



Organization for Security and Co-operation in Europe

Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Foreword

In July 2013, the former OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Maria-Grazia Giammarinaro, and in April 2014, the then acting Co-ordinator, Ruth Pojman had the pleasure to pay an official country visit to the Republic of Kazakhstan. They held discussions with high-level Government officials, including with the Minister of Foreign Affairs, Minister of Justice, as well as other high level government representatives. During the visits they also had the opportunity to meet with civil society organizations and academics active in these efforts from all over the country.

The objective of the country visits was to promote the full implementation of the OSCE commitments in the field of anti-trafficking and to suggest action-oriented recommendations to better prevent and respond to human trafficking. The draft recommendations stemming from these visits were shared in advance with the authorities and I am now delighted to acknowledge the concrete measures that have already been taken in the meantime.

First of all, I welcome and commend the Government of Kazakhstan's adoption of a three-year National Action Plan (NAP) in 2015, the establishment of the two-year rotation based chairmanship for the Inter-Agency Commission on Combating Illegal Transfer, Receipt and Trafficking in Human Beings, as well as the inclusion of five civil society organizations as its members and the OSCE and the International Organization for Migration (IOM) - as observer members.

The 2016 adoption of standard procedures for granting the status to victims regardless of the initiation of the criminal proceedings is also a step forward as it ensures their access to social services. Further, I take note of the capacity-building activities aimed at sensitizing relevant front line officers on prevention of human trafficking. In this regard, I welcome the Memorandum of Understanding signed between the Government of Kazakhstan and United States of America on the provision of a comprehensive training course on anti-trafficking and in particular on the provision of assistance to victims. I was also pleased to learn about the measures taken against employers for illegally using a foreign labour force.

I appreciate the commitment on the part of the Government of Kazakhstan and civil society to further strengthen their efforts in combating human trafficking and look forward to further implementation of other **suggested** recommendations mentioned in the Report.

A handwritten signature in blue ink, appearing to read 'Madina Jarbussynova', written in a cursive style.

Madina Jarbussynova

**Report of the OSCE Office of the Special Representative and Co-ordinator for
Combating Trafficking in Human Beings, following the visits to the
Republic Kazakhstan by the Special Representative, Maria Grazia Giammarinaro, 1-3
July 2013, and by Acting Co-ordinator, Ruth Freedom Pojman, from 1-4 April 2014¹**

Introduction

1. This Report of the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB) is based on two visits to the Republic of Kazakhstan by the former OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Maria Grazia Giammarinaro, from 1 to 3 July 2013² and the acting Co-ordinator, Ruth Freedom Pojman, from 1 to 4 April 2014³.
2. The purpose of the visits were to hold consultations with Government officials and experts from State institutions and civil society on human trafficking issues; to strengthen the dialogue with high-level Government representatives, to engage with them and civil society in further increasing the priority given to combating trafficking in human beings, and to further support efforts to implement relevant OSCE commitments at the national level. More specifically, the objectives of this visit⁴ to Kazakhstan were to discuss ways to support on-going efforts to prevent trafficking, assist trafficked persons and protect their rights, as well as bring to justice perpetrators in line with OSCE commitments and relevant international standards.
3. In the course of the visits, the OSCE engaged in direct consultations with high-level Government officials, including the Minister of Foreign Affairs, the Minister and Deputy Ministers of Justice, Vice-Minister of Labour and Social Protection of the Population, the Chairperson of the Committee on the Protection of Children's Rights, as well as other representatives of the Ministry of Foreign Affairs, the Prosecutor General's Office, the Ministry of Internal Affairs, the Ministry of Labour and Social Protection, the Supreme Court, the Academy of Public Administration and National Human Rights Centre. The OSR/CTHB also took this opportunity to discuss the issue with civil society from throughout Kazakhstan and to visit shelters in Astana and in Kokshetau.

¹ The Report was finalized on 5 August 2014

² The Special Representative was accompanied by her Co-ordination Adviser Ms. Vera Gracheva and her Country Visit Officer, Ms. Muriel Ethvignot as well as Ambassador Natalia Zarudna, the Head of Centre in Astana, and the Deputy Head of Centre Ms. Jeannette Kloetzer.

³ Ms. Pojman was accompanied by her Senior Co-ordination Adviser, Mr. Marco Bonabello and her Press Officer, Mr. Alfred Kueppers, as well as Deputy Head of Centre Ms. Jeannette Kloetzer.

⁴ Previous visits were carried out by the Deputy Co-ordinator and Senior Adviser in 2010 and with a consultant in 2011 which served to provide preparatory research for this visit.

4. The OSR/CTHB wishes to thank the Kazakh authorities, and in particular the Permanent Mission of the Republic of Kazakhstan to the International Organizations in Vienna and the Ministry of Foreign Affairs for their assistance in organizing the visits and facilitating their execution. The Office also wishes to thank all of the interlocutors they visited, from the national authorities, civil society and the Academy of Public Administration under the President of Kazakhstan, for their willingness to share their knowledge and insights with them.
5. Moreover, the OSR/THB extends its particular thanks to the OSCE Centre in Astana which provided strong support, knowledge and expertise in the preparation and unfolding of the visits. In this context, the OSR/CTHB would like to express its high appreciation for the excellent co-operation established between the OSCE Centre in Astana and the Kazakh authorities.
6. Consultations during the visits focused on the human trafficking situation in the country and the on-going legislative, policy, and practical responses to it, and in particular on trafficking for sexual and labour exploitation and child trafficking, as well as other emerging forms of THB. Furthermore, consultations were related to the identification and assistance to victims, the protection of rights of trafficked persons and persons vulnerable to trafficking, especially migrant workers, the prosecution of traffickers, and efforts and policies in the area of prevention, including the role of the private sector.
7. The OSR/CTHB notes with appreciation that, in the course of the visits, Government officials demonstrated significant awareness of human trafficking as a serious violation of fundamental rights and the dignity of individuals, and as a security threat, as well as the readiness to continue to develop further co-operation with the OSCE in particular through its Centre in Astana.

Legal and Institutional Framework

8. The OSR/CTHB noted positive legislative and policy developments in preventing and combating this form of modern-day slavery, especially the recent inclusion of the definition of exploitation in the amendments to existing legislation on human trafficking which has already reportedly allowed for the improved identification of victims and increased prosecutions of the perpetrators of this grave violation of human rights.
9. In the course of the visits, the OSR/CTHB welcomed the fact that Kazakhstan has become a Party to major international instruments providing high standards in the fight against human trafficking, such as the UN Convention against Transnational Organized Crime and its Protocols (ratified in 2008), and a number of UN

Conventions addressing slavery and forced labour, as well as major international instruments on human rights and fundamental freedoms.⁵

10. However, Kazakhstan has not signed or ratified specific conventions on the rights of migrant workers⁶, which appears to be of particular relevance in a country that is developing rapidly, and where both internal migration and international labour migration are important trends.
11. In this regard, the OSR/CTHB would encourage Kazakhstan to also sign and ratify the recent, 2011, ILO Convention 189 concerning Decent Work for Domestic Workers⁷ that serves as a powerful instrument for the prevention of trafficking in human beings for labour exploitation.
12. In addition to commending Kazakhstan for ratifying some international conventions and treaties, the OSR/CTHB welcomed Kazakhstan's willingness to increase its regional and international co-operation to tackle trafficking in human beings by signing bilateral agreements and mutual legal assistance treaties with different countries, agreements, *inter alia*, facilitating the extradition of individuals involved in trafficking cases⁸.
13. The OSR/CTHB noted with appreciation that, in recent years, the Government of Kazakhstan has substantially improved its institutional and legislative national framework to prevent and counter human trafficking. The act of trafficking in persons carries criminal penalties in various articles of the Criminal Code of Kazakhstan⁹. Legislation has been amended (mostly in 2006 and 2013)¹⁰ to comply with international standards stated in the Palermo Protocol. The Labour Code sets forth the principle of free and fair labour and prohibits forced labour¹¹. Specific forms of labour are covered by specific chapters of the Code, which includes limits on the type of work and working hours of children¹², and the employment of seasonal workers¹³ and domestic employees¹⁴. The 2000 Law on "State Protection of Persons Participating in Criminal Procedures" foresees a number of guarantees

⁵ *Inter alia*: The Forced Labour Convention (C029), the Abolition of Forced Labour Convention (C105), the Minimum Age Convention (C138), the Discrimination Convention (C111), the Worst Forms of Child Labour Convention (C182).

⁶ UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990), ILO Migrant Workers Convention (143).

⁷ Entered into force on 5 September 2013.

⁸ Extradition agreements signed with Spain, Estonia, Georgia, Uzbekistan, France and Croatia. An agreement with Serbia was being drafted at the time of the second visit. (source: Ministry of Interior)

⁹ Articles 128, 133, 125 (3b), 126 (3b), 132-1, 138, 235 270 271 113 and 275 (1).

¹⁰ Source: The Supreme Court of Kazakhstan.

¹¹ Labour Code of the Republic of Kazakhstan, Chapter 1.

¹² *Ibid.*, Chapter 16.

¹³ *Ibid.*, Chapter 20.

¹⁴ *Ibid.*, Chapter 22.

for trafficked persons acting as witnesses.¹⁵ It also contains provisions on the use of funds from the State budget to pay for expenses related to various forms of protection.¹⁶

14. The OSR/CTHB acknowledged relevant developments contributing to fighting human trafficking: in August 2012, the Ministry of Education and Science issued Order Number 138 which allows children of migrant workers, including seasonal workers, to attend educational institutions with the same rights as citizens of Kazakhstan. This new provision will contribute to preventing children of migrant workers from being subjected to forced labour.
15. In November 2012, the Office for Democratic Institutions and Human Rights of the OSCE (ODIHR) provided comments to the regulatory decision of the Supreme Court of Kazakhstan¹⁷ on the application of criminal legislation on human trafficking by courts. The OSR/CTHB welcomed this initiative as a good working co-operation between the Kazakh authorities and the OSCE/ODIHR.
16. The OSR/CTHB was very pleased to learn that, during the visit in 2013, two new laws were adopted. The first “On amendments to some legislative acts on combating human trafficking” provides enhanced penalties for offenders in trafficking-related cases; employers for violation of labour laws with respect to minors; owners and tenants for using premises for prostitution, coercing persons into prostitution and owning a brothel. The second, “On state-guaranteed legal aid” defines the Ministry of Justice as responsible for administering a free legal aid system, determines forms of free legal aid and its means of provision by licensed advocates, notaries and private enforcement agents. The OSR/CTHB welcomes these two news laws, which show the Government’s willingness to improve its fight against trafficking in human beings in line with relevant OSCE commitments and recommendations.¹⁸
17. Since 2004, the Government of Kazakhstan adopted several National Action Plans to combat and prevent crimes related to trafficking in persons. The 2012-2014 National Action Plan focusses on improving prosecution and punishment of human trafficking cases, providing State social services to victims of trafficking, as persons suffering from abuse, establishing a working group with deputies, representatives from State and local executive organs, NGOs and international organizations to improve national standards related to State services for victims of human trafficking. The OSR/CTHB encourages the Kazakh Government to report

¹⁵ E.g. personal and family members’ protection, temporary placement in safe houses, the possibility of closed trials, etc. (article 1 and 7).

