

## **On Prevention of Infraction among the Minors and Prevention of Child Neglect and Homelessness**

### ***Unofficial translation***

The Law of the Republic of Kazakhstan dated 9 July, 2004 № 591.

#### **Unofficial translation**

Footnote. Throughout the text the words “by individual preventive work”, “individual preventive work”, “of individual preventive work”, “the individual preventive work” are respectively substituted by the words “by individual prevention measures”, “individual prevention measures”, “of individual prevention measures”, “the individual prevention measures” in accordance with the Law of the Republic of Kazakhstan dated 29.04.2010 № 272-IV (the order of enforcement see Article 2).

This Law determines the legal, economic and social bases of activity of the state bodies on prevention of infractions among the minors and prevention of child neglect and homelessness.

### **Chapter 1. General provisions**

#### **Article 1. Basic concepts used in this Law**

The following basic concepts shall be used in this Law:

1) social rehabilitation - a set of measures carried out by bodies and institutions of the system for the prevention of delinquency, neglect and homelessness among minors, aimed at the legal, social, physical, mental, pedagogical, moral and (or) material recovery of a minor in need of special social services;

2) **Is excluded by the Law of the Republic of Kazakhstan dated 29.04.2010 № 272-IV (the order of enforcement see Article 2);**

3) prevention of infractions among the minors and prevention of child neglect and homelessness – (hereinafter – prevention of infractions, neglect and homelessness among the minors) – a system of legal, pedagogical and other measures, directed to prevention of infractions, neglect, homelessness and antisocial actions among the minors, revelation and elimination of reasons and conditions, contributing them, carrying out in case of accumulation with measures of individual prevention with the minors, parents or other legal representatives of minors, not performing the obligations on their education, training or maintenance or adversely affecting to their behavior, as well as with other persons, involving the minors to commission of infractions or antisocial actions;

4) the maintenance of a minor – creation of conditions by parents or other legal representatives of a minor for his/her full development, protection of his/her property and non-property rights and interests and the state minimum social standards;

5) education of a minor – continuous process of influence on the child from the parents and other legal representatives, as well as employees of the state bodies on education him (her) the rules and regulations of behavior, adopted in the society and directed to his (her) spiritual, physical, moral, mental, cultural, intellectual development and protection from the negative influence of the social environment;

6) neglected – a minor, control of behavior of which absents due to non-performance and improper performance of obligations on his (her) education, training and (or) maintenance from the parents or their legal representatives, as well as teachers, educators and other employees of training, educational and other institution, compulsory to carry out supervision of the minors, or due to unauthorized leaving the home or organization carrying out the functions on protection of rights of the child;

7) neglect – social phenomenon, characterized by the lack of reasonable control over the behavior and way of life of minors, contributing to the commission them of infractions;

8) Is excluded by the Law of the Republic of Kazakhstan dated 29.04.2010 № 272-IV (the order of enforcement see Article 2);

9) homeless – homeless, not having a place of residence;

10) difficult family – a family, where the parents or legal representatives of the minors do not perform their obligations on their education, training, maintenance and (or) adversely affect on their behavior.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2009 № 176-IV (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 29.04.2010 № 272-IV (the order of enforcement see Article 2); № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

## **Article 2. The legislation of the Republic of Kazakhstan on prevention of infractions, neglect and homelessness among the minors**

1. The legislation of the Republic of Kazakhstan on prevention of infractions, neglect and homelessness among the minors shall be based on the Constitution of the Republic of Kazakhstan and shall consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If by the international treaty, ratified by the Republic of Kazakhstan, made other rules than those that contained in this Law, the rules of the international treaty shall be applied.

## **Article 3. The state policy in the field of prevention of infractions, neglect and homelessness among the minors**

1. The state policy in the field of prevention of infractions, neglect and homelessness among the minors shall be the part of legal policy and include creation of legal and social guarantees for the minors, material and technical, financial, scientific-methods and staff support of bodies and institutions, constituting the system of prevention of infraction, neglect and homelessness among the minors.

2. The state policy in the field of prevention of infractions, neglect and homelessness among the minors shall be carried out on the principles:

- 1) legality;
- 2) humane treatment of minors;
- 3) family support service;
- 4) complexity of application of measures of prevention of infractions, neglect and homelessness among the minors;
- 5) individual approach to each minor in need of special social services;
- 6) confidentiality;
- 7) scientific substantiation;
- 8) systematization.

3. The purpose of the state policy shall be prevention of infractions, neglect and homelessness among the minors, carrying out by:

1) promotion of physical, intellectual, spiritual and moral development of children, education of patriotism, citizenship and peacefulness, as well as education of the child's personality, combined with the public interests, traditions of the peoples of the state, achievements of national and world culture;

2) provision of purposeful work on social rehabilitation of children with deviant behavior and formation of the minors of legal awareness and legal culture;

3) formation of legal bases for conducting of measures of individual prevention with the minors;

4) interaction with parents and other legal representatives of the minor;

5) ensuring of proper functioning of child education, pedagogic, health, sports and other institutions;

6) establishment of responsibility for violation of the rights and legal interests of the minors;

7) the state support of noncommercial organizations, an activity of which is related with implementation of measures on prevention of infractions, neglect and homelessness among the minors by placement of the social order and other measures in accordance with the legislative acts of the Republic of Kazakhstan.

**Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 05.07.2014 № 236-V (shall be enforced from 01.01.2015); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).**

#### **Article 4. Basic tasks of the state bodies in the field of prevention of infractions, neglect and homelessness among the minors**

The basic tasks of the state bodies in the field of prevention of infractions, neglect and homelessness among the minors shall be:

- 1) prevention of infractions, neglect, homelessness and antisocial actions among the minors, revelation and elimination of reasons and conditions, contributing them;
- 2) ensuring protection of rights and legal interests of the minors;
- 3) social rehabilitation of minors in need of special social services;
- 4) formation of law-abiding behavior of minors;
- 5) revelation and suppression of facts of involvement of the minors in commission of infractions or antisocial actions;
- 6) coordination of activity of legal entities on prevention of infractions, neglect and homelessness among the minors.

**Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 № 176-IV (the order of enforcement see Article 2); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).**

#### **Article 5. The state regulation in the field of prevention of infractions, neglect and homelessness among the minors**

The state regulation in the field of prevention of infractions, neglect and homelessness among the minors shall carry out the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, central executive bodies, as well as local representative and executive bodies.

**Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011).**

#### **Article 6. System of prevention of infractions, neglect and homelessness among the minors**

1. The system of prevention of infractions, neglect and homelessness among the minors shall include the bodies of internal affairs, education, health care service, the state body, coordinating implementation of the state policy in the scope of employment of population, local representatives and executive bodies, commissions for cases of minors and protection their rights and other state bodies within its competence.

2. The institutions carrying out the separate functions on prevention of infractions, neglect and homelessness among the minors may be created in the bodies of internal affairs, education, health care service and local executive bodies in the manner established by the legislation of the Republic of Kazakhstan.

3. Other organizations shall participate in the prevention of infractions, neglect and homelessness among the minors in the manner established by the legislation of the Republic of Kazakhstan.

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 18.01.2012 № 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 2. Functions and powers of the state bodies and institutions in the field of prevention of infractions, neglect and homelessness among the minors**

### **Article 7. The competence of the Government of the Republic of Kazakhstan**

The Government of the Republic of Kazakhstan shall:

- 1) develop the basic directions of the state policy and measures on its implementation;
- 2) determine the system of social security system of minors;
- 3) develop and implement the measures on preservation and protection of rights, freedoms and legal interests of minors, development of network of organizations, carrying out the functions on protection of rights of the child;
- 4) excluded by the Law of the Republic of Kazakhstan dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication);
- 4-1) excluded by the Law of the Republic of Kazakhstan dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication);
- 5) Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 6) execute other functions, imposed on it by the Constitution, the Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 № 294-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2024 № 148-VIII (effective ten calendar days after the date of its first official publication).

### **Article 8. The competence of local representatives and executive bodies**

1. Local representatives bodies within its competence shall:
  - 1) approve and control execution of local budgets in a part of expenses for prevention of infractions, neglect and homelessness among the minors;
  - 2) approve the composition of the commission for cases of minors and protection of their rights;

3) exercise other powers on ensuring of rights and legal interests of minors in accordance with the legislative acts of the Republic of Kazakhstan.

2. Local executive bodies shall organize its work in the field of prevention of infractions, neglect and homelessness among the minors in accordance with local levels of the state management and within the competence, established by the legislative acts of the Republic of Kazakhstan.

