

On approval of the Criteria for assessing the presence of ill-treatment that led to social maladaptation and social deprivation

Unofficial translation

Joint order of the Minister of Internal Affairs of the Republic of Kazakhstan dated June 30, 2023 № 528, the Minister of Health of the Republic of Kazakhstan dated July 1, 2023 № 123, the Deputy Prime Minister - Minister of Labor and Social Protection of the Republic of Kazakhstan dated June 30, 2023 № 271 and the Minister of Education of the Republic of Kazakhstan dated June 30, 2023 № 190. Registered in the Ministry of Justice of the Republic of Kazakhstan on July 1, 2023 № 33002.

Unofficial translation

In accordance with paragraph 2 of Article 133 of the Social Code of the Republic of Kazakhstan **WE HEREBY ORDER:**

1. To approve the attached Criteria for assessing the presence of ill-treatment that led to social maladaptation and social deprivation according to the Appendix to this joint order.

2. To recognize as invalid the following joint orders:

1) joint order of the Minister of Internal Affairs of the Republic of Kazakhstan dated September 22, 2014 № 630, Minister of Education and Science of the Republic of Kazakhstan dated September 26, 2014 № 399 and Minister of Health and Social Development of the Republic of Kazakhstan dated November 19, 2014 № 240. "On approval of the assessment criteria for the presence of ill-treatment that led to social maladaptation and social deprivation" (Registered in the Register of state registration of regulatory legal acts under № 10013);

2) joint order of the Minister of Internal Affairs of the Republic of Kazakhstan dated December 27, 2021 № 812, Acting Minister of Health of the Republic of Kazakhstan dated December 27, 2021 № ҚР ДСМ-135, Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated December 27, 2021 № 501 and Acting Minister of Education and Science of the Republic of Kazakhstan dated December 27, 2021 № 611 "On Amending the Joint Order of the Minister of Internal Affairs of the Republic of Kazakhstan dated September 22, 2014 № 630, Minister of Education and Science of the Republic of Kazakhstan dated September 26, 2014 № 399 and Minister of Health and Social Development of the Republic of Kazakhstan dated November 19, 2014 № 240 "On Approval of the Criteria for Assessing the Presence of Ill-treatment That Led to Social Maladaptation and Social Deprivation" (Registered in Register of state registration of normative legal acts under № 26134).

3. The Department for Combating Organized Crime of the Ministry of Internal Affairs of the Republic of Kazakhstan shall, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, ensure:

1) state registration of this joint order with the Ministry of Justice of the Republic of Kazakhstan;

2) placement of this joint order on the Internet resource of the Ministry of Internal Affairs of the Republic of Kazakhstan;

3) within ten working days after the state registration of this joint order, submit to the Legal Department of the Ministry of Internal Affairs of the Republic of Kazakhstan information on the implementation of the measures provided for in subparagraphs 1) and 2) of this paragraph.

4. Control over execution of this order shall be assigned to the supervising Deputy Minister of Internal Affairs of the Republic of Kazakhstan, Vice Ministers of Labour and Social Protection of the Population of the Republic of Kazakhstan, of Health of the Republic of Kazakhstan, of Enlightenment of the Republic of Kazakhstan.

5. This joint order shall come into force from July 1, 2023 and is subject to official publication.

*Minister of Health
of the Republic of Kazakhstan*

_____ *A. Giniyat*

*Minister of Enlightenment
of the Republic of Kazakhstan*

_____ *G. Beissembayev*

*Deputy Prime Minister -
Minister of labour and Social Protection
of the Population of the Republic of Kazakhstan*

_____ *T. Duissenova*

*Minister of Internal Affairs
of the Republic of Kazakhstan*

_____ *M. Akhmetzhanov*

Appendix
to the joint order of the
Minister of Health
of the Republic of Kazakhstan
dated July 1, 2023 № 123,
Minister of Education
of the Republic of Kazakhstan
dated June 30, 2023 № 190,
Deputy Prime Minister - Minister
of Labor and
Social Protection of the Population
of the Republic of Kazakhstan
dated June 30, 2023 № 271 and
Minister of Internal Affairs
of the Republic of Kazakhstan
dated June 30, 2023 № 528