¹⁶ Article 29.

¹⁷ See website: <<http://www.legislationline.org/topics/country/21/topic/14>>, accessed 10 April 2014.

¹⁸ OSCE Permanent Council, *Decision No. 557/Rev. 1 OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005); and relevant MC Decisions from 2000-2011.

on the implementation of this Action Plan before the Ministry of Interior adopts the new one for 2015-2017.

18. Established in 2003, the Inter-Agency Commission¹⁹ is a national-level body dedicated to trafficking in human beings. It is an advisory body initially chaired by the Ministry of Justice²⁰ tasked to conduct analysis of the human trafficking situation in the country and to develop recommendations²¹. During the second visit, the OSR/CTHB was informed that from now on, the Ministry of Interior will chair the Inter-Agency Commission for the next two years, and then be replaced by the Ministry of Labour for the following two years. The OSR/CTHB noted, during this visit, some concern about the type of governmental agency appointed to chair the Inter-Agency Commission. The OSR/CTHB highlighted the importance of having a high-level national- body leading such an institution involving and defining clear responsibilities of all relevant institutions, ministries and NGOs. It also mentioned that different models of co-ordination existed within the OSCE region at a Ministry level as a chair (Ministry of Justice, Ministry of Interior, Ministry for Equal Opportunity, Ministry of Labour or Ministry of Social Affairs), or at General Prosecution level, including sometimes at the Prime Minister's level. Whoever chairs the Commission, but ideally the Prime Minister's Office, should organize regular meetings and make the reports publicly available.

Trends in trafficking in human beings

19. In 2013, 354 criminal cases related to THB were investigated, 254 cases in 2012, and 287 in 2011. In the first four months of 2014, 19 persons had been convicted for THB.²² Kazakhstan is one of the biggest countries of the region and migration flows are therefore among the most important ones at the regional level. The country is developing rapidly and becoming a major country of destination, in particular for Uzbeks, Kyrgyz and Tajiks. As a consequence, trafficking in human beings is a major phenomenon that needs to be tackled by the authorities. Recent trends have also shown increasing internal trafficking within the country, such as

¹⁹ Created by Decree of the Government of the Republic of Kazakhstan, 26 September 2003, no. 983 – <<http://ru.government.kz/docs/983.htm>>.

²⁰ Composed by representatives of 14 State agencies: the Ministry of Justice, Ministry of Foreign Affairs, Ministry of Health, Ministry of Labour, Ministry of Tourism and Sport, Ministry of Education and Science, Ministry of Culture, Ministry of Internal Affairs, Ministry of Finance, Ministry of Communications and Information. It also includes representatives of the Supreme Court, the Office of the Prosecutor General, the Human Rights Commission, and the National Commission for Women's Affairs and Family Demographic Policy as well as representatives of 3 NGOs and international organizations – including the OSCE -as observers (Source: Ministry of Interior).

²¹ Recommendations on: public awareness measures, improving the national legislation in accordance with international standards, improving the co-ordination of State-bodies and protecting and assisting victims of human trafficking.

²² Source: Supreme Court and Prosecutor's Office.

young girls trafficked to cities for sexual exploitation, kidnapping of women for marriage or people trafficked to rural places for forced labour.²³

20. With regard to child trafficking, although data is neither specific nor complete, the OSR/CTHB noted that many cases of child trafficking were documented in the agricultural sector (decreasing in tobacco fields but with high prevalence in cotton fields), but also for the purposes of sexual exploitation, forced begging, car washing or illegal adoption.²⁴ Some NGOs also mentioned a recent increase in cases of children sold by their parents for economic reasons. Children in institutions are also particularly at risk of being trafficked.²⁵ The Office acknowledged the recommendations enacted in the National Action Plan on Human Rights (2009-2012) to better detect and combat the worst forms of child labour and strongly recommends ensuring their full implementation and continuation. The Office encourages the Kazakh authorities to ensure that the special needs and the best interests of children be always taken into account at all stages, as mentioned in many international treaties and conventions, especially when dealing with unaccompanied minors. Specific measures should target minors allowing them safe access to full protection, assistance and housing services, educational and vocational programmes, as well as rehabilitation and repatriation.

Prevention activities

21. The OSR/CTHB noted that the Government of Kazakhstan had taken various measures to prevent all forms of trafficking, including raising awareness among the general population and setting up a hotline for reporting cases.²⁶ However, the Office suggests that more specific awareness-raising campaigns be implemented throughout the country targeting especially vulnerable people such as at-risk women and children. Having a more comprehensive approach to prevention would contribute to fighting trafficking in human beings. In this regard, increasing awareness among health professionals, teachers and employers, but also diplomatic corps should be envisaged.
22. The OSR/CTHB has been informed that, in order to better prevent labour exploitation, new amendments were discussed to amend the Migration Law, offering the possibility to regularize unregistered working situations²⁷.
23. The OSR/CTHB highlighted the need to reach out to labour migrants regardless of their status to decrease their vulnerability and increase their knowledge about their

²³ Ministry of Interior and various sources.

²⁴ Main source: NGOs.

²⁵ Source: UNICEF.

²⁶ Hotline jointly operated by the Ministry of Interior, Ministry of Justice and the NGO “Union for Crisis Centers”. In 2012, thanks to the hotline, four criminal cases were prosecuted. Other NGO hotlines exist in the country.

²⁷ Source: Supreme Court of Kazakhstan.

rights and the possibility to claim them. Such preventative measures can only be effective through strong co-operation with trade unions and if labour migrants have effective access to legal counselling.

Identification of victims and National Referral Mechanism

24. The OSR/CTHB was encouraged by the Government of Kazakhstan's stated intention to pay more special attention to victim protection, including the development of a national referral mechanism to institutionalize co-operation between all necessary actors to improve the identification of victims of all forms of trafficking and their access to justice. In this context, the OSR/CTHB noted as a positive step the amendment to existing anti-trafficking legislation specifically providing victims' access to social services.
25. The OSR/CTHB noted that victim identification remained one of the major issues in Kazakhstan. It noted that no formal victim identification process exists and therefore, that the status of victim is acquired with the opening of a criminal case.²⁸ The Office wishes to recommend that the status of victim be determined separately from criminal proceedings and that various actors be involved in the identification process such as NGOs, health and education staff, labour inspectors, etc.
26. Although specialized police units exist²⁹, their number should be increased to fully and effectively cover the country, and training should be given to increase their awareness of all forms of trafficking and to improve their victim identification skills. Outreach activities among vulnerable people and in at-risk sectors, including in detention centres, could help in improving victim identification. The OSR/CTHB acknowledged the Government's efforts in providing police officers with specialized training courses, *inter alia* in its Karaganda Legal Academy³⁰. However, it suggests that other police units be trained as well as they also encounter trafficking cases and could therefore identify possible victims. In this regard, such training is particularly relevant for the migration police as they are likely to come into contact with presumed victims.
27. In Kazakhstan, like in many other countries, many victims of trafficking may fear reporting to the police: they might be afraid of retaliation from criminals (both in countries of origin and of destination) or be afraid of the police forces themselves, especially when victims have an illegal status or when police complicity seems to be a known phenomenon in the country. It is also noticed that victims may not report to the police when they lack information about their rights or when they feel

²⁸ Source: Ministry of Interior.

²⁹ Decree of Ministry of Interior of 2004. Currently 150 specialized officers (Source: Ministry of Interior).

³⁰ More than 100 police officers were trained in 2012.

ashamed of having been trafficked, especially in cases of sexual exploitation. The OSR/CTHB stressed that victims should be encouraged to report cases of trafficking to the police, as this is an important source of evidence. In order to do so, it is suggested to improve the training of all police forces to promote a strong victim-centred approach as well as to include female police officers, especially in the units dealing directly with female and child victims.³¹

28. The OSR/CTHB welcomed the efforts of the Ministry of Labour in improving the efficiency of labour inspections³². Labour inspectors undertake *ad hoc* inspections, mainly with the migration police, when they receive statements of abuse. However, it recommended a more proactive approach, allowing labour inspectors to conduct random inspections, strengthening their role in preventing measures in co-operation with both the trade unions and employers and providing inspectors with adequate training to better identify victims and report cases to the police. The OSR/CTHB stressed the importance of improving the corporate social responsibility of employers. The OSR/CTHB also recommended involving social partners, in particular with regards to exploitation occurring in the supply chain.³³
29. The OSR/CTHB also highlighted the importance of continuing co-operation between police forces and NGOs: working with NGOs is essential for victims needing a friendly and confidential environment since the very beginning of the process. Improving the criminal response is obviously linked to the capacity of the country to provide victim protection. In this regard, NGOs are key actors in identifying victims, assessing victims' needs and providing assistance and protection. One important tool to enhance victim identification and referral for assistance is to establish a comprehensive National Referral Mechanism that provides a framework for co-operation between all relevant actors from State and civil society to identify victims and assist them in claiming their rights as well as prevent trafficking and bring the offenders to justice.³⁴ The OSR/CTHB welcomes the willingness of the Ministry of Interior, which intends to develop an effective National Referral Mechanism in the next National Action Plan. The Office takes this opportunity to note the possibility of providing advice and guidance on this matter.

³¹ To date, there is only one female police officer in the specialized police units.

