



**International Convention for  
the Protection of All Persons  
from Enforced Disappearance**

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**Committee on Enforced Disappearances**

**Consideration of reports submitted by States  
parties under article 29, paragraph 1, of the  
Convention**

**Reports of States parties due in 2012**

**Kazakhstan\***

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## I. Introduction

1. This report is the initial report of the Republic of Kazakhstan to the Committee on Enforced Disappearances and is submitted in accordance with article 29, paragraph 1, of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted on 20 December 2006 and ratified by Kazakhstan pursuant to the Act of 15 December 2008.

(1) The report has been compiled in accordance with the United Nations general guidelines for preparing national reports under international human rights instruments;

(2) This report covers the period 2009–2013;

(3) The report was prepared by the Ministry of Internal Affairs of Kazakhstan, in cooperation with the Office of the Procurator-General, the Supreme Court, the National Security Committee and the Ministry of Justice.

## II. General information

2. Over the past four years, Kazakhstan has carried out a number of important reforms to improve the national legislation on the protection of all persons from enforced disappearance, thereby confirming its commitment to observing the principles of democracy and safeguarding human rights, as well as its adherence to universal principles.

3. Detecting, preventing and eliminating these crimes is one of the priority areas of activity of the State authorities.

4. Dedicated divisions operate within law enforcement and specialized agencies to identify and prevent cases of abduction, unlawful deprivation of liberty and trafficking in persons, and to arrest the perpetrators and bring them to justice.

5. In addition, internal security subunits have been established to detect and put a stop to offences by members of the military, police and security forces, including unlawful arrest and detention in custody.

6. Kazakhstan is making use of all available resources and opportunities to conduct a resolute, uncompromising struggle against all human rights violations, particularly enforced disappearances and unlawful deprivation of liberty.

7. It has ratified the Optional Protocol to the International Covenant on Civil and Political Rights, of 1966, the Slavery Convention, of 25 September 1926, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, of 21 March 1950.

8. Kazakhstan has made consistent efforts to improve its legislation. It has adopted new laws and regulations containing a number of important provisions aimed at further implementing the International Convention for the Protection of All Persons from Enforced Disappearance. These include:

(1) The Constitution of Kazakhstan of 30 August 1995, which embodies the fundamental human and civil rights and freedoms;

(2) The Criminal Code of 16 July 1997, which provides for criminal liability for the offences addressed in the Convention;

(3) The Act of 5 July 2000 on State Protection of Parties to Criminal Proceedings;

(4) The Act of 12 January 2007 on the Procedure for Considering Communications from Natural and Legal Persons;

(5) The Data Protection Act of 21 May 2013;

(6) The Act of 4 July 2013 amending certain legislative acts of Kazakhstan concerning efforts to combat trafficking in persons;

(7) Supreme Court Regulatory Decision No. 7 of 28 December 2009 on the application of the provisions of criminal law and criminal procedure law concerning respect for personal liberty and the inviolability of human dignity and prevention of torture, violence and other cruel or degrading treatment or punishment;

(8) Supreme Court Regulatory Decision No. 7 of 29 December 2012 on the application of the legislation establishing liability for trafficking in persons;

(9) Order No. 83 of the Procurator-General of 12 September 2011 approving the Instructions for the receipt, registration, including in electronic format, and consideration of statements, reports, complaints and other information on crimes and incidents;

(10) Order No. 93 of the Procurator-General of 13 August 2012 approving the Instructions on procuratorial oversight of the lawfulness of sentence enforcement, custody in special facilities and supervision of persons released from places of detention;

(11) Ministry of Internal Affairs Order No. 182 of 29 March 2012 on certain issues relating to the penal correction system of the Ministry of Internal Affairs, approving:

- Regulations on visits to penal institutions and remand centres;
- Regulations on the imposition of special regimes in correctional institutions under the Committee on the Penal Correction System of the Ministry of Internal Affairs;
- Regulations on the monitoring of convicted persons in institutions of the penal correction system and on the conduct of searches;
- Regulations on the protection and monitoring of persons held in remand centres of the penal correction system.

### **III. Information on the articles of the Convention**

#### **Articles 1, 2, 3, 4 and 5**

9. In accordance with article 1 of the Constitution, Kazakhstan holds itself to be a democratic, secular, social State based on the rule of law, whose supreme values are the person and the life, rights and freedoms of the person.

10. Article 16 of the Constitution guarantees the personal liberty of each individual and citizen.

11. Personal liberty is the right of the individual to choose or change his or her place of stay or residence.

12. Arrest and detention in custody are permitted only in the circumstances specified by law and with the authorization of a court, and are subject to appeal by the arrested person. Without court authorization, a person may be detained for no more than 72 hours.

13. Liability for enforced disappearance, as defined in the Convention, was introduced in Kazakh legislation in 1997 and is provided for in the following articles of the Criminal Code: 125 (Abduction), 126 (Unlawful deprivation of liberty), 128 (Trafficking in persons),

308 (Improper exercise of authority), 309 (Misappropriation of official powers) and 346 (Deliberately unlawful detention or remand in custody).

14. Criminal liability for these types of offence has been retained in the new draft of the Criminal Code, which is currently being considered by the Parliament of Kazakhstan.

15. Furthermore, in article 414 of the draft, liability is provided for wilful failure to inform a suspect's relatives of his or her detention and whereabouts, unlawful refusal to provide information on the place where a person is being held in custody to a citizen who has the right to receive such information, and falsification of the time at which an arrest record was drawn up or of the time of the actual arrest.

16. In the Criminal Code, abduction is understood to mean an illegal and deliberate act aimed at seizing the victim, covertly, openly or by means of deception, removing him or her from one place and confining him or her in another place against his or her will.

17. The key point is the fact of the abduction, rather than the period of time during which the victim is held by the perpetrator.

18. Experience shows that abduction is frequently accompanied by threats of serious harm to health, rape or other criminal acts and can serve various criminal ends.

19. Unlike in cases of abduction, which always involve the seizure and confinement of the victim, in cases of unlawful deprivation of liberty the victim is not removed from a place where he or she was present of his or her own will, rather the victim is prevented from leaving that place or area freely and his or her freedom of movement is restricted.

20. Trafficking in persons is defined as the purchase or sale of a person or the undertaking of other transactions involving a person, as well as his or her exploitation, recruitment, transportation, transfer or harbouring and other acts committed for the purpose of exploitation.

21. The commission of offences related to enforced disappearance by officials involves the perpetration by a person authorized to perform State duties or person of equivalent status of acts that are clearly outside the scope of his or her rights and authority and entail a substantial violation of the rights and legitimate interests of citizens.

22. Kazakhstan takes all necessary measures to ensure the prompt and impartial investigation of cases of enforced disappearance.

#### **Information on criminal cases brought to court concerning abduction, unlawful deprivation of liberty and trafficking in persons**

<i>Year</i>	<i>Criminal Code, art. 125</i>	<i>Criminal Code, art. 126</i>	<i>Criminal Code, art. 128</i>
2009	72	0	5
2010	69	97	15
2011	72	92	20
2012	61	17	7
2013	65	105	21

23. Recognizing the primacy and inalienability of human rights and freedoms as the highest social values protected by the State, Kazakhstan has become a party to the following international human rights instruments:

(1) The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, of 1956;

- (2) The International Covenant on Economic, Social and Cultural Rights, of 1966;
- (3) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of 1984;
- (4) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, of 2000;
- (5) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, of 2000;
- (6) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of 2002.