Criteria

for assessing the presence of ill-treatment that led to social maladaptation and social deprivation

Chapter 1. General provisions

1. These criteria for assessing the presence of ill-treatment that led to social maladaptation and social deprivation (hereinafter – the criteria), are developed in accordance with the Social Code of the Republic of Kazakhstan and determine the grounds for classifying individuals as victims of abuse (hereinafter referred to as the Victim) that has led to social maladaptation and social deprivation.

2. The following concepts are used in these Criteria:

1) ill-treatment that led to social maladaptation and social deprivation – actions committed in the form of domestic violence, human trafficking, including minors, other types of exploitation, as well as kidnapping of people, regardless of the fact of initiation of criminal proceedings regarding the actions committed;

2) the victim – an individual who has been subjected to ill-treatment resulting in social maladaptation and social deprivation, regardless of its form;

3) social maladaptation – disruption of interaction between the individual and the social environment;

4) social deprivation – restriction and (or) deprivation of the opportunity for an individual (family) to independently satisfy basic vital needs;

5) identification of a victim of human trafficking – classification of a person as a victim of cruel treatment that led to social maladaptation and social deprivation as a result of actions related to human trafficking, including minors, other types of their exploitation, as well as kidnapping, in accordance with these Criteria.

Chapter 2. Assessment of the presence

of ill-treatment that led to social maladaptation and social deprivation

3. A person claiming to have been subjected to ill-treatment that led to social maladaptation and social deprivation shall choose the gender of the person authorized to identify them and, if necessary, an interpreter.

The identification of a minor shall be carried out in the presence of legal representatives, and in their absence, close relatives and/or authorities exercising guardianship or custody functions.

The identification of the applicant shall be carried out by the entity providing special social services in conjunction with the local executive body of districts, cities of regional and republican significance, and the capital, which determines the direction in the field of social protection and employment of the population (hereinafter referred to as the authorized body).

When an offence is detected (discovered) by the internal affairs bodies, the identification of the person shall be carried out by the internal affairs bodies in conjunction with the entity providing special social services and the authorised body.

If the persons are identified by health or education organisations, the internal affairs bodies shall be notified.

Footnote. Paragraph 3 as amended by the Joint Order of the Minister of Internal Affairs of the Republic of Kazakhstan dated 24.09.2024 № 719, Minister of Health of the Republic of Kazakhstan dated 30.09.2024 № 76, Minister of Labour and Social Protection of the Population of the Republic of Kazakhstan dated 25.09.2024 № 385 and Acting Minister of Enlightenment of the Republic of Kazakhstan dated 25.09.2024 № 273 (shall come into force ten calendar days after the date of its first official publication).

4. When assessing the presence of ill-treatment that led to social maladaptation and social deprivation in domestic violence, actions committed against a person are grouped into the following categories:

- block 1 - physical violence;
- block 2 - psychological violence;
- block 3 - economic violence;
- block 4 - sexual violence.

The identity of the person who has applied shall be verified by the entity providing special social services in conjunction with the authorized body.

When law enforcement agencies identify (detect) a domestic violence offense, the person shall be identified by law enforcement bodies in conjunction with the entity providing special social services and the authorized body.

If the person is identified by health or education organizations, law enforcement bodies shall be notified.

5. When assessing the presence of ill-treatment, points are assigned for each block of actions in accordance with Appendix 1 to these Criteria, the sum of which determines whether the person is considered a victim.

6. A person shall be recognized as a victim of domestic violence if the sum of points for one of the blocks is 5 or more points.

If the person seeking assistance is identified as a victim of domestic violence, the entity providing special social services shall, within one working day, send an assessment form together with the person's application to the authorized body for permission to provide special social services, and if a minor is identified, to the authority exercising guardianship or custody functions.