³² 320 labour Inspectors for the whole country (Source: Ministry of Labour)

³³ In line with the recommendations from: OSCE Permanent Council, *Decision No. 1107 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later*, PC.DEC/1107 (6 December 2013), as endorsed by OSCE Ministerial Council, *Decision No. 7/13 Combating Trafficking in Human Beings*, MC.DEC/7/13 (6 December 2013).

³⁴ See: OSCE Permanent Council, *Decision No. 557/Rev. OSCE Action Plan to Combat Trafficking Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005), Chapter V "Protection and Assistance", para. 3; See also OSCE ODIHR, *National Referral Mechanisms. Joining Efforts To Protect the Rights of Trafficked Persons: A Practical Handbook* (Warsaw, 2004), <<http://osce.org/odihr/13967>>.

Prosecution and conviction

30. Concerning cases in which victims have been identified, the OSR/CTHB noted that, compared to the trends in the country, it seems that few cases reached the courts and therefore the number of prosecutions and convictions remained low. Although Kazakh criminal procedure does not require a complaint from the victim for prosecution of the crime of human trafficking³⁵, some cases were not actually prosecuted *ex-officio*. The OSR/CTHB recalled that, as stated in the OSCE Action Plan and its Addendum, investigators and prosecutors are encouraged to carry out investigations and prosecutions without relying solely and exclusively on witness testimony. It is recommended to further explore alternative investigative strategies (including financial ones) to avoid excessive pressure on victims. In this regard, possible technical assistance could be provided by the OSR/CTHB in line with the OSCE publication on *Leveraging Anti-Money Laundering Regimes to Combat Trafficking in Human Beings*, published in 2014.³⁶
31. The OSR/CTHB noted with appreciation the good co-operation between the OSCE Centre in Astana and the Academy of Public Administration to improve training for judges in particular in introducing best practices from the OSCE region. The Office recommended continuing training judges³⁷ especially on the new legislation issued in 2013 as it recently showed some positive results with regard to the numbers of convictions in 2014.³⁸ The OSR/CTHB also encouraged conducting training for other State officials in order to increase their awareness on all forms of trafficking, including on the exploitation of domestic workers.
32. The OSR/CTHB praised the important normative role of the Supreme Court in developing guidelines for a better understanding and implementation of Kazakh legislation related to trafficking cases.³⁹ It also acknowledged that two Supreme Court judges are specialized in trafficking in human beings.

Victim assistance and protection

33. It has been reported that some victims of trafficking in human beings had been deported on the grounds of being irregular migrants regardless of their status as victims or presumed victims of trafficking. The OSR/CTHB, during the visit in July 2013, recalled the importance of not treating foreign victims as offenders, as stated in various international documents and recommendations⁴⁰, and that they

³⁵ Article 37 of the Criminal Code.

³⁶ See <<http://www.osce.org/secretariat/121125>>.

³⁷ About 25 to 30 judges are trained each month on THB. In total, 201 judges were trained in 2012 and 300 in 2011 (Source: the Supreme Court).

³⁸ At the time of the visit in April 2014, 19 convictions on THB had already been registered. (Source: The Supreme Court)

³⁹ *Inter alia* in its note on the application of criminal legislation on human trafficking by courts of December 2012.

⁴⁰ Including in the Vilnius Declaration, in the CoE Convention and in the UN Global Plan of Action

should be provided with full protection and social services, including with temporary or permanent residence permits.⁴¹ In this regard, the Office commends Kazakhstan for having adopted a Presidential decree which will allow foreign victims of trafficking to temporarily stay in the country during the criminal investigation and to receive assistance or protection.⁴²

34. However, the OSR/CTHB wishes to recall the importance of allowing foreign victims to have a reflection period, as mentioned in various international instruments, so that they can decide on their possible co-operation with law enforcement and their potential participation in judicial proceedings if they wish to do so.⁴³
35. The OSR/CTHB highlighted the importance of implementing the non-punishment clause for all victims of trafficking, regardless of their residence status, for administrative and criminal offences committed in the course or as a consequence of being trafficked.⁴⁴ In this regard, the Office praises the authorities for amending articles 580 and 677 of the Administrative Offense Code which recognize that victims of trafficking are presumed innocent and cannot therefore be subjected to any restrictions in their rights and freedoms guaranteed by the Constitution and laws of the Republic of Kazakhstan.⁴⁵ However, the OSR/CTHB is concerned about the implementation of such a provision as many NGOs noted that it is rarely applied in practice.
36. According to various NGOs and officials, effective access to full protective services remains another major issue in Kazakhstan, as in many other countries. Although witness and victim protection programmes exist in Kazakhstan⁴⁶, the OSR/CTHB regretted that procedures and referral mechanism are not clearly stated or implemented, especially before and after court proceedings. Moreover, the OSR/CTHB highlighted the importance of providing full protection to witnesses and victims regardless of their readiness to co-operate with authorities.
37. The lack of adequate financial resources to assist victims of trafficking is considered by many stakeholders, both institutional or from civil society, to be the

⁴¹ See OSCE Permanent Council, *Decision No. 557/Rev. OSCE Action Plan to Combat Trafficking Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005).

⁴² Source: Ministry of Justice.

⁴³ See in particular: OSCE Permanent Council, *Decision No. 557/Rev. OSCE Action Plan to Combat Trafficking Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005), Articles 4.1 and 8; and OSCE Permanent Council, *Decision No. 1107 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later*, PC.DEC/1107 (6 December 2013), Article 2.3.

⁴⁴ See OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in consultation with the *Alliance against Trafficking in Persons Expert Co-ordination Team, Policy and legislative recommendations towards an effective implementation of the non-punishment provision with regard to victims of trafficking* (Vienna, April 2013).

⁴⁵ Source: OSCE Centre in Astana.

⁴⁶ Articles 99 and 100 of criminal procedure code and 2000 Law on State Protection of Persons Participating in Criminal Procedures.

biggest challenge for the proper protection of victims. The OSR/CTHB regretted that the Government only funds one NGO-run shelter for trafficking victims in Astana⁴⁷ which can host up to 24 women with access to medical and consultation services. A few other NGOs in the country also provide assistance to victims of trafficking (including on voluntary repatriation to countries of origin) but with limited private or international funds, although the number of victims is increasing. Meanwhile, many NGOs also noted that, in the last 3-4 years, foreign funds significantly decreased and local government funds were limited and only accessible through complex bidding procedures. The OSR/CTHB regretted that likewise, according to members of civil society, the legislation related to NGO tenders has encouraged more organizations to apply offering low cost, but also low quality, services. The OSR/CTHB encourages the Government of Kazakhstan to develop clear standards for the provision of social services, including access to full protective services for witness and victims, including legal, medical and psychological assistance, access to voluntary rehabilitation and repatriation programmes. The OSR/CTHB also highly recommends increasing long-term allocated funding for more NGOs who have experience in combating THB, especially with deep and long-term experience and knowledge in this field, to run sufficient and sustainable protective social services.

38. Providing victims with free legal counselling since the very beginning of the identification process is essential for their protection and also to encourage them to report crimes. In this regard, the OSR/CTHB welcomes the adoption of the new legislation “On state-guaranteed legal aid”⁴⁸ which states that “all physical and legal entities have the right to receive guaranteed free legal aid”⁴⁹. It is suggested that a workshop on the provisions of the new legislation and its implementation be conducted as soon as possible by the Ministry of Justice, involving all relevant stakeholders, and, *inter alia*, trade unions, attorneys, lawyers and judges as well as NGOs.
39. Promoting victims’ access to justice and remedies, including access to a compensation fund, has been a priority for the OSR/CTHB both as a preventive and protective measure as it empowers victims and deters exploitation. The OSR/CTHB emphasized that making compensation a reality for every trafficked and exploited person is a crucial aspect of an empowerment strategy that enables trafficked persons to move forward with their lives and prevents re-trafficking. In this regard, the OSR/CTHB encourages the use of proactive and financial investigations in human trafficking cases, aimed at ensuring the confiscation of criminal proceeds and assets, as a measure to ensure victim compensation, deterrence for the perpetrators and also funding for further State action. The OSR/CTHB regrets that such a fund has not been yet created in Kazakhstan but

⁴⁷ The Special Representative met this NGO “Korgau-Astana”.

⁴⁸ Law of 3rd July 2013, n. 122-V.

⁴⁹ Article 8 of the law.

notes that authorities envisage the possibility that funds available for victims of domestic violence will also be used for victims of trafficking.⁵⁰

40. The OSR/CTHB noted that not enough specific attention was given to child victims of trafficking: although recent amendments to domestic violence legislation allow children to access adaptation centres⁵¹, no specialized support exists, in particular after judicial cases.⁵² The OSR/CTHB recommends more dedicated and targeted protection and reintegration of children to avoid possible re-trafficking situations.

Co-operation with civil society

41. The OSR/CTHB welcomes the recent establishment of a National Platform with civil society which incorporates representatives of ministries, political parties, Parliament, NGOs and international organizations.⁵³ However, many stakeholders from the civil society regretted that NGOs are being left out of significant State initiatives and cited difficulties in accessing State funding in the context of THB prevention and victims' assistance.
42. The OSR/CTHB commends the authorities for extending the usual terms of agreements and funding to NGOs from 1 to 3 years. Likewise, it encourages the authorities to strengthen co-operation with NGOs through *inter alia* conducting joint raids with local police departments.

⁵⁰ Source: The Supreme Court.

⁵¹ Source: The General Prosecutor's Office of Kazakhstan.

⁵² Source: Ministry of Justice.

⁵³ The Platform has consultative functions and meets every 3 months (Source: Ministry of Foreign Affairs).

Recommendations:

1. Strengthen co-ordination of anti-trafficking activities, by:

- Strengthening the role of the Inter-Agency Commission and improving its functioning through the establishment of a high-level and long-term chairmanship, ideally under the Prime Minister's Office, and increasing the role of NGOs in its decision-making process. The Commission should also organize regular meetings with advance warning so that NGOs can attend these meetings, issue reports that are publicly available as well as collect and analyse data and trends related to trafficking.
- Establishing a formalized National Referral Mechanism which would define clear responsibilities and roles of each agency and NGO service provider in the identification and referral of victims at the national level and define a clear mechanism for victims to access full protection services. It should co-ordinate efforts and co-operation between all agencies, especially with civil society as fundamental actors in combating human trafficking.
- Assessing the results and impact of the 2012-2014 National Action Plan before developing a new one on the basis of the identified challenges.

