of detention facilities, and strengthening the role of national human rights institutions and civil society in reviewing cases of procedural violations.
6. **Guarantee access to justice for victims.** Establish independent forensic assessment bodies, ensuring victims have unhindered access to legal remedies, and adopting automatic state compensation mechanisms for wrongful detention, torture, or other procedural violations.
7. **Strengthen the protection of procedural rights in the pre-trial phase.** Introduce mechanisms to prevent arbitrary arrests, ensuring detainees are properly informed of their rights upon apprehension, and criminalising the practice of presenting suspects as guilty before judicial proceedings.

Summary of discussion of working group 2:

The working groups also highlighted the excessive reliance on confessions as the primary form of evidence, a practice that fosters coercion, including the use of torture and ill-treatment. Despite existing legal protections, investigations into torture allegations remain ineffective, with procedural loopholes allowing impunity for perpetrators. Furthermore, detainees frequently face barriers to accessing independent legal representation, and procedural safeguards,

such as the right to a lawyer from the moment of detention and the presumption of innocence, are often disregarded in practice.

While national legal frameworks across the region often reflect international human rights obligations, their practical implementation remains inadequate due to institutional weaknesses, lack of enforcement mechanisms, and entrenched cultures of impunity.

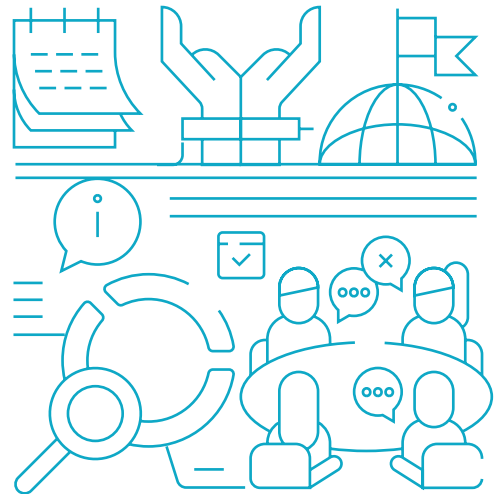
Participants stressed that meaningful reforms must go beyond legislative amendments to ensure transparent, fair, and human rights-compliant pre-trial investigations. These reforms should include strengthening judicial independence, restricting the use of pre-trial detention, eliminating coercive interrogation techniques, enhancing forensic and

investigative standards, and ensuring robust oversight of law enforcement agencies. A rights-based approach to pre-trial investigations must prioritise due process, accountability, and safeguards against abuse to prevent wrongful convictions and uphold the integrity of the criminal justice system.

Side Event 1:

Round table on improving the mechanism of compensation for harm caused to victims of torture and ill-treatment, as well as their rehabilitation in accordance with the recommendations of the Updated Istanbul Protocol and UN Treaty Bodies (Supreme Court of Kazakhstan)

The round table was organised by the Supreme Court of Kazakhstan and the Judicial Administration of the Republic of Kazakhstan. It aimed to discuss improvements to the legislative framework and practical mechanisms for providing compensation and rehabilitation to victims of torture and ill-treatment. The event followed the Head of State's 2020 address emphasising the protection of human rights, and the 2021 national action plan on human rights, which included a specific focus on compensation and rehabilitation for victims of torture, in line with the updated Istanbul Protocol and recommendations of UN treaty bodies. The round table brought together representatives from the judiciary, government ministries, civil society organisations, and international human rights bodies.



Key recommendations:

1. **Amend Article 923 of the Civil Code of the Republic of Kazakhstan.** Explicitly include victims of torture, cruel, inhuman, and degrading treatment as eligible for compensation, ensuring legal clarity and reducing barriers to claims.
2. **Expand the Victims' Compensation Fund.** Include victims under Part 4 of Article 146 of the Criminal Code, and ensure compensation is accessible regardless of whether the perpetrator is identified or convicted.
3. **Review and increase current compensation levels.** Increase needed to reflect the severity of torture and align with international best practices, ensuring fairness across victim categories.
4. **Diversify the funding sources for the Victims' Compensation Fund.** Incorporate fines, confiscations, and state budget allocations to ensure long-term sustainability.
5. **Extend the mandate of social protection and rehabilitation centres.** Provide medical, psychological, and social support services tailored to victims of torture and ill-treatment.
6. **Establish a mechanism to ensure that decisions and views issued by United Nations human rights bodies are implemented.** Decisions of bodies such as the Committee Against Torture, should automatically trigger state compensation and prompt case reviews.
7. **Develop standardised guidelines for documenting torture.** Such guidelines should assess victims' needs, and processing compensation claims, alongside capacity-building training for judges, prosecutors, law enforcement, and medical professionals to ensure a victim-centred approach.

Summary of discussions of side event 1:

A representative of the Judicial Administration of the Republic of Kazakhstan framed the discussions by providing context on Kazakhstan's ongoing human

rights reforms and the national plan aimed at enhancing mechanisms for compensating victims of torture.

Efforts to reduce cases of torture:

A representative from the Prosecutor General's Office of Kazakhstan, provided insight into the significant reforms implemented since 2019 to enhance accountability for torture. He detailed that all torture cases are now investigated exclusively by the prosecutor's office to prevent conflicts of interest. A representative of a Kazakh CSO, called attention to the gaps in the procedural aspects of victim compensation. She stressed that compensation should not be treated as an isolated remedy but as part of a broader, comprehensive approach to reparations

for victims of torture. She argued that Kazakhstan's legal framework would benefit from a dedicated anti-torture law that integrates restitution, rehabilitation, satisfaction, and guarantees of non-repetition into one clear legal structure, in line with recommendations from the UN Committee Against Torture. A CSO representative from Tajikistan and a judge from Uzbekistan said their countries' legal framework to prevent torture have been improved, but challenges mentioned above linked to in implementation remain.

Compensation to victims of torture:

A representative from the Anti-Corruption Monitoring Department within the Ministry of Internal Affairs of Kazakhstan advocated for expanding the scope of the Victims' Compensation Fund to include victims of cruel treatment.³³

A representative from the Department of Budget Legislation at the Ministry of Finance of the Republic of Kazakhstan explained that the Victims' Compensation Fund is primarily funded through non-tax revenues, fines, and penalties. He stressed the importance of ensuring that any increase in compensation payments is matched by increased funding. A representative from the Rule of Law Section of the OHCHR in Geneva

stressed that compensation should cover both pecuniary and non-pecuniary damages and extend to restitution, rehabilitation, satisfaction, and guarantees of non-repetition. A human rights and legal expert affiliated with the Coalition against Torture, reinforced the urgency of aligning national legislation with international human rights standards. She drew attention to the precedent set in the Gerasimov case in Kazakhstan, where compensation was awarded based on a decision from the UN Committee Against Torture.³⁴ She argued that such international rulings should be consistently recognised as sufficient grounds for awarding damages under national law.

Services to torture victims:

According to a representative from the Ministry of Labour and Social Protection of Kazakhstan, existing social protection centres currently provide support to victims of domestic violence and human trafficking, but their mandate does not extend to victims of torture. He highlighted the need for legislative amendments to broaden the scope of services offered to include torture victims.

Clarifying the Ministry of Justice of Kazakhstan's stance, a representative confirmed that parliamentary proposals to extend compensation rights to victims in legislation³⁵ have been supported by the Ministry. However, the representative expressed concern that selectively increasing compensation for torture victims could create disparities with victims of other violent crimes. This was echoed by Makhashova Meruert

Zhaksibaevna, Deputy Head of the Department of Human Rights in Criminal Justice of the Kazakh National Center for Human Rights.

Insights from legal practitioners further enriched the discussion. Drawing from her experience as a defence lawyer and representative of the Kazakh CSO "Committee for Monitoring Penal Reform and Human Rights," Svetlana Kovlyagina highlighted the practical challenges victims face in obtaining justice. Ilyas Adilbaev of the Kazakhstan International Bureau for Human Rights and Rule of Law and the representative of the Rule of Law Section of the OHCHR in Geneva stressed that victims should be eligible for state compensation as soon as they are officially recognised during a criminal investigation, regardless of whether perpetrators are ultimately convicted.

³³ Criminal Code of Kazakhstan, Article 146, part 4.

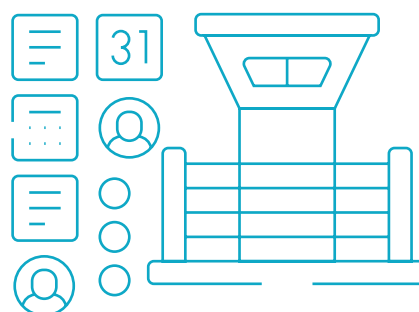
³⁴ Gerasimov v. Kazakhstan CAT/C/48/D/433/2010.

³⁵ Criminal Code of Kazakhstan, Article 146, part 4.

Side Event 2:

Access to justice and respect of fair trial rights during emergencies, natural disasters or conflicts, Kadir-Kassiyet (Dignity)

This side event was organized by the Kazakh NGO Kadir-Kassiyet (Dignity) in light of the COVID-19 Pandemic and saw discussions on various legal aspects during exceptional situations and focused on presumption of innocence and other aspects of state of emergency. Overall, the recommendations emphasize stronger judicial oversight, expanded legal protections, procedural transparency, and systemic reforms to ensure the presumption of innocence is upheld, even in times of emergency.



Key recommendations:

1. **Where online proceedings are used, ensure that they conform to good practices.** Create recommendations and protocols for holding such meetings based on the experience of countries that have successfully implemented this practice.
2. **Ensure the availability of the necessary technical infrastructure and staff training to ensure compliance with all procedural rules.** These recommendations should be developed by the Mazhilis of the Republic of Kazakhstan jointly with the Supreme Court of the Republic of Kazakhstan.
3. **Protection of rights during a state of emergency: establish legislative guarantees for the observance of citizens' rights even during a state of emergency.** Establish clear procedures to ensure access to justice in accordance with international standards.
4. **Selection of preventive measures with the participation of the accused.** Establish at the legislative level the mandatory presence of the accused and/or his lawyer when choosing preventive measures, even in a state of emergency. This will avoid arbitrary detentions and protect the right to a fair trial.
5. **Legislative regulation of temporary closure of courts.** Develop regulations governing the operation of courts in emergency situations, such as, for example, a pandemic, natural disasters, and martial law.
6. **Establish that draft laws introduced as a legislative initiative by the government are subject to consideration by Parliament immediately at a joint session of its Chambers.** Respond promptly to concerns/aspects that threaten the life and health of the population, the constitutional order, the protection of public order, and the economic security of the country.
7. **Elaborate and consolidate in legislation the norms governing the activities of criminal courts under martial law; taking into account international obligations in the field of human rights.** Mechanisms should be provided to ensure a balance between national security and the protection of human rights, including the right to protection, judicial review and access to justice.

Key recommendations for improving administrative procedure legislation:

1. **Reduce the established maximum term of administrative arrest and introduce mandatory periodic judicial control.** For example, a judicial review should be conducted every 7-15 days to assess the need for continued arrest. The extension of arrest only in exceptional situations, accompanied by strict judicial supervision.
2. **Establish stricter rules for conducting inspections without witnesses, involving the mandatory use of technical means of fixation and subsequent judicial review.**
3. **Introduce mandatory mechanisms for monitoring and appealing against the actions of the authorities in a state of emergency.** Each restriction must be justified by strict necessity and accompanied by legal guarantees.