3. Local executive bodies of region (city of republican significance, the capital) shall:

1) present the personal composition of commissions for cases of minors and protection of their rights to the relevant maslikhats for approval and organize their work;

2) maintain regional medical and social records;

3) take, in the manner established by the legislation of the Republic of Kazakhstan, measures for employment and living arrangements, provision of other assistance to minors in need of special social services;

4) render of organizational and methodological assistance to non – commercial and other organizations, an activity of which is related with implementation of measures on prevention of infractions, neglect and homelessness among the minors, healthy lifestyle promotion, increasing of law knowledge of teenagers;

4-1) are held in the order established by the law of the Republic of Kazakhstan in adaptation centers for neglected and homeless minors aged from three to eighteen years, minors without parental custody or persons replacing them, minors seized by the guardianship and wardship authority from their parents (one of them) or from other persons in whose custody they are, due to an immediate threat to their life or health, minors directed to special educational organizations, and also minors in need of special social services due to abusive treatment that led to their social maladjustment and social deprivation;

4-2) in the manner prescribed by the law of the Republic of Kazakhstan, maintain minors with deviant behavior aged eleven to eighteen in special educational institutions;

5) ensure formation of social infrastructure for the minors, as well as organizations, carrying out functions on protection of rights of the child and conduct the monitoring of their activity.

4. Local executive bodies of regions (cities of regional significance) shall:

1) present the personal composition of commissions for cases of minors and protection of their rights to the relevant maslikhats for approval and organize their work;

2) maintain personal medical and social records;

3) render assistance in formation of social infrastructure for the minors;

4) take, in the manner established by the legislation of the Republic of Kazakhstan, measures for employment and living arrangements, provision of other assistance to minors in need of special social services;

5) render of organizational and methodological assistance to non – commercial and other organizations, an activity of which is related with implementation of measures on prevention

of infractions, neglect and homelessness among the minors, healthy lifestyle promotion, increasing of law knowledge of teenagers;

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

## **Article 9. Commission for cases of minors and protection of their rights**

1. Commission for cases of minors and protection of their rights shall be permanently operating collegial body, ensuring coordination of activity of the state bodies and institutions in the scope of prevention of infractions, neglect and homelessness among the minors.

2. Interdepartmental commission for the affairs of minors and protection of their rights shall be established under the authorized body for children's rights protection, and the regional, city, district commission - in the city, district - under the corresponding local executive body (akimat).

3. If it is necessary the commission for cases of minors and protection of their rights may be formed upon akim of rural settlement, village, rural district, located at the considerable distance from the district center. Commission for cases of minors and protection of their rights upon akim of rural settlement, village, rural district shall have the rights and obligations of district commission. Decision on formation of settlement, rural, rural district commissions for cases of minors and protection of their rights shall be adopted by regional akimat, and personal composition is approved by the maslikhat of relevant district.

4. The commission for the affairs of minors and protection of their rights shall be composed of the chairman, deputy chairman, commission members and secretary. The commission chairman shall be a deputy akim of a corresponding administrative-territorial unit, except for commissions of a village, rural settlement and rural district that shall be headed by the akim of a corresponding administrative-territorial unit. The secretary shall hold a full-time position in the office of a relevant state body.

5. The composition for cases of minors and protection of their rights shall include the deputies of relevant maslikhats, representatives of bodies of internal affairs, education, culture, health care service, justice, authorized body on issues of employment, guardianship and wardship, public and other organizations, interested in prevention of infractions, neglect and homelessness among the minors.

6. Commissions for the affairs of minors and protection of their rights, within their competence, shall:

1) take measures to protect and restore the rights and legitimate interests of minors, identify and eliminate the causes and conditions conducive to the commission of offences by



minors, prevent child neglect and homelessness, anti-social actions among minors, protect minors from violence and cruel treatment;

2) develop the programs and methods aiming to improve the activity of state bodies on the prevention of infractions, minors' neglect and homelessness, violence against and cruelty to minors, their social rehabilitation;

3) take efforts to ensure control over conditions for minors' upbringing, training, maintenance by organizations engaged in the protection of the rights of the child;

4) study the situation with minors' infractions, neglect and homelessness, and also violence and cruel treatment of minors, and arrange social researches in this field;

5) assist in the development of the network of organizations engaged in the protection of the rights of the child, and ensure the monitoring of their activities;

6) summarize and disseminate positive experience of bodies and organizations involved in the prevention of minors' infractions, neglect and homelessness, violence and cruel treatment of minors, render methodological and practical assistance to them;

7) hear reports of the heads of concerned state bodies on the work carried out to prevent minors' infractions, neglect and homelessness, violence and cruel treatment of minors, protect and restore their rights and legitimate interests, and organize the exchange of information between them on the issues under their supervision;

8) participate in the preparation of materials remitted to court on sending minors to special educational institutions and educational institutions with particular treatment;

9) coordinate the activities of concerned bodies on the employment and organization of home life of minors released from penitentiary institutions or those, who returned from special educational institutions and educational institutions with particular treatment, and also on carrying out other functions regarding social rehabilitation of troubled minors;

10) organize mass media coverage of ongoing work on the prevention of minors' infractions, neglect and homelessness, violence and cruel treatment of minors;

11) monitor the activities of lower-level commissions for the affairs of minors and protection of their rights;

12) coordinate the activities of lower-level commissions for the affairs of minors and protection of their rights.

7. Procedure of education and organization of activity of commissions for cases of minors and protection of their rights shall be determined by the legislation of the Republic of Kazakhstan.

**Footnote. Article 9 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 № 176-IV (the order of enforcement see Article 2); dated 29.12.2010 № 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); by the Constitution Law of the Republic of Kazakhstan dated 03.07.2013 № 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication); dated**



19.04.2023 № 223-VII (shall be enforced ten calendar days after the day of its first official publication).

## **Article 10. Competence of internal affairs bodies**

Internal affairs bodies within its competence shall:

1) reveal, maintain accounts and carry out individual preventive measures in relation of minors, specified in subparagraphs 1)-12) of paragraph 1 of Article 19 of this Law, as well as their parents or legal representatives, not performing their obligations on education, training, maintenance of minors and (or) adversely affecting on their behavior;

2) identify the persons, involving the minors in commission of infractions of antisocial actions or committing other unlawful actions in relation of children, as well as parents and legal representatives of minors, teachers, educators, other employees of training, educational and other institution, obligated to carry out supervision of the minors, nor performing or improperly performing their obligations on education, training and (or) maintenance of minors or adversely affecting to their behavior, and take measures on bringing them to responsibility, provided by the Laws of the Republic of Kazakhstan;

3) consider an application and reports on criminal and administrative infractions, committed by the minors or with their participants, in the established procedure, and render presentation on adoption of measures on elimination of reasons and conditions, contributing them, ensure control of their execution;

4) render assistance in direction of children, left without parents, to the state institutions or in execution of guardianship and wardship of minors;

5) participate in preparation of materials in relation of minors, directed to the special educational organizations and educational organizations with special regime of maintenance;

6) ensure control over the way of life and behavior of minors who are registered with the probation service;

7) prepare materials in relation of convicted women, service of sentence of which is delayed in the procedure of Article 74 of Penal Code of the Republic of Kazakhstan, not performing their obligations on education, training, maintenance of children and (or) adversely affecting to their behavior;

8) inform the interested bodies and institutions on neglect, homelessness, infractions and on antisocial actions of minors, reasons and conditions, contributing them;

9) render assistance to the bodies of education in legal education of minors, their parents and other legal representatives;

10) maintain in the special institutions of persons, not reached the age of eighteen and committed a criminal infraction, if it is necessary their isolation.

The minors, not reached the age from which the criminal responsibility is occurred and committed a criminal infraction, as well as directed to the educational organizations with special regime of maintenance, force shall be transferred to the parents, guardians, trustees

and other persons, to whom the obligations on their education are legally imposed before the court decision enters into legal;

11) deliver minors to educational institutions with particular treatment, and also to adaptation centers for neglected and homeless minors aged three to eighteen, as well as children without parental care or care of persons in loco parentis, detained as a result of internal affairs bodies' activity, if it is impossible to promptly accommodate them;

12) exercise other powers, provided by the Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

**Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2010 № 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.01.2012 № 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); dated 18.04.2017 № 58-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication).**

## **Article 11. Adaptation centers of minors**

1. Adaptation centers of minors (hereinafter – Center) shall be the organizations, being in the maintenance of bodies of education, ensuring reception and temporary maintenance of minors:

1) neglected and homeless children at the age from three to eighteen years to identify parents or other legal representatives and transfer them;

2) left without parents or persons, substituted them, in the case impossibility of their timely arrangement, as well as selected upon immediate threat to their life or health by the body of guardianship and wardship from parents (one of them) or other persons, in wardship of which they are;

3) directed to the special educational organizations;

4) those in need of special social services due to abusive treatment that led to social maladjustment and social deprivation.