3. Enhance prevention of all forms of trafficking, by:

- Ensuring concrete and full implementation of national, regional and international legislative frameworks to better prevent all forms of trafficking.
- Developing awareness and outreach activities targeting the most vulnerable people (most specifically women and children) and at-risk sectors, including in detention centres, as well as informing workers about their rights.
- Increasing awareness about all forms of trafficking among Government officials by conducting training *inter alia* through the Academy of Public Administration under the President of Kazakhstan, the Karaganda Police Academy, etc.
- Increasing general awareness among teachers, health professionals as well as the diplomatic corps about all forms of trafficking.
- Increasing co-operation with the private sector to foster the social responsibility of employers and the involvement of social partners in particular throughout the supply chain, aiming at ensuring the protection of the human rights and fundamental freedoms of workers and promoting codes of conduct as mentioned in the 2013 OSCE Addendum to the Action Plan.
- Increasing the number of labour inspections and considering the possibility for labour inspectors to conduct random visits to workplaces.

4. **Strengthen the criminal justice response, by:**

- Disseminating information on new legislation and training for its implementation to police, judges and prosecutors, and NGOs in particular with regard to the new provisions related to THB, e.g., on legal aid and non-punishment, possibly in co-operation with the OSCE Centre in Astana.
- Encouraging investigators and prosecutors to carry out investigations and prosecutions without relying solely on witness testimony and support alternative investigative strategies including financial investigations. In particular, and as stated in the 2013 Addendum to the OSCE Action Plan, by enhancing the capacity of anti-money-laundering authorities and other relevant structures to identify financial activities linked to THB. In this regard, possible technical assistance could be provided by the OSR/CTHB, with the support of the 2014 OSCE publication *Leveraging Anti-Money Laundering Regimes to Combat Trafficking in Human Beings*.
- Establishing expert-based procedures for granting access to adequately funded and credible state-run witness and victim witness protection programmes during criminal cases.

5. **Improve assistance to victims and protection victims' rights, by:**

- Improving the training of all police forces to have a strong victim centered approach, in particular, increasing the number of female police officers dealing with women and children.
- Training all police forces (including transport and migration police), labour inspectors and other professionals, such as medical and education professionals, to better identify possible victims and refer them to relevant NGOs and social services for assistance and protection. These aspects should be integrated in their respective training curricula.
Training all relevant stakeholders (including police officers, migration officers, labour inspectors, judges and prosecutors) so that victims of trafficking are not treated as criminals. In this regard, increase their awareness on the non-punishment clause and its implementation by organizing, *inter alia*, seminars including on legal aid.
- The Office wishes to recommend that the status of victim be determined separately from criminal proceedings and that various actors be involved in the identification process such as NGOs, health and education staff, labour inspectors, etc.
- Granting the status of victim of trafficking prior to criminal proceedings which would improve victim protection as well as avoid the possible deportation of foreign victims.
- Providing victim witnesses with full protection and access to comprehensive services regardless of their nationality, residence status or readiness to co-operate with the authorities and providing foreign victims with temporary or permanent residence permits and work permits.

- Providing victim witnesses with full protection and access to comprehensive social services, in addition to accessing shelters, regardless of their readiness to co-operate with authorities. Standards should be created with regard to the provision of social services and the competent NGOs entitled to provide them.

- Setting up a State fund and ensuring access for all victims to compensation, regardless of their legal status or nationality. In line with the Addendum, authorities should consider, where applicable, using confiscated proceeds to fund anti-trafficking initiatives and victim support, including the possibility of obtaining compensation.

6. Strengthen co-operation with NGOs, by:

- Institutionalizing co-operation between law enforcement agencies and NGOs through the establishment of a National Referral Mechanism that includes NGOs' participation in the identification process and the provision of protective services to victims.

- Increasing long-term allocated funding for competent NGOs in the whole country to run sufficient and sustainable shelters and to provide social services for victims of trafficking. Specialized NGOs, with long-standing experience in supporting trafficking victims, should particularly be encouraged to access State funds.

7. Fight child trafficking more effectively, by:

- Ensuring full implementation of the existing legislative framework, such as the National Action Plan on Human Rights, and on combating the worst forms of child labour.

- Taking special measures that take into account the special needs and the best interests of children, especially for the most vulnerable groups (street children, migrant children, children in institutions, children with disabilities).

- Making sure that all children (including foreigners and unaccompanied minors) have access to full protective services including educational and vocational programmes.

- Ensuring specialized support to child victims of trafficking as well as adequate rehabilitation, ideally within the Ministry of Justice.

APPENDIX 1

RESPONSE OF THE REPUBLIC OF KAZAKHSTAN TO THE REPORT DEVELOPED FOLLOWING THE VISIT OF THE OSCE OFFICE OF THE SPECIAL REPRESENTATIVE AND CO-ORDINATOR FOR COMBATING TRAFFICKING IN HUMAN BEINGS

(received in Russian on 27 June 2016 and translated into English)

Information of the Ministry of Interior of the Republic of Kazakhstan

Points 1 of the recommendations

With a view to co-ordinating activities by State bodies and taking effective measures to combat trafficking in human beings, the Inter-agency Commission on Combating Illegal Export, Import and Trafficking in Human Beings has been in operation since 2003 as a consultative and advisory body to the Government of the Republic of Kazakhstan.

A government decision in 2014 transferred the functions of the working body from the Ministry of Justice to the Ministry of Internal Affairs and the Ministry of Health and Social Development on a two-year rotating basis. The Commission is made up of the heads of 14 departments (Supreme Court, Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Education and Science, Ministry of Health and Social Development and others) and representatives of 2 international organizations (OSCE and International Organization for Migration) and 5 non-governmental organizations (NGOs).

The tasks of the Inter-agency Commission are:

- Analysis of current measures in the country to prevent trafficking in human beings;
- Elaboration of proposals for public information, updating legislation, improving the effectiveness of co-operation between State bodies and protection and aid to victims of trafficking in human beings.

Meetings of the Commission take place at least once every six months and are attended by independent experts, specialists and academics.

The minutes of the meetings are distributed for implementation.

Similar commissions have been set up and are in operation in the local administrations of the cities of Astana and Almaty and in regional administrations (16 altogether).

The following steps have been taken to implement the mechanism for referral of victims of trafficking in human beings:

- Criteria were elaborated and approved in 2014 by the Ministry of Internal Affairs together with the Ministry of Health and Social Development and the Ministry of Education and Science for assessing the existence of cruel treatment resulting in social maladjustment and deprivation (joint decree of the Ministry of Internal Affairs No. 630 of 22 September 2014, Ministry of Health and Social Development No. 240 of 19 November 2014, and Ministry of Education and Science No. 399 of 26 September 2014);
- A Standard for granting special social services to victims of trafficking in human beings was adopted in 2016 by the Ministry of Health and Social Development in agreement with the Ministry of Internal Affairs and the Ministry of Education and Science (decree of the Ministry of Health and Social Development No. 138 of 24 February 2016).

In accordance with these regulatory documents and also Article 6, paragraph 2, of the Law on Special Social Services of the Republic of Kazakhstan of 29 December 2008, No. 114-IV, for the purpose of

receiving special social services, a person shall be recognized as being a victim of trafficking in human beings regardless of whether criminal proceedings have been instituted in connection with the activities.

The Criteria for assessment determine the procedure for identifying people, while the Standard defines the conditions for their referral, acceptance and rehabilitation in organizations providing special social services.

Organizations providing services to victims of trafficking in human beings, authorized social welfare facilities and internal affairs bodies all participate in the identification of human trafficking victims.

Thus, the Standard defines the mechanism for referral between law enforcement authorities, NGOs and health and social welfare facilities and is applicable to all entities and organizations providing special social services to victims of trafficking in human beings, irrespective of the form of ownership.

These organizations accept individuals, including minors, who are citizens of the Republic of Kazakhstan as well as foreigners living permanently on the territory of the Republic of Kazakhstan and stateless persons, including those without identification documents for whatever reason, unless stipulated otherwise in international agreements ratified by the Republic of Kazakhstan.

Victims of trafficking in human beings are offered welfare, medical, psychological, educational, employment, cultural, economic and legal services.

Starting in April this year the mechanism for referring victims of trafficking in human beings has been launched in the cities of Astana and Almaty and in the Kostanay and South Kazakhstan regions. Other regions are planned to follow from 2017.

The implementation of the Standard by the non-governmental sector is being financed by way of State-funded social procurement through earmarked transfers from the national budget. For 2016, 43.47 billion tenge were allocated from the national budget for this purpose.

A new Action Plan by the Government of the Republic of Kazakhstan for the Prevention, Control and Combating of Crimes connected with Trafficking in Human Beings has been adopted for the period 2015 to 2017 (Government Order of the Republic of Kazakhstan No. 23 of 28 January 2015).

The Plan is based on the Programme of Co-operation between Member States of the Commonwealth of Independent States (CIS) to Combat Trafficking in Human Beings for 2014 to 2018, approved by the Council of Heads of State of the CIS on 25 October 2013, and the recommendations by Ms. Gulnara Shahinian, United Nations Special Rapporteur on contemporary forms of slavery, following her visits to Kazakhstan in 2012 and 2014.

The Plan provides for a set of measures to step up the detection, suppression and investigation of cases of exploitation of children and the elaboration of a standard for providing social services to victims of trafficking in human beings, including minors, as persons who have suffered as a result of cruel treatment.

It should be mentioned that information on the implementation of the Plan is presented to the Government of the Republic of Kazakhstan every year. A summary for 2015 was submitted on 5 February 2016 (ref. 1-3-7-59/258//23).

Point 2 of the recommendations

The B. Beysenov Centre for Training Specialists in Combating Illegal Migration and Trafficking in Human Beings at the Ministry of Internal Affairs Karaganda Academy (hereinafter the Training Centre) trains police officers in the prevention of trafficking in human beings.

In 2015, 117 members of different departments of the Ministry of Internal Affairs attended courses at the Training Centre:

- Heads of departments (divisions) of the migration police (16);
- Senior inspectors of the Department for Migration Control of the Administrative Police Committee in the Ministry of Internal Affairs, Migration Police Administration, Department of Internal Affairs (Trafficking) (18);
- Juvenile affairs inspectors (16);
- Local police inspectors (17);
- Inspectors from the special unit for combating illegal migration in the Department of Internal Affairs (16);
- Investigators from teams combating trafficking in human beings in the Directorate for Combating Organized Crime in the Department of Internal Affairs (17);
- Inspectors from units for the protection of women (17).