## **Article 6**

24. Under Kazakh criminal law, both the individual who commits an act of enforced disappearance and his or her accomplices, including the organizers, instigators of and accessories to the offence, are held criminally liable.
25. Article 28 of the Criminal Code defines the persons complicit in an offence, who, alongside the perpetrators, are the organizers, instigators of and accessories to the offence.
26. An organizer is deemed to be a person who organizes or directs the commission of an offence, or who establishes or directs an organized group, criminal association (criminal organization) or standing armed group (gang).
27. An instigator is deemed to be a person who convinces another person to commit an offence, through persuasion, bribery, threats or other methods.
28. An accessory is defined as a person who abets an offence by providing advice, instructions, information, implements or means to commit the offence or by removing obstacles to its commission, or who agrees, prior to the offence, to conceal the perpetrator, the implements or other means used to commit the offence, evidence of the offence or items obtained as a result of the offence, or to purchase or sell such items.
29. Measures are taken to prevent, detect and eliminate cases of improper exercise of authority and unlawful detention or remand in custody imputable to authorized officials.
30. There have been no recorded cases in Kazakhstan in which an offence related to enforced disappearance has been committed on the orders of a superior.
31. Furthermore, the Law Enforcement Service Act of 6 January 2011 clearly establishes the principle that, on receipt of an order or instruction that contradicts the law, an officer is required to follow the law and enjoys its protection.

## **Article 7**

32. Under Kazakh law, liability for the offences under consideration varies depending on the circumstances and seriousness of the acts committed.
33. Criminally punishable acts, depending on their nature and the level of danger they pose to society, are categorized as follows:

- Minor offences (intentional acts punishable by up to 2 years' deprivation of liberty or acts committed through negligence and punishable by up to 5 years' deprivation of liberty);
  - Ordinary offences (intentional acts punishable by up to 5 years' deprivation of liberty or acts committed through negligence and punishable by more than 5 years' deprivation of liberty);
  - Serious offences (intentional acts punishable by up to 12 years' deprivation of liberty);
  - Especially serious offences (intentional acts punishable by more than 12 years' deprivation of liberty or by the death penalty).
34. In each case, the criminal prosecution bodies take account of both mitigating and aggravating circumstances in determining criminal liability and punishment.
35. Article 53 of the Criminal Code establishes the circumstances mitigating criminal liability and punishment, which include:
- Commission of a first minor offence owing to a chance concurrence of circumstances;
  - Commission of an offence by a perpetrator who is a minor;
  - Commission of an offence by a perpetrator who is pregnant;
  - Commission of an offence by a perpetrator who has young children;
  - Provision of medical and other assistance to the victim immediately after the commission of the offence, voluntary reparation for material and moral harm incurred as a result of the offence, or other actions intended to remedy the harm caused;
  - Commission of an offence owing to the concurrence of serious personal, family or other circumstances, or out of compassion;
  - Commission of an offence under physical or psychological duress or on account of dependency for material well-being, employment or other considerations;
  - Commission of an offence in circumstances going beyond the limits of legitimate self-defence, in situations of extreme necessity, while making an arrest, in cases of justified risk, or while carrying out an order or instruction during a police inquiry;
  - Illegal or amoral behaviour on the part of the victim that gives rise to the offence;
  - Genuine repentance, admission of guilt, or active assistance in the investigation of the offence, the exposure of other persons involved and the recovery of property obtained as a result of the offence.
36. The circumstances aggravating criminal liability and punishment, which are provided for in article 54 of the Criminal Code, include:
- Commission of prior offences, recidivism;
  - Commission of an offence resulting in serious consequences;
  - Commission of an offence in a group, a group acting by prior conspiracy, an organized group, criminal association (criminal organization), transnational organized group, transnational criminal association (transnational criminal organization), standing armed group (gang) or terrorist group;
  - Taking of a particularly active role in the commission of an offence;

- Recruitment of another person to commit an offence whom the perpetrator knows to suffer from a serious psychiatric condition or who is under the age of criminal liability;
- Commission of an offence motivated by ethnic, racial or religious hatred or enmity, or in revenge for a lawful action by another person, or with the aim of concealing or facilitating the commission of another offence;
- Commission of an offence against a woman whom the perpetrator knows to be pregnant, against a minor (under 14 years old), against another defenceless or vulnerable person, or against a person who is dependent on the perpetrator;
- Commission of an offence against a person carrying out official, professional or public duties or against his or her family or friends;
- Commission of an offence involving particular cruelty or sadism or the humiliation or torture of the victim;
- Commission of an offence with the use of weapons, ammunition, explosives, explosive or similar devices, specially prepared equipment, highly flammable or combustible liquids, poisonous or radioactive substances, medicinal or other chemical or pharmacological preparations, or with the use of physical or psychological duress, or in such a way as to endanger public safety;
- Commission of an offence during a state of emergency, a natural or other disaster, or during mass unrest;
- Commission of an offence while under the influence of alcohol, drugs or other intoxicants. The court may decide, depending on the nature of the offence, not to deem this an aggravating circumstance;
- Commission of an offence in breach of an oath or professional pledge;
- Commission of an offence in abuse of the trust shown to the perpetrator by virtue of his or her official position or contractual status;
- Commission of an offence using the uniform or documents of a public official;
- Commission of an offence by a law enforcement officer or judge in abuse of his or her official position.

## Article 8

37. In Kazakhstan, the statute of limitations for criminal prosecution refers to the period of time elapsed since the date of commission of an offence after which a person is exempted from criminal liability, under the conditions established in law.

38. In accordance with article 69 of the Criminal Code, the limitation period for bringing criminal proceedings varies depending on the nature of the offence committed and the level of danger it poses to society, which are reflected in the severity of the punishment for the offence stipulated in law.

39. Thus, a person is exempted from criminal liability if the following period has elapsed since the date of commission of an offence:

- Two years following the commission of a minor offence;
- Five years following the commission of an ordinary offence;
- Fifteen years following the commission of a serious offence;

- Twenty years following the commission of an especially serious offence.

40. The Criminal Code establishes that, when the limitation period for bringing criminal proceedings is calculated, the period commences on the date on which the offence is committed and ends when the appropriate court judgement becomes enforceable.

41. The expiry of the limitation period precludes criminal liability only if the running of the statute of limitations has not been interrupted. The statute of limitations is suspended for the entire time that a person who has committed an offence evades investigation or trial, until the moment that he or she is arrested or surrenders. From that time, the running of the statute of limitations resumes. A person cannot be prosecuted if 25 years have elapsed since the commission of an offence and the running of the statute of limitations has not been interrupted.

## **Articles 9, 13, 14, 15 and 16**

42. The criminality and punishability of an act are determined by the law in force at the time of the act's commission.

43. The time of commission of an offence is considered to be the time when the act or omission that poses a danger to society takes place, regardless of when the consequences ensue.

44. The application of criminal law to a person who commits an offence in the territory of Kazakhstan is regulated by article 6 of the Criminal Code.

45. In particular, a person who commits an offence in the territory of Kazakhstan is subject to liability under the country's law. An offence committed in the territory of Kazakhstan is defined as an act that began, continued or was completed in the territory of Kazakhstan. This provision also extends to offences committed on the continental shelf and in the exclusive economic zone of Kazakhstan.