2. The grounds of placement of minors in the Center shall be:

1) decree of court in relation of minors, specified in subparagraph 3) of paragraph 1 of this Article;

2) regulation of guardianship and wardship body in relation of minors, specified in subparagraphs 1) and 2) of paragraph 1 of this Article;

3) application of person, delivered the minor, specified in subparagraph 4) of paragraph 1 of this Article.

3. At night time, weekends or holidays, as well as in other exceptional cases, the minors may be placed in the Center on the basis of act of administration of Center, on which during

twenty-four hours the administration of the Center informs the prosecutor in a written form. The materials in relation of minors shall be presented to the guardianship and wardship body for resolution of issue on their further maintenance or arrangement during three days from the date of placement in the Center by the administration of Center.

4. The internal affairs bodies or guardianship and wardship bodies shall provide collection of documents necessary for placement of the minors in the Center.

5. The minors may be in the Center not more than three months.

6. Quarantine period, announced by the authorized body in the field of health care service shall not include to the period of stay of the minors in the Center, as well as the time of stay of the minors in the stationary medical institution in connection of disease.

7. Minors being in the state of alcoholic, narcotic or toxic intoxication, as well as minors with expressed symptoms of mental, behavioral disorders (diseases) shall not be subject to placement in the Center.

7-1. Minors placed in the Center by order of a child protection authority may only be let out pursuant to a decision of the said authority.

8. Excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 11 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2010 № 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 18.02.2014 № 175-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.05.2018 № 156-VI (shall be entered into force upon the expiry of ten calendar days after the day of its first official publication); № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication); dated 07.07.2020 № 361-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 03.05.2022 № 118-VII (shall come into effect upon expiration of ten calendar days after the day of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

## **Article 12. Competence of education bodies**

Education bodies within its competence shall:

1) take measures to develop a network of special educational institutions and educational institutions with particular treatment, and also other organizations engaged in the protection of the rights of the child;

2) participate in the organization of summer holidays, leisure and employment of the minors;

3) reveal and maintain accounts of the minors, not visiting general educational institutions without valid excuse, conduct the individual preventive measures with them and their parents or legal representatives;

4) develop and introduce the programs and methods directed to formation of law-abiding behavior of minors, education the ethical principles and a healthy lifestyle, in the practice of work of educational organizations;

5) create psychological, medical and pedagogical commissions, that identify the minors, having deviation in development and behavior, conduct their comprehensive examination and prepare recommendations on determination of forms of their further training and education;

6) participate in identification of minors with deviant behavior, difficult families, register them in the internal affairs bodies and conducting with them the individual preventive measures;

7) ensure organization in the general education institutions of available sports sections, technical and other groups, clubs and involve to them the minors;

7-1) provide assistance in obtaining secondary education to minors registered with the probation service according to an individual social and legal assistance plan developed by the probation service;

8) Is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 № 102-V ( shall be enforced upon expiry of ten calendar days after its first official publication).

9) exercise other powers, provided by the Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 12 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2010 № 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.04.2017 № 58-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication).

#### **Article 12-1 Functions of educational organisations**

Educational organisations shall perform the following functions:

1) immediately report to law enforcement bodies about facts of committing illegal acts by minors or in relation to them, including those that became known to them in connection with professional activity outside the educational organisation;

2) provide psychological and pedagogical support of students and pupils in the order established by the legislation of the Republic of Kazakhstan;

3) keep intra-school record of students and pupils requiring increased pedagogical attention, and provide them with timely support.

Footnote. Chapter 2 as added by the Article 12-1 in accordance with the Law of the RK dated 15.04.2024 № 72-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 13. Special educational organizations**

1. Special educational organizations shall be teaching and educational, medical – education institutions and created for the purposes of ensuring of education, training and social rehabilitation of the minors at the age of eleven to eighteen, systematically committing infractions, entailing the measures of administrative influence, maliciously avoiding of getting of primary, basic secondary and general secondary education, systematically committing unauthorized leaves the family and children's teaching and educational organizations, committing other antisocial actions.

2. The decision on expediency of sending minors to special educational organizations shall be taken by the court at the request of a body exercising the functions of guardianship or custody, or by the internal affairs body. When considering the issue of sending minors, who abuse alcoholic beverages, narcotic drugs and psychotropic substances, their analogues to special educational organizations, it is mandatory to study the expediency of prescribing treatment for a mental, behavioral disorder (disease) associated with the use of psychoactive substances.

3. A minor may be directed to the special educational organization for the term of one month to one year.

4. The stay of a minor in the special educational organization may be prematurely terminated in connection with attainment of person of majority, as well as if on the basis of presentation of administration of institution or territorial commission for cases of the minors and protection of their rights the court on location of special educational organization comes to the conclusion that the minor for his (her) correction no longer needs the application of this measure.

5. The term of stay of the minors in the special educational organizations determined by court may be extended by court on location of special educational organization in the manner established by paragraphs 2 and 3 of this Article, only in the case of:

1) necessity for a minor to complete general education or vocational training, but only until he/she reaches the age of majority, on the basis of the minor's petition;

2) systematic commission of infractions, entailing the measures of administrative influence, malicious avoidance of getting of secondary education, unauthorized leaves from the special educational organizations, commission of other antisocial actions.

6. In the case of commission by pupil of special educational organization the dangerous act, contained the elements of crime, before attainment of the age from which a criminal responsibility occurs, he (she) may be directed to the educational organization with special regime of maintenance in the manner established by Article 14 of this Law.

7. Upon consideration of issue on direction of the minors to the special educational organization the participation of prosecutor is compulsory.

8. The state bodies, carrying out identification and accounts of the minors, specified in paragraph 1 of this Article shall provide collection of documents necessary for placement of the minors to the special educational organizations.

8-1. Procedure of direction of a minor to the special educational organizations shall be determined by the Civil Procedure Code of the Republic of Kazakhstan.

9. Administration of special educational organizations shall:

1) provide the special conditions of maintenance of the minors, including protection of territory of specified institution, personal security of pupils and their maximum security from negative influence, restriction of free entry of unauthorized persons to the territory of specified institution and unauthorized leave of pupils from it, day and night surveillance and control of the minors, as well as at the time, allotted for sleep, conducting of personal inspection of minors, their clothes and dormitories;

2) inform the internal affairs bodies on location of specified institution and place of residence of the minors on facts of their unauthorized leave and take direct part on their search and return;

3) direct the notice of his (her) release from the specified institution to the commission for cases of minors and protection of their rights on place of residence of a minor not later than one month before the termination of the term of stay, as well as characteristic of the minor and recommendation on necessity of further conducting with him (her) individual preventive measures and rendering him (her) an assistance in labour and home arrangement.

10. The minors having diseases, that prevent their maintenance and education in the specified institutions may not be placed in special educational organizations. The list of such diseases shall be approved by the authorized body in the field of healthcare.

11. Procedure of creation, organization of activity of special educational organizations and conditions of maintenance of minors shall be determined by the provision of these organizations, approved by the central executive body of the Republic of Kazakhstan in the field of education.

12. Decision on creation, reorganization and liquidation of special educational organizations shall be adopted by the local executive bodies.

**Footnote. Article 13 as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 № 320 (the order of enforcement see Article 2); dated 10.07.2009 № 176-IV (the order of enforcement see Article 2); dated 23.11.2010 № 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); dated 31.10.2015 № 378-V (shall be enforced from 01.01.2016); № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication); dated 07.07.2020 № 361-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 24.11.2021 № 75-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

**Article 14. Educational organization with special regime of maintenance**



1. Special educational organizations with special regime of maintenance shall be the teaching and educational or medical – education institutions and created for the purposes of provision of special conditions of education, training and social rehabilitation of minors.

2. Minors aged from eleven to eighteen years old, in need of special conditions for upbringing and training, and requiring a special pedagogical approach are placed in educational institutions with particular treatment:

1) those who committed especially grave crimes, or two or more socially dangerous acts in respect of which pre-trial investigation was terminated because they had not reached the age of criminal responsibility or due to conciliation;

2) if they were convicted of committing a crime of moderate severity or a serious crime and released by court from criminal responsibility and punishment in the manner provided for by Article 83 of the Criminal Code of the Republic of Kazakhstan.

3. Decision on advisability of direction of the minors, not attained the age from which a criminal responsibility occurs, to the educational organization with special regime of maintenance shall be adopted by court on presentation of internal affairs body.