Photo: Professor Lorena Bachmaier Winter, Complutense University Madrid, Spain

State of emergency

In the introductory remarks, A representative from the Kazakh CSO Kadir-Kassiyet said the compliance of national legislation with international norms can be assessed through the following criteria:³⁶ The existence of clear legal procedures; Access to legal protection and the possibility of appealing the restrictions imposed; Transparent public and international notification system; Assessment of the proportionality and necessity of the imposed restrictions; Preservation of judicial supervision and protection of inalienable rights.

In Kazakhstan the legal procedures in criminal case during emergencies are not clearly regulated. The

possibility to appeal against imposed restrictions is also not regulated during emergencies. Furthermore, there neither procedures in place for notification, nor assessment of proportionality and necessity of restrictions, nor judicial supervision.

Access to effective remedies should not be restricted, even in times of emergency and martial law. International standards emphasize the importance of ensuring that such derogation measures comply with certain legal frameworks and are aimed solely at eliminating the threat that has arisen.

Summary of discussions of side event 2:

A Kazakh lawyer said the concept of crisis presupposes some temporary restrictions on human rights and only in order to protect and ensure the safety of the population. The concept of crisis should be considered more broadly than the subject of regulation by the Law “On the State of Emergency”. A Kazakh Law Professor said that on March 23, 2020, in his speech at a meeting of the State Commission on the State of Emergency, President Kassym-Jomart Tokayev instructed the Prosecutor General’s Office and the Supreme Court to urgently develop measures to ensure the legality of the administration of justice in

a state of emergency. However, such measures have not been taken so far. Taking into account the increase in the facts of the consideration of various categories of cases online and the lack of legislative regulation of the consideration of cases on their merits online (in a remote format), it is necessary to develop separate chapters regulating the procedural procedure in the criminal procedure, civil procedure, administrative procedure codes (taking into account the specifics of industry legislation).³⁷ The professor said there is a need to introduce mandatory participation of a defense lawyer, regardless of the severity of the

³⁶ The right to an effective remedy includes: the right to be tried by an independent and impartial tribunal (UN Human Rights Committee, General Comment No. 32, paragraph 19); the presumption of innocence (UN Human Rights Committee, General Comment No. 32, paragraph 6) and the right of everyone who is deprived of liberty as a result of arrest or detention to have his case promptly tried in an (independent and impartial) court, so that this court can promptly rule on the legality of his detention and order his release if the detention is unlawful / the right to challenge the legality of detention – habeas corpus (UN Human Rights Committee, General comment No. 29, paragraph 16).

³⁷ The Criminal Code of Kazakhstan Article 141-1 does not mention State of Emergency.

offense committed, if the judicial review of a criminal case is carried out online and in a state of emergency. In the criminal procedure legislation, the arrested person is deprived of legal status (there are no rights and obligations), and this provision creates conditions for abuse by law enforcement officers, especially in an emergency situation.

A Kazakh judge stated that conducting criminal proceedings in electronic format is regulated in relevant documents containing rules, instructions or guidelines.³⁸ Furthermore, the Public Sector portal

has been provided to lawyers and participants in the criminal process, through which they can submit an application, petition, complaint and receive an online response. The judge also said it is worth emphasizing that electronic criminal justice systems have already been implemented in Azerbaijan, Germany, Georgia, Kazakhstan, Canada, Singapore, the USA, Estonia, South Korea, etc. The EU countries were among the first to start developing their e-Case systems back in the early 2000s, and now they already have a huge and sophisticated electronic database at their disposal.

DAY 2: 20
November
2024

Side Event 1: Criminal Justice Monitoring in the OSCE Region

Monitoring of the criminal justice system can be a powerful tool to increase transparency and public trust in the administration of justice, to strengthen public awareness of judicial processes and of fair trial rights. OSCE participating states have agreed that they will accept as a confidence building measure the presence of observers at proceedings before the courts.³⁹ This side event was co-organized by ODIHR and the Kazakh CSO Legal Policy Research Centre (LPRC).



Key recommendations:

- 1. Employ monitoring of the criminal justice system to increasing transparency and public trust in the administration of justice.** Monitoring can also be used strengthen public awareness of judicial processes and improving fair trial rights in relevant legislation
- 2. Use criminal justice monitoring to develop more detailed and comprehensive recommendations on how to improve criminal justice policy.** Both quantitative and qualitative indicators can be useful in assessing the findings of criminal justice monitoring.

Summary of discussions of side event 1:

During the side event, ongoing work to monitor criminal justice throughout Central Asia, including by both international organizations and civil society, was discussed. ODIHR's trial monitoring methodology was presented and the core principles of this methodology, including non-intervention, objectivity, impartiality, professionalism, confidentiality, and security were reflected on by speakers throughout the session.

A project being implemented by the Legal Policy and Research Centre (LPRC) and the International Partnership for Human Rights (IPHR) was piloted

in Kyrgyzstan and is now being implemented in Kazakhstan. The methodology for this monitoring is holistic and comprehensive with respect to the criminal justice system, and is not limited to the trial stage. The goal of the monitoring is to provide a wide range of interested parties with an effective tool for monitoring and assessment of the criminal justice system, to combine different approaches and different topics in one tool, and to contribute to the development of legal reforms in our countries in terms of achieving our international obligations and international standards. The methodology is designed

³⁸ Instruction on Conducting Criminal Proceedings in electronic format, approved by the order of the Prosecutor General of the Republic of Kazakhstan dated January 3, 2018, developed in accordance with Article 42-1 and part 6 of Article 58 of the Criminal Procedure Code of the Republic of Kazakhstan.

³⁹ "The participating States, ..., decide to accept as a confidence-building measure the presence of observers sent by participating States and representatives of non-governmental organizations and other interested persons at proceedings before the courts as provided for in national legislation and international law," paragraph 12 of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Copenhagen 1990).

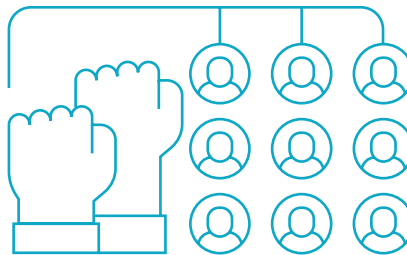
to be used by different actors, in order to support them to carry out monitoring, to assess the state of the key elements of criminal justice, to conduct a comparative analysis and, based on this assessment, to propose to the government of the country where this monitoring is being carried out, a package of specific measures. The methodology integrates a human-rights-based approach into the control indicators on minors, gender and the needs of vulnerable groups, including people with disabilities. The monitoring uses a standard benchmarking system that is used by many international organizations within the framework of evaluation. This system results in a quantitative score, which can be tracked over time.

Speakers highlighted the important role which monitoring criminal justice can play in the development of effective and human rights compliant criminal justice legislation. Monitoring was assessed as an important tool for developing more detailed and comprehensive recommendations for how to improve criminal justice policy. Both quantitative and qualitative indicators can be useful in the formulation of such recommendations. More widespread initiatives to carry out criminal justice monitoring, including in countries where none is currently being undertaken, may contribute to more rule of law compliant criminal justice systems.

Side Event 2:

Tackling Serious environmental offences through criminal law and building national enforcement capacity – challenges and opportunities

The side event hosted by UNDP Istanbul Regional Hub and UNDP Kazakhstan on “Tackling serious environmental offences through criminal law and building national enforcement capacity – challenges and opportunities” within the CJFCA helped to facilitate discussion of environmental justice issues and share views on possible solutions.



Key recommendations:

1. **Develop regional co-operation to combat environmental crime.** This co-operation should strengthen efforts to ensure accountability for sustainable development.
2. **Implement international environmental standards.** National measures to tackle environmental crimes often lack a clear vision.
3. **Introduce mandatory mechanisms for monitoring and appealing against the actions of the authorities in a state of emergency.** This can contribute to that each restriction is justified by strict necessity and accompanied by legal guarantees.

Summary of discussions of side event 2:

“In response to the growing impact of climate change, as well as a rising number of fatal accidents in the construction and mining sectors, human rights defenders and civil society activists in Kazakhstan have increasingly raised concerns about the private sector’s negative influence on human rights. These concerns also highlight systemic failures in the investigation and judicial processes related to environmental pollution and the violation of associated rights. The issue of environmental justice has gained urgency following Kazakhstan’s adoption of the Green Concept—a policy initiative that, despite its promise, lacks a clear implementation strategy and concrete legislative or

institutional measures. Without effective action, the country risks continued degradation of air and water quality and the loss of vital natural resources.

The gap in implementing international standards of environmental justice was further highlighted by the findings of the National Baseline Assessment (NBA) on the implementation of the UN Guiding Principles on Business and Human Rights (UNGPR), conducted with the support of UNDP Kazakhstan. The NBA revealed a widespread lack of awareness across key stakeholders—including government agencies, trade unions, civil society organisations, and businesses—

regarding the UNGP and their practical application. Notably, the assessment identified environmental rights as one of the most pressing human rights issues within the business sector, underscoring the urgent need for sustained attention, improvement, and protection in this area.

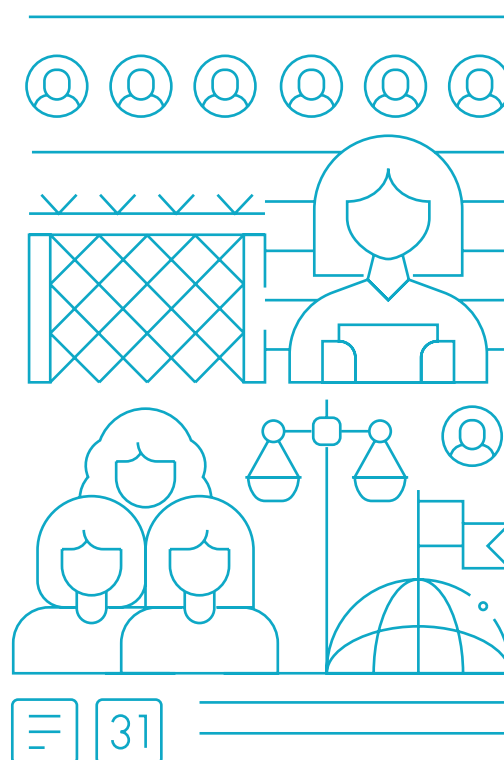
Supreme Court judges, prosecutors, legal professionals, researchers, and civil society representatives came together to discuss the urgent need for a more effective legal response to the triple planetary crisis—climate change, air pollution, and biodiversity loss—and its impact on human rights. Participants from Kazakhstan and other Central Asian countries emphasised the growing international

trend toward the criminalisation of environmental harm, highlighting the need to strengthen the skills and capacities of the judiciary and law enforcement institutions.

A key feature of the session was a case study from the UNDP Country Office in the Kyrgyz Republic, which showcased efforts to advance environmental justice. Kyrgyzstan has established a dialogue platform aimed at coordinating the judicial system's implementation of international environmental justice standards. Kazakhstan, in parallel, has formed a Working Group to develop policies on business and human rights, with a focus on addressing violations of environmental rights.