If the person seeking assistance is not identified as a victim of domestic violence, he or she will be denied special social services.

In accordance with the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan, the applicant shall have the right to appeal the administrative action (inaction) related to the adoption of the administrative act.

7. When assessing the presence of ill-treatment that led to social maladaptation and social deprivation in human trafficking, including minors, other types of their exploitation, as well as kidnapping, the actions committed against the person shall be grouped into the following blocks:

Block 1 - the purpose of human trafficking, including minors, other types of their exploitation, as well as kidnapping;

Block 2 - actions committed against a person;

Block 3 - means used against a person;

Block 4 - harm caused to a person.

Identification of the applicant shall be carried out by the entity providing special social services together with the authorized body.

When internal affairs bodies identify (detect) a crime related to human trafficking, the identification of the person shall be carried out by the internal affairs bodies in conjunction with the entity providing special social services, the authorized body, and the non-profit organization.

If the person is identified by health care or educational organizations, the internal affairs bodies shall be notified.

Footnote. Paragraph 7 as amended by the Joint Order of the Minister of Internal Affairs of the Republic of Kazakhstan dated 24.09.2024 № 719, Minister of Health of the Republic of Kazakhstan dated 30.09.2024 № 76, Minister of Labour and Social Protection of the Population of the Republic of Kazakhstan dated 25.09.2024 № 385 and Acting Minister of Enlightenment of the Republic of Kazakhstan dated 25.09.2024 № 273 (shall come into force ten calendar days after the date of its first official publication).

8. When assessing the presence of ill-treatment, points are assigned for each block of actions in accordance with Appendix 2 to these Criteria, the sum of which determines whether the person is considered a victim.

9. A person shall be recognized as a victim of human trafficking, other forms of exploitation, or abduction if the number of points for each block is 5 or more, with a total score of 20 or more points.

A minor shall be recognized as a victim of acts related to trafficking in minors, other forms of exploitation, and abduction if the sum of points for each block is 5 or more points, with a total score of 15 or more points, except for block 3 (means used against the person).

10. In cases where a pre-trial investigation has been initiated into human trafficking, including trafficking of minors, other forms of exploitation, and kidnapping, and the person has been recognized as a victim, identification in accordance with Appendix 2 to these Criteria shall not be required.

11. Based on the results of the assessment of the presence of ill-treatment by the entity providing special social services in conjunction with the authorized body and, if necessary, the internal affairs authorities, the body performing guardianship or custody functions that conducted the identification shall prepare a report in accordance with Appendix 3 to these Criteria.

If the person who has applied is identified as a victim of human trafficking, the entity providing special social services shall, within one working day, send an assessment form together with the person's application and report to the authorized body to obtain permission to provide special social services, and if a minor is identified, to the authority exercising guardianship or custody functions.

If the person seeking assistance is not identified as a victim of human trafficking, they will be denied special social services.

In accordance with the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan the applicant shall have the right to appeal the administrative action (inaction) related to the adoption of the administrative act.

Appendix 1
to the Criteria for assessing
the presence of ill-treatment that
led to social maladaptation and
social deprivation, approved
by the joint order

Assignment
of points when assessing the presence of ill-treatment that led to social maladaptation
and social deprivation in case of domestic violence

Footnote. Appendix 1 as amended by the Joint Order of the Minister of Internal Affairs of the Republic of Kazakhstan dated 26.12.2024 № 1021, Minister of Health of the Republic of Kazakhstan dated 06.01.2025 № 1, Minister of Labour and Social Protection of the Population of the Republic of Kazakhstan dated 30.12.2024 № 510 and Minister of Enlightenment of the Republic of Kazakhstan dated 31.12.2024 № 375 (shall come into force ten calendar days after the date of its first official publication).