Presentation on direction of a minor, specified in subparagraph 1) of paragraph 2 of this Article to the organizations with special regime of maintenance shall be directed by the internal affairs bodies to the court during thirty days from the date of issuance of regulation on termination of a criminal case in relation of specified minor.

In the exceptional cases this term may be extended up to thirty days on the basis of regulation of internal affairs bodies or prosecutor.

4. Materials, specified in paragraph 3 of this Article, before its direction to the court shall be presented for examination to the minor and his (her) legal representatives.

On examination with specified materials the interested persons shall enter an appropriate notation in the presented material.

5. A minor may be directed to the educational organization with special regime of maintenance for the term of six months to two years.

The grounds of maintenance of a minor in the educational organizations with special regime of maintenance shall be:

1) decree of court – in relation of persons, specified in subparagraph 2) of paragraph 2 of this Article.

6. The stay of a minor in the educational organization with special regime of maintenance may be prematurely terminated in connection with attainment of person of majority, as well as if on the basis of presentation of administration of educational organization with special regime of maintenance the court comes to the conclusion that the minor for his (her) correction no longer needs the application of this measure.

7. The term of the stay of a minor in the educational organization with special regime of maintenance, determined by court may be extended in the manner established by paragraph 3 of this Article, only in the cases:

1) necessity for a minor to complete general education or vocational training, but only until he/she reaches the age of majority, with the consent of the minor or on the basis of his/her petition;

2) commission of socially dangerous action, contained the elements of criminal infraction, before attainment of the age from which a criminal responsibility occurs.

8. Upon consideration of issue on direction of a minor to the educational organization with special regime of maintenance the participation of prosecutor is compulsory.

9. Internal affairs bodies shall provide collection of documents, necessary for placement of the minors in the educational organizations with special regime of maintenance.

10. Procedure of direction of the minors, specified in subparagraph 1) of paragraph 2 of this Article to the educational organizations with special regime of maintenance shall be determined by the Civil Procedure Code of the Republic of Kazakhstan.

Procedure of direction of the minors, specified in subparagraph 2) of paragraph 2 of this Article shall be determined by the Penal Procedure Code of the Republic of Kazakhstan.

11. Administration of educational organizations with special regime of maintenance shall:

1) provide the special conditions of maintenance of the minors, including protection of territory of educational organization with special regime of maintenance, personal security of pupils and their maximum security from negative influence, restriction of free entry of unauthorized persons to the territory of educational organization with special regime of maintenance and unauthorized leave of pupils from it, day and night surveillance and control of the minors, as well as at the time, allotted for sleep, conducting of personal inspection of minors, their clothes and dormitories;

2) inform the internal affairs bodies on location of educational organization with special regime of maintenance and place of residence of the minors on facts of their unauthorized leave and take direct part on their search and return;

3) direct the notice of his (her) release from the educational organization with special regime of maintenance to the commission for cases of minors and protection of their rights on place of residence of a minor not later than one month before the termination of the term of stay, as well as characteristic of the minor and recommendation on necessity of further conducting with him (her) individual preventive measures and rendering him (her) an assistance in labour and home arrangement.

12. The minors having diseases, preventing their maintenance and education in the specified organizations may not be placed in educational organizations with a special regime of detention. The list of such diseases shall be approved by the authorized body in the field of healthcare.

13. Procedure of creation, organization of activity of educational organizations with special regime of maintenance and conditions of maintenance of minors shall be determined by the provision of these organizations, approved by the central executive body of the Republic of Kazakhstan in the field of education.

14. Decision on creation, reorganization and liquidation of educational organizations with special regime of maintenance shall be adopted by the local executive bodies.

Footnote. Article 14 is in the wording of the Law of the Republic of Kazakhstan dated 23.11.2010 № 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); dated 04.07.2014 № 233-V (shall be enforced from 01.01.2015); № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication); dated 24.11.2021 № 75-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

**Article 14-1. The grounds of release (release) of the minors from special institutions of organizations**

1. Minors are released from special educational institutions in the case of:

- 1) expiration of a term determined by court, on the day of this term's expiration;
- 2) premature release, on the day of their majority;

3) premature release if the court, on the basis of a submission by the institution's administration or a territorial commission for the affairs of minors and protection of their rights, decides there is no need to continue to apply this measure to the minor, on the day of receipt of a relevant court decision, or the next day if the court decision is received after a working day is over;

4) referral of a minor to an educational institution with particular treatment;

5) occurrence of circumstances, under which a minor cannot stay in this institution in accordance with this Law.

2. The minors shall be released from educational organizations with special regime of maintenance in the case of:

1) expiration of a term, determined by court;

2) prematurely in connection with attainment of majority;

3) prematurely, if the court on the basis of presentation of administration of institution or territorial commission for cases of the minors and protection of their rights comes to conclusion that the minor for his (her) correction does not need of further application of this measure;

4) occurrence of circumstances, upon that the minor may not stay in this institution in accordance with this Law.

3. The minors shall be released from the adaptation Centers of minors in the case of:

1) identification of parents or other legal representatives and transfer to them;

2) placement in the special educational organizations, educational organizations with special regime of maintenance;

3) placement in a children's home (boarding school);

4) entry of decree of court into legal force;

5) occurrence of circumstances, upon that the minor may not stay in this institution in accordance with this Law.

Footnote. The law is supplemented by Article 14-1 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 № 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication); dated 03.05.2022 № 118-VII (shall come into effect upon expiration of ten calendar days after the day of its first official publication).

## **Article 15. Health authorities**

Health authorities within its competence shall organize:

1) dissemination of sanitary and epidemiological knowledge among minors, their legal representatives, as well as promotion of a healthy lifestyle;

2) development and implementation of measures to prevent non-medical use of psychoactive substances among minors and related offenses;

3) twenty-four-hour reception and maintenance of the lost, abandoned and other children under the age of three, left without the care of legal representatives;

4) advisory assistance to state bodies and institutions of the system for prevention of delinquency, neglect and homelessness among minors, as well as to the legal representatives of minors;

5) twenty-four-hour reception and render of medical assistance of minors, being in the state of alcoholic, drug or toxic intoxication;

6) render of specialized diagnostic, medical and rehabilitation assistance to the minors, having deviation in behavior in accordance with the legislation of the Republic of Kazakhstan ;

6-1) carry on of social-psychological investigation of a minor for the purposes of clarification of data on his (her) personality and preparation of suggestions on measures on his (her) rehabilitation;

6-2) presentation of account (report) on carrying on social-psychological investigation of a minor to the body of criminal prosecution and court and making of card of socio-psychological support of a minor;

7) preparation of conclusion on the state of health of the minors, directed to the special educational organization and educational organizations with special regime of maintenance in the established procedure;

8) identification, registration, examination and medical-social rehabilitation of minors with mental, behavioral disorders (diseases) associated with the use of psychoactive substances;

9) identification of sources of diseases, sexually transmitted, examination and treatment of minors, suffering from these diseases;

10) informing the commissions on the affairs of minors and protection of their rights about the spread of mental and behavioral disorders (diseases) associated with the use of psychoactive substances among minors, as well as the location, capabilities and results of the activities of healthcare institutions carrying out the functions, specified in this Article;

11) exercise other powers, provided by the Laws of the Republic of Kazakhstan, the acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

**Footnote.** Article 15 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 № 176-IV (the order of enforcement see Article 2); dated 29.12.2010 № 372-IV ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2014 № 236-V (shall be enforced from 01.01.2015); dated 07.07.2020 № 361-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 16. The state body, coordinating implementation of the state policy in the scope of employment of population**

The state body coordinating implementation of the state policy in the scope of employment of population shall carry out control of observance of labour conditions of minors in accordance with the labour legislation of the Republic of Kazakhstan.

**Footnote.** Article 16 as amended by the Law of the Republic of Kazakhstan dated 15 May, 2007 № 253.

#### **Article 17. Judicial bodies**

**Footnote.** Article 17 is excluded from 18.01.2012 № 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 18. Other state bodies, participating in prevention of infractions, neglect and homelessness among the minors**

1. Bodies of culture, information, physical culture, sport and tourism within its competence shall:

1) Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

2) render assistance to the children's and youth public associations, social institutions, funds and other institutions and organizations, the activity of which is related with implementation of measures on prevention of infractions, neglect and homelessness among the minors;

3) participate in organization of recreation, leisure and employment of minors;

4) carry out activity on promotion and formation of law-abiding behavior of minors and healthy lifestyle.