Plenary Session 3: Women and Justice

The session on Women and Justice brought together a diverse group of experts, practitioners, and policymakers to explore the intersection of gender and justice in Central Asia. The discussions focused on the challenges in addressing gender-based violence (GBV), the role of women in the criminal justice system, and the empowerment of women professionals in the legal sector. Participants examined the structural and systemic barriers that hinder women's access to justice, both as victims of crime and as professionals within the judiciary. The session also highlighted the importance of gender-sensitive legal frameworks, the need for more female representation in decision-making roles, and the value of interdisciplinary cooperation to drive meaningful reform. The discussions underscored that ensuring gender equality within the justice system is not only a matter of fairness but also a fundamental requirement for strengthening the rule of law and human rights protections. Throughout the session, speakers presented key insights from their respective countries, shared best practices, and put forward recommendations to promote a more inclusive, responsive, and equitable justice system.



Key recommendations:

1. **Strengthen legal frameworks to combat gender-based violence (GBV).** Governments must explicitly criminalise all forms of gender-based violence and ensure that only the perpetrator is held accountable, removing societal biases that place blame on victims. Legal reforms should enhance protection mechanisms for survivors, including emergency restraining orders, witness protection, and access to legal aid.

2. **Ensure gender-sensitive criminal justice processes.** A victim-centred and trauma-informed approach should be integrated into all legal proceedings, ensuring that survivors of GBV and human trafficking receive fair treatment. Courts should consider the specific vulnerabilities of female victims and avoid secondary victimisation in legal processes.
3. **Increase female representation in law enforcement and judicial bodies.** Gender balance in law enforcement, prosecution, and judiciary is critical. Governments should actively increase the number of female investigators, particularly in cases involving GBV and sexual crimes, to ensure that survivors can report crimes in safe and supportive environments.
4. **Establish and support women judges' associations.** More national and regional networks of women judges should be established in Central Asia to strengthen peer support, professional development, and judicial leadership. These associations should also serve as advocates for gender-sensitive judicial practices and policies.
5. **Enhance the role of women in social and probation services.** Probation and rehabilitation services should reflect gender diversity, ensuring that women professionals are engaged in reintegration efforts for offenders. This includes increasing the number of female probation officers, social workers, and counsellors who can better support women in the justice system.
6. **Address systemic barriers faced by women victims of trafficking.** Legal and social reforms should eliminate obstacles for survivors of human trafficking, such as lack of identification documents, social stigmatization, and legal recognition as victims. Governments must ensure that women trafficked for labour or sexual exploitation are not wrongfully treated as accomplices in crimes but receive adequate support for rehabilitation and reintegration.
7. **Implement gender-sensitive training across the justice system.** All justice sector professionals, including judges, prosecutors, and law enforcement officers, should undergo mandatory training on gender-sensitive approaches, including the psychological impact of trauma, fair treatment of victims, and gender-responsive sentencing practices.
8. **Reform sentencing practices to reduce the disproportionate impact on women and children.** Judicial reforms should review sentencing guidelines to ensure that women and children are not disproportionately affected by rigid legal frameworks. Policies such as alternative sentencing for pregnant women and mothers of young children should be expanded, along with rehabilitative rather than punitive approaches for women convicted of minor offences.



Photo: Renate Winter, Austrian judge, Member of the Special Court for Sierra Leone, (online) and panelists during plenary session on Women and Justice.

Summary of discussions of plenary session 3

Prominent topics were a) problems in the fight against gender violence, b) the role of women in the criminal justice system, c) the expansion of the rights and

opportunities of women specialists in the justice sector, d) judicial reforms and the interrelationship of gender and justice in Central Asia.

Gender based Violence (GBV)

A member of the judiciary from Kazakhstan said in the new legislation on domestic violence, it was not mentioned that any form of violence is unacceptable and that there should be no violence in society. Stereotypes and prejudices hinder effective legislation and enforcement. Furthermore, cases related to domestic violence often do not receive sufficient attention.

An Austrian judge said that before women entered the courtrooms as judges in large numbers, violent crimes (not only GBV) were punished more leniently than fraud. This changed slowly but surely when more women became judges and the punishments for violence became harder than for fraud/economic crimes. Men and women may view things differently, and the perception and weighing of evidence may vary.

A judge from Kazakhstan emphasized the importance of legislation to combat GBV and to ensure the rights of women and minors. The judge highlighted criminal provisions in Kazakhstan to ensure that the perpetrator is the solely responsible for GBV and said punishments have been increased.

A Spanish professor said that GBV against women, including killings, has not been reduced over the years, but the perception of it has changed. From being considered a family matter dealt within the private homes, this is not accepted at all any longer. The number of convictions has increased as has public awareness and condemnation of GBV.

Role of Women in the Criminal Sector

The speakers agreed that gender balance in all professions in the criminal justice sector should be gender balanced and legal professions should be open to everyone, regardless of gender or other social categories. A judge from Kazakhstan and one from Kyrgyzstan underscored the importance of strict and impartial application of the intention of the law, and not allow personal bias to influence the decision. Women's participation in the judiciary is important to ensure equal representation and societal perception of inclusivity and professional competence should be prioritized over gender bias. Court decisions should be inclusive and account for gender-specific aspects of crime. However, one must not be naïve and believe that gender diversity among judges automatically solves systemic problems.

An Austrian judge reminded that the title of this plenary session is Women "and" Justice, not Women "in" Justice. The criminal justice system is not only the judiciary, but a wide range of stakeholders, police, investigative services, defence lawyers, social services. Female perpetrators, female victims and female witnesses.

A Tajik judge underscored the importance of legislation in promoting gender equality. Tajikistan has adopted legislation to promote the role of women in society and in 2022 a law to eliminate all forms of discrimination was passed.⁴⁰ The judge also emphasized the need for international assistance to state bodies to render legislation compatible with international legal and political standards.

A Spanish professor highlighted society's aspect and expectations of gender roles, even if intellectual capacities are not linked to gender. In many societies ambitious women are met with scepticism and can be seen to abandon their roles as wives and mothers. Ambitious men are rarely perceived the same way. We also need to remind ourselves that in many countries perceived modern today, women had very different opportunities only 40-60 years ago. This shows that change come when policies are actively implemented. This will not happen overnight, but will change faster than without pursuing active policies.

Expansion of the rights and women specialists in the justice sector

An Austrian judge reminded the CJFCA that in the 20th century, many male stakeholders, for instance the German Association of Judges in the criminal justice system held the position that women could not have the intellectual capacity to be judges. Still

today, countries with a legal system based on religion, women cannot even become judges, and women must be subordinate to men. These views can also be found in countries with non-religious systems, for instance in the USA where evangelical groups hold the view

⁴⁰ Law of the Republic of Tajikistan of July 19, 2022 No. 1890 «About equality and liquidation of all forms of discrimination».

that women cannot order give men orders, and thus cannot be judges.

The presence of both men and women are important across the criminal justice system, not only among the judges. For instance, female investigators are needed to be able to investigate sexual crimes against women, as it would be very hard for most women and girls to talk about rape to a male investigator. In many countries, female investigators are few. The same is the situation in many Police forces in the world. Women Police officers can be instrumental in cases, such as the arrest of the father of a family in front of the family. A female police officer could assist to calm down the wife and the children. Young male offenders often see a male probation officer, this can be positive as he has often lacked a fatherly figure in life.

A judge from Kyrgyzstan presented the positive impact the Association of Women Judges⁴¹ have had in the country. This is currently the only such association

in the region, which is not part of the general judges' association. The aim of the establishment of this association was i) to support women in the judiciary and to promote their role in ensuring justice and fairness, ii) protection of vulnerable groups, including children and people with disabilities mainly through seminars and trainings, iii) regular conferences of women judges to discuss important topics and current challenges, often with the attendance of speakers, often from countries outside Central Asia to have wider perspective. The judge recommended establishing such associations in other Central Asian countries. It also seeks co-operations with similar associations in other countries as well as international umbrella associations for women judges, national and intergovernmental organisations such as the OSCE.⁴² Furthermore, it also seeks cross sector co-operation with women in the Tajik parliament who have their own association, Alliance of Women deputies.

Judicial reforms and the interrelationship of gender and justice in Central Asia

An Austrian judge said that men and women must be equally represented in the criminal justice system, to be able to reach balanced decisions, in particular as decisions are often based on previous legal practice. Thus, men and women can examine decisions made by both men and women to include balanced views.

A Kazakh defence lawyer stressed the need for legal reforms to reduce unjust impact of the criminal justice system on women and children. In Kazakhstan there is a possibility to defer the serving of a criminal sentence for one year for a pregnant woman and five years in cases of single parents (both men and women) raising children alone, but only till the child is 14 years old. Exclusions apply for serious crimes. The defence lawyer said the system should be reformed to avoid punishing children. Children can be indirectly punished by one parent being imprisoned, even if they have one parent taking care of them, as the father cannot breastfeed a baby, for instance. The defence lawyer characterized the system as a relic of the totalitarian Soviet system, and in cases when the mother does neither pose a danger to society nor to the family, alternative forms of punishment should be used. Alternative punishment already exists, but judges are afraid to be lenient and grant early release and alternatives to imprisonment for many convicted women.

The Director of a Kazakh CSO highlighted several aspects linked to trafficking in human beings, in particular when women and girls are the victims. They may face systemic, social and cultural barriers in accessing the justice system. One of such barriers is the lack of identification documents, which deprives women of the opportunity to gain access to justice, because for many women the absence of documents is an insurmountable barrier. The traffickers often take away and deprive women of documents in order to control them. The lack of documents also does not allow access to social services, to medical services. Moreover, children born to undocumented women also fall into the risk group as they will also lack documents.

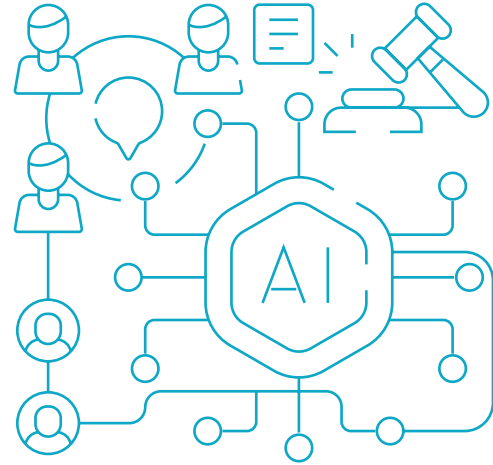
The Director further noted that in Central Asia, women are afraid to turn to the law enforcement agencies, to the authorities for the protection of their rights, because they are afraid of being condemned by society and even by their families. Stigmatization of people who have suffered as victims of trafficking in human beings, especially those who are sexually abused is widespread. Women, in particular, are afraid that they will be accused of voluntarily offering sexual services which can lead to social exclusion, including from the family, which makes them even more vulnerable.

⁴¹ Website of Kyrgyz Association of Women Judges.