46. A person who commits an offence on board a ship or aircraft registered at a port of Kazakhstan and which is on the open seas or in the air outside the borders of Kazakhstan is subject to criminal liability under the criminal law of Kazakhstan, unless otherwise stipulated in an international treaty to which Kazakhstan is a party. Criminal liability is also incurred by a person who commits an offence on board a military vessel or aircraft of Kazakhstan, regardless of its location.

47. The liability of diplomatic representatives of foreign States and other citizens who enjoy immunity, in cases where such persons commit an offence in the territory of Kazakhstan, is settled in accordance with international law.

48. The extradition of persons who commit an offence is regulated by the criminal law of Kazakhstan.

49. Thus, under article 8 of the Criminal Code, Kazakh citizens who commit an offence in the territory of another State are not liable to extradition to that State, unless otherwise stipulated in an international treaty.

50. The execution of requests to extradite citizens of other States is also regulated by the Penalties Enforcement Code.

51. In particular, requests to extradite a foreign citizen who has been accused or convicted of an offence in a foreign State are considered by the Procurator-General of Kazakhstan or an authorized procurator, whose decision forms the basis for extradition.

52. If requests to extradite a person are received from several States, the Procurator-General of Kazakhstan decides to which State the person should be extradited.

53. The States parties undertake, in accordance with the conditions stipulated in the International Convention for the Protection of all Persons from Enforced Disappearance, to extradite to one another, on request, persons present in their territories, for criminal prosecution or for the enforcement of a sentence.

54. Extradition for criminal prosecution is carried out for acts that incur criminal liability under the domestic legislation of the requesting and requested States parties and are punishable by at least 1 year's deprivation of liberty.

55. When it is determined whether an act for which extradition is being requested incurs criminal liability under the domestic legislation of the requesting and requested States parties, differences in the description of the individual elements of the offence or the terminology used are not taken into consideration.

56. With regard to the extradition of persons to foreign States, Kazakhstan takes all measures, including legislative measures, to ensure that their rights and freedoms are respected.

57. For example, pursuant to the Act of 18 January 2011 amending certain legislative acts with a view to the continued humanization of criminal legislation and the strengthening of guarantees of due process in criminal proceedings, a new provision was inserted in article 532, paragraph 1, of the Code of Criminal Procedure stipulating that a person may not be extradited to a foreign State if there are grounds for believing that he or she would be in danger of being subjected to torture in the requesting State.

58. In 2009-2012, no persons accused of committing offences related to enforced disappearance were detained in the territory of Kazakhstan pending extradition, no requests were made for the extradition of such persons from foreign States and no criminal prosecutions were conducted at the request of other States.

59. Furthermore, with the aim of providing States with mutual legal assistance in criminal matters, including in searching for and locating victims of enforced disappearance, Kazakhstan has ratified:

(1) The Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, of 1993;

(2) The Chisinau Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, of 2002.

60. Kazakhstan has also signed the following international agreements on mutual legal assistance:

(1) The Agreement between the Government of Kazakhstan and the Government of Estonia on Cooperation in Combating Organized and Other Forms of Crime, of 2 June 2004;

(2) The Agreement between the Government of Kazakhstan and the Government of Croatia on Cooperation in Combating Organized Crime, the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Terrorism and Other Forms of Crime, of 5 July 2007;

(3) The Agreement between the Government of Kazakhstan and the Government of France on Cooperation in Combating Crime, of 6 October 2009;

(4) The Agreement on Legal Assistance and Cooperation among the Customs Agencies of the States Members of the Customs Union of the Eurasian Economic Community in Cases Involving Criminal and Administrative Offences, of 5 July 2010;

(5) The Treaty between Kazakhstan and India on the Provision of Legal Assistance in Civil Matters, of 16 April 2011;

(6) The Agreement between Kazakhstan and Viet Nam on Mutual Legal Assistance in Civil Matters, of 31 October 2011.

## Articles 10 and 11

61. Under the principle of the inevitability of punishment, which is enshrined in the Constitution of Kazakhstan, every person who commits an offence is liable to the penalties or other measures provided for in the criminal law.

62. The detention of a person suspected of committing an offence is defined in Kazakh law as a coercive procedural measure. The preventive measure of remand in custody is imposed only with the authorization of a court.

63. A preliminary investigation is conducted without fail to identify the perpetrators of offences, including offences related to enforced disappearance.

64. Preliminary investigations into the criminal matters discussed in this report are carried out by the investigators of the internal affairs and national security agencies and the financial police and by special procurators.

65. The place of detention of a foreign suspect or accused person, and any change in the place of detention, must be notified within 12 hours by the criminal prosecution bodies to the Office of the Procurator-General, the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the National Security Committee and the embassy, consulate or other mission of the State of which he or she is a citizen.

66. Under article 17 of the Act of 30 March 1999 on Procedures and Conditions for the Custody of Persons in Special Temporary Detention Facilities, suspects and accused persons are entitled, from the moment of their detention, to meet with counsel in private and confidentially. The number and length of the meetings is not restricted. Official representatives of diplomatic missions of foreign States have the right, with the permission of the Office of the Procurator-General, to visit a suspect or accused person of the State they represent.

67. Under article 10 of the Penalties Enforcement Code, foreigners sentenced to deprivation of liberty have the right to maintain contact with the diplomatic representatives and consular offices of their States, and citizens of countries without diplomatic representatives or consular offices in Kazakhstan are entitled to maintain contact with the diplomatic representatives of the State that has assumed responsibility for protecting their interests or with international organizations involved in their protection.

68. Kazakh citizens who commit an offence outside Kazakhstan are subject to criminal liability under the criminal law of Kazakhstan if the act committed is deemed an offence in the State in whose territory it took place, and provided that such persons have not been convicted in the other State. On conviction, their punishment may not exceed the maximum penalty provided for in the law of the State in whose territory the offence was committed. Stateless persons incur liability on the same basis.

69. In recent years, the protection of citizens' rights within the justice system and the independence of the judicial branch have been significantly strengthened. Judges are now selected by the Higher Council of the Judiciary, which is composed of members of the Parliament of Kazakhstan, experienced judges and politicians. The members of the Supreme Court are appointed by the Senate, the upper house of Parliament. The introduction of trial by jury and of specialized courts has been a significant step in the development of the justice system.

70. In order to promote full compliance with ratified international standards in judicial practice, on 10 July 2008 the Supreme Court adopted a regulatory decision on the application of international treaties to which Kazakhstan is a party. It requires judges to be guided by the standards of such treaties, those standards being an integral part of the law in force in the country.

## Article 12

71. In recent years, Kazakhstan has implemented a number of important reforms to enhance the legal and regulatory framework with respect to record-keeping.

72. The Act of 12 January 2007 on the Procedure for Considering Communications from Natural and Legal Persons establishes in law the arrangements for receiving and registering such communications.

73. Order No. 83 of 12 September 2011 approving the Instructions on the receipt, registration, including in electronic format, and consideration of statements, reports, complaints and other information on crimes and incidents and Order No. 225 of 10 April 2012 approving the Instructions on the consideration and disposition of communications from natural and legal persons and on the reception of members of the public in internal affairs offices regulate the activities of the procuratorial authorities and internal affairs agencies in the relevant areas.

74. These enactments and instructions ensure that communications received are properly registered and tracked and that they are considered in a timely manner.

75. Furthermore, at the initiative of the Ministry of Internal Affairs, since 2009 a telephone hotline, 116 16, has been operated by the Union of Crisis Centres as part of efforts to combat trafficking in persons; the NGO works with the Ministry pursuant to a memorandum concluded in 2008.