With the assistance of the Embassy of the United States of America in Kazakhstan under a Memorandum of Understanding between the Government of the Republic of Kazakhstan and the Government of the United States of America, students enrolled in each intake attend a special training seminar of 72 course hours over a 12-day period on the subject of combating trafficking in human beings and illegal migration and assisting victims of trafficking in human beings. Specialists invited by the United States Embassy also give classes together with the staff of the Training Centre.

Apart from the core teaching staff, international experts and representatives of international and non-governmental organizations are also involved in the teaching.

The Training Centre elaborates methodological recommendations, instructions and publications on preventing trafficking in human beings and providing assistance to victims.

Since 2012, staff of the Training Centre has also been holding courses for judges on combating trafficking in human beings at the Academy of Public Administration of the President of the Republic of Kazakhstan.

Three seminars have been conducted by them in 2016.

It might also be mentioned that staff of the Department of Internal Affairs regularly attend advanced training courses at special training establishments in the Republic of Belarus, Hungary and Turkey.

In 2015, information on combating trafficking in human beings was received through diplomatic channels from Austria, Belarus, China, France, Mongolia, Pakistan, Romania, Turkey, the United States of America and Vietnam.

Crime prevention

The nationwide telephone hotline 11616 for combating trafficking in human beings was set up in 2010 and is staffed by experts from an association of legal entities called Union of Crisis Centres.

The hotline receives financial assistance and information from the International Organization for Migration, the Union of Crisis Centres and the Ministry of Internal Affairs.

For example, the Ministry of Internal Affairs has carried out a social project as part of State-funded social services comprising:

1. Shooting a video clip on combating trafficking in human beings;

2. Production of special brochures (pamphlets) with a list of foreign missions of the Republic of Kazakhstan for citizens of Kazakhstan travelling abroad;
3. Publication of handouts (booklets) containing information on forms of trafficking in human beings and penalties, telephone numbers of international and non-governmental organizations working in this field and the hotline 11616.

These clips are broadcast on national (Khabar, Kazakhstan and 24KZ) and local television stations, radio stations (Kazakh Radio, Astana) and on LCD screens in airports, railway and bus stations and on public transport.

This year a letter for broadcasting was sent to the Ministry of Information and Communications on 25 May (ref. 1-3-7-62/2143-I).

In addition, the Ministry of Internal Affairs conducts a large-scale event every year together with international and non-governmental organizations entitled “Let’s stop trafficking in human beings together!”. Its aim is to make known the problems of trafficking in human beings, national legislation regarding liability and ways of averting this danger, including the telephone hotline 11616 and places where cases are dealt with.

The information campaign is being conducted in all regions with the involvement of local administrations, the youth wing Zhas Otan, the mass media and other interested agencies.

As part of the campaign, staff of internal affairs bodies take part in telecasts and interviews for radio, television, newspapers and Internet sites, carry out awareness-raising activities (in perinatal centres and tourism companies, on building sites, farms, etc.) and organize flash mobs, sporting events and the distribution of booklets, brochures and handouts in highly frequented public places (amusement parks, city squares, shopping centres, train and bus stations, airports, etc.).

Migration

A regulatory framework has now been established in the country to protect the interests of labour migrants. Amendments have been made to legislation to simplify the procedure for the employment of labour immigrants by private individuals. This has regulated their status and enabled them to effectively defend their rights in court if their rights are violated by their employer. (With a view to legalizing the status of foreigners working illegally in the country, the President of the Republic of Kazakhstan signed the Law on the Introduction of Amendments and Additions to Certain Legislative Acts on Labour Migration Issues, which provides for a simplified procedure for the issuance of permits.)

During the first five months of this year, 73,273 permits for employment with private individuals were processed. Administrative measures were taken against 907 employers for the illegal use of foreign labour force.

Information on the registration procedure and necessary documents has been posted on the Ministry of Internal Affairs and Department of Internal Affairs websites, on the e-government portal and also on stands in public areas at the migration police.

Foreigners can now register online on the visa and migration portal. This does away with the need for direct contact with the police, while maintaining the necessary level of control over the residence of foreigners in the country by the law enforcement authorities and special bodies. In addition, the receiving parties have increased responsibility for the reliability of the information submitted.

Moreover, immigrants who, in accordance with the procedure established by law, have reported the commission of acts against them that are considered under the Criminal Code of the Republic of Kazakhstan as being serious or particularly serious crimes have their registration processed within the time-frame required for consideration of the application. If, following the application, it is decided to

institute criminal proceedings, the registration deadline is extended for the period required for the criminal investigation.

In accordance with instructions by the Prime Minister, the State bodies (Ministry of Internal Affairs, Office of the Prosecutor General, National Security Committee, Ministry of Justice, Ministry of National Economy, Ministry of Health and Social Development and Ministry of Investment and Development) have examined the possibility of simplifying the procedure for prosecuting foreigners.

The examination endorsed the Ministry of Justice's position: decisions on arrest and deportation are limited by the basic human rights guaranteed by the Constitution (the right to personal liberty and the right to freedom of movement on the territory of the Republic of Kazakhstan and the free choice of residence). They must therefore be applied by the courts in order to ensure impartiality and rule out a subjective approach.

At the same time, the penalties in the Code of Administrative Offences for the violation of migration legislation have been scaled depending on the severity of the violation.

A foreigner who misses the deadline set for registration or for leaving the Republic of Kazakhstan by up to three days will be given a warning administered on the spot by the police or Border Service.

In the event that a violation of the migration legislation incurring a penalty in the form of a warning is identified at checkpoints on the State border of the Republic of Kazakhstan and the wrongdoing is acknowledged by the foreigner or stateless person, no administrative offence is officially recorded. The foreigner or stateless person leaves the country without registration or a visa on the basis of a decision by the internal affairs bodies or the Border Service of the National Security Committee.

Given this situation it would be inappropriate for there to be any exemption in connection with registration or the lifting of penalties for the violation of registration rules.

The migration crisis in Europe has shown a connection between controlling the residence of foreigners and safeguarding public and national security. The uncontrolled flow of migrants from North Africa and the Middle East has led to a sharp increase in the crime rate in a number of countries and at the same time turned the problem into an acute political crisis.

In that connection, further steps have been outlined in Kazakhstan to improve migration control. The Ministry of Foreign Affairs is currently working on the introduction of a comprehensive migration control system using S5 systems. This will make it possible to track the movement of foreigners at a whole new technological level.

Following the introduction of that system, the registration procedure will become so simple for foreigners that they will barely notice it, and it will completely do away with the need for any contact with the law enforcement authorities.

Point 3 of the recommendations

Laws and regulations to be adopted are published in the official national newspapers *Egemen Kazakhstan*, *Kazakhstanskaya Pravda*, *Zan*, and others, in the Adilet legal information system of regulatory legal acts of the Republic of Kazakhstan and also on the websites of the Presidential Administration, Parliament, Government and State bodies of the Republic of Kazakhstan.

Pursuant to Article 24 of the Law on International Agreements of the Republic of Kazakhstan, international agreements of the Republic of Kazakhstan which have entered into force and been ratified by the Parliament of the Republic of Kazakhstan are to be published in the official publications of the Parliament of the Republic of Kazakhstan for presentation to the Ministry of Foreign Affairs of the Republic of Kazakhstan.

The Ministry of Internal Affairs co-operates with the Ministry of Finance's Committee on Financial Monitoring with a view to identifying cases of money laundering and the legalization of other assets obtained by criminal means.

For example, a channel has been identified in the South Kazakhstan region for the export of girls to work as prostitutes in Turkey, where human traffickers have transferred money to the recruiter's bank account. In this case, criminal proceedings were instituted under Article 128, section 3, of the Criminal Code of the Republic of Kazakhstan (Trafficking in human beings).

The protection of victims of trafficking in human beings, like all other victims of criminal offences, is financed through the national budget under the Law on State Protection for Persons Involved in Criminal Proceedings and Chapter 12 of the Code of Criminal Procedure entitled "Ensuring the safety of persons involved in criminal proceedings".

State protection measures may also be extended, before criminal proceedings commence, to persons assisting in the prevention or exposure crimes, if there is a real threat of violence towards them or of some other activity prohibited by criminal law.

Victims are provided with accommodation, basic necessities, food, physical protection, etc.

Furthermore, individuals are exempt from administrative liability if they are recognized as a victim of trafficking in human beings (Article 741 of the Code of Administrative Offences), and foreign victims of trafficking in human beings may remain on the territory of Kazakhstan until a court ruling is passed on the case (Article 51 of the Code of Administrative Offences).

Point 4 of the recommendations

Regarding the recommendations to increase the number of women police officers to work with women and children, we would like to point out that women police officers serve in the Directorate for Combating Organized Crime and in units ensuring the protection of persons involved in criminal proceedings and regularly attend advanced training courses in combating trafficking in human beings. Work is continuing in this field.

In accordance with the norms of the Civil Code of the Republic of Kazakhstan, citizens have the right to demand compensation for material and moral harm under the Code's rules.

International legal instruments (the 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the 1983 European Convention on the Compensation of Victims of Violent Crimes, the United Nations Convention against Transnational Organized Crime, the Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, the Chişinău Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, the Agreement on Co-operation among CIS Member States in Combating Trafficking in Persons, Human Organs and Tissues of 25 November 2005), including those ratified by the Republic of Kazakhstan, recommend the payment of compensation to victims of trafficking for the harm caused by the crime.

Article 173 of the Code of Criminal Procedure provides for compensation to victims, including victims of trafficking in human beings, from a Victims Compensation Fund.

A draft law on the Victims Compensation Fund (hereinafter the draft law) has been drawn up and is currently being considered by Parliament.

The draft law provides for the establishment of a fund and defines the basis for its formation and the guaranteed types, size and procedure of payments, and the list of persons entitled to receive guaranteed compensation from the State. Article 7, paragraph 1, provides for monetary compensation for minors who are victims of sexual violence and victims of trafficking in human beings and torture in cases of criminal offences provided for by Article 128 of the Criminal Code.