2. Bodies of guardianship and wardship within its competence shall participate in conducting of measures of individual prevention with minors, specified in paragraph 1 of Article 19, if they are orphans or left without parents and other legal representatives.

**Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Chapter 3. Organization of activity on prevention of infractions, neglect and homelessness among the minors**

#### **Article 19. Measures of individual prevention**

1. Measures of individual prevention shall be conducted in relation of the minors:

- 1) neglected and homeless;
- 2) maintained in the special educational organizations, educational organizations with special regime of maintenance and their pupils, as well as maintained in the centers of adaptation of the minors;
- 3) abusing alcoholic beverages, narcotic drugs, psychotropic and other superpotent substances, having a negative effect on mental and physical functions and behavior of person;
- 4) not visiting general educational institutions without valid excuse;
- 4-1) in relation of whom the protective order is issued;
- 5) committed administrative infractions, as well as released from administrative responsibility or from execution of imposed administrative punishment with application of measures of educational impact;
- 6) released from criminal responsibility or punishment for commission of criminal infractions on the basis of paragraphs 3), 4), 9), 10) and 12) of first part of Article 35 or Article 36 of Penal Procedure Code of the Republic of Kazakhstan, as well as due to amnesty or pardon;
- 7) committed the actions, contained the elements of a criminal infraction, not subjected to the criminal responsibility in connection with attainment of the age from which a criminal responsibility occurs, or due to lag in mental development, not related with mental disease;
- 8) accused or suspected in commission of criminal infractions, in relation of which the preventive measures, not related with placement in detention are imposed;
- 9) released on parole from service of sentence;
- 10) get a respite of service of sentence or respite of execution of sentence;
- 11) released from institutions of penal system;
- 12) convicted for commission of a crime of little or average gravity and released by court from punishment with application of enforcement measures of educational impact;
- 13) probationers, convicted to community service, convicted to correctional labour, other types of punishments, not related with deprivation of freedom.



2. The measures of individual prevention shall be conducted in relation of parents, other legal representatives of the minors, if they do not perform their obligations on education, training and (or) maintenance of the minors, adversely affect on their behavior, as well as other persons, involving the minors in commission of infractions or antisocial actions.

Footnote. Article 19 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 № 176-IV (the order of enforcement see Article 2); dated 23.11.2010 № 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2010 № 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); 04.07.2014 № 233-V (shall be enforced from 01.01.2015); dated 05.07.2014 № 236-V (shall be enforced from 01.01.2015).

#### **Article 19-1. Measures of individual prevention of infractions, neglect and homelessness among the minors**

1. Measures of individual prevention of infractions, neglect and homelessness among the minors shall be adopted for systematic purposeful impact on the legal awareness and behavior of the minors for the purposes of prevention of commission of new infractions on their part, as well as elimination of reasons and conditions, contributing to their termination.

2. The measures of individual prevention of infractions, neglect and homelessness among the minors shall be:

- 1) preventive conversation;;
- 2) presentation on elimination of reasons and conditions, contributing to commission of infractions;
- 3) preventive accounts and control;
- 4) direction to the special educational organizations and educational organizations with special regime of maintenance;
- 5) measures of educational impact;
- 6) protective order;
- 7) administrative punishment;
- 8) measures, adopted by court verdict;
- 9) medical and social records.

3. Measures of individual prevention of infractions, neglect and homelessness among the minors shall be determined in recognition of individual peculiarities of the minors, in relation of whom they are adopted, nature and degree of social danger of infractions, committed by them.

4. Decision on application of measures of individual prevention of infractions, neglect and homelessness among the minors may be appealed by the interested persons in the manner established by the legislation of the Republic of Kazakhstan.

5. Measures on individual prevention of infractions in relation of the minors, committed domestic violence shall be adopted in recognition of peculiarities, established by the legislation of the Republic of Kazakhstan on prevention of domestic violence.

6. Accounting of measures of individual prevention of infractions, neglect and homelessness among the minors shall be carried out in the manner determined by the central executive bodies within their competence.

**Footnote.** Chapter 3 is supplemented by Article 19-1 in accordance with the Law of the Republic of Kazakhstan dated 29.04.2010 № 272-IV (the order of enforcement see Article); as amended by the Law of the Republic of Kazakhstan dated 23.11.2010 № 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication).

#### **Article 19-2. The grounds for adoption of measures of individual prevention of infractions, neglect and homelessness among the minors**

1. The ground for adoption of measures of individual prevention of infractions, neglect and homelessness among the minors shall be one of the following circumstances:

- 1) report or application of individuals and legal entities, as well as report in the mass media;
- 2) direct detection of the fact of commission or attempt of commission of infraction by the servant of internal affairs bodies;
- 3) materials received from the state bodies and bodies of local self-government.

2. The applications and reports on commission of infraction or on the threat of its commission shall be considered by the state bodies in the manner established by the legislation of the Republic of Kazakhstan.

**Footnote.** Chapter 3 is supplemented by Article 19-2 in accordance with the Law of the Republic of Kazakhstan dated 29.04.2010 № 272-IV (the order of enforcement see Article 2).

#### **Article 19-3. Preventive conversation**

1. The basic tasks of preventive conversation shall be revelation of reasons and conditions of unlawful behavior, explanation of social and legal consequences of infraction and belief in the need of law-abiding behavior.

2. Preventive conversation shall be conducted by the representative of the state body and institution of the system of prevention of infractions, neglect and homelessness among the minors, to the competence of which refers the application of measures of individual prevention of infractions with person, committed infraction or in relation of whom there is the ground for adoption of measures of individual prevention of infractions.

3. Preventive conversation shall be conducted in the office premises of the state bodies of the system of prevention of infractions, neglect and homelessness among the minors, as well

as on place of residence, study, work or directly on the place of identification of infraction and may not continue more than one year.

4. The minors with whom the preventive conversation is conducted shall be warned on necessity of termination of illegal actions.

5. Preventive conversation with the minors shall be conducted in the presence of his (her) parents, teachers or other legal representatives.

**Footnote. Chapter 3 is supplemented by Article 19-3 in accordance with the Law of the Republic of Kazakhstan dated 29.04.2010 № 272-IV (the order of enforcement see Article 2).**

#### **Article 19-4. Presentation on elimination of reasons and conditions, contributing to commission of infractions**

1. In the case of revelation of reasons and conditions, contributing to commission of infractions, the state bodies of the system of prevention of infractions, neglect and homelessness among the minors shall direct presentation on their elimination to the head or civil servant of the relevant organization.

2. The head or civil servant of the relevant organization within one month from the date of reception of presentation shall be obliged to provide information on the results of consideration of presentation and adopted measures in a written form to the state bodies of the system of prevention of infractions, neglect and homelessness among the minors.

**Footnote. Chapter 3 is supplemented by Article 19-4 in accordance with the Law of the Republic of Kazakhstan dated 29.04.2010 № 272-IV (the order of enforcement see Article 2).**

#### **Article 19-5. Preventive accounts and control**

1. Preventive accounts shall be maintained for collection and registration of information for the purposes of carrying out of preventive control of behavior of the minors, parents, legal representatives of the minors, not performing their obligations on education, training and (or) maintenance of the minors, as well as adversely affecting to their behavior.

2. On the preventive accounts shall be posted the minors:

- 1) in relation of whom the protective order is issued;
- 2) in relation of whom the decision on restriction of leisure and establishment of special requirements to behavior is adopted;
- 3) commission of an action, contained the elements of criminal infraction, not subjected to the criminal responsibility in connection with not attainment of the age from which a criminal responsibility occurs;
- 4) accused or suspected in commission of criminal infractions, in relation of which the preventive measures, not related with arrest are imposed;
- 5) released on parole from service of sentence;

6) probationers, convicted to community service, convicted to correctional labour, other types of punishments, not related with deprivation of freedom;

7) released from institutions of penal system, as well as the graduates of special educational organizations and educational organizations with special regime of maintenance.

3. The parents, legal representatives of the minors, not performing their obligations on education, training and (or) maintenance of the minors, as well as adversely affecting to their behavior shall be posted on the preventive accounts.

4. The preventive accounts shall be maintained by the internal affairs bodies.

5. The preventive control shall be consisted in systematic observation for behavior of the minors, parents, legal representatives of the minors, not performing their obligations on education, training and (or) maintenance of the minors, as well as adversely affecting to their behavior, registered in the preventive accounts.

6. Posting to the preventive accounts may be appealed by the interested persons in the manner established by the legislation of the Republic of Kazakhstan.

7. The minor, parent, legal representative of a minor, not performing their obligations on education, training and (or) maintenance of the minor, as well as adversely affecting to his (her) behavior shall be notified in a written form on posting to the preventive accounts by the internal affairs bodies on the date of rendering of decision on posting to the preventive accounts or during ten calendar days from the date of entering of court decision into legal force.