76. Each year, the hotline receives some one thousand calls from members of the public (reports of cases of trafficking in persons, abductions, etc.).

77. Thus, the State ensures that every individual subjected to enforced disappearance has the right to report the matter to the authorities and that such reports are examined promptly and impartially.

78. The criminal procedure law and the Act of 5 July 2000 on State Protection of Parties to Criminal Proceedings provide for the application by the State of a set of measures to protect the lives, health and property and the legitimate rights and interests of persons who are parties to criminal proceedings, their family members and close relatives and to ensure their safety; the objective is to prevent unlawful interference in criminal proceedings.

79. Article 100 of the Code of Criminal Procedure defines the following procedural measures for ensuring the safety of witnesses, suspects, accused persons and other parties to criminal proceedings, their family members and close relatives:

- Issuance of official warnings by bodies conducting criminal proceedings to persons who threaten to commit acts of violence or other acts prohibited by criminal law notifying them that they are liable to criminal prosecution;
- Restriction of access to information about persons under protection;
- Safeguarding of the personal security of persons under protection;
- Application in respect of accused persons or suspects of preventive measures to preclude them from committing, or organizing the commission of, acts of violence or other criminal acts against parties to criminal proceedings.

80. The following amounts were allocated by the Government for the protection of individuals:

- 26 million tenge in 2009;
- 28 million tenge in 2010;
- 29 million tenge in 2011;
- 26 million tenge in 2012;
- 28 million tenge in 2013.

81. Victims have been provided with secure temporary accommodation, food, clothing, physical protection and special protective equipment.

82. In addition, in order to prevent the hindrance of the conduct of investigations or trials, such behaviour has been made a criminal offence and appropriate penalties have been provided for.

83. Thus, interference of any kind in the work of a court for the purpose of hindering the administration of justice is punishable by a fine of from 200 to 300 times the minimum notional unit, restriction of liberty for up to 2 years or deprivation of liberty for the same period.

84. Interference of any kind in the work of a procurator, investigator or person conducting an initial inquiry for the purpose of hindering the full, thorough and objective investigation of a case is punishable by a fine of from 100 to 200 times the minimum notional unit, community service for a period of from 180 to 240 hours or restriction of liberty for up to 1 year.

85. These acts committed by an individual in abuse of his or her official position are punishable by a fine of from 500 to 700 times the monthly notional unit or deprivation of liberty for up to 3 years, with or without forfeiture of the right to occupy certain positions or engage in certain activities for the same period.

### **Articles 17, 18 and 20**

86. Recognition of, respect for, observance and protection of human rights and fundamental freedoms are basic principles set forth in the Constitution of Kazakhstan. Where personnel of law enforcement agencies violate these rights through the improper exercise of their authority and a person is unlawfully detained or remanded in custody, this is deemed to constitute gross and flagrant disregard for the Basic Law.

87. The Constitutional Council, in Regulatory Decision No. 2 of 13 April 2012, set out an important legal position, namely, that in constitutional law “detention” should be understood to mean a coercive measure taking the form of short-term restriction of an individual’s liberty, that is not exceeding 72 hours, for the purpose of preventing an offence, ensuring that criminal, civil or administrative proceedings can be brought or applying other measures of a coercive nature and carried out by an authorized State body, public official or other person on the grounds and under the procedure provided for by law.

88. In accordance with the constitutional provision stating that “no one may be detained for more than 72 hours without court authorization”, a court must decide, within the stipulated period, to remand a detainee in custody or impose another measure provided for by law, or the person must be released.

89. The Constitutional Council noted that shorter periods may be established in legislation for the adoption of the relevant decision (less than 72 hours).

90. When a citizen is detained, the period of detention begins from the moment that his or her freedom of movement is restricted, that is from the moment that he or she is forcibly detained in a given location, brought to an internal affairs office or taken into custody, thus restricting his or her individual and civil liberties. When the record of arrest is drawn up, the time of the actual arrest, indicated to the nearest minute, must be reflected.

91. Furthermore, citizens are entitled to know by whom they have been detained or arrested. They also have the right to be informed of the reason for their detention or arrest, the right to a lawyer, the right to make a telephone call to notify a relative or acquaintance of their whereabouts, and the right to communicate with the outside world.

92. Thus, the Constitutional Council has set clear time limits for detention without court authorization.

93. The procedure for notifying the relatives of a detained or arrested person of his or her whereabouts is regulated by article 138 of the Code of Criminal Procedure.

94. Moreover, a record is kept of persons brought to internal affairs offices, and procurators are assigned to those offices to verify the grounds on which persons are brought in and to receive complaints and statements. The time at which a person is placed in a temporary holding facility is entered in the log of the relevant facility.

95. If it is discovered that bodily injuries have been inflicted on a person held in a temporary holding facility, remand centre or correctional institution and he or she has made a complaint in that regard, the procuratorial authorities must be informed thereof within 24 hours.

96. The overall limits on the length of custody, the procedures and conditions for the custody of suspects and accused persons, the guarantees of their rights and legitimate interests, and the rights and duties of officers of custodial facilities are regulated in the Code of Criminal Procedure, the Act of 30 March 1999 on Procedures and Conditions for the Custody of Persons in Special Temporary Detention Facilities, the Internal Regulations of remand centres, which were approved by Ministry of Internal Affairs Order No. 182 of 29 March 2012, and other laws and regulations.

97. There must be sufficient grounds for detaining a person who has committed an offence.

98. The detention of a suspect is a coercive procedural measure applied for the purposes of ascertaining whether he or she has participated in the commission of an offence and determining whether the preventive measure of remand in custody should be imposed.

99. The criminal prosecution body is entitled to detain a person suspected of an offence punishable by deprivation of liberty provided that one of the following conditions obtains:

- The person has been caught in the act of committing the offence or immediately afterwards;
- The eyewitnesses, including the victims, have identified him or her as the perpetrator of the offence or have carried out a citizens' arrest;
- Clear signs of the commission of the offence are found on his or her person or clothing, in his or her immediate surroundings or in his or her home;
- Material lawfully obtained in the course of the police inquiries contains reliable evidence that the person has committed, or was planning to commit, a serious or especially serious offence.

100. Where there is other evidence suggesting that a person has committed an offence, the individual concerned may be detained only if he or she has attempted to flee or has no permanent residence or if his or her identity cannot be established.

101. One preventive measure is remand in custody, which is provided for in article 150 of the Code of Criminal Procedure.

102. A person may only be remanded in custody with the authorization of a court and if he or she is accused or suspected of an intentional offence punishable by deprivation of liberty for more than 2 years or an offence committed through negligence and punishable by deprivation of liberty for more than 3 years. In exceptional cases, this preventive measure may be imposed on a person accused or suspected of an offence punishable by less than 2 years' deprivation of liberty, that is:

- If he or she has no permanent residence in the territory of Kazakhstan;
- If his or her identity cannot be established;
- If he or she has breached a preventive measure imposed previously;
- If he or she has attempted to flee, or has fled, from the criminal prosecution body or the court.

103. In accordance with articles 4 and 5 of the Act of 30 March 1999 on Procedures and Conditions for the Custody of Persons in Special Temporary Detention Facilities, custodial measures in such facilities must be carried out in conformity with the principles of legality, presumption of innocence, equality before the law, humanism, respect for the honour and dignity of the individual, and the norms of international law, and must not be accompanied by acts intended to cause physical or mental suffering to suspects or accused persons held there.