⁴² Empowering Women Judges in Kazakhstan through International Exchange | OSCE

Plenary session 4: Digitalising criminal justice systems

This session brought together experts from international organizations, scholars and practitioners from several Central Asian countries. Discussions centred on both the opportunities and the risks of the use of digital technologies in the criminal justice system. Digitalisation of criminal justice systems, including with respect to the use of artificial intelligence (AI) is being carried out at a rapid pace in many countries of Central Asia. However, countries must continue to work to ensure that the effectiveness and efficiency that digitalization has the potential to bring to the administration of criminal justice does not come at the cost of respect for human rights.



Key recommendations:

- 1. Cease the use of AI in judicial decision-making processes until human rights compliance is ensured.** Digital technologies and AI have the potential to contribute to improving access to justice, but the application of such technologies also has the potential to negatively impact rights. Human rights compliance must be assured before AI is used.
- 2. Employ the principle of explainability, transparency and accountability when using AI.** Assessment of when AI can be used is needed. In criminal cases online hearings must only be used with the explicit consent of the accused.
- 3. Electronic monitoring at the pretrial stage should only be used as an alternative to detention.** Such technology should only be used prevent flights, tampering with evidence and when there is a risk of recurrence of crime.
- 4. Regulate broadcasting of trials according to what is public interest.** While broadcasting of trials can raise public awareness, but also cause privacy concerns and risk turning trials into entertainment. Delayed broadcasting may be a solution.



Photo: Plenary Session on Digitalising Criminal Justice Systems: Keynote speaker: Kate Fox, Lead on the Administration of Justice and Rule of Law, the Rule of Law Section, OHCHR, Geneva Geneva (third from the left) and panellists.

Summary of discussions of plenary session 4

During the session, a speaker from the United Nations Office of the High Commissioner for Human Rights presented some elements of the Secretary General's report on the impact of digital technologies and artificial intelligence on human rights in the administration of justice.⁴³ Digital technologies and AI have the potential to contribute to improving access to justice, but the application of such technologies also has the potential to negatively impact rights. There is a global need for more transparency and guidance on the use of AI by the judiciary. The Secretary General recommends that States cease the use of AI systems in judicial decision-making, such as risk assessments for bail and parole decisions, until they can be shown to be human rights compliant. Explainability, transparency and accountability should be guiding principles when AI is used in the justice system. Online hearings should ensure human rights, and there are situations when hearings should not be online. Criminal cases should only be heard online with the explicit, free, and informed consent of the accused. In consideration of recent human rights concerns raised in the use of electronic monitors, the use of electronic monitoring as an alternative to detention pending trial should only be used when grounds for detention exist. Detention pending trial must be based on an individualized determination that, taking into account all the circumstances, detention is reasonable and necessary for such purposes as to prevent flight, interference with evidence or the recurrence of crime.⁴⁴ The pace of growth of neurotechnology⁴⁵ in the administration of justice requires serious analysis and assessment of the human rights consequences, and above all, requires regulation.

A retired senior judge from the Netherlands who is an expert in information technology in courts gave an overview of some of the most recent trends regarding artificial intelligence and digital decision making. She stressed the need for an awareness of how AI technology actually works, emphasized some of the risks of use of such technology, and emphasized the need for it to be kept under human control. The speaker also pointed to a need to decide within the system, what to do with the results produced by AI. The problem of judge profiling with data from AI is also emerging in some contexts.

A human rights professor from the University of Liverpool said digitalisation can be detrimental to human rights, in particular privacy of people who encounter the criminal justice systems, not only people who are accused of a crime, but also third parties, such as witnesses. He reminded that as soon as something is in the public eye, especially if something on the internet, it is very difficult to remove afterwards. He commended practitioners in criminal justice systems who during the session had raised privacy concerns.

The professor said that as a general rule, trials should be accessible to the public.⁴⁶ However, he also emphasized on possible concerns regarding broadcasting of

trials. The main problem with broadcasting is that it can interfere with fair trial as it can turn a trial into entertainment; it can put pressure on judges, on witnesses, on the accused, and on all other parties of the trial. He also said that broadcasting can have plenty of positive consequences. It can be educational; it can raise the awareness of the public about what's going on in the judiciary of a country. However, the availability of that broadcasting should be considered and should be discussed from the perspective of what is the public interest versus other aspects, such as privacy. A possible solution could be delayed uploading of the recordings, as is done in the European Court of Human Rights. The Professor also said we should consider what kind of cases that are generally suitable for online trials and not. We should not move in the direction that all trials can be conducted online.⁴⁷

Speakers also focused on the benefits of digitalisation in the judiciary in the Central Asian region. The human rights professor from the University of Liverpool praised the digitalisation of criminal justice systems as it provides for more streamlined processes when more and more digitally enhanced tools can be used. A speaker from the General Prosecutor's Office of the Republic of Kazakhstan highlighted recent developments with regard to digitalisation and the introduction of artificial intelligence in the pre-trial stage of criminal proceedings in Kazakhstan. Based on the accumulated digital array of data investigated in criminal cases to date, elements of artificial intelligence are gradually being introduced into the criminal justice system in Kazakhstan. These include an intellectual assistant investigator who tells prosecutors which article of the Criminal Code to choose, which investigative action to carry out, and which decision to make on a criminal case. Controls have been introduced in order to prevent the system from committing different categories of errors.

A representative from UNDP Uzbekistan provided updates on the situation of digitalisation of the justice system in the country. In 2022, a unified case management system (ADOLAT)⁴⁸ was introduced in all courts in Uzbekistan, including criminal courts. The system has a number of features that aim to improve efficiency, including an automated case distribution system. ADOLAT is also integrated with 49 information systems of 35 different state bodies and agencies. Technological infrastructure gaps are noted, and these are also connected to a gender gap. Additionally, development of AI technologies is constrained by economic resources. Gender disaggregated justice data collection is necessary for the effective and sensitive implementation of AI technologies in judicial systems.

A representative from the National Police Agency of Mongolia highlighted some of the developments with regard to the digital transition of judicial bodies in Mongolia. These included the need for a legal base, as well as an exchange of information, integration and data

⁴³ Human rights in the administration of justice: Report of the UN Secretary General.

⁴⁴ Ibid. p 11.

⁴⁵ Neurotechnology: Current Developments and Ethical Issues - PMC.

⁴⁶ European Convention on Human Rights, Article 6.

⁴⁷ Remote hearings | The Law Society.

⁴⁸ ADOLAT website [accessed on 31 March 2025].

transfer processes, the creation of a new infrastructure based on technology, as well as the development of software in the cybersecurity system.

A Prosecutor from the International Cooperation Unit, Prosecutor General's Office of Georgia said Georgia has a special criminal case management system for prosecutors and investigators called CrimCase.⁴⁹ Several protection measures are in place in order this platform to be secured. All case management must happen on this platform. Access to the system is with individual credentials and authorization for enhanced security there is a two-factor authentication system in place. To ensure that all documents in criminal places can be found in one place, documents that are produced in hard copy must be uploaded to CrimCase. Classified

material must be uploaded after a screening process. As all case management happen in the system, it is not possible to hide files and supervision can therefore be conducted. Furthermore, gathering statistics is much easier than previously. All the measures and functions that are foreseen under Georgian criminal procedural law are also implemented and integrated into the criminal case management system. Hence, it is not possible for staff to exceed their powers. Protection of personal data is one of the priorities when it comes to criminal case management system. And in order to enhance the protection level, there are personal data protection officers, PDPO. They also provide training on data protection rules to the employees of prosecution service participate in drafting relevant institutional documents on personal data protection.



Photo: Bahtiyar Temirbek Uulu, General Prosecutor Office, Legal Statistics Department under General Prosecutor Office of Kyrgyzstan

Plenary session 5: Penitentiary Reform and Probation Services

The Plenary Session on Penitentiary Reform and Probation Services brought together regional experts, government representatives, and civil society actors to discuss the ongoing transformation of prison systems and the expansion of probation services across Central Asia. The session underscored the shift from punitive to rehabilitative justice, with countries adopting new laws, policies, and institutional reforms to improve prison conditions, reduce recidivism, and promote alternatives to incarceration. While Kazakhstan and Kyrgyzstan have established probation systems, Tajikistan and Uzbekistan are in the early stages of implementation, developing legal frameworks and piloting programmes to support community-based sentencing. Discussions highlighted persistent challenges, including overcrowding, insufficient reintegration services, lack of trained social workers, and the dominance of law enforcement over rehabilitation efforts. Key legislative developments, such as Uzbekistan's introduction of voting rights for prisoners and Tajikistan's forthcoming Probation Law, signalled progress, yet participants stressed that sustained political will, resource allocation, and inter-agency cooperation remain crucial for meaningful reform.



⁴⁹ Geostat (National Statistics Bureau of Georgia): Unified-Report-on-Criminal-Justice-Statistics and OECD, Anti-corruption reforms in Georgia 4th round of monitoring of the Istanbul Anti-Corruption Action Plan p. 65



Photo: Plenary session 5: Penitentiary Reform and Probation Services

Key recommendations:

Countries should aim to modernise penitentiary systems and develop probation services. Sentencing mechanisms should aim at reducing prison overcrowding and improving rehabilitation services. The session underscored the ongoing efforts across Central Asia. Countries such as Kazakhstan, Kyrgyzstan, Uzbekistan, and Tajikistan have introduced legislative reforms, new policies, and alternative sentencing mechanisms aimed at reducing prison overcrowding and improving rehabilitation services.

- 1. Reducing prison populations and expanding non-custodial measures.** Measures may include structured community service programmes, stronger supervision mechanisms, and greater investment in probation services.
- 2. Improve conditions in places of detention and strengthening rehabilitation efforts.** Ensure humane conditions by modernising prison infrastructure, improving medical care, vocational training, and strengthening rehabilitation programmes.
- 3. Strengthen co-ordination between government agencies and civil society.** A holistic, multi-stakeholder approach is essential for providing sustained support to individuals during and after their sentences, with stronger partnerships needed between correctional institutions, probation services, and community-based organizations.
- 4. Reduce caseloads in probation systems.** Probation officers often handle excessive caseloads, limiting their ability to provide meaningful supervision and social support. A strong referral system for social workers and rehabilitation services can assist the probation system and strengthen reintegration efforts.
- 5. Ensure digitalisation of supervision mechanisms is human rights compliant.** While digital innovations hold great potential for improving accountability and oversight, participants emphasised the importance of ensuring their ethical and rights-based implementation, avoiding excessive surveillance or punitive application is paramount.
- 6. Reinforce efforts to reduce stigmatisation of former offenders.** Balanced reporting in the media on reintegration emphasizing human rights-centred narratives that support reintegration rather than reinforce punitive approaches would benefit public awareness to garner community support for non-custodial measures and successful reintegration initiatives.

Summary of discussions of plenary session 5:

The Plenary Session on Penitentiary Reform and Probation Services, explored the latest developments, challenges, and best practices in prison system reform and probation service expansion across Central Asia. The session underscored the increasing emphasis on rehabilitation, reintegration, and humanisation of penal policies to align national frameworks with international human rights standards.