8. Preventive control shall be carried out during the action of preventive accounts. Upon the expiration of validity of preventive control the person shall be removed from the preventive accounts, on which is notified in a written form.

9. Details contained in the preventive accounts may be exclusively used within solution of tasks on prevention of infractions among the minors.

10. Maintaining of preventive accounts shall be carried out in the manner determined by the Ministry of Internal Affairs of the Republic of Kazakhstan.

**Footnote. Chapter 3 is supplemented by Article 19-5 in accordance with the Law of the Republic of Kazakhstan dated 29.04.2010 № 272-IV (the order of enforcement see Article 2); Article 19-5 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2014 № 236-V (shall be enforced from 01.01.2015)**

#### **Article 19-6. Medical and social records**

1. Medical and social records shall be kept in order to provide medical, psychological and social assistance, adaptation and rehabilitation to individuals subject to individual preventive measures, as well as to coordinate the provision of psychological, social and other assistance, adaptation and rehabilitation to minors who have been subjected to violence, cruel treatment and bullying or to minors in whose presence offences against the individual have been committed, and to coordinate the implementation of a programme of assistance to minors who have been subjected to violence, cruel treatment and bullying.

2. Medical and social records are maintained by local executive bodies.

The basis for being entered into medical and social records is a notice of registration by internal affairs bodies.

3. Medical and social records shall be kept on the person during the period in which he is in need of special social services, but not less than for the period of application of individual preventive measures.

4. The organisation and coordination of the work of keeping medical and social records shall be carried out by the authorised State body in the field of social protection of the population.

**Footnote.** Chapter 3 is supplemented with Article 19-6 in accordance with Law of the Republic of Kazakhstan № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023); dated 15.04.2024 № 72-VIII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

## **Article 20. The grounds of conducting of measures of individual prevention**

The grounds of conducting of measures of individual prevention in relation of the minors, their parents or legal representatives, as well as other persons, involving the minors in commission of infractions or antisocial actions shall be consequences, provided by Article 19 of this Law, if they officially recorded in the following documents:

- 1) verdict, decision or decree of court;
- 2) regulation of commission for cases of the minors and protection their rights, prosecutor, investigator, body of inquire;
- 3) conclusion, approved by the head of body or institution of the system of prevention of infractions, neglect and homelessness among the minors, on the results of conducted verification of complaints, applications or other reports;
- 4) application of a minor or his (her) parents or legal representatives on rendering them assistance on issues, relating to the competence of bodies, institutions and other organizations, carrying out prevention of infractions, neglect and homelessness among the minors.

**Footnote.** Article 20 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 № 176-IV (the order of enforcement see Article 2).

## **Article 21. The terms of conducting of measures of individual prevention**

Measures of individual prevention in relation of the minors, their parents or legal representatives, as well as other persons, involving the minors in commission of infractions or antisocial actions shall be conducted in the terms, necessary for rendering of social and other assistance to the minors, or up to elimination of reasons and conditions, contributed to neglect

, homelessness, commission of infractions or antisocial actions of the minors, or attainment by the minors the age of eighteen, or occurrence of other circumstances, provided by the legislation of the Republic of Kazakhstan.

**Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 № 176-IV (the order of enforcement see Article 2).**

**Article 22. Rights of the persons, in relation of whom the measures of individual prevention are applied**

1. The minors, their parents or legal representatives, as well as other person, in relation of whom the measures of individual prevention are applied shall be provided by the rights and freedoms, guaranteed by the Constitution of the Republic of Kazakhstan, this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. The minors maintained in the special educational organizations, educational organization with special regime of maintenance and Centers of adaptation of the minors, along with the rights, specified in paragraph 1 of this Article, in the established procedure shall have a right to:

1) notification of parents or legal representatives on their placement in the special institutions and organizations;

2) appeal against the decisions taken by the employees of bodies and institutions of the system for prevention of offenses, neglect and homelessness among minors, to the higher bodies of the specified system, as well as to the prosecution authorities, the court in the manner prescribed by the laws of the Republic of Kazakhstan;

3) receiving of information on their rights and obligations, regime of maintenance and disciplinary requirements;

4) personal security in the special institutions and organizations, as well as on the way to the place of their arrangement, place of residence or home arrangement;

5) humane, not degrading treatment;

6) maintenance communication with parents by phone conversations and meetings without restriction of their number, reception of packages, parcels, transmissions, reception and sending letters and telegrams without restriction of their number;

7) provision by free meals, clothes, shoes and other items of clothing allowance on the regulations, approved by the Government of the Republic of Kazakhstan;

8) a meeting with parents or persons, substituting them, relatives and other parents;

9) eight hours of sleep at night, and children at the age of three to seven for the additional two hours of sleep in the daytime;

10) daily walk with duration not less than two hours;

11) getting of primary, basic secondary, general secondary, technical and professional education in the period of stay in the special educational organizations and educational organizations with special regime of maintenance;



- 12) religious practices upon condition of observance of rules of internal order and regime of maintenance, established in the special institutions;
- 13) use of literature and editions of printed media, existing in the special institutions;
- 14) participation in the civil law relations in accordance with the requirements of the legislation of the Republic of Kazakhstan;
- 15) reception of monetary remuneration for the work, executed in the period of production practice;
- 16) obtaining the necessary psychological assistance.

Footnote. Article 22 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2010 № 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 05.07.2014 № 236-V (shall be enforced from 01.01.2015); dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021).

#### **Article 22-1. Ensuring of personal security of the minors**

Upon occurrence of the threat for life and health of the minor, the servants of special institutions and organizations shall be immediately take measures on ensuring his (her) personal security.

Footnote. The Law is supplemented by Article 22-1 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 № 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 22-2. Meetings with defenders, relatives and other persons**

1. The meeting with defender in private and confidentially shall be provided from the date of placement of the minors to the special institutions and organizations.

2. The meetings shall be carried out under control of the servants of special institutions and organizations. In the case of attempt of transfer of prohibited items, substances and food products or details, which may contribute to commission of a criminal infraction to the minor, the meeting shall be terminated prematurely.

3. Official representatives of diplomatic representations of foreign states by the decision of the General Prosecutor of the Republic of Kazakhstan shall have a right to visit a foreign minor being the citizen of the state, represented by them.

Footnote. The Law is supplemented by Article 22-2 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 № 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

#### **Article 22-3. Correspondence**

1. The minors shall be permitted to receive, send the letters or telegrams to relatives and other persons in the unlimited number.

2. Correspondence of the minors shall be carried out only through the administration of special institutions and organizations.

3. Delivery of letters, received in the name of the minors, maintained in the special institutions and organizations, as well as sending their letters to the addressees shall be conducted by the administration of special institutions and organizations not later than three days from the date of reception of letter or deliver it by the minors, except for the holidays and weekends.

4. Details about the death or serious illness of close relative shall be reported to the minor immediately after receiving them.

5. Letters, received in the name of the minor after departure from the special institutions and organizations, not later than three days after their reception shall be sent on place of his (her) departure.

**Footnote. The Law is supplemented by Article 22-3 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 № 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 22-4. Direction of application**

1. Applications of the minors, addressed to the state bodies, local self-government bodies, public associations and mass media shall be directed through the administration of special institutions and organizations.

2. Applications, addressed to the court, procuracy bodies and the state bodies shall be directed by the administration of special institutions and organizations to the addressee not later than twenty four hours.

3. Responses to applications shall be declared to the minors on receipt and attached to the personal cases.

4. Persecution of minors in any form for application in connection with violation of their rights and legal interests shall not be allowed. The civil servants of special institutions and organizations, guilty in such persecution shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

**Footnote. The Law is supplemented by Article 22-4 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 № 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 22-5. Nutrition, acquisition of food products and essentials**

1. The minors maintained in the special institutions and organizations shall be provided by food, clothes, shoes and soft inventory on regulations determined by the Government of the Republic of Kazakhstan.

2. The meal shall be carried out in the separate premises (dining room) of the game, and dormitories.

3. Administration of special institutions and organizations shall be obliged to create conditions to the minors, complying with the requirements of hygiene, sanitation and fire safety.

4. Special institutions and organizations shall be equipped by gambling halls, dormitories, premises for meals, classrooms and exercise yards for the minors, complying with the requirements of hygiene, sanitary and fire safety, as well as excluding conditions of unauthorized leave of the minors from special institutions and organizations.

5. The minors shall be provided by the schoolbooks, literature, office requisites and other means, necessary for getting of compulsory secondary education.