104. The bases for placement in the various special facilities are as follows:

- Remand centres (suspects or accused persons remanded in custody as a preventive measure) – a decision by a judge;
- Temporary holding facilities (persons detained on suspicion of committing offences) – a record of arrest drawn up by an investigator or a person conducting an initial inquiry. Suspects, accused persons or defendants who are remanded in custody as a preventive measure may be placed in temporary holding facilities by decision of a judge if transfer to a remand centre is not possible owing to distance or lack of suitable transport connections;
- Special holding centres (persons under administrative detention) – a decision by a judge;
- Holding and processing centres (persons who have no fixed abode and (or) identification) – a decision by an internal affairs agency, subject to court authorization.

105. In accordance with article 6 of the Act, persons held in special facilities enjoy the rights and freedoms and bear the duties established for citizens of the Republic, subject to the restrictions provided for in the country's Constitution and laws.

106. Foreigners and stateless persons held in special facilities enjoy the rights and freedoms and bear the duties established for Kazakh citizens except as otherwise provided by the country's Constitution and laws or the international treaties ratified by Kazakhstan.

107. Article 7, paragraph 4, of the Act states that the person or body handling a criminal case is required, within 12 hours, to inform a relative of the suspect or accused person of

the place where he or she is being detained, and of any change in the place of detention, as stipulated in the Code of Criminal Procedure.

108. The Internal Regulations of remand centres establish the procedures for the custody of suspects and accused persons and include provisions on facilities and living conditions, receipt and distribution of packages and parcels, receipt and dispatch of telegrams, letters and money orders, transmittal of proposals, statements and complaints, performance of religious rites, provision of medical assistance, taking of daily exercise, arrangement of meetings, participation of suspects, accused persons and defendants in investigative measures and court hearings, and personal interviews for suspects and accused persons with the director of the administration of the custodial facility or persons the director authorizes to represent him or her.

109. One sign of the commitment to the principles and provisions of the International Convention for the Protection of All Persons from Enforced Disappearance is the preservation of the independence of the penal correction system.

110. Thus, notwithstanding the transfer of this structure to the Ministry of Internal Affairs, the prison system has retained its own independent administrative body: the Committee on the Penal Correction System at national level and the Committee's provincial departments at local level.

111. The Programme for the Further Development of the Penal Correction System of Kazakhstan for 2007–2009 was adopted by Government Decision No. 673 of 6 August 2007 with a view to making the work of the prison system more effective. Implementation was completed in 2009.

112. The Programme, for which a sum of more than 3.1 billion tenge was set aside, was intended to improve the conditions of detention in institutions of the penal correction system, along with facilities and health care, and to ensure the availability of work and other activities.

113. Within the framework of the Programme, 4 correctional institutions and 2 remand centres were rebuilt, and repairs were carried out on 134 installations at 48 institutions.

114. In 2012, the Government approved the Programme for the Development of the Penal Correction System for 2012–2015.

115. The Programme provides for the adoption in the medium term of an additional set of measures for:

- The provision of equipment and drugs to medical institutions of the penal correction system;
- The study of the issues raised by the construction of tuberculosis facilities, and the establishment, within existing phthisiosurgical departments, of units for the treatment of tuberculosis patients;
- The establishment of a system to monitor and evaluate the drug situation in correctional institutions, and the training of prison psychiatrists in the principles of drug and motivational counselling.

116. The issue of guaranteeing, in remand facilities and places of detention, secure and dignified conditions that comply with the Standard Minimum Rules for the Treatment of Prisoners is being addressed.

117. Regular monitoring has been carried out at all custodial facilities and places of detention with the participation of NGO representatives.

118. The Act of 29 December 2010 on amending certain legislative acts of Kazakhstan concerning the grounds, procedure and conditions for the custody of persons in temporary detention facilities takes account of international standards and of recommendations made by human rights voluntary associations. The Act provides for public oversight of the situation of detainees in special facilities of the internal affairs agencies to help ensure that their rights and legitimate interests in relation to conditions of detention, health care, leisure and study are observed.

119. The Rules on constituting public monitoring commissions in provinces, cities of national status and in the capital to conduct oversight of special facilities were approved by Government Decision No. 702 of 24 June 2011 as part of efforts to implement the legislative amendments.

120. In accordance with the Rules, the commissions have the right to make unimpeded visits to special facilities, conduct interviews with detainees, and receive appeals and complaints from them concerning violations of their rights and legitimate interests.

121. In addition, members of commissions have the right to make reports to the administrations of special facilities and the procuratorial authorities on issues connected to the safeguarding of the rights and legitimate interests of inmates.

122. Public monitoring commissions numbering representatives of human rights NGOs among their members have been formed and are active throughout the country.

123. Pursuant to the Instructions on the organization of the work of special records units in remand centres of the penal correction system of the Ministry of Internal Affairs, which were approved by Ministry of Internal Affairs Order No. 565 of 19 October 2012, a personal file containing documents and records relating to the custody of suspects, accused persons and convicts is compiled for every new arrival.

124. The personal files of convicts, suspects and accused persons may be transmitted to courts and procuratorial authorities.

125. In the cases provided for by law, convicts may be permitted to acquaint themselves with the copies of court judgements and decisions, as well as personal information, contained in their files.

## **Article 19**

126. The Act of 21 May 2013 on Personal Data and Personal Data Protection regulates the collection, processing and protection of such data.

127. Article 11 of the Act states that data owners and/or operators, as well as third parties who receive access to restricted personal data, must ensure that it remains confidential by observing the requirement not to disseminate such data without the consent of the person concerned or his or her legal representative or in the absence of other legal grounds for so doing.

128. Furthermore, persons who gain cognizance of restricted personal data for professional or official reasons or in the context of an employment relationship are obliged to safeguard the confidentiality of the data.

129. In accordance with the Code of Criminal Procedure, it is not permitted to divulge information pertaining to a pretrial investigation or initial inquiry.

130. Information pertaining to a pretrial investigation may not be divulged. It may be made public only with the authorization of the investigator, the person conducting the initial inquiry and the procurator and only to the extent that they deem feasible, provided

that this is without prejudice to the investigation and does not violate the rights and legitimate interests of others.

## **Article 21**

131. As stipulated in paragraph 22 of the Rules on the management and use of the various types of special record, which were approved by Order No. 23 of the Office of the Procurator-General of 29 April 2004, when a convicted prisoner is released, the administration of the correctional institution or remand centre notifies the relevant local agency thereof. If the person was convicted in another region, an additional copy of the notification is drawn up for the local agency in the province concerned.

132. To ensure the timely release of convicts, twice a year, on the first working day of January and July, the information contained in inmates' personal files regarding the length of their terms of imprisonment is checked against the data in their registration and release-date cards concerning the length of their penalties. Action is taken at once to eliminate any errors or ambiguities uncovered.

133. The fact that an inmate is indebted, that accounts have not been settled with him or her in a timely manner and other such reasons may not serve as grounds for delaying his or her release.

134. In every case in which an inmate's release is delayed, an internal investigation is conducted and measures are taken against the official who is to blame.

135. Inmates released from places of detention are issued with a certificate of release in due form.

## **Article 22**

136. The prevention of the acts envisaged in article 6 of the Convention is governed by paragraphs 13, 14 and 18 of the Rules on the management and use of the various types of special record, approved by Order No. 23 of the Office of the Procurator-General of 29 April 2004.

137. Thus, the administration of a remand centre must, within no more than five working days of the admission of a person who has been remanded in custody as a preventive measure by an investigator, a person conducting an initial inquiry or a court, draw up and transmit to the relevant local agency three copies of the person's alphabetical registration card and fingerprint card.