Point 5 of the recommendations

Paragraph 13 provides for an Action Plan by the Government of the Republic of Kazakhstan for the Prevention, Control and Combating of Crimes connected with Trafficking in Human Beings for 2015 to 2017 (the continuation of State financial and other assistance, including within the framework of State-funded social procurement, to non-commercial (non-governmental) organizations actually providing day-to-day assistance to victims of trafficking in human beings and the adoption of measures to improve the practice of providing such assistance), under which appropriate measures to support NGOs are taken by the local executive authorities.

For example, since 2014 as part of State-funded social procurement the local administration of Astana city has financed a project entitled “Organization of work to reduce the risks of illegal migration and trafficking in human beings”. In 2015, 2.5 million tenge were allocated for its implementation. The project is being carried out by the Korgay Astana private foundation.

In 2015, the local administration of Almaty city allocated 1,115,000 tenge to a project to counter trafficking in human beings and illegal migration. It is being carried out by an association of legal entities called Union of Crisis Centres.

The Almaty regional administration allocated 1.4 million tenge to provide assistance to victims, including victims of trafficking in human beings. This project is being implemented by the voluntary association Healthy Choice.

The Aktobe regional administration allocated 1.2 million tenge to a project entitled “Organization of the work of the crisis centre for victims of domestic violence and trafficking in human beings” carried out by the Women’s Support Centre in the city of Aktobe.

The Karaganda, North Kazakhstan and South Kazakhstan regional administrations allocated 800,000, 700,000 and 4,355,000 tenge, respectively, to support NGOs.

Point 6 of the recommendations

The Ministry of Internal Affairs in co-operation with State bodies is taking practical measures to reduce the level of juvenile delinquency, neglect and homelessness.

With a view to instilling law-abiding behaviour in minors, preventive measures (entitled “Teenager”, “Graduation parties”, “Holidays”, “Children in the city at night”) and actions (entitled “Teenager – Law – Safety”, “Employment” and “Me and my police officer”) are carried out on an annual basis with the involvement of representatives of interested State bodies, the Nur Otan party, NGOs and the public, during which particular attention is focused on identifying lawbreaking minors as well as persons encouraging them to commit crimes.

With a view to providing assistance to educational authorities, Juvenile Affairs Department staff has held over 37,000 lectures, round tables and seminars on legal issues.

Simultaneously, at the initiative of the Ministry of Internal Affairs, annual Internet conferences are held in real time, at which users may ask questions of concern to them.

Individually tailored preventive work is currently being carried out with more than 10,000 teenagers and 12,000 disadvantaged families registered with the police.

With a view to protecting the rights and legal interests of minors, administrative measures have been taken during the first five months of this year against some 2,300 parents for failing to fulfil their child-rearing obligations, and 500 have been deprived of their parental rights. Criminal proceedings have been instituted in over 100 cases as a result of a failure to fulfil child-rearing obligations (Article 140 of the Criminal Code).

Around 2,000 minors, of whom more than 1,000 are neglected and homeless, have been housed in rehabilitation centres for minors run by the police.

It should be pointed out that, at the initiative of the Ministry of Internal Affairs, more than 4,000 minors registered with the Department of Internal Affairs and around 700 minors from disadvantaged families have been recruited to the Dynamo departmental gyms.

In addition, over 3,000 minors registered with the Department of Internal Affairs and being raised in disadvantaged families attend community clubs.

Training in self-defence and how to behave in emergency situations is provided free of charge at more than 1,000 secondary schools, involving over 27,000 minors, including around 2,000 teenagers registered with the Department of Internal Affairs and children from disadvantaged families.

Furthermore, pursuant to Order No. 36 of the Prime Minister of the Republic of Kazakhstan of 11 May 2016 on the organization of recreation, leisure and juvenile activities during the summer holidays for 2016 to 2019, over 6,000 minors registered with the Department of Internal Affairs and over 15,000 children from disadvantaged low-income families have been recruited for organized forms of leisure as a means of preventing juvenile delinquency and child neglect and homelessness, and creating the necessary conditions for recreation, leisure and juvenile activities during the summer holidays.

Additionally, there are plans for the temporary employment during the summer holidays of over 3,000 minors registered with the Department of Internal Affairs and around 5,000 children from disadvantaged families in seasonal jobs and in teams to improve the local environment and plant trees.

At the same time, with a view to involving minors in crime prevention, over 4,000 voluntary teams of young police assistants involving around 53,000 schoolchildren carry out their work in educational institutions. Their tasks include preventing juvenile delinquency, assisting the school police, studying the principles of civil and criminal law and promoting a healthy lifestyle.

During the reporting period, over 9,000 raids were conducted in co-operation with the teams of young police assistants, during which 4,000 students violating school rules were identified.

As part of the universal legal education, there are lectures held together with school inspectors on subjects such as “Your personal safety”, “Know and respect the law”, “Teenagers and crime”, and presentations on topics such as “I’m fed up with studying”, “Living on the edge of the abyss” and “Harmful effects of smoking”, and surveys.

At the same time, with a view to ensuring the safety of children, increasing public knowledge of the law and preventing juvenile delinquency, presentations have been organized this year in the media and broadcast on national television stations (Khabar, Kazakhstan, 24KZ, Kazakh Radio) and on the Internet (NUR.kz, Tengrinews.kz, Kazinform, Bnews.kz, Kazakhstan Today) and in the newspaper *Aikyn*. They include measures to ensure the protection of the rights of minors and the articles “With concern for every child” in the newspaper *Kazakhstanskaya Pravda* and “He is growing into an upstanding young man” in the newspaper *Vremya*.

Comments of the Office of the Prosecutor General of the Republic of Kazakhstan

Point 1 of the recommendations

In May 2014 following a decision by the Government of the Republic of Kazakhstan, the Ministry of Internal Affairs and the Ministry of Health and Social Development were given responsibility for the working functions of the Interdepartmental Commission on Combating Illegal Export, Import and Trafficking in Human Beings (IDC) on a two-year rotating basis.

On 25 June 2015, the 29th meeting of the IDC took place with the heads of relevant departments and representatives of international and non-governmental organizations.

The meeting discussed the work of the B. Beysenov Centre for Training Specialists in Combating Illegal Migration and Trafficking in Human Beings at the Ministry of Internal Affairs Karaganda Academy in 2014 and the first half of 2015 and the monitoring of secondary special social services provided to victims of trafficking in human beings to prevent them being drawn back into the cycle of crime.

The following topics were considered at the 30th meeting of the IDC on 23 December 2015:

- Analysis of judicial practice in criminal cases connected with trafficking in human beings in 2012 to 2014;
- Measures taken to implement the provisions of the Action Plan by the Government of the Republic of Kazakhstan for the Prevention, Control and Combating of Crimes connected with Trafficking in Human Beings for 2015 to 2017;
- Provision of assistance to victims of trafficking in human beings.

Following the meeting, the powers of the IDC working body were transferred to the Ministry of Health and Social Development of the Republic of Kazakhstan.

With account taken of the IDC's tasks, Government Order of the Republic of Kazakhstan No. 23 of 28 January 2015 approved the said Action Plan.

The Action Plan is based on the Programme of Co-operation between Member States of the Commonwealth of Independent States (CIS) to Combat Trafficking in Human Beings for the period 2014 to 2018, which was approved by the Council of Heads of State of the CIS on 25 October 2013, and the recommendations of Ms. Gulnara Shahinian, United Nations Special Rapporteur on contemporary forms of slavery, following her visits to Kazakhstan in 2012 and 2014.

Point 5 of the recommendations

We would like to point out that the Ministry of Health and Social Development has drafted a Standard for granting special social services to victims of trafficking in human beings.

This Standard was elaborated by members of a working group made up of representatives of the Ministry of Internal Affairs, the Ministry of Education and Science, the International Organization for Migration (IOM), the OSCE and also non-governmental organizations (NGOs) directly providing services to victims of trafficking in human beings.

The Standard defines the mechanism for referral between law enforcement authorities, NGOs, and health and social welfare facilities and will be applicable to all entities and organizations providing special social services to victims of trafficking in human beings, irrespective of the form of ownership.

It has been introduced since March 2016 in four regions of Kazakhstan: the cities of Astana and Almaty, and the Kostanay and South Kazakhstan regions. Most of the cases of trafficking in human beings have been registered in these regions and there are also NGOs there with experience of working with this category of persons. The introduction of the Standard to all regions of the country is planned for 2017.

The implementation of the Standard by the non-governmental sector will be financed by way of State-funded social procurement through earmarked transfers from the national budget. For 2016, 43.47 billion tenge were allocated from the national budget for this purpose.

Point 6 of the recommendations

Lectures, seminars and round tables on combating trafficking in human beings are held regularly at educational institutions together with representatives of NGOs.

For example, on 30 July 2015, a day devoted to victims of trafficking in human beings, the action “Let’s stop trafficking in human beings together!” was organized together with NGOs in highly frequented public places (railway station, Altingul and Bakirova pioneer camps) in the city of Kostanay. The results were published in the media (Alau television station and the newspapers Poryadok i Pravo and Na Strazhe).

Apart from this, joint seminars, training courses and round tables have continued this year as part of the CIS Co-operation Programme to combat trafficking in human beings, with the involvement of representatives of interested government bodies and experts from international and non-governmental organizations.

Lectures and meetings are organized on a large scale with students and workers’ collectives in educational institutions and municipal and district organizations. Preventive awareness-raising work is carried out with the population to anticipate and stop crimes connected with trafficking in human beings.

Point 7 of the recommendation

In the 12 months of 2015 there was a 13.3 per cent increase in pre-trial investigations compared with 2014 (from 341,291 to 386,718).

According to the Committee for Legal Statistics and Special Accounts of the Office of the Prosecutor General, there was an 18.2 per cent increase for the 12 months of 2015 (from 302 to 357) in pre-trial investigations for crimes connected with trafficking in human beings (2014: 302, 2013: 350, 2012: 505, 2011: 584).

It should be mentioned that in general the problem of trafficking in human beings in Kazakhstan is not so widespread, accounting for 0.09 per cent of all criminal offences (386,718).

The offences may be broken down as follows:

Article 116 of the Criminal Code (Coercion to remove or unlawful removal of human organs or tissue): 1 case under investigation in the city of Astana (in 2013 and 2014 there were no criminal cases under Article 113 of the 1997 version of the Criminal Code).