**Footnote. The Law is supplemented by Article 22-5 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 № 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 22-6. Health service support**

1. Administration of special institutions and organizations shall be obliged to ensure observance of the established sanitary and hygienic and antiepidemic requirements, protection of health of the minors.

2. Rendering of medical assistance to the minors, as well as psychiatric shall be carried out by the medical professions of special institutions and organizations.

3. Upon establishment of the need of hospitalizing, the minor shall be directed to the relevant medical organization.

4. Upon suffering of minors the bodily damages, the examination shall be conducted by the medical professions of special institutions and organizations without delay. The results of medical examination shall be recorded in the established procedure and informed the injured person, territorial body of guardianship and wardship or parents or persons, substituting them. The examination shall be conducted by the employees of medical organizations by the decision of the head of administration of special institutions and organizations or body.

5. In the case of serious illness or death of the minor, administration of special institutions and organizations shall inform about that the close relatives, procuracy bodies, territorial body of guardianship and wardship. The body of the deceased after postmortem examination, as well as production of actions, provided by the legislation of the Republic of Kazakhstan shall be transferred to the persons demanded it.

Burial of the deceased minor, the body to whom is not demanded shall be carried out at the expense of budget funds.

6. In the cases of finding of serious illness of the minor from which the death may occur, administration of special institutions and organizations shall have a right to raise an issue on the change of regime of maintenance of the minor in the existence of medical report, as well as on direction him (her) to the health care organization for the medical treatment.

**Footnote.** The Law is supplemented by Article 22-6 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 № 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 22-7. Obligations of the minors maintained in the special institutions and organizations**

1. The minors, maintained in the special institutions and organizations shall be obliged to:
  - 1) observe regime of maintenance in the special institutions and organizations, established by this Law and rules of internal order;
  - 2) fulfill the legal requirements of administration of special institutions and organizations;
  - 3) comply with requirements of hygiene and sanitary;
  - 4) not commit the intended actions that threaten their life and health of other persons;
  - 5) not commit the actions, degrading the servants of special institutions and organizations;
  - 6) not prevent to the servants of special institutions and organizations in execution them their official obligations;
  - 7) observe the rules of fire safety;
  - 8) care of the property of special institutions and organizations;
  - 9) attend training sessions.
2. The minors maintained in the special institutions and organizations shall be prohibited to carry the items, substances and food products which pose hazard to life and health of people or may be used as the weapon of criminal infraction or for interfering with purposes of maintenance of the minors in these institutions.
3. Involvement of the minors to the measures, not related with educational processes and social rehabilitation shall be prohibited.

**Footnote.** The Law is supplemented by Article 22-7 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 № 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

#### **Article 22-8. Application of measures of incentive and punishment to the minors, maintained in the special institutions and organizations**

1. The following measures of incentive shall be established in the special institutions and organizations:
  - 1) expression of gratitude orally or in the order, which is attached to the personal file of the minor;

- 2) early withdrawal of previously imposed punishment;
- 3) awarding of a certificate;
- 4) entering on Board of honour;
- 5) inform the parents, persons, substituting them, or on place of previous studies on good behavior of pupil and his (her) achievements in school and work;
- 6) award of the best class or group of pennant, certificate;
- 7) assigning the title of “Best in profession”.

2. The following measures of punishment may be applied to the minors for violation of the regime and rules of internal order:

- 1) warning;
- 2) reprimand orally or in order which is attached to the personal file of the minor;
- 3) discussion at the general meeting of minors, group or class, teachers council of educational organizations with special regime of maintenance of special educational organization.

**Footnote. The Law is supplemented by Article 22-8 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 № 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 23. Performance guarantee of this Law**

Bodies and institutions of the system for the prevention of delinquency, neglect and homelessness among minors, within their competence, are obliged to ensure observance of the rights and legitimate interests of minors, to protect them against all forms of discrimination, physical or mental abuse, insult, maltreatment, sexual and other exploitation, to identify minors in need of special social services, and troubled families, and also immediately inform:

- 1) procuracy bodies – on violation of rights and freedoms of the minors;
- 2) commission on the cases of minors and protection their rights – on the cases of violation of rights of minors to education, freedom of labour, recreation, dwelling and other rights, as well as disadvantages in activity of bodies and institutions, hindering the prevention of infractions, neglect and homelessness among the minors;
- 3) bodies of guardianship and wardship – on the minors, left without parents or legal representatives of being in the situation, constituting a threat to their life, health or preventing their education;
- 4) internal affairs bodies – on neglected and homeless minors, difficult families, committed (committing) infractions or antisocial actions, as well as parents and other adult persons, involving the minors to the criminal activity or antisocial activity or committing in relation of them other unlawful actions;
- 5) healthcare authorities - about minors who need examination, observation or treatment in connection with the abuse of alcoholic beverages, narcotic drugs, psychotropic substances,

their analogues that have a negative impact on the mental and physical functions and behavior of a person;

6) education bodies – on the minors being in need of the state in connection with unauthorized leave from the children's homes, residential schools and other children's institutions or in connection with termination of lessons in the general education institutions without valid excuse.

**Footnote.** Article 23 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 № 176-IV (the order of enforcement see Article 2); dated 07.07.2020 № 361-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

#### **Article 24. Control of activity of bodies, institutions and other organizations, carrying out prevention of infractions, neglect and homelessness among the minors**

The state bodies shall carry out control of activity of subordinate bodies, institutions and other organizations, carrying out prevention of infractions, neglect and homelessness among the minors within their competence in the manner established by the legislation of the Republic of Kazakhstan.

#### **Article 25. Responsibility for violation of the legislation of the Republic of Kazakhstan on prevention of infractions, neglect and homelessness among the minors**

The persons guilty in violation of the legislation of the Republic of Kazakhstan on prevention of infractions, neglect and homelessness among the minors shall bear responsibility in the manner established by the Laws of the Republic of Kazakhstan.

### **Chapter 4. National preventive mechanism**

**Footnote.** The Law is supplemented by chapter 4 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2013 № 111-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Footnote.** In Chapter 4, the words “Commissioner for Human Rights”, “on Commissioner for Human Rights”, “of Commissioner for Human Rights”, “by Commissioner for Human Rights”, “to Commissioner for Human Rights” are replaced respectively by the words “Commissioner for Human Rights in the Republic of Kazakhstan” , " on Commissioner for Human Rights in the Republic of Kazakhstan", " of Commissioner for Human Rights in the Republic of Kazakhstan", " by Commissioner for Human Rights in the Republic of Kazakhstan", "to Commissioner for Human Rights in the Republic of Kazakhstan" in accordance with the Law of the Republic of Kazakhstan dated 05.11.2022 № 157-VII (shall come into effect upon expiration of ten calendar days after the day of its first official publication).



## **Article 26. National preventive mechanism**

1. National preventive mechanism shall operate in the form of system of prevention of torture and other cruel, inhuman or degrading types of treatment and punishment, functioning by activity of participants of national preventive mechanism.

2. As part of their activities, participants in the national preventive mechanism visit centers for the adaptation of minors, special educational institutions, educational institutions with particular treatment and other organizations to be visited by these participants in accordance with the laws of the Republic of Kazakhstan (hereinafter referred to as preventive visits).

3. Participants of national preventive mechanism shall be the Commissioner for human rights in the Republic of Kazakhstan, as well as members of public supervisory committees and public associations, selected by Coordination council, carrying out activity on protection of rights, legal interests of citizens, lawyers, social worker, doctors.

4. Commissioner for human rights in the Republic of Kazakhstan shall coordinate activity of participants of national preventive mechanism, adopt measures for ensuring of necessary potential and professional knowledge of participants of national preventive mechanism in accordance with the legislation of the Republic of Kazakhstan.

5. Compensation of expenses of participants of national preventive mechanism on preventive visits shall be carried out from the budget funds in the manner determined by the Government of the Republic of Kazakhstan.

**Footnote. Article 26 as amended by Law of the Republic of Kazakhstan № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication).**

## **Article 27. Coordination council**

1. Coordination council shall be created upon Commissioner for human rights in the Republic of Kazakhstan for the purposes of ensuring of effective coordination of activity of national preventive mechanism.

Members of Coordination council, except for the Commissioner for human rights in the Republic of Kazakhstan shall be elected by commission, created by the Commissioner for human rights in the Republic of Kazakhstan, from the number of citizens of the Republic of Kazakhstan.

2. Commissioner for human rights in the Republic of Kazakhstan shall approve:

- provision on Coordination council upon Commissioner for human rights in the Republic of Kazakhstan;
- procedure of selection of participants of national preventive mechanism;
- procedure of formation of group of participants of national preventive mechanism for the preventive visits;
- methodological recommendations on preventive visits;

procedure of preparation of annual consolidated report on the results of preventive visits.