138. If discrepancies are discovered in the documents concerning a remand or convicted prisoner, the administration of the remand centre must request the body responsible for the investigation or initial inquiry or the court to establish the correct data.

139. When a remand or convicted prisoner is transferred to a correctional institution from another such institution or from a remand centre in a given province, the relevant local agency in the province must be notified thereof within five working days and the notification must subsequently be transmitted to the Committee for Legal Statistics and Special Records in the Office of the Procurator-General.

140. Breaches of these rules are punishable by law.

## Article 23

141. Training for officers of the internal affairs is conducted in accordance with the requirements of the Law Enforcement Service Act of 6 January 2011.

142. Over the past four years, the Ministry of Internal Affairs, with the support of the Embassy of the United States of America in Kazakhstan, has organized 17 courses for 265 internal affairs officers at the centre for training specialists in combating illegal migration and trafficking in persons, which is part of the Ministry's Karagandy academy.

143. For example, in April 2010 a seminar-conference was held at the centre on the theme "How to avoid becoming a victim of trafficking or kidnapping" and was attended by personnel of the Internal Affairs Department for Karagandy province, NGO representatives and students from higher education institutes.

144. From 11 to 23 February 2013, a course was organized, with the participation of experts from the International Organization for Migration and the Embassy of the United States of America, on the theme "Action against illegal migration, trafficking in persons and kidnapping"; criminal police and migration police officers took part.

145. In addition, general compulsory training for law enforcement officers on international human rights instruments is organized every year in cooperation with NGOs.

146. In accordance with the Law Enforcement Service Act, an officer, when asked to carry out an order or instruction he or she knows to be unlawful or to contradict the law, is required to follow the law and enjoys its protection.

147. If an officer doubts the lawfulness of an instruction he or she is given, the officer must immediately inform his or her direct superior and the officer who gave the order thereof in writing. If the senior officer confirms the instruction in writing, then the officer is obliged to carry it out, provided that doing so will not entail the commission of a criminally punishable act. Liability for the consequences of the fulfilment of an unlawful instruction is incurred by the superior who confirmed it.

## Article 24

148. Kazakh legislation contains norms guaranteeing victims of enforced disappearance reparation and the right to fair and adequate compensation, as well as the means and conditions for as full rehabilitation as possible, which encompass restitution, rehabilitation and satisfaction, including restoration of dignity and reputation.

149. Thus, under article 75 of the Code of Criminal Procedure, victims of crime, including the offences addressed in the Convention, are guaranteed material and moral damages, as well as reimbursement of expenses incurred in connection with their participation in pretrial investigations and court hearings, including the costs of representation.

150. Courts and criminal prosecution bodies must take all the measures stipulated by law for the rehabilitation of victims of enforced disappearance and provide reparation for harm caused by unlawful actions, including on the part of law enforcement agencies and/or special bodies conducting criminal proceedings.

151. Reparation for harm incurred as a result of unlawful detention, arrest or other coercive procedural measures is funded in full from the State budget, irrespective of whether the body conducting the criminal proceedings is at fault. In the event of the death of the victim, the right to reparation is transferred to his or her heirs.

152. Concerning the right to form organizations and associations concerned with attempting to establish the circumstances of enforced disappearances and the fate of disappeared persons, the State is taking measures to ensure that activities in that area are in line with international norms and standards.

153. To date, constructive cooperation has been initiated with 42 voluntary associations implementing joint projects to provide legal assistance, counselling, and social and psychological support to remand and convicted prisoners.

154. With a view to developing public monitoring of respect for the rights of persons who are remanded in custody, since 2006 the Ministry of Internal Affairs, together with the Charter for Human Rights Foundation, has been carrying out a project entitled "Monitoring respect for the rights of detainees, suspects and accused persons held in temporary holding facilities and police stations" in Almaty, Ust-Kamenogorsk, Taraz, Shymkent and Aktobe.

155. Public monitoring commissions numbering representatives of human rights NGOs among their members are active throughout the country.

## **Article 25**

156. Kazakhstan has demonstrated its commitment to ensuring the comprehensive protection of children, having ratified the Convention on the Rights of the Child, the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182), and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

157. Kazakhstan prepared its initial report on implementation of the latter instrument and submitted it to the Committee on the Rights of the Child in January 2006.

158. In 2010, Kazakhstan ratified the Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, which establishes a right to track the situation of children in other States.

159. The issue of accession to the Convention on the Civil Aspects of International Child Abduction is now being addressed. The purpose of the Convention is to protect children internationally from abduction, wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence.

160. In 2011, the President signed the Act amending certain legislative acts of Kazakhstan concerning the protection of the rights of the child, which significantly increases the penalties for sexual offences against minors.

161. Under the country's law, the dissemination in Kazakhstan of media products containing information or material promoting a culture of cruelty, violence or pornography incurs administrative and criminal liability.

162. The Ministry of Internal Affairs monitors the application of Kazakh law on the protection of child victims and/or witnesses of crimes including domestic violence, sexual and economic exploitation, enforced disappearance and the sale of children.

163. The Juvenile Justice System Development Framework 2009–2011 was ratified by presidential decree on 19 August 2008, and a plan of action for the framework's implementation was approved by Government Decision No. 1067 of 18 November 2008.

164. Juvenile courts are continuing to operate successfully. They are combined jurisdiction courts, hearing not only criminal cases involving offences committed by minors or directly infringing the rights of minors, but also civil cases concerning determination of a child's residence, deprivation, restriction or re-establishment of parental rights, adoption or

disputes about guardianship or tutorship of minors, and cases involving administrative offences (breaches of the rights of minors, for example non-fulfilment by parents or persons in loco parentis of their duties regarding the upbringing of minors, or involvement of a minor in the commission of an administrative offence).

165. The key international instruments of the United Nations setting out the basic requirements in respect of State policy on children form the cornerstone of Kazakh law in this area.

166. Children's fundamental rights — including the rights to life, protection of honour and dignity, integrity of the person, housing, education, social security and social services, health care and medical assistance, and access to culture — are guaranteed in law.

167. The Marriage and Family Code, the Education Act, the Children's Rights Act, the State Youth Policy Act, the State Benefits for Families with Children Act, the Juvenile Delinquency, Child Neglect and Child Homelessness Prevention Act, the Family-type Children's Villages and Young People's Homes Act and others protect the rights and interests of children.

168. The country's legal framework undergoes systematic updates and refinements on a regular basis.

169. In 2013, a number of laws providing for new approaches to the protection of orphaned children and seeking to improve the situation of children and the safeguarding of their rights was passed, as follows:

- (1) The Cumulative Education System Act of 14 January 2013;
- (2) The Act of 14 January 2013 amending certain legislative acts of Kazakhstan concerning the State cumulative education system;
- (3) The Act of 4 February 2013 amending certain legislative acts of Kazakhstan concerning social security;
- (4) The Act of 15 April 2013 amending certain legislative acts of Kazakhstan concerning State services;
- (5) The Act of 3 July 2013 amending certain legislative acts of Kazakhstan concerning improvements to the system for providing guaranteed State legal assistance;
- (6) The Act of 4 July 2013 amending certain legislative acts of Kazakhstan concerning the safeguarding of the right to housing of orphaned children and children without parental care.

170. In addition, on 13 November 2012 Kazakhstan ratified the Convention on the Civil Aspects of International Child Abduction.

