



On approval of the quality criteria for the provision of state-guaranteed legal assistance

Unofficial translation

Order of the Minister of Justice of the Republic of Kazakhstan of September 27, 2018 No. 1454. Registered with the Ministry of Justice of the Republic of Kazakhstan on October 9, 2018 No. 17510.

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In accordance with subparagraph 8) of Article 23 of the Law of the Republic of Kazakhstan of July 5, 2018 "On Advocacy and Legal Assistance" **I HEREBY ORDER:**

1. That the attached quality criteria for the provision of state-guaranteed legal assistance shall be approved.

2. Order of the Minister of Justice of the Republic of Kazakhstan No. 89 dated February 16, 2015 "On approval of the quality criteria for the provision of legal assistance " (registered with the Register of State Registration of Normative Legal acts under No. 10392, published on March 16, 2015, in Legal Information System "Adilet");

3. In accordance with the procedure established by legislation, the Department for Registration Service and the Organization of Legal Services of the Ministry of Justice of the Republic of Kazakhstan, shall ensure:

1) state registration of this order;

2) within ten calendar days from the date of state registration of this order, sending it both in Kazakh and Russian languages to the Republican State Enterprise on the Right of Economic Management "Republican Center for Legal Information" for official publication and inclusion into the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) the placement of this Order on the Internet resource of the Ministry of Justice of the Republic of Kazakhstan after its official publication.

4. Control over implementation of this Order shall be entrusted to the supervising Deputy Minister of justice of the Republic of Kazakhstan.

5. This Order shall become effective ten calendar days after the day of its first official publication.

*Minister of Justice of the
Republic of Kazakhstan*

M. Beketayev

Approved
by Order of the Minister of Justice
of the Republic of Kazakhstan
o. 1454 of September 27, 2018,

1. The criteria for the quality of legal assistance in the form of legal and regulatory information shall be:

1) implementation of legal information within the limits of the powers provided for by the Law of the Republic of Kazakhstan "On Advocacy and Legal Assistance" (hereinafter – the Law);

2) keeping the population informed about the procedure and the possibility of obtaining state-guaranteed legal assistance through the mechanisms provided for by the Law;

3) the absence of substantiated complaints against actions (inaction) of officials and other persons of state bodies that provide legal assistance in the form of legal information awareness;

4) competence in the implementation of legal information;

5) objectivity and timeliness of legal advice to individuals and legal entities;

6) compliance with the current legislation of the Republic of Kazakhstan.

Footnote. Paragraph 1 as amended by the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 735 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

2. The quality criteria for the provision of state-guaranteed legal assistance in the form of legal advice shall be:

1) the compliance with the procedure and terms of legal advice established by paragraphs 7 and 8 of Article 28 of the Law;

2) the validity and motivation of legal advice availability by the provisions of the legislation of the Republic of Kazakhstan;

3) the compliance with the legislation of the Republic of Kazakhstan in the performance of professional duties;

4) the relevance of legal advice;

5) the lack of substantiated complaints against actions (inaction) of entities providing legal advice.

3. The criteria for the quality of the provision by lawyers of state-guaranteed legal assistance in the form of protection and representation of the interests of individuals and legal entities in courts, criminal prosecution bodies, other state bodies and non-governmental organizations shall be:

1) the provision of state-guaranteed legal assistance within the limits provided by the law of authority;

2) the compliance with the performance of professional duties of the norms of the current legislation of the Republic of Kazakhstan and the Code of Legal Ethics;

3) preservation of advocacy secrecy;

4) refusal of the accepted order to provide state-guaranteed legal assistance if there is a personal interest in the outcome of the case, contrary to the interests of the person who applied for legal assistance;

5) the lack of substantiated complaints about the actions (inaction) of lawyers.

4. The quality criteria for the provision of state-guaranteed legal assistance by legal consultants in the form of representing the interests of individuals and legal entities in courts, state bodies and non-governmental organizations shall be:

1) provision of state-guaranteed legal assistance within the powers granted by the Law;

2) compliance with the norms of the legislation of the Republic of Kazakhstan on advocacy and legal assistance, the rules and standards of the Chamber of Legal Consultants, the Code of Professional Ethics in the performance of professional duties, in accordance with paragraph 1 of Article 78 of the Law;

3) refusal of the accepted order to provide state-guaranteed legal assistance if there is a personal interest in the outcome of the case, contrary to the interests of the person who applied for legal assistance;

4) absence of justified complaints about the actions (inaction) of legal consultants.

Footnote. The criteria are supplemented by paragraph 4 in accordance with the order of the Minister of Justice of the Republic of Kazakhstan dated 31.08.2022 No. 735 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).