3. Coordination council shall cooperate with Sub-committee on prevention of torture and other cruel, inhuman or degrading types of treatment and punishment of the Committee of United Nations Organization against torture.

#### **Article 28. Requirements to the participants of national preventive mechanism**

1. Requirements of national preventive mechanism may not be the persons:

- 1) having not canceled or removed criminal record in the manner established by the Law;
- 2) suspected or accused of committing criminal offences;
- 3) recognized by court as incapable or impaired;
- 4) judges, lawyers, state servants and military servicemen, as well as employees of law-enforcement and special state bodies, civil protection bodies;
- 5) registered by a psychiatrist and (or) narcologist.

2. Participants of national preventive mechanism also may not be the persons, released from criminal responsibility on the basis of paragraphs 3), 4), 9), 10) and 12) of first part of Article 35 или Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan for commission of intentional crime; dismissed from the state or military service, from the service in civil protection bodies, law-enforcement and special state bodies, courts or excluded from college of lawyers on negative appeals; deprived of their license for engagement in advocacy.

**Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 04.07.2014 № 233-V (shall be enforced from 01.01.2015); № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication); dated 24.06.2025 № 196-VIII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 29. Rights of participant of national preventive mechanism**

1. A participant in the national preventive mechanism shall have a right to:

- 1) receive information on the number of persons maintained in the institutions subject to preventive visits, the numbers of such institutions and their location;
- 2) access information relating to the treatment of persons maintained in the institutions subject to preventive visits, as well as conditions of their maintenance;
- 3) pay preventive visits in the prescribed manner as part of formed groups;
- 4) talk with persons maintained in the institutions subject to preventive visits and (or) their legal representatives without witnesses, personally or through an interpreter if necessary, and also with any other person, who, in the opinion of a participant of the national preventive mechanism, can provide relevant information;
- 5) free choice and visit of institutions subject to preventive visits;

6) receive information on and complaints about the application of tortures and other cruel, inhuman or degrading types of treatment and punishment.

2. Participant of national preventive mechanism shall be independent upon carrying out of legal activity.

**Footnote. Article 29 as amended by Law of the Republic of Kazakhstan № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication).**

### **Article 30. Obligations of participants of national preventive mechanism**

1. Participants of national preventive mechanism shall be obliged to observe the legislation of the Republic of Kazakhstan upon exercise of their powers.

2. Participants in the national preventive mechanism are prohibited from interfering with the activity of institutions subject to preventive visits.

3. In the existence of circumstances, raising doubts in impartiality of participant of national preventive mechanism, including in the group on preventive visit, he (she) shall be obliged to refuse to participate in preventive visit.

4. Participants of national preventive mechanism shall be obliged to register the received reports and complaints on application of torture and other cruel, inhuman or degrading types of treatment and punishment in the manner determined by the Commissioner for human rights in the Republic of Kazakhstan.

Received reports and complaints shall be transferred for consideration to the Commissioner for human rights in the manner provided by the legislation of the Republic of Kazakhstan.

Information on received and transferred reports and complaints shall be included in the account on the results of preventive visits.

5. Participants of national preventive mechanism, violated provision of this Law shall bear responsibility established by the Laws of the Republic of Kazakhstan.

**Footnote. Article 30 as amended by Law of the Republic of Kazakhstan № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication).**

### **Article 31. Termination of powers of participant of national preventive mechanism**

Powers of participant of national preventive mechanism shall be terminated upon:

- 1) violation of provisions of this Law;
- 2) written application on their resignation;
- 3) his (her) death or the entry of the court decision on declaration of his (her) death into legal force;
- 4) departure for permanent residence outside of the Republic of Kazakhstan;
- 5) loss of citizenship of the Republic of Kazakhstan;
- 6) entering of guilty court verdict into legal force;

7) occurrence of other cases, provided by the Laws of the Republic of Kazakhstan.

## **Article 32. Types and periodicity of preventive visits**

1. Preventive visits of participants of national preventive mechanism shall be subdivided into:

- 1) periodic preventive visits, conducted on a regular basis at least once in four years;
- 2) intermediate preventive visits carried out between periodic preventive visits in order to monitor the implementation of recommendations based on the results of the previous periodic preventive visit, as well as to prevent harassment of persons with whom the participants of the national preventive mechanism conducted interviews by the administrations of institutions and organizations subject to preventive visits;
- 3) special preventive visits, conducted on the basis of received reports on application of torture and other cruel, inhuman or degrading types of treatment and punishment.

2. Coordination council shall determine the terms and list of institutions and organizations, subjected to preventive visits within allocated budget funds.

**Footnote. Article 32 as amended by Law of the Republic of Kazakhstan № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication);**

## **Article 33. Procedure of preventive visits**

1. Preventive visits shall be conducted by the groups, formed by the Coordination council from the participants of national preventive mechanism in accordance with the rules, approved by the Government of the Republic of Kazakhstan in coordination with the Commissioner for human rights in the Republic of Kazakhstan.

2. Upon formation of groups for preventive visits, none of the participants of national preventive mechanism may not be subjected to discrimination on grounds of origin, social, official and property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstances.

3. The safety of participants in the national preventive mechanism shall be the responsibility of the administration of institutions subject to preventive visits. In the case of misconduct of participants in the national preventive mechanism, the head of the administration of an institution subject to preventive visits shall inform the Commissioner for human rights in the Republic of Kazakhstan thereon in written form.

4. Written account on form, approved by the Coordination council which is signed by all members of group, carried out preventive visit shall be drawn up on behalf of the group on the results of each preventive visit. The member of group having the special opinion shall form it in written form and attached to the report.

**Footnote. Article 33 as amended by Law of the Republic of Kazakhstan № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication).**

#### **Article 34. Annual consolidated report of participants of national preventive mechanism**

1. Coordination council shall prepare the annual consolidated report of participants of national preventive mechanism in recognition of their reports on the results of preventive visits.

2. An annual consolidated report of participants of national preventive mechanism shall also include:

recommendations to authorized state bodies on the improvement of treatment of persons maintained in the institutions subject to preventive visits, and the prevention of tortures and other cruel, inhuman or degrading types of treatment and punishment;

suggestions on improvement of the legislation of the Republic of Kazakhstan.

The financial report on preventive visits for the last year shall be attached to the annual consolidated report of participants of national preventive mechanism.

3 An annual consolidated report of participants of national preventive mechanism shall be directed for consideration to the authorized state bodies and post on the web-site of the Commissioner for human rights in the Republic of Kazakhstan in the term not later than one month from the date of its approval by the Coordination council.

**Footnote. Article 34 as amended by Law of the Republic of Kazakhstan № 240-VI as of 01.04.2019 (shall be enforced ten calendar days after its first official publication).**

#### **Article 35. Confidentiality**

1. Participants of national preventive mechanism shall not gave a right to disclosure details on private life of person, which became known them in the course of preventive visits, without the consent of that person.

2. Disclosure of details by the participants of national preventive mechanism on private life of persons, which became known them in the course of preventive visits, without the consent of that person shall bear responsibility, established by the Laws of the Republic of Kazakhstan.

#### **Article 36. Interaction of the authorized state bodies with participants of national preventive mechanism**

1. The state bodies and their civil servants shall render assistance to the participants of national preventive mechanism in carrying out by them of legal activity.

None of the state body or civil servant shall not have a right to restrict the rights and freedoms of citizens for report on the facts of application of torture and other cruel, inhuman or degrading types of treatment and punishment to the participants of national preventive mechanism.

Civil servants preventing to legal activity of participants of national preventive mechanism shall bear responsibility established by the Laws of the Republic of Kazakhstan.

2. Authorized state bodies shall inform the Commissioner for human rights in the Republic of Kazakhstan on measures, adopted on the results of consideration of received reports during three months from the date of reception of annual consolidated report of participants of national preventive mechanism.

3. Commissioner for human rights in the Republic of Kazakhstan shall have a right to apply to the authorized state bodies or civil servants with application on commencement of disciplinary or administrative proceedings or conducting of prejudicial investigation in relation of civil servant, violated the rights and freedoms of person and citizen in the manner established by the legislation of the Republic of Kazakhstan on the basis of accounts of participants of national preventive mechanism on the results of preventive visits.

**Footnote. Article 36 as amended by the Law of the Republic of Kazakhstan dated 04.07.2014 № 233-V (shall be enforced from 01.01.2015).**

*The President  
of the Republic of Kazakhstan*