171. At present, the authority responsible for the implementation of that Convention is being determined.

172. The legislation on the protection of children's rights and the exploitation of child labour is being refined.

173. For example, pursuant to the Act of 23 November 2010 amending certain legislative acts of Kazakhstan concerning the safeguarding of children's rights, the concept of "economic exploitation of a child" has been introduced and children's right to protection from economic exploitation embodied in law.

174. The Act establishes restrictions on child labour and stipulates criminal and administrative penalties for recruiting children for the worst forms of child labour, which may harm their physical development and their chances of receiving a quality education.

175. In 2013, the Act amending certain legislative acts of Kazakhstan concerning the establishment of a national mechanism to prevent torture and other cruel, inhuman or degrading treatment or punishment was adopted. The purpose of the Act is to ensure independent monitoring of places of detention and custodial facilities. In accordance with the Act, adaptation centres for juveniles and special educational institutions for children with deviant behaviour will receive monitoring visits.

176. In 2012, a bill on the protection of children from information detrimental to their health and development was prepared, along with a bill on amendments to certain legislative acts concerning that topic.

177. Bills have been drafted with a view to the incorporation in a number of legislative acts of legal safeguards with respect to children's information security, the establishment of conditions and procedures for the circulation of information outputs among children, and the vesting of individuals and bodies corporate with a duty to ensure children's information security.

178. In addition, in 2013 new drafts of the criminal code and code of administrative offences, containing harsher penalties for the commission of criminal and administrative offences against children, were submitted for consideration by Parliament.

179. In cooperation with civil society institutions, State bodies are pursuing a consistent policy for the prevention of juvenile delinquency, child neglect and child homelessness, suicidal behaviour among children, child cruelty, violence and exploitation of child labour.

180. A campaign entitled "The road to school" is being conducted throughout the country to prevent child neglect and child homelessness, address truancy and provide social assistance to children from socially vulnerable families.

181. Within the framework of the campaign, more than 300,000 children have received assistance in an amount exceeding 2 billion tenge.

182. Every three months, the departments responsible for protecting children's rights, together with the internal affairs agencies, conduct spot checks as part of the "Children in the city at night" campaign. In 2013, checks were conducted at more than 6,200 sites (including 2,505 entertainment venues, basements of 1,083 buildings, 685 computer clubs, 1,020 country cottages and 895 stations).

183. Some 3,000 children came to the attention of the authorities in the course of the checks, including 1,200 who were found outside the home after 11 p.m., around 300 who were under the influence of alcohol or drugs and 1,500 who were discovered in public places, computer clubs, stations and other establishments during the daytime.

184. The checks allowed 179 cases of the use of child labour to be identified (12 children were working as kitchen hands and 11 as waiting staff, 18 were washing cars, 52 were working in markets and 20 on building sites, and 66 were begging).

185. A total of 126 retail workers were charged with administrative offences for selling alcoholic beverages or tobacco products to minors. During the spot checks, 5,500 dysfunctional families received visits.

186. Letters were sent to local authorities (*akimat*) concerning the taking of action against lawbreakers and the review of the outcome of the spot checks at meetings of the commissions on minors and the protection of their rights.

187. In 2013, some 1,106 owners of entertainment venues were charged with administrative offences, as well as more than 2,800 parents, on account of the presence of children in such venues at night.

188. Over the course of 12 months in 2013, police officers, together with representatives of interested State bodies, made more than 109,000 presentations on legal topics including the legislation on the protection of children's rights (compared with 104,000 in 2012), giving over 74,000 talks in educational institutions (75,000 in 2012) and making 4,700 appearances in the media (4,200 in 2012).
189. A campaign entitled "Keep busy" is conducted to prevent offending by minors during the school holidays and ensure that adolescents on the registers of the internal affairs agencies are occupied.
190. The internal affairs agencies, working with relevant State bodies, implement a range of measures to protect the rights of children living in dysfunctional families.
191. There were more than 12,000 problem families on the registers maintained by the internal affairs agencies in 2013. Preventive work is undertaken with 19,000 plus children living in such families in order to improve their circumstances and protect them from domestic violence and cruelty.
192. Around 10,000 inspections of the living conditions of dysfunctional families were carried out with representatives of educational organizations.
193. As a result of the work done, over 6,600 problem families with approximately 11,000 children were removed from the registers of the internal affairs agencies, as their situations had improved.
194. At the same time, 734 persons were stripped of their parental rights in 2013 (compared with 786 in 2012) for failing to fulfil their duties as parents or endangering their children.
195. More than 3,900 parents or persons in loco parentis were charged with administrative offences for non-fulfilment of duties in respect of the upbringing of a child (Code of Administrative Offences, art. 111), while 34 (20 in 2012) faced criminal charges of child cruelty (Criminal Code, art. 137).
196. With a view to the early prevention of offending, efforts are made to provide constructive leisure activities for children and adolescents from dysfunctional or disadvantaged families.
197. Thus, in 2013 leisure activities were made available to over 700,000 minors, of whom approximately 7,000 were on the registers of the internal affairs agencies and more than 16,000 were being raised in problem families.
198. In addition, 6,000 plus minors who are on the internal affairs agencies' registers or are being raised in problem families attend neighbourhood clubs.
199. Eighteen adaptation centres for juveniles provide urgent assistance to children in crisis, arrange child placements, reunite children with their families and offer follow-up support to families. The centres formerly came under the internal affairs agencies and were known as temporary isolation, rehabilitation and adaptation centres, but, since their transfer to the education system, have been renamed. The transfer of the centres from the jurisdiction of one of the law enforcement agencies to the education system was recommended by the Committee on the Rights of the Child at its forty-fifth session with a view to the humanization of society and in the light of global trends.
200. Steps are being taken, in cooperation with local authorities, to set up video cameras in educational institutions and adjacent areas and to introduce a security pass system using plastic cards.
201. To date, video cameras have been installed at 1,131 educational institutions with support from local authorities.

202. School police officers play an important role in preventing offending by pupils. There are 1,798 such officers, who are responsible for 4,200 volunteer youth police auxiliary detachments, in which 47,000 pupils participate.

203. In 2013, together with representatives of educational organizations and parents' committees, they conducted over 20,000 spot checks, in the course of which 5,400 offences were uncovered (compared with 5,000 in 2012), and approximately 16,000 adolescents placed on schools' own internal registers and more than 10,000 dysfunctional families were visited at home.

204. Issues relating to violence prevention were considered at the eleventh session of the Government's Interdepartmental Commission on Minors and the Protection of Their Rights, which took place in December 2011. The recommendations adopted at the session were sent to local authorities for implementation and action.

205. To prevent violence against children and child cruelty, a large-scale information campaign has been conducted for the first time throughout the Republic with support from international and non-governmental organizations. More than 2 million children and 1 million plus parents' representatives took part in the campaign, entitled "A childhood without cruelty or violence".

206. In 2013, in cooperation with the United Nations Children's Fund (UNICEF) and the National Human Rights Centre and with international experts in attendance, four conferences and one round table were held on the prevention of violence against children and child cruelty.

207. In addition, UNICEF, together with the Kazakh Human Rights Commissioner, carried out research in four regions of Kazakhstan on the issue of violence against children in schools. In 2013, methodological recommendations were developed for determining children's level of aggression and defining manifestations of cruelty and violence among minors.

208. Methodological recommendations for preventing brutality towards children have been sent to all educational organizations. Topics such as "Early identification of family dysfunction and cooperation with families" and "Promotion of resilience in difficult situations" have been included in advanced training programmes for teachers and psychologists.