Article 125, paragraph 3.2 (Kidnapping of a person for the purpose of exploitation): 2 cases under investigation (2014: 2, 2013: 15).

Article 126, paragraph 3.2 (Unlawful deprivation of freedom for the purpose of exploitation): 3 cases (2014: 10, 2013: 7), of which 2 were brought to trial and 1 in which the investigation was suspended under Article 45, paragraph 1.7 of the Code of Criminal Procedure).

Article 128 (Trafficking in human beings): 42 cases (2014: 17, 2013: 33), of which 4 were brought to trial, 9 discontinued without acquittal, 2 suspended under Article 45, paragraph 1.7 of the Code of Criminal Procedure and the rest in progress; 52 cases were discontinued and removed from the record.

Article 134 (Involving a minor in prostitution): 19 cases (2014: 10, 2013: 17), of which 5 were brought to trial, 5 discontinued without acquittal, 5 suspended under Article 45, paragraph 1.7 of the Code of Criminal Procedure and the rest in progress; 9 cases were discontinued and removed from the record.

Article 135 (Trafficking in minors): 49 cases (2014: 15, 2013: 25), of which 8 were brought to trial, 1 discontinued without acquittal, 4 suspended under Article 45, paragraph 1.7 of the Code of Criminal Procedure and the rest in progress; 11 cases were discontinued and removed from the record.

Article 308 (Involvement in prostitution): 39 cases in the period under review (2014: 28, 2013: 40), of which 16 were discontinued without acquittal, 19 suspended under Article 45, paragraph 1.7 of the Code of Criminal Procedure and the rest in progress; 66 cases were discontinued and removed from the record.

Article 309 (Organization or maintenance of an establishment for the purpose of prostitution or procurement): 202 cases in the period under review (2014: 220, 2013: 213), of which 94 were brought to trial, 23 were discontinued without acquittal, 28 suspended under Article 45, paragraph 1.7 of the Code of Criminal Procedure and the rest in progress; 234 cases were discontinued and removed from the record.

Information of the Supreme Court of the Republic of Kazakhstan

Points 3 and 4 of the recommendations

These points deal with strengthening the criminal prosecution and punishment component by providing information on new legislative acts and conducting training courses on their implementation for judges, and also improving the quality of assistance to victims and defending their rights through initial and advanced training for judges.

These recommendations are being complied with.

The Supreme Court regularly takes measures to raise awareness by judges and judiciary staff of all types of trafficking in human beings, and training courses are held on this subject.

The training of judges takes various forms, including lectures, training courses, internships, and discussion of analyses and summaries.

Lectures on the practical application of the law to questions of organized crime and trafficking in human beings, including juveniles, are offered regularly for participants in refresher courses together with the Academy of Justice (formerly with the Academy of Public Administration under the President of the Republic of Kazakhstan).

As part of the refresher courses, regular training on trafficking in human beings: judicial protection of the rights of victims is provided with the assistance of the OSCE Programme Office in Astana, the Embassy of the United States of America and the Supreme Court of the Republic of Kazakhstan. Six such training courses were conducted in 2015, attended by 197 judges, and in the first five months of 2016 four courses were held with 135 participants. Different categories of judges are covered by the training: chairpersons and judges of district and equivalent courts; judges specializing in the examination of criminal cases; and judges from juvenile courts.

Trainers and experts include retired Supreme Court judges, representatives of the OSCE Programme Office in Astana and the United States Embassy, and international experts.

Two further training courses on combating trafficking in human beings with the participation of 65 judges are planned for 2016.

During their internship at the Supreme Court, regional and equivalent judges are required, alongside international documents, to study the special aspects of criminal cases concerning trafficking in human beings, and new aspects of legislation and practice in this regard. The internship involves the study of international legal instruments on combating trafficking in human beings, problems connected with the furnishing of evidence, the procurement of expert opinions on this type of case, specific considerations in the questioning of victims and other important issues.

Given the importance and topicality of the problem, the Supreme Court systematically provides analyses and summaries of the cases considered, with the results being made available to judges and used in education programmes.

For example, in compliance with point 4 of the Action Plan for the Prevention, Control and Combating of Crimes connected with Trafficking in Human Beings for 2015 to 2017, the Supreme Court provided a summary in the second half of 2015 of judicial practice regarding trafficking in human beings in the years 2013 and 2014.

This summary was made available to a wide range of legal practitioners and was discussed at a meeting of the Interdepartmental Commission on Combating Illegal Export, Import and Trafficking in Human Beings.

A summary is planned for the second half of 2016 of judicial practice regarding protection during judicial proceedings of the rights of victims of trafficking in human beings on the basis of the criminal cases considered in 2014 and 2015.

References

In implementation of the Action Plan of the Government of the Republic of Kazakhstan to Combat, Control and Prevent Crimes connected with Trafficking in Human Beings for 2012 to 2014 and in particular the updating of legislation, the Supreme Court in 2012 adopted Regulatory Resolution No. 7 on the Application of the Law to Determine Liability for Trafficking in Human Beings.

According to the Regulatory Resolution, persons subject directly to purchase, sale or other transactions, as well as exploitation and recruitment, transportation, transfer, harbouring, taking in or other acts for the purpose of exploitation are considered victims of trafficking in human beings.

The protection of victims of trafficking in human beings is provided under the Law on State Protection of Persons Involved in Criminal Proceedings and Chapter 12 of the Code of Criminal Procedure, “Ensuring the safety of persons involved in criminal proceedings”. According to the above-mentioned Law, the victims are to be provided with accommodation, food, clothing and physical protection.

According to Article 51 of the Code of Administrative Offences of the Republic of Kazakhstan, victims who are foreigners or stateless persons are allowed to remain in Kazakhstan until a decision is made on the claim or complaint of a serious or particularly serious crime committed in relation to them, as set forth in Article 179 of the Code of Criminal Procedure of the Republic of Kazakhstan.

In addition, the Code of Criminal Procedure of the Republic of Kazakhstan in force provides for payment of compensation to victims, including victims of trafficking in human beings, from a special compensation fund.

Law No. 175-V of 18 February 2014 on Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Combating Domestic Violence introduced amendments to the Law of 29 December 2008 on Special Social Services and the Law of 9 July 2004 on the Prevention of Juvenile Delinquency, Child Neglect and Homelessness, by which under-age victims of trafficking in human beings may be admitted to juvenile adaptation centres for rehabilitation.

Information of the Ministry of Education and Science of the Republic of Kazakhstan

Point 2 of the recommendations

The Ministry of Education and Science of the Republic of Kazakhstan is continuing to co-operate with non-governmental organizations (NGOs) to provide pedagogical assistance and counselling to victims of trafficking in human beings and also in matters concerning the prevention and control of trafficking in human beings.

Over 80 NGOs from international organizations such as the United Nations Children’s Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNPFA), the United States Agency for International Development

(USAID), the Soros Foundation-Kazakhstan, the World Bank, the Asian Development Bank, the European Union and the International Organization for Migration (IOM) work in close co-operation with the country's educational institutions.

The Council of Non-Governmental Organizations operates within the Ministry and one of its seven areas of activity is preventing violence against children, trafficking in human beings and the exploitation of child labour.

Seminars, conferences and round tables on providing assistance to minors living in difficult circumstances are held in co-operation with the non-governmental sector and interested government bodies.

For example, on 20 February 2015, a round table was held in Almaty at the initiative of the Ministry of Internal Affairs of the Republic of Kazakhstan with the support of the United States Embassy to the Republic of Kazakhstan entitled "Current issues in combating trafficking in human beings". The Central Asian Dialogue on prevention of violence against children and the rights of children living in difficult circumstances took place in Astana from 2 to 4 September 2015. It was attended by Baroness Vivien Stern Member of the British House of Lords, Renate Winter Vice-Chairperson of the United Nations Committee on the Rights of the Child, international experts from the Czech Republic, Germany, India and Norway, and national experts from Central Asian countries.

Lectures for history teachers and form teachers on holding classroom assemblies on the problems of trafficking in human beings and teaching students about the protection and prevention mechanisms developed by the IOM are held by national institutions for the advanced training of school heads and teaching staff.

Work on explaining the legislation concerned with combating illegal exit, employment and trafficking in human beings is being improved by education authorities as part of the educational process, and measures are being taken to improve the general awareness of students of the legal issues of trafficking.

The Action Plan by the Government of the Republic of Kazakhstan for the Prevention, Control and Combating of Crimes connected with Trafficking in Human Beings for 2015 to 2017 (Action Plan), approved by Government Order of the Republic of Kazakhstan No. 23 of 28 January 2015, was drawn up by the Ministry in conjunction with the Ministry of Internal Affairs and the Ministry of Health and Social Development and is now being implemented.

The Action Plan provides for a set of organizational measures to step up the detection, suppression and investigation of cases of exploitation of children and the elaboration of standards for providing social services to victims of trafficking in human beings, including minors, as persons who have suffered as a result of cruel treatment.

Point 6 of the recommendations

1) Work to prevent and eradicate the worst forms of child labour continues in accordance with the joint Action Plan by the Ministry of Health and Social Development, the Ministry of Education and Science and the Ministry of Internal Affairs for the Eradication of the Worst Forms of Child Labour and the Implementation of International Labour Organization Convention No. 182 in the Republic of Kazakhstan for 2015 to 2017.

As part of the implementation of the aforementioned Action Plan, a countrywide national information campaign entitled "12 days against exploitation of child labour" is conducted annually from 1 to 12 June by the Ministry in conjunction with NGOs, education authorities and internal affairs bodies to draw the public's attention to the problem of the use of child labour.

In 2015, this campaign was conducted within the framework of a countrywide action entitled "Qazaqstan balalary – Nurly zholmen" (Children of Kazakhstan – Light the Way) under the motto

“Let’s eradicate child labour together”. The purpose of the national information campaign is to increase public awareness among adults and children of the problem of the worst forms of child labour, its scale and characteristics, its consequences for the child and society, and also of international and national legislation in this area.

As part of the campaign, 11,969 awareness-raising events were held in the country, and 4,083 raids were organized, during which 6,694 sites (markets, petrol stations, building sites) were inspected and 39 minors were discovered. Altogether, around 1.4 million minors and over 200,000 adults were covered by the national information campaign events. A total of 295 articles were published on the outcome of the events and over 90 programmes in the media were organized.