Item №	List of criteria for assessing the presence of ill-treatment in case of domestic violence	Threshold indicators for assessing the presence of abuse in case of domestic violence
1.	Physical violence	
2.	Beating or committing other violent acts that cause physical pain	3 points
	Obscene language, offensive harassment, humiliation, damage to household items, and other	

3.	actions expressing disrespect for citizens who are in a family relationship with the offender, disturbing their peace, committed within the boundaries of an individual house or apartment	2 points
4.	Causing physical or mental suffering through systematic beatings or other violent acts	5 points
5.	Intentional infliction of harm that is not life-threatening and is of moderate severity, which did not result in consequences but caused long-term health problems	5 points
6.	Intentional infliction of serious harm that is life-threatening or serious harm that resulted in the loss of sight, speech, hearing, or any organ, or the loss of an organ's functions, or resulting in permanent disfigurement of the face, as well as causing other harm to health that is dangerous to life or causing health problems, or resulting in termination of pregnancy, mental disorder, drug addiction, or substance abuse	5 points
7.	Psychological abuse	
8.	Rudeness, bullying, insults, threats, blackmail, harassment, and other actions (or inaction) that cause a person to have negative emotional reactions and mental pain	3 points
9.	Driving a person to suicide or attempted suicide through threats, cruel treatment, or systematic humiliation of the victim's human dignity	5 points
	Threatening to kill or cause serious harm to health, as	

10.		well as other serious violence against a person or destruction of property by arson, explosion, or other dangerous means, if there are sufficient grounds to fear that this threat will be carried out	5 points
11.		Ongoing persecution, forced migration	5 points
12.		Committing domestic violence in the presence of a minor	3 points
	13.	Economic violence	
	14.	Deprivation of identity documents establishing the right of ownership, to perform actions	3 points
	15.	Deprivation of funds necessary for life	2 points
	16.	Deprivation of housing	5 points
	17.	Deprivation of food necessary for life	4 points
	18.	Deprivation of clothing necessary for life	3 points
	19.	Sexual violence	
	20.	Rape, i.e. sexual intercourse with the use of violence or with the threat of its use against the victim or other persons or by taking advantage of the helpless state of the victim	5 points
	21.	Commission of indecent acts without the use of violence against a person who has obviously not reached the age of fourteen	5 points
	22.	Forcing a person to sexual intercourse, sodomy, lesbianism or committing other acts of a sexual nature	5 points
	23.	Forcing to undress, groping the body, indecent or humiliating treatment, as well as blows to the genitals and impact on them with objects, sexual assault	5 points

Appendix 2
to the Criteria for assessing the presence
of ill-treatment that led to social
maladaptation and social deprivation,
approved by the joint order

Assignment of points when assessing the presence of ill-treatment that led to social maladaptation and social deprivation in case of human trafficking including minors, other forms of exploitation, and kidnapping

Footnote. Appendix 2 as amended by the Joint Order of the Minister of Internal Affairs of the Republic of Kazakhstan dated 24.09.2024 № 719, Minister of Health of the Republic of Kazakhstan dated 30.09.2024 № 76, Minister of Labour and Social Protection of the Population of the Republic of Kazakhstan dated 25.09.2024 № 385 and Acting Minister of Enlightenment of the Republic of Kazakhstan dated 25.09.2024 № 273 (shall come into force ten calendar days after the date of its first official publication).

№ п/п	List of criteria for assessing the presence of ill-treatment that led to social maladaptation and social deprivation in case of human trafficking including minors, other forms of exploitation, and kidnapping	Threshold indicators for assessing the presence of ill-treatment that led to social maladaptation and social deprivation in case of human trafficking including minors, other forms of exploitation, and kidnapping
1.	The purpose of human trafficking, including trafficking in minors, other forms of exploitation, and kidnapping	
2.	Human trafficking for the purpose of sexual exploitation/sexual exploitation	5 points
3.	Human trafficking for the purpose of forced labor/forced labor	5 points
4.	Trafficking of minors for the purpose of illegal adoption	5 points
5.	Human trafficking for the purpose of forced begging/forced begging	5 points
6.	Trafficking in persons for the purpose of illegal removal of human organs and tissues	5 points
6-1.	Human trafficking for the purpose of coercion to commit unlawful activities/recruitment, transportation, transfer, harboring, receiving, as well as committing other acts for the purpose of coercion to commit unlawful activities	5 points
6-2.	Other actions related to the perpetrator exercising some or all of the powers of ownership over a person	5 points