209. To raise public awareness of the exploitation of child labour, every year, from 1 to 12 June, the Ministry of Education and Science and the Ministry of Labour and Social Protection, in cooperation with the Alliance of Women White-Collar Employees and ILO, run a national information campaign entitled "12 days against child labour".

210. The activities conducted as part of the campaign reach more than 1.2 million children and over 200,000 adults annually.

211. A range of initiatives is being implemented in a systematic manner in the Republic to increase the authority of the institution of the family, promote the best family traditions and secure recognition for the service performed by families in raising a generation healthy in body and mind.

212. Campaigns are under way in educational organizations to promote spiritual and moral values, along with the keystones for stronger marriages and families.

213. In Astana, there is a Family Education Institute, the main task of which is to raise the level of understanding of psychology among education workers and parents and develop their psychological skills.

214. Since 2012, 490 education workers and psychologists have followed the Institute's advanced and further training courses for specialists on the family upbringing of children. The courses consist of 835 hours of theory and practical exercises.
215. In addition, the Institute has designed manuals for parents on effective child-rearing, as well as a family education course for psychologists and parents entitled "The happy family".
216. Every year, more than 1,000 parents from Astana attend pedagogical skills classes intended to enhance their knowledge of pedagogy and psychology. Since 2013, family education centres have been opened in five regions.
217. Pursuant to Presidential Decree No. 3827 of 20 January 1998 on professional and other holidays in Kazakhstan, since 2013 the Day of the Family has been observed in the Republic. Throughout the country, central and local government bodies, together with voluntary associations dealing with problems affecting families and children, regularly implement initiatives aimed at promoting a positive image of the Kazakh family.
218. These initiatives include workshop conferences, meetings, round tables, talk shows, mass family celebrations, literature and poetry evenings, family relay races and various family arts festivals, as well as charitable activities for orphaned children, children without parental care and children with special needs.
219. On 8 September 2013, a nationwide campaign entitled "What could be more precious than the family?" was conducted. As part of this large-scale campaign, free personal consultations on raising children in families were provided for parents at 500 advice points specially opened for the purpose. The country's schools traditionally organize an essay competition on the theme "Thanks, Mum!", with support from Proctor & Gamble Kazakhstan.
220. Every year since 2010, to mark the International Day of Families, the Moldır bulaqtan (From a pure source) family arts festival takes place. The main purposes of the festival are to promote families with children, consolidate core family values and enhance the prestige of the Kazakh family. In 2013, 15,000 families took part.
221. The Ministry of Education and Science publishes a theoretical and methodological journal entitled *Qazaqstan balalary*, which, along with other issues, deals with the revival of family traditions and the family upbringing of children and promotes family values.
222. The following journals are also published: *Otbasy zhēne balabaqsha*, *Family Upbringing*, *How to Be a Good Parent*, *The Class Teacher's Manual* and *The Class Teacher's Library*.
223. Publicity and outreach to the community play an important role in addressing issues relating to childhood and the strengthening of family relationships.
224. With this in mind, television and radio programmes are being developed to help prevent child abandonment, child neglect, child homelessness and juvenile delinquency and promote family values and the raising of children in families.
225. Issues relating to moral and spiritual development, the protection of children's rights, the prevention of child abandonment and the realization by families of their educative role with a view to the full development of the child are regularly explored in the media.
226. Compliance with the legislation on the protection of the rights of children, including orphaned children and children without parental care raised in State and private institutions, is monitored.
227. Pursuant to the State Monitoring and Oversight Act of 6 January 2011, in 2013 inspections were carried out at 165 agencies, educational organizations and institutions for

orphaned children and children without parental care to ensure that the children's rights were being respected. The inspections at 92 of the facilities covered nutrition, school attendance and transport for children living in settlements with no schools. Adaptation centres for juveniles in nine regions (the cities of Astana and Almaty, and Almaty, Akmola, Aktobe, Zhambyl, Karagandy, North Kazakhstan and Mangistau and provinces) were also checked.

228. Violations were identified in the course of the inspections, as a result of which the following action was taken: 12 officials were dismissed, including 4 directors of children's homes; 1 official was suspended; 3 were charged with administrative offences; and 72 were disciplined.

229. Educating children and their parents about their rights is an effective way of protecting the rights of the child.

230. To raise awareness among children and adolescents of the principles and provisions of the Convention on the Rights of the Child, forums, summits, conferences, debates and other such events are held nationwide. International and non-governmental organizations and associations, along with representatives of ethnic cultural centres and sponsors, play an active part in organizing these events.

231. To ensure that every child is properly informed about politics and the law, courses on "Self-knowledge" (part of "People and society") and "People, society and the law" are taught in schools. In addition, educational organizations offer relevant optional courses, class-based lessons and out-of-school activities. School outreach teams organize activities to explain the law to pupils.

232. Every year, a 10-day campaign, "Childhood and the Convention on the Rights of the Child", is conducted in the Republic. The main aims of the campaign are to enhance legal literacy among children and their parents and increase their familiarity with that Convention's basic provisions.

233. Sociological studies on children's awareness of the Convention on the Rights of the Child, which cover 800,000 children from urban and rural regions of the Republic annually, show that the proportion of children who are legally literate and familiar with their rights is increasing. While in 2010 the figure was 56 per cent, in 2013 it was 81 per cent.

234. Special attention is paid to awareness-raising among specialists working with children.

235. Regular study seminars and training courses are conducted for educators, parents and representatives of judicial and law enforcement agencies on the protection of children's rights, both in the regions and centrally.

236. Sections have been created on the website of the Committee for the Protection of Children's Rights under the Ministry of Education and Science, [www.bala-kkk.kz](http://www.bala-kkk.kz), and on the sites of the departments responsible for protecting children's rights, where information necessary for children and parents is posted.

237. Another mechanism for the protection of children's rights is the review of complaints and appeals. Children and their parents know where to turn in the event that their rights are violated. There are 210 telephone helplines, blogs and websites.

238. Interdepartmental cooperation on issues relating to the protection of children's rights has been stepped up. The Government's Interdepartmental Commission on Minors and the Protection of Their Rights, the executive body of which is the Ministry of Education and Science, is pursuing its work.

239. In 2013, the twelfth session of the Interdepartmental Commission took place via videoconference; the issues of inclusive education for children with special needs and housing for orphaned children and children without parental care were discussed with local authorities.

240. The Committee for the Protection of Children's Rights under the Ministry of Education and Science has established the NGO Council, which consists of 37 NGO representatives.

241. In April 2013, the fourth enlarged session of the Council, on the theme "Consolidating NGO and government efforts to prevent child abandonment", took place in Pavlodar.

242. The Committee for the Protection of Children's Rights has signed memorandums on cooperation with 20 local authorities as part of the UNICEF Child-Friendly Cities Initiative.

243. Pursuant to the memorandums, the following projects are being carried out in towns participating in the international initiative: the "Neighbourhood club – movement for children" project is being implemented and a Happy Family parents' club has been established in Astana; child-friendly health centres and child-friendly libraries are being created in Balkash, Karagandy province; fathers' councils have been set up in Satpayev, Karagandy province; a centre for support to families and children and a centre for problem families are operational in Ust-Kamenogorsk, East Kazakhstan province; and children's councils (*maslikhat*) have been established in Pavlodar, Aksu, Yekibastuz, Balkash, Kyzylorda and Ust-Kamenogorsk.

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