On the basis of these events, work to identify children from “vulnerable groups” is carried out in schools and they are provided with counselling. Questions concerning pastoral care are examined at meetings of teachers’ councils and school boards, and also in juvenile delinquency prevention councils.

On the basis of the results of the campaigns in the local administrations, letters were sent to the juvenile affairs commissions regarding the adoption of measures to eradicate the worst forms of child labour and the application of administrative penalties against those who violate labour legislation.

Pursuant to the joint decree of the Minister for Education and Science of the Republic of Kazakhstan No. 701-2 of 29 August 2001 and the Minister for Internal Affairs of the Republic of Kazakhstan No. 645 of 3 September 2001 on the establishment of forms of departmental reporting on school-age children not enrolled in schools, monthly monitoring of the school attendance of school-age children, including orphans and street children, is conducted by the education authorities together with the internal affairs bodies.

As part of the work to implement the aforementioned decree, considerable attention is focused on preventing child labour in the South Kazakhstan region, where there is a risk of children being recruited to pick cotton.

In that connection, the South Kazakhstan regional education department organized raids on cotton fields in 2015 to see whether children were attending school during the cotton harvest.

During the 2015–2016 academic year, 475 school-age children not attending school without good reason for a period of 10 days or more were identified in the country. As a result of the events held (awareness-raising work with parents on returning their children to school, measures taken by education organizations and authorities to provide social assistance, measures by law enforcement authorities), 297 children returned to school during that period and 177 continue not to attend school, 14 of them from low-income families and 112 from disadvantaged families.

2) The prevention and control of trafficking in children requires constant attention and monitoring of children from vulnerable groups.

Since 1 September 2015, the practice of holding weekly meetings with the school principal attended by psychologists, counsellors, medical professionals and police inspectors on the prevention of suicidal behaviour and juvenile delinquency, and also on work with families from vulnerable groups has been introduced into all educational institutions in the country.

In view of the fact that children from vulnerable groups (from disadvantaged families, those living in children’s homes, those likely to run away from home, or those not attending school) may end up in a situation conducive to trafficking in human beings, a number of anti-trafficking events e.g. “Children in the city at night”, “Teenager”, “Street”, “Concern”, “Way to school” are held each year by the Ministry in conjunction with NGOs.

With a view to identifying cases in which children’s rights are violated, preventing child neglect and homelessness and the exploitation of child labour, and also implementing the Law of the Republic of

Kazakhstan on the Prevention of Juvenile Delinquency and Child Neglect and Homelessness, raids entitled “Children in the city at night” are conducted in the country on a quarterly basis.

Places where minors engaged in vagrancy and begging are most likely to be found are checked during these raids. Checks are carried out at computer clubs to see whether they admit teenagers after 11 p.m. Checks are also carried out at entertainment and leisure establishments to see whether adults are engaging in the exploitation of child labour.

A total of 5,154 raids were organized and carried out in 2015 involving 87,053 people (representatives of educational, internal affairs and public health authorities and organizations, NGOs, youth associations, parents’ groups).

During the exercise, over 44,000 sites were visited (3,391 dachas and gardens, 3,556 farms, 12,609 disadvantaged families, 7,880 cellars, 2,148 railway and bus stations, 5,938 entertainment establishments, 3,488 computer lounges, 4,425 neighbourhoods and markets, 2,937 petrol stations and car washes, at which 6,491 minors (2,817 from disadvantaged families and 3,674 from stable families) were identified.

After the raids, parents and children were given a stern warning, and the norms of administrative and criminal law were explained. The results of the raids were examined in regional and municipal commissions on juvenile affairs and the protection of their rights, and were given broad coverage in national, regional, municipal and district media and news sites.

A national telephone hotline for children and adolescents is currently operated under the number 150, allocated by the authorized body for communications for the association of legal entities Union of Crisis Centres in Kazakhstan. This association of legal entities provides counselling for teenagers and young people who find themselves in difficult circumstances.

A telephone hotline of the Committee for the Protection of Children’s Rights is also operated by the Ministry under the number 742528, which any child or adult can call to talk about their problems.

As part of the “Way to school” action by the Ministry in conjunction with the education authorities, assistance is provided every year to help prepare children for school. The living conditions and teaching of children from migrant worker families are studied on a regular basis.

3)With a view to providing support to children living in difficult circumstances, juvenile rehabilitation centres operate pursuant to decree No. 229 of the Minister for Education and Science of the Republic of Kazakhstan of 18 June 2013 on the approval of standard rules for the operation of educational organizations for orphans and children deprived of parental care.

A total of 18 such centres operate in 16 regions of the country. According to figures from the education authorities, in the 12 months of 2015, 7,648 minors were accommodated in these centres, including 991 children deprived of parental care, 6,472 street children, 83 to be sent to special educational organizations for disruptive children, and 102 minors living in difficult circumstances.

Of the 7,376 children who entered these centres, 6,494 were returned to their families, 631 were sent to organizations for orphans or children deprived of parental care, 25 to foster parents, 79 to special schools, 38 to regional rehabilitation centres, 11 to similar centres abroad and 6 to host families.

Monitoring of the activities of the Family Support Services shows that during the period in question they provided assistance to 498 parents and 755 minors in filling out documents and provided consultations to 1,642 parents and 1,443 children. Visits were paid to 351 families, 112 schools and 93 organizations for orphans.

Textbooks to assist teachers and educational specialists regarding the problems of social infrastructure development and the prevention of violence against children have been prepared by the Ministry and sent to all regional education authorities and bodies responsible for the protection of children’s rights.

With a view to adopting preventive measures to provide timely social support to children living in difficult circumstances, State child subsidies are paid at a local level and a range of targeted welfare and living support is provided.

4)The Law of the Republic of Kazakhstan on the Ratification of the Convention against Discrimination in Education No. 449-V of 28 January 2016 has now been adopted. The main purpose of that Convention is to eradicate all possible discrimination in education and also to proclaim compulsory, generally accessible and free of charge primary school education.

The provisions of the Convention have been provided for in the legislation of the Republic of Kazakhstan, including the Constitution and the Law on Education.

In accordance with the Law of the Republic of Kazakhstan on Minimum Social Standards and their Guarantees, minimum social standards for preschool education, primary, basic secondary and general secondary educations have been approved.

The equality of rights of all children, including the children of migrant workers, to receive a proper education is one of the main principles of the Republic of Kazakhstan's national education policy. In accordance with Article 30 of the Constitution of the Republic of Kazakhstan, free secondary education is guaranteed in State schools. This norm was also reflected in the Law on Education, in keeping with Articles 28 and 29 of the Convention on the Rights of the Child.

According to the education authorities, 3,402 child migrants from other countries are studying in schools in the country. Most of them live in the cities of Almaty (1,423) and Astana (351), and in the South Kazakhstan (418), West Kazakhstan (331), Karaganda (235) and Zhambyl (111) regions.

Furthermore, in accordance with decree No. 468 of 28 September 2010 of the Minister for Education and Science of the Republic of Kazakhstan on approval of the rules for foreigners and stateless persons living permanently in the Republic of Kazakhstan to receive preschool, primary, basic secondary and general secondary education, foreign children are entitled to receive education.

In 2012, amendments were introduced to that decree. For example, the children of foreigners and stateless persons living permanently in the Republic of Kazakhstan and persons living temporarily in the Republic of Kazakhstan (refugees, asylum seekers, consular staff, persons employed by diplomatic missions, migrant workers working in the Republic of Kazakhstan in accordance with the migration legislation (decree No. 398 of 28 August 2012 of the Minister for Education and Science of the Republic of Kazakhstan)) are entitled to receive education and enjoy the same rights as citizens of Kazakhstan.

In view of the difficulty with the curriculum, educational organizations not only deal with problems of an educational nature but also provide full support for children, enrolling them in additional classes and organizing psychological follow-up support. Work is also carried out with their parents.

Additional classes entitled "Til damytū" (Language development), "Til мәденіeti" (Language culture) and "Söz öneri" (The art of writing) are conducted in schools to help with the acquisition of the country's national tongue. Workshops according to students' interests and optional lessons in Kazakh and Russian are organized.

This question is overseen by the heads of municipal and district education departments. During the past academic year the personal cases of children of foreign citizens and stateless persons in all schools were checked and brought into line with requirements. Work has been undertaken to co-operate with the migration authorities to clarify in good time the lists of foreign citizens who are resident on the territory of the country and to be included in the database.

Work to safeguard the constitutional rights to education and to respond to the educational needs of children who are not citizens of the Republic of Kazakhstan is under the watchful eye of the Ministry and will be continued in the future.

APPENDIX 1I

Bodies and organizations met during the visits

The Ministry of Foreign Affairs - Erlan Idrissov, Minister of Foreign Affairs

The Ministry of Labour and Social Protection of Population - Kairat Absattarov, Vice-Minister of Labour and Social Protection of Population

The Ministry of Justice - Elvira Azimova, Vice-Minister of Justice

The Supreme Court - Nurgul Smagulova, Deputy Head of the International Relations Department

Ambassador - at – Large, Ussen Suleimen

The Ministry of Internal Affairs - Amanzhol Kabylov, Deputy Chairman of the Criminal Police Committee

The Office of the Prosecutor General - Beibut Shermukhametov, Head of the Department of International Co-operation

The Ministry of Education and Science - Raisa Sher, Chairperson of the Committee on the Protection of Children Rights

The Ministry of Labour and Social Protection - Kenzhebek Sanabayev, Director of the Department of Labour and Social Partnership

The Ministry of Labour and Social Protection - Arman Ospanov, Head of Labour Section,

The Ministry of Labour and Social Protection - Beenara Tolegenova, Head of Social Partnership Section

The Supreme Court - Tolebay Kozhan, Judge

The Supreme Court - Laura Agybayeva, Judge

Union of Crisis Centers in Almaty - Zulfiya Baisakova

NGO Sana Sezim - Liliya Khailiulina

NGO Phoenix in Ust-Kamenogorsk - Nazigul Akhmetkalieva, Director

NGO KMPA - Nina Shaburova, Director

NGO Women Support Center of Petropavlovsk - Alina Orlova

Anti-trafficking expert - Ekaterina Baddikova

The acting Co-ordinator gave an interview to the TV channel Kazakhstan