Participants shared country-specific experiences detailing legislative progress, new policies, and

institutional transformations aimed at reducing recidivism, enhancing alternatives to incarceration, and improving conditions within correctional facilities. Despite progress, discussions highlighted persistent challenges, including institutional capacity limitations, insufficient social support services, lack of coordination among agencies, and the continued dominance of punitive approaches over rehabilitative measures.⁵⁰

Kazakhstan

A representative from the Division on Management of Probation Service, Prison Committee of Kazakhstan, Ministry of Internal Affairs, said since the establishment of the probation service in 2012, probation has expanded beyond its original control function to encompass social and legal assistance, covering employment, education, medical care, and psychological support.⁵¹

Kazakhstan introduced a risk assessment tool to classify offenders into low, medium, and high-risk

categories, enabling tailored interventions. The system is complemented by 75 CSOs and over 1,000 volunteers, contributing to rehabilitation programmes. A representative from a Kazakh human rights CSO raised concerns about the probation service's militarised structure, arguing that it functions more as a law enforcement entity rather than a social rehabilitation institution, as well as the service being overburdened, making individualised support impossible.

Kyrgyzstan

A representative from Ministry of Justice of Kyrgyzstan, provided an update on the country's penal reform roadmap, implemented over the past two years. Key developments include; closure of outdated prisons in with new facilities built outside urban centres, construction of a new pre-trial detention centre, and the establishment of a medical facility dedicated to prisoners, equipped with modern healthcare technologies.

Kyrgyzstan has dramatically reduced its prison population, from 17,500 in 2004 to 7,500 today, due to the 2021 Criminal Code reforms, which introduced decriminalisation, alternative sanctions, and probation expansion. Electronic surveillance, including bracelets and digital monitoring tools, is being piloted in Bishkek and Osh to enhance supervision without resorting to incarceration.

Uzbekistan

A representative from the Central Pre-Trial Detention Facility, Department of Execution of Punishments, Ministry of Internal Affairs of Uzbekistan, presented the reforms of the corrections system which began in 2016.

Over the past seven years, Uzbekistan has introduced new legislation, aimed at enhancing protections for prisoners' rights, particularly concerning the prevention of torture, access to legal assistance, and humane treatment. The government has expanded educational and vocational training opportunities for prisoners. Strengthening independent oversight has been a key focus, with increased co-operation

with international human rights bodies and the introduction of digital surveillance technologies in all detention facilities. The country has also introduced video conferencing capabilities for prisoners to participate in court hearings remotely and maintain contact with their families. Prisoners have also been granted the right to vote.⁵²

Despite these advancements, challenges persist. Uzbekistan continues to grapple with prison overcrowding, inconsistent application of legal protections, and limited reintegration programmes for former prisoners.

⁵⁰ Key statistics reflected significant variations in prison populations across the region. Kazakhstan operates 78 correctional institutions with over 37,000 prisoners, reflecting an increasing incarceration trend. Tajikistan has 19 correctional institutions housing approximately 10,000 prisoners. Uzbekistan, under the Ministry of Internal Affairs, oversees 43 penal institutions, including 11 pre-trial detention centres, with a total of 23,000 prisoners. Kyrgyzstan has seen a sharp decline in its prison population, from 17,500 in 2004 to 7,500 today, largely due to 2021 legislative reforms introducing decriminalisation, alternative sentencing, and expanded probation services. Turkmenistan, according to World Prison Brief data (2021), had a prison population of 35,000.

⁵¹ Law on probation, Kazakhstan – 2016.

⁵² Ensuring the rights of convicts and prisoners in Uzbekistan: improving legislation and establishing public control – Embassy of Uzbekistan in the United States.



Photo: Participant asking question during Q & A part of plenary session on Penitentiary Reform and Probation Services

Tajikistan

A deputy director of a Tajik human rights CSO highlighted Tajikistan's ongoing transition towards a probation-based system, which began in 2020 with OSCE support. The Strategy for Reforming the System of Execution of Criminal Punishments Until 2030 and the Legal Policy Concept (2018-2028) provide a clear roadmap for penal system modernisation, focusing on reducing prison populations through alternative sentencing mechanisms, developing a national probation service to manage offenders outside

of prison settings, and enhancing reintegration mechanisms for former prisoners and those serving non-custodial sentences.

Tajikistan is still in the early phases of implementing these reforms, but the said deputy director expressed optimism, particularly in the open and constructive engagement with the penitentiary service's new leadership.



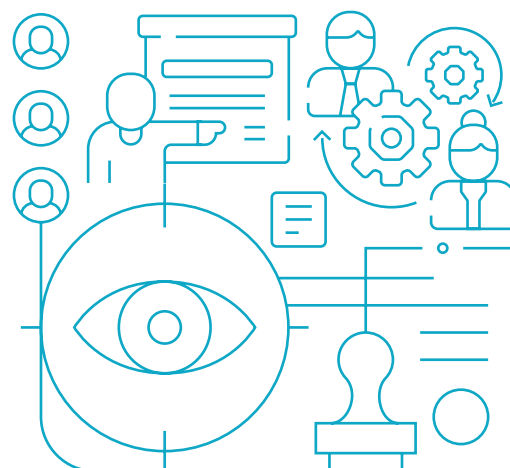
Photo: Plenary session 5: Penitentiary Reform and Probation Services

A public consultation process has been an essential part of the reform, with civil society organizations actively contributing recommendations. Gender and corruption risk assessments are also being conducted to ensure the law's compliance with human rights principles. One of the key issues identified is the economic feasibility of probation expansion. A new cost-benefit analysis is underway to determine how best to allocate state resources to ensure that probation services are effectively funded without compromising other justice sector needs.

While progress is evident, challenges remain, including public scepticism towards non-custodial sentencing, limited infrastructure for probation service delivery, and the need for further training of probation staff. The next steps will focus on piloting probation programmes in selected regions, gathering data on effectiveness, and ensuring full government adoption of the new legal framework.

Working Group 5: Alternative Measures to Imprisonment

The discussions in this working group focused on the critical role of probation services, electronic monitoring, and other non-custodial measures in reducing recidivism, addressing prison overcrowding, and ensuring the effective rehabilitation and reintegration of individuals in conflict with the law. Experts and practitioners from various countries shared their national experiences, highlighting progress, challenges, and opportunities for reform. A key theme that emerged was the necessity of aligning alternative measures with international human rights standards, ensuring a rehabilitative rather than punitive approach.



Key recommendations:

- 1. Strengthen legislative frameworks for probation and alternative sentencing measures.** Ensuring they align with international human rights standards, prioritising rehabilitation over punitive approaches, and expanding their application to individuals convicted of minor offences.
- 2. Enhance inter-agency coordination and stakeholder engagement.** Fostering closer collaboration between probation services, judicial authorities, social services, and civil society to ensure holistic and effective rehabilitation strategies.
- 3. Improve access to social and economic reintegration support.** Providing structured employment, housing, and vocational training programmes tailored to the needs of former prisoners and probation clients, reducing barriers to employment and social inclusion.
- 4. Expand digital innovations in probation management.** Investing in secure and rights-based digital monitoring systems that enhance oversight while maintaining the dignity and privacy of probation clients.
- 5. Ensure adequate training and capacity-building for probation officers.** Equipping officers with skills in risk assessment, psychological support, and reintegration planning, ensuring they operate as rehabilitation specialists rather than enforcement agents.
- 6. Reduce stigma and promote public awareness on probation and rehabilitation.** Implementing community engagement initiatives, media campaigns, and awareness-raising activities to shift public perceptions towards probation and rehabilitation as essential components of justice reform.
- 7. Preserve the independent and rehabilitative nature of probation services.** Ensuring these services remain distinct from law enforcement agencies, maintaining a balance between supervision and support to facilitate successful reintegration.

Summary of discussion of working group 5:

A representative from the UNODC office in Kyrgyzstan stressed that probation services are fundamentally about humanizing the criminal justice system, reducing incarceration rates, and ensuring that justice processes remain fair and rehabilitative. However, he cautioned that alternative measures must be implemented in line with international human rights standards. While electronic monitoring was acknowledged as a valuable tool, it was emphasized that it cannot replace the human element in rehabilitation, in particular inter agency co-operation. The latter was echoed by a representative from the Division for Records Management and Monitoring at the Ministry of Justice of Kyrgyzstan. Kyrgyzstan has introduced an Automated Probation Information System (AIS-Probation), which centralizes case management, enhances transparency, and minimizes corruption risks. AIS-Probation integrates risk and needs assessments, biometric identification, and electronic supervision tools, including mobile applications and electronic bracelets, ensuring real-time monitoring of probation clients. The system facilitates seamless inter-agency coordination through the national “Tyunduk” database, linking probation services with healthcare, employment, and social services. Similar statements were issued by a psychologist from an Uzbek CSO, who underpinned the need to ensure greater respect for human rights within the penitentiary system. Civil society organisations have played a pivotal role in supporting social reintegration efforts by providing vocational training, psychological support, and employment assistance.

A Director of a Tajik Human Rights CSO, stated that while Tajikistan has taken steps to support reintegration, many former prisoners struggle with employment, housing, and legal documentation due to societal stigma and bureaucratic barriers. The Code of Execution of Criminal Punishments includes guarantees for support upon release, but implementation remains inconsistent. A working group under the Ministry of Justice is currently developing a draft Law on Probation, incorporating input from civil society. The law aims to ensure a structured probation

system that facilitates reintegration through social, psychological, and vocational support.

A representative from the Latvian Probation Service emphasized that probation officers must be trained as agents of change, rather than solely enforcers of supervision. Latvia has developed social rehabilitation programmes that address life skills and behaviour modification, ensuring that individuals develop the capacity to reintegrate successfully into society. Probation services work in close co-ordination with social workers, mental health professionals, and non-governmental organisations to create tailored reintegration plans. Probation must go beyond control—it should be a comprehensive system that fosters personal development and long-term desistance from crime.

A law professor from the Kazakhstan International Bureau for Human Rights and Rule of Law highlighted structural challenges, including the over-reliance on restrictive measures rather than rehabilitative support. While Kazakhstan was the first country in Central Asia to introduce probation, he noted that probation in its current form is often applied to individuals convicted of serious offences, rather than those committing lower-risk offences who could benefit more from rehabilitation-focused alternatives. He also raised concerns over proposed plans to transfer the probation service to the Administrative Police Committee of the Ministry of Internal Affairs, which could risk increasing its punitive nature rather than reinforcing its rehabilitative role.

She noted that the Ministry of Internal Affairs has increasingly welcomed collaboration with civil society, resulting in the institutionalization of some CSO-led rehabilitation programmes within state-run adaptation centres. While this progress is commendable, challenges remain in ensuring sustainable funding for reintegration programmes and expanding support services for women and vulnerable groups.