7.	Actions taken in relation to a person	
8.	Purchase and sale, other transactions (gift, barter, exchange, lease, leaving a person as security for the performance of an obligation under a transaction, transfer of a person for the purpose of obtaining any non-property benefits)	5 points
9.	The use by the perpetrator of forced labor, i.e., any work or service required of a person by means of violence or the threat of violence or the threat of any punishment, for the performance of which that person did not voluntarily offer his or her services, except in cases provided for by the laws of the Republic of Kazakhstan	5 points
10.	The use by the guilty party of another person's prostitution or other sexual services provided by them is understood as coercing a person into prostitution or providing other sexual services for the purpose of appropriating the income received or part thereof, as well as without the guilty party pursuing this goal	5 points
11.	Coercing a person into begging, i.e., into committing an antisocial act involving soliciting money and/or other property from other persons	5 points
12.	Coercion of the guilty party to commit unlawful activities, i.e., coercion of a person to commit an offense for the purpose of obtaining income or property benefits	5 points
13.	Recruitment - obtaining the consent of the victim to perform any work or activity, including unlawful activities , if this is related to the purpose of exploiting them	5 points
14.	Transportation - deliberate actions taken with the aim of exploiting a person by moving them from one place to another, including within the same settlement	5 points
15.	Transfer - direct transfer of the victim to another person for exploitation	5 points

16.	Harboring - concealing the victim from law enforcement agencies, relatives, and other persons	5 points
17.	Receipt - direct receipt of a person for exploitation or further transfer	5 points
18.	Abduction for the purpose of exploitation	5 points
19.	Illegal deprivation of liberty for the purpose of exploitation	5 points
20.	Measures taken against a person	
21.	Use of violence that is dangerous to life and health, or the threat of such use	5 points
22.	Use of weapons or objects used as weapons	5 points
23.	Deception or abuse of trust	5 points
24.	Use of one's official position	5 points
25.	Use of material or other dependence	5 points
26.	Use of mental disorder or helpless state	5 points
27.	Seizure, concealment, or destruction of identity documents	5 points
28.	Harm caused to a person	
29.	Beating or other violent acts causing physical pain but not resulting in consequences	5 points
30.	Physical or mental suffering caused by systematic beating or other violent acts	5 points
31.	Harm to health that is not life-threatening but causes long-term health problems	5 points
32.	Harm to health that is life-threatening and results in the loss of sight, speech, hearing, or any organ, or loss of organ function, or resulting in permanent disfigurement of the face, as well as other harm to health that caused a health disorder or resulted in termination of pregnancy, mental disorder, drug addiction, or substance abuse	5 points

Appendix 3
to the Criteria for assessing
the presence of ill-treatment that led
to social maladaptation and social
deprivation, approved by the joint order

Report on assessing the presence of ill-treatment that led to social maladaptation and social deprivation

1. Surname _____

2. Name _____

3. Patronymic (if any) _____

4. Date and time _____

5. Venue (name and address of the institution) _____

6. Circumstances (available at the time of identification (for example, the presence of employees of organizations, accompanying persons) and information related to the fact

7. Information about what happened to the victim based on his or her interview

(including methods of alleged abuse, time of alleged abuse, and any complaints about physical or psychological condition)

8. Surname, Name, Patronymic (if any), signature of the person authorized for identification of the person _____

9. The personal data of a person identified as a victim of human trafficking shall be protected in accordance with the Law of the Republic of Kazakhstan “On Personal Data and Its Protection.”