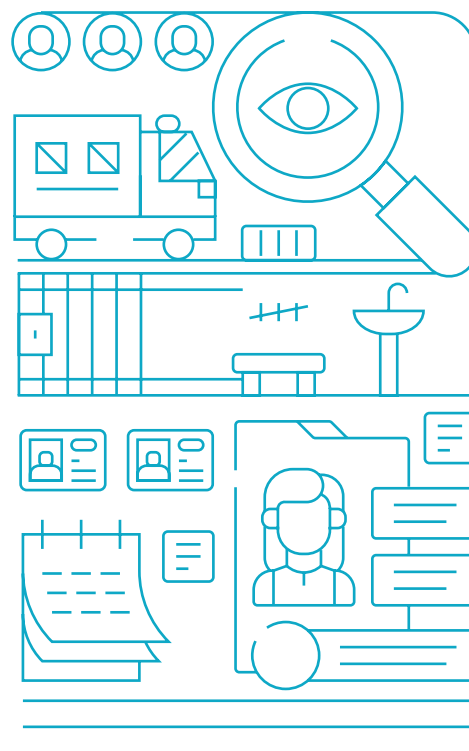


Photo: Selected participants on day 2 of the Ninth Forum on Criminal Justice Forum for Central Asia

Working Group 6: Prison Reform Initiatives

The Working Group on Prison Reform Initiatives, brought together key experts, government officials, and civil society representatives to discuss the challenges and progress in prison reform across Central Asia. The session focused on rehabilitation, reintegration, digital transformation, and alternatives to imprisonment, with a particular emphasis on addressing prison overcrowding, improving living conditions, and expanding social support mechanisms for prisoners.

Experts from Kazakhstan, Kyrgyzstan, and Tajikistan, provided insights into national prison reform strategies, highlighting both achievements and persistent gaps. While there has been significant progress in education, vocational training, and digitalisation, systemic issues remain, such as prison overcrowding, lack of specialised staff, insufficient reintegration support, and inadequate rehabilitation services for individuals convicted of terrorism-related offences. Participants stressed that greater cooperation between state institutions and civil society is essential, alongside stronger independent oversight mechanisms to ensure that reforms are effectively implemented.



Key recommendations:

- 1. Strengthen rehabilitation and reintegration programmes.** Ensuring that all prisoners, including those serving long-term and life sentences, have access to education, vocational training, psychological support, and reintegration services from the beginning of their sentence until after their release.
- 2. Enhance the role of social workers in the penal system.** Replacing punitive models with rehabilitation-focused staffing. Prison officers should not be expected to perform social work functions. Instead, trained social workers, psychologists, and reintegration specialists should be employed to provide individualised support to prisoners.
- 3. Reduce prison overcrowding through alternatives to incarceration.** Expanding probation services, community-based sentences, and electronic monitoring.
- 4. Ensure transparency and oversight of digital surveillance in prisons.** Introducing clear legal safeguards for AI-driven monitoring and electronic supervision. Video surveillance systems, should be independently monitored.
- 5. Expand access to family contact for prisoners.** Strengthening video call and visitation rights, particularly for those serving long-term and life sentences.
- 6. Prioritise training and professional development for prison staff.** Introducing mandatory continuous education programmes for all penitentiary employees, including officers, social workers, and psychologists.
- 7. Strengthen independent monitoring and accountability mechanisms.** Expanding the role of national human rights institutions, civil society organisations, and independent monitoring bodies in overseeing prison conditions and investigating complaints.

Summary of discussions of working group 6

A representative from the Prison Committee of the Ministry of Internal Affairs of Kazakhstan explained that rehabilitation work in Kazakhstan begins from the first day of imprisonment and intensifies a year before release. Each prisoner follows an individually designed rehabilitation programme, which includes education, vocational training, employment opportunities, and family reintegration efforts. More than 12,000 prisoners are currently employed in work programmes, and 3,000 prisoners receive vocational training in 44 institutions in areas such as plumbing, welding, and carpentry. In 2023, for the first time, prisoners in Kazakhstan were given the opportunity to take the Unified National Testing (UNT), allowing them to pursue higher education. To further maintain family connections, virtual visitation and “open-door days” have been expanded. However, the representative acknowledged the challenge of overcrowding in pre-trial detention centres, particularly in Pavlodar, which places significant strain on staff and resources.

A representative from the CSO Committee for Monitoring Penal Reform and Human Rights in Kazakhstan, acknowledged progress in education programmes, vocational training, and the inclusion of psychologists within penitentiary institutions. However, she raised concerns about the increasing prison population and the shift away from rehabilitation-focused policies. She argued that the penal system has remained primarily punitive rather than transformative, with the lack of social workers in prisons being a key issue. The current model, where prison officers are tasked with providing social support, is ineffective and fails to address the complex needs of incarcerated individuals.

The Director of a CSO in Tajikistan, discussed the country's efforts in rehabilitating juvenile offenders.

The National Programme for the Rehabilitation and Social Reintegration of Juvenile Offenders (2020-2024), developed with support from the Ministry of Justice and the OSCE Programme Office in Dushanbe, has granted social workers and psychologists' access to juvenile correctional facilities for the first time. The programme has already supported 269 juvenile offenders, of whom 75 have been released. However, six of these individuals have reoffended, demonstrating the need for stronger post-release monitoring and reintegration services. The programme is expected to be extended with a greater focus on family involvement and community-based rehabilitation. A representative from a Human Rights CSO in Tajikistan, raised concerns about the sustainability of rehabilitation efforts in the country, pointing out that many services remain dependent on CSO and donor funding rather than being incorporated into national policy with public funding. Another A representative from a Human Rights CSO in Tajikistan, spoke about the rights of prisoners serving life sentences, noting that their access to family contact remains extremely limited. She stressed that video calls and expanded visitation rights should be prioritised as part of reintegration efforts, as family connections are crucial for reducing recidivism. A representative from the Prison Service under the Ministry of Justice of Kyrgyzstan spoke about the country's digital transformation efforts, which aim to improve transparency, efficiency, and security within the penal system. Kyrgyzstan has introduced the “Digital Penal Service” Action Plan (2025-2028) as part of its broader digitalisation strategy. While digitalisation has made the penal system more efficient, civil society representatives, warned that AI-driven monitoring must be accompanied by clear legal safeguards to ensure that prisoner privacy and due process rights are not violated.

Plenary Session 5: Penitentiary Reform and Probation Services (cont.)

The plenary session on penitentiary reform and probation services, presented the findings of the working groups on prison reform and probation services. The session included discussions on alternative measures to imprisonment, interdepartmental cooperation, digitalisation in probation, and the role of civil society in offender reintegration. Key issues raised included rehabilitation and social reintegration, the role of social workers, the need for individualised risk assessments, and the transition of medical services to national health ministries. The session also explored the potential restructuring of penitentiary governance structures, particularly in Kazakhstan, and the creation of a regional network of practitioners in prison and probation services.

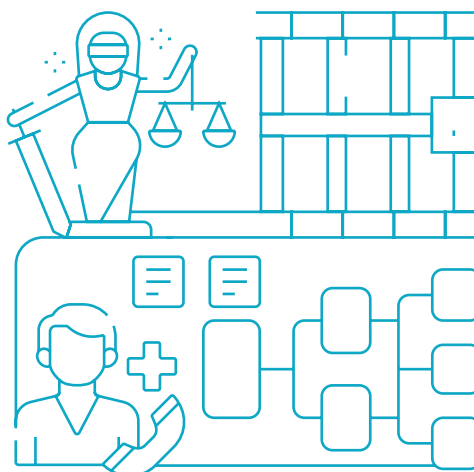




Photo: Selected participants on day 2 of the Ninth Forum on Criminal Justice Forum for Central Asia

A representative of the UNODC Regional Office for Afghanistan, Central Asia, Iran and Pakistan opened the session by summarising the discussions of the Working Group on Alternatives to Imprisonment. She highlighted that probation services cannot function in isolation and require strong interdepartmental co-operation to ensure effective rehabilitation. The social character of probation was repeatedly emphasised, with experts calling for greater efforts to eliminate discrimination based on criminal records. She also noted that automated digital systems, including mobile applications and electronic tracking tools, significantly contribute to process management, transparency, and resource optimisation. These systems have been successfully implemented in Kyrgyzstan and Kazakhstan, with electronic monitoring tools being restricted to high-risk clients based on risk assessments. However, she stressed that electronic tracking should not be seen as a universal solution, and that a combination of support, control, and teamwork is essential to changing offender behaviour.

The Working Group on Prison Reform Initiatives focused on ensuring sustainable government funding for civil society organisations working in social reintegration. Sarieva highlighted that Kazakhstan has a dedicated committee for civil society interaction, which provides state funding for non-governmental organisations, whereas other Central Asian countries lack such mechanisms. She urged governments to develop systemic funding solutions to support civil society engagement in rehabilitation and reintegration efforts.

A critical recommendation from the working group discussions was the review of rehabilitation programmes in penitentiary institutions. The representative of the UNODC Regional Office for Afghanistan, Central Asia, Iran and Pakistan reiterated that all rehabilitation

programmes should be individualised and based on risk and needs assessments. This would allow for effective categorisation and classification of offenders, optimisation of state budgets, and tailored interventions. For instance, low-risk prisoners may not require psychological intervention, whereas those convicted of extremist or terrorist offences require specialised theological and psychological support.

Another key issue raised was the transition of medical services from penitentiary systems to national health ministries. Kazakhstan has successfully transferred its prison medical services to the Ministry of Health, but challenges remain in ensuring effective coordination between health and prison authorities. In contrast, Kyrgyzstan, Tajikistan, and Uzbekistan still retain their prison medical services within the criminal executive system, and discussions explored whether similar transitions should be considered.

The development of social worker institutions within penitentiary systems was identified as a priority to reduce recidivism. The representative of the UNODC Regional Office for Afghanistan, Central Asia, Iran and Pakistan noted that the budget constraints of prison systems often make it difficult to expand staffing for psychologists, social workers, and rehabilitation specialists. Instead, she suggested that existing prison staff could be trained to develop competencies in rehabilitation and social work, similar to the Latvian probation model where officers are trained to incorporate psychosocial interventions into their roles. The session also addressed the potential restructuring of penitentiary governance in Kazakhstan, including the removal of the Committee of the Criminal Executive System from the Ministry of Internal Affairs. The representative of the UNODC Regional Office for Afghanistan, Central Asia, Iran and Pakistan clarified

that this is a national policy decision but suggested that Kazakhstan could consider restructuring its probation service as a social institution. Experts from Latvia provided insights into probation models operating within and outside law enforcement structures, emphasising that the effectiveness of probation depends on its underlying philosophy and objectives, rather than its institutional placement.

As a concluding initiative, the representative of the UNODC Regional Office for Afghanistan, Central

Asia, Iran and Pakistan announced that UNODC is ready to support the creation of a regional network of practitioners in prison and probation services across Central Asia, involving government agencies, probation and prison services, and civil society representatives. She stressed that successful probation and reintegration strategies cannot be implemented without the active involvement of civil society and thanked all participants for their contributions to the session and working group discussions.

Closing Session: Concluding Remarks

During the closing session key stakeholders (co-organizers and partners) summed up the exchange of views from the Criminal Justice Forum. This is a summary of the most important aspects that were mentioned. All speakers noted the importance of international and regional co-operation to progress in the field of criminal justice. In this regard it is important discussions continue and that we see all things in context, for example fair trials cannot be guaranteed without ensuring the independence of the bar and without ensuring effective guarantees for the independence of judges. Even if countries have committed to changes, many reforms still remain to be implemented. Thus, it is important the CJFCA be organized on a regular basis to continue reforms



Photo: Nazgul Rakhmetulina, Chair of the Judicial Collegium for Criminal Cases, Supreme Court of Kazakhstan

Nazgul Rakhmetulina, Chair of the Judicial Collegium for Criminal Cases, Supreme Court of Kazakhstan, said presentations on the development of adversarial proceedings, expanding access to justice, alternative preventive measures, and reform of the penal system were of particular interest.

Konstantine Vardzelashvili, Head of Democratization Department, ODIHR stated that the CJFCA serves as a platform for sharing knowledge and best practices, very much in a spirit of OSCE commitments and international obligations. He also said that CJFCA is perceived or envisaged as a platform for a dialogue between the states, but also a platform for a dialogue

between states and important stakeholders like civil society organizations.

Madina Sarieva, International Programme Coordinator, Crime Prevention and Criminal Justice Officer, UNODC Regional Office for Afghanistan, Central Asia, Iran and Pakistan echoed this and added the importance of continued co-operations for the advancement of human rights in the criminal justice sector.

Tatyana Zinovich, Acting Director of LPRC, Kazakhstan, reiterated the message of the previous speakers and enhanced the importance of civil society.



Photo: Tatyana Zinovich, Acting Director of LPRC, Kazakhstan, closing session

Natalya Seitmuratova, Human Rights Officer, OHCHR Regional Office for Central Asia, said the CJFCA provided a platform to share views and experiences, but also underscored that the informal sharing of information on the margins of the CJFCA may often have an even greater effect and encouraged the continuation of such exchanges. Each Central Asian country is at a different stage of reform, but the challenges are very similar. This is probably due to the remaining legacy of the criminal justice systems that the Central Asian region inherited from the Soviet Union, and these remnants are yet to be fully eradicated.

Anara Ibrayeva, Director of Public Association “Dignity” (Kadyr-Kassyet), emphasized the need to implement recommendations from international bodies in criminal

legislation, as human rights should be respected now and not only in the future.

Mindia Vashakmadze, UNDP Regional Hub for Europe and Central Asia said underscored in particular the need for any reform process to be inclusive, especially with regards to the rapid digitalisation of the criminal justice systems.

Nicholas Mazik, Senior Human Dimension Officer, OSCE Programme Office in Astana, thanked all participants and partners for the dedication to the work on criminal justice and equality, underscoring that many had traveled far and had to absent from their families to be able to contribute to the CJFCA.



Photo: Madina Sariyeva, International Programme Coordinator, Crime Prevention and Criminal Justice Officer, UNODC Regional Office for Regional Office for Afghanistan, Central Asia, Iran and Pakistan; Konstantine Vardzelashvili, Head of Democratization Department, ODIHR, and Nicholas Mazik, Senior Human Dimension Officer, OSCE Programme Office, Astana at the closing session.

AGENDA

Ninth Expert Forum on Criminal Justice for Central Asia

20-21 November 2024

Astana, Kazakhstan

Hotel Hilton

Day One: 20 November 2024

08.30-09:30 | Registration

09:30-10:30 | Opening Session / Welcoming Remarks

Venue: Astana Hall

Moderator: Konstantine Vardzelashvili, Head of Democratization Department, ODIHR

- **Aslambek Mergaliev**, Chairperson, Supreme Court of the Republic of Kazakhstan
- **Dr Tea Jaliashvili**, ODIHR Director's Alternate/First Deputy Director (online)
- **Elvira Azimova**, Chairperson, Constitutional Court of the Republic Kazakhstan
- **Marat Kozhaev**, Member of the Senate Parliament of Kazakhstan, Committee on Constitutional Legislation, Judicial System and Law Enforcement Agencies
- **Dr Volker Frobarth**, Head of Mission, OSCE Programme Office in Astana
- **Fabio Piana**, Deputy Regional Representative of the UN Office of the High Commissioner for Human Rights (UN OHCHR) for Central Asia
- **Johannes Baur**, Head of Cooperation, EU Delegation Kazakhstan
- **Oliver Stolpe**, UNODC Regional Representative for Afghanistan, Central Asia, Iran and Pakistan (video address)
- **Robert Bernardo**, Team Leader, Governance and Peacebuilding Team, UNDP Regional Hub for Eastern Europe and Central Asia (video address)

The Forum will commence with opening remarks from representatives of the organising institutions, acknowledging contributions and outlining the objectives for the conference. Each speaker will be allocated up to 5 minutes.

10:30-10:45 | Introductory Session: Reflections on Criminal Justice Reforms in Central Asia (2021-2024)

Venue: Astana Hall

An overview of recent developments and good practices in Central Asia's criminal justice systems during 2021 to 2024, presented by representatives from each country. The state presentations will focus on selected examples of major criminal justice reforms, which may refer inter-alia to legislation, policies, and practices concerning the right to a fair trial, access to justice, torture prevention, prison reform, alternatives to imprisonment, the role of women in the justice system, and the digitalisation of criminal processes.

Moderator: Konstantine Vardzelashvili, Head of Democratization Department, ODIHR

Panelists:

- **Carolyn Hammer**, ODIHR Rule of Law Expert
- **Saken Abdolla**, Judge, Supreme Court of Kazakhstan

* The speakers should limit their presentations to 7 minutes. Due to time constraints, the presentations should focus solely on the reform initiatives implemented or initiated between 2021 and 2024, highlighting both key results and challenges.

10:45-11:15 | Group photo and Coffee break

11:15-12:00 | **Introductory Session:** Reflections on Criminal Justice Reforms in Central Asia (2021-2024)
continued

Venue: Astana Hall

An overview of recent developments and good practices in Central Asia's criminal justice systems during 2021 to 2024, presented by representatives of each country. The state presentations will focus on selected examples of major criminal justice reforms, which may refer inter-alia to legislation, policies, and practices concerning the right to a fair trial, access to justice, torture prevention, prison reform, alternatives to imprisonment, the role of women in the justice system, and the digitalisation of criminal processes.

Moderator: Iryna Ivankiv, Rule of Law Adviser, ODIHR

Panelists:

- **Damirbek Nazarov**, Judge, Supreme Court of Kyrgyz Republic
- **Naranbaatar Sainbayar**, Senior Lecturer, Doctor of Law, Department of Criminal Procedure of the Police Institute, University of Internal Affairs of Mongolia
- **Mavljud Pulodi**, Judge, Supreme Court of Tajikistan
- **Annamyrad Saryyev**, Judge of the Ashgabat Court, Turkmenistan
- **Elza Shamsutdinova**, Judge, Supreme Court of Uzbekistan

** The panellists should limit their presentations to 7 minutes. Due to time constraints, the presentations should focus solely on the reform initiatives implemented or initiated between 2021 and 2024, highlighting both key results and challenges.*

12:00-13:30 | **Plenary Session 1:** Fair Trials and Reform of the Justice System

Moderator: Tatyana Zinovich, Acting Director of LPRC, Kazakhstan

Venue: Astana Hall

Panelists:

- **Nicholas Mazik**, Senior Human Dimension Officer, OSCE Programme Office in Astana
- **Dr Ganna Yudkivska**, Vice-Chair of the UN Working Group on Arbitrary Detention, Vice-President of the European Society of International Law, Judge of the European Court of Human Rights in 2010-2022
- **Kate Fox**, Lead on the Administration of Justice and Rule of Law, the Rule of Law Section, OHCHR, Geneva
- **Nazgul Rakhmetulina**, Chair of the Judicial Collegium for Criminal Cases, Supreme court of Kazakhstan
- **Olesya Tsai**, Member, High Judicial Council of Kazakhstan

Interventions:

- **Temur Tsindeliani**, Prosecutor, International Cooperation Unit, Prosecutor General's Office of Georgia
- **Aidyn Bikebaev**, Chairperson, Bar Association Kazakhstan
- **Alisher Haidarov**, Head of the Union of Lawyers of Tajikistan
- **Aidar Sydykov**, Defense lawyer, Kyrgyzstan
- **Ilhom Azizov**, Defense lawyer, Uzbekistan

This session will be structured as a moderated discussion with the specific questions addressed by the moderator.

Suggested topics:

1. Judicial independence (legal guarantees, self-governance, judicial associations)
2. Fair trial guarantees in court
3. Plea bargaining and its impact on fair trial guarantees
4. Guaranteed access to effective legal defence (including reform of Bar Association)
5. Other good practices in the reform of the justice system, reform of the Prosecution Service

13:30-14:30 | Lunch

14:30-15:45 | **Working Group Sessions 1 and 2 (in parallel)**
Pre-trial Investigations

Working Group 1: Safeguarding human rights during pre-trial investigations

Venue: Astana Hall

Moderator: Svetlana Yakovleva, Judge of the Almaty city court, Kazakhstan

Co-moderator: Mindia Vashakmadze, UNDP Regional Hub for Eastern Europe and Central Asia

Panelists:

- **Akzhol Kalbekov**, Ministry of Justice Kyrgyzstan, Head of the Legal Aid Service
- **Nuralin Nurlan**, Judge of the North Kazakhstan Oblast Court
- **Svetlana Kovlyagina**, Defense lawyer, Pavlodar, Kazakhstan
- **Dilafroz Samadova**, Defense lawyer, Tajikistan
- **Alisher Haidarov**, Head of the Union of Lawyers of Tajikistan

Suggested topics:

1. Role of pre-trial/investigative judges
2. Judicial oversight on investigative measures
3. Alternatives to pre-trial detention
4. Free Legal Aid, access to legal representation

** The panelists should limit their presentations to 7 minutes.*

Working Group 2: Effectiveness of investigation, arrest and interrogation

Venue: Meeting room 5+6

Moderator: Zhangazy Kunserkin, Defense lawyer, Expert of Public Association “Dignity” (Kadyr-Kassyet), Kazakhstan

Panelists:

- Kazakhstan Ministry of Internal Affairs
- **Dr. Ruslan Abdrashev**, PhD, Expert of Public Association “Dignity” (Kadyr-Kassyet), Kazakhstan
- **Vitalyi Khan**, Professor of Law Enforcement Academy of the General Prosecutor Office, Kazakhstan
- **Naranbaatar Sainbayar**, Senior Lecturer, Doctor of Law, Department of Criminal Procedure of the Police Institute, University of Internal Affairs of Mongolia
- **Daniyar Kanafin**, Defense lawyer, Kazakhstan
- **Bakyt Kasymkulov**, Director, National Center for the Prevention of Torture, Kyrgyzstan
- **Umed Niyazov**, Defense lawyer, Tajikistan

Suggested topics include:

1. Presumption of innocence
2. Arrest and pre-trial detention (habeas corpus)
3. Confessions and coercion
4. Investigative techniques and reforms
5. Regulatory framework for non-disclosure agreements

** The panelists should limit their presentations to 7 minutes.*

15:45-16:15 | **Plenary Session 2: Pre-trial Investigations (continuation)**

Venue: Astana Hall

Moderator: Leila Duisekova and Suhrob Shoev,
National Programme Coordinators, UN OHCHR Regional Office for Central Asia

Rapporteur from working group 1: Svetlana Yakovleva, Judge of the Almaty city court, Kazakhstan /
Mindia Vashakmadze, UNDP Regional Hub for Eastern Europe and Central Asia

Rapporteur from working group 2: Zhangazy Kunserkin, Defense lawyer, Kazakhstan,
expert of Public Association “Dignity” (Kadyr-Kassyet), Kazakhstan

Presentations and discussions based on outcomes from the working group sessions 1 and 2.

16:15-16:30 | Coffee Break

16:30-18:30 | **Side events**

Side Event 1: Round table on improving the mechanism of compensation for harm caused to victims of torture and ill-treatment, as well as their rehabilitation in accordance with the recommendations of the updated Istanbul Protocol and UN treaty bodies

Venue: Astana Hall

Organised by the Judicial Administration of the Supreme Court of Kazakhstan

Side Event 2: Access to justice and respect of fair trial rights during emergencies, natural disasters or conflicts

Venue: Meeting room 5+6

Organised by Dignity

19:00-21:00 | Reception hosted by organisers

Day Two: 21 November 2024

08:30-09:45 | Side events

Side Event 1: Criminal Justice Monitoring in the OSCE region

Venue: Astana Hall

Organised by LPRC and ODIHR

Side Event 2: Tackling serious environmental offences through criminal law and building national enforcement capacity – challenges and opportunities

Venue: Meeting room 5+6

Organised by UNDP

10:00-11:15 | Plenary Session 3: Women and Justice

Venue: Astana Hall

Moderator: Snezhanna Imasheva, Chair of the Committee on Legislation and Judicial reform, Mazhilis Parliament of Kazakhstan

Keynote speaker:

- **Elvira Azimova**, Head of the Constitutional Court, Kazakhstan

Panelists:

- **Renate Winter**, Austrian judge, Member of the Special Court for Sierra Leone, role of women in criminal court system and professional development of women justice sector professionals, former Chair of the UN CRC (online)
- **Gulnara Mergenova**, Judge, Supreme Court of Kazakhstan
- **Taalaikul Kadyrkulova**, Judge, Sokuluk District Court, Member of Kyrgyz Association of Women Judges, Kyrgyzstan
- **Mavljud Pulodi**, Judge, Supreme Court of Tajikistan, Member of the Union of Women Judges of Tajikistan
- **Elena Zhigalenok**, Defense lawyer, Kazakhstan
- **Prof Lorena Bachmaier Winter**, Complutense University Madrid, Spain
- **Shakhnoza Khassanova**, Director, NGO "Sana Sezim", Kazakhstan
- **Ehlimana Medić**, UNDP in Bosnia and Herzegovina, (online)

This plenary session aims to provide a comprehensive exploration of the intersection of gender and justice in Central Asia, with a special focus on the challenges and reforms related to gender-based violence, the role of women in the criminal justice system, and the empowerment of female justice sector professionals. Considering the social, cultural, and institutional dynamics in the region, the session will critically address the structural and systemic barriers women face in accessing justice, as well as their roles as key actors within the system.

Suggested topics:

1. Challenges in addressing gender-based violence (GBV)
2. The role of women in the criminal justice system
3. Empowerment of female justice sector professionals
4. Judicial reforms and the intersection of gender and justice in Central Asia

11:15-11:30 | Coffee Break

11:30-13:00 | Plenary session 4: Digitalising criminal justice systems

Venue: Astana Hall

Moderator: Aslan Tukiev, Chair of the Judicial Collegium for Administrative Cases, Supreme Court of Kazakhstan

Keynote speaker:

- **Kate Fox**, Lead on the Administration of Justice and Rule of Law, the Rule of Law Section, OHCHR, Geneva "Impact of Digital Technologies and AI on Human Rights in the Administration of Justice"

Panelists:

- **Eradil Akhmetov**, Deputy Chair of The Kazakhstan Committee on Legal Statistics and Special Records under the General Prosecutor Office of Republic of Kazakhstan
- **Bahtiyar Temirbek Uulu**, General Prosecutor Office, Legal Statistics Department under General Prosecutor Office of Kyrgyzstan

- **Azamat Salaev**, Project specialist, UNDP Uzbekistan
- **Dashdavaa Amartuvshin**, Senior Investigator, Criminal Investigation Department, Police Captain, National Police Agency of Mongolia
- **Dory Reiling Ph.D.**, retired senior judge at the Amsterdam District Court, Netherlands (online)
- **Temur Tsindeliani**, Prosecutor of the International Cooperation Unit, Prosecutor General's Office of Georgia
- **Prof Kanstantsin Dzehtsiarou**, Professor in Human Rights Law, Director of the International Law and Human Rights Unit, School of Law and Social Justice, University of Liverpool

Suggested topics:

1. Emerging technologies in criminal justice (digital case management systems, audio-visual technology for virtual hearings, and artificial intelligence (AI) in crime prevention and case analysis, and AI in judicial decision making)
2. Challenges and barriers to digitalization
3. Data protection in the system of digital tools

The session will conclude with an interactive Q&A, inviting participants to engage with the panel on the opportunities and challenges of digital transformation in criminal justice. The goal is to inspire collaboration, provide actionable insights, and drive the global movement towards more efficient and transparent legal systems through the adoption of technology.

13:00-14:00 | Lunch

14:00-15:00 | **Plenary session 5: Penitentiary Reform and Probation Services**

Venue: Astana Hall

Moderator: Madina Sarieva, International Programme Coordinator,
Crime Prevention and Criminal Justice Officer, UNODC Regional Office for Central Asia

Co-moderator: Azamat Shambilov, International consultant, ODIHR

Presentations:

- **Erkin Nurakhmetov**, Head of the Division on Management of Probation Service, Prison Service of Kazakhstan, Ministry of Internal Affairs of Kazakhstan
- **Ruslan Romanov**, Central Apparatus, Ministry of Justice of Kyrgyzstan
- **Eshkobul Dusanov**, Head of the Central Pre-trial Detention Facility of the Department of Execution of Punishments (Prison Service) of the Ministry of Internal Affairs of Uzbekistan
- **Tahmina Juraeva**, Deputy Director, NGO "Bureau for Human Rights and Rule of Law", Tajikistan
- **Svetlana Kovlyagina**, Defense lawyer, Director of the NGO "Committee for Monitoring Penal Reform and Human Rights", Kazakhstan
- **Alexandra Kerna**, Latvian State Probation Service / **Olga Dobroserdova**, Latvian State Probation Service

The session will conclude with an interactive Q&A.

15:00-16:00 | **Parallel Working Group Sessions 5 and 6: Penitentiary Reform and Probation Services**

Working Group 5: Alternative Measures to Imprisonment

Venue: Astana Hall

Moderator: George Abadjian, UNODC Kyrgyzstan

UNODC video

Speakers:

- **Erkin Nurakhmetov**, Head of the Division on Management of Probation Service, Prison Service of Kazakhstan, Ministry of Internal Affairs of Kazakhstan (5 min)
- **Altynbek Karabekov**, Head of Division for records management and monitoring of the Ministry of Justice of the Kyrgyz Republic (5 min)
- **Nargis Zokirova**, Director, NGO "Bureau for Human Rights and Rule of Law", Tajikistan (5 min)
- **Olga Dobroserdova**, Latvian Probation Service (5 min)
- **Kuat Rahimberdin**, Professor, Director of East-Kazakhstan Branch of the NGO "Kazakhstan International Bureau for Human Rights and Rule of Law" (5 min)
- **Lidiya Yurechko**, Psychologist, CSO "Intilish", Uzbekistan (5 min)

Suggested topics:

Discussion will be focused on the role and benefits of probation services, use of electronic monitoring systems in probation and other non-custodial measures in reducing recidivism, alleviating prison overcrowding, and promoting rehabilitation and reintegration of offenders into society.

It will highlight international practices, particularly Latvian model, for strengthening of probation services through an individualised approach. This includes development of risk and needs assessment models, tailored rehabilitation plans and importance of inter-institutional collaboration to enhance effectiveness of probation and reintegration efforts, including through involvement of NGO. The working group will address the implementation of correctional programs for domestic violence perpetrators by probation services, along with related challenges and considerations. The working group will also consider how digital tools, from case management systems to electronic monitoring devices contribute to efficiency, oversight and evidence-based decision making.

Venue: Meeting room 5+6

Working Group 6: Prison reform initiatives

Moderator: Arshak Gasparyan, UNODC Kazakhstan
UNODC video

Resource persons:

- **Azat Arykov**, Deputy Head of Division on Prisoners rehabilitation and socio-psychological programs, Prison Service, Ministry of Internal Affairs of Kazakhstan (5 min)
- **Kemel Sadykov**, Prison Service under Ministry of Justice of Kyrgyzstan (5 min)
- **Gulchehra Rakhmanova**, Director, NGO "Legal Initiative", Tajikistan (5 min)
- **Svetlana Kovlyagina**, Defense lawyer, Director of the NGO "Committee for Monitoring Penal Reform and Human Rights", Kazakhstan (5 min)

Suggested topics:

Discussion will be focused on the role of prison-based rehabilitation programs in enhancing the reintegration of offenders into society, aiming to reduce recidivism rates, including educational programs, vocational training, psychological counselling, substance abuse treatment, and social reintegration services.

A highlight will be given to the importance of partnerships with NGOs to enhance rehabilitation and reintegration efforts.

Participants will discuss best practices as well as challenges pertaining to implementation of rehabilitation programs in prison systems across Central Asia.

Participants will share practical insights on effective prison management, prison security, including through digitalization.

16:00-16:15 | Coffee Break

16:15-17:15 | **Plenary Session 5: Penitentiary Reform and Probation Services**

Venue: Astana Hall

Moderator: Madina Sarieva, International Programme Coordinator,
Crime Prevention and Criminal Justice Officer, UNODC Regional Office for Central Asia

Co-moderator: Azamat Shambilov, International consultant, ODIHR

Rapporteur from working group 5: George Abadjian, UNODC Kyrgyzstan

Rapporteur from working group 6: Arshak Gasparian, UNODC Kazakhstan

UNODC Video (human intertest stories)

Presentation of findings from working groups on prison reform and probation services, followed by discussion and Q&A.

17:15-18:00 | Closing Session: Concluding remarks

Venue: Astana Hall

Summary of the discussions and key recommendations from the Ninth Expert Forum on Criminal Justice for Central Asia, with closing remarks from key representatives of organisers and partners.

Moderator: Jacob Bonnevie, Rule of Law Officer, ODIHR

Closing remarks:

- **Nazgul Rakhmetulina**, Chair of the Judicial Collegium for Criminal Cases, Supreme court of Kazakhstan
- **Konstantine Vardzelashvili**, Head of Democratisation Department, ODIHR
- **Natalya Seitmuratova**, Human Rights Officer, OHCHR Regional Office for Central Asia
- **Anara Ibrayeva**, Director of Public Association "Dignity" (Kadyr-Kassyet), Kazakhstan
- **Madina Sarieva**, International Programme Coordinator, Crime Prevention and Criminal Justice Officer, UNODC Regional Office for Central Asia
- **Tatyana Zinovich**, Acting Director of LPRC, Kazakhstan
- **Mindia Vashakmadze**, UNDP Regional Hub for Eastern Europe and Central Asia
- **Nicholas Mazik**, Senior Human Dimension Officer, OSCE Programme Office, Astana

2. About OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements many targeted assistance programmes annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of victims of trafficking, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website
(www.osce.org/odihr).

