

On Special Social Services

Invalidated Unofficial translation

The Law of the Republic of Kazakhstan dated 29 December, 2008 № 114-IV. It became invalid by the Code of the Republic of Kazakhstan № 224-VII dated April 20, 2023.

Unofficial translation

Footnote. It became invalid by the Code of the Republic of Kazakhstan No. 224-VII dated 20.04.2023 (effective from 01.07.2023).

This Law regulates the social relations, arising in the scope of provision of special social services, for persons (families) being in tight real-life situation.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic definitions used in this Law

The following basic definitions shall be used in this Law:

- 1) special social services – a set of services, providing conditions to the person (family) being in tight real-life situation for overcoming existing social problems and oriented to creation of opportunities for them being equal with other citizens for participation in life of society;
- 2) subjects, providing the special social services, - individuals and (or) legal entities , engaged in the state and non-state sectors on providing special social services;
- 3) the standards of rendering the special social services – regulatory legal acts, establishing the quality, volume and conditions of providing special social services;
- 4) social disadaptation - violation of interaction of a person with social environment;
- 5) social deprivation – restriction and (or) deprivation of opportunity of independent satisfying basic necessities of life by person (family);
- 6) social employee – an employee, rendering the special social services and (or) carrying out an assessment and determination of necessity in the special social services , having required qualification, conforming to the established requirements;
- 7) social environment – a set of material, economic, social, political and spiritual conditions of existence, formation and activity of a person (family);
- 8) tight real-life situation – a situation, recognized on the grounds, provided by this Law objectively violating life activity of human, which he (she) may not overcome on their own.

Article 2. The legislation of the Republic of Kazakhstan on special social services

1. The legislation of the Republic of Kazakhstan on special social services is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If the international treaty, ratified by the Republic of Kazakhstan establishes the other rules, than those provided by this Law, the rules of international treaty shall be applied.

Article 3. Scope of this Law

This Law shall apply to citizens of the Republic of Kazakhstan, compatriots, as well as foreigners permanently residing on the territory of the Republic of Kazakhstan, and stateless persons, foreigners revealed and identified as victims of human trafficking on the territory of the Republic of Kazakhstan.

Footnote. Article 3 is in the wording of the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 4. Basic principles and tasks of the state policy in the scope of providing special social services

1. The state policy in the scope of providing special social services is based on the following principles:

- 1) respect for human rights;
- 2) humanity, voluntariness, confidentiality, targeting and accessibility of providing special social services;
- 3) ensuring the equal opportunities in obtainment of special social services by persons (families) being in tight real-life situation;
- 4) interaction of state bodies with subjects, providing special social services;
- 5) complexity;
- 6) social integration and quality improvement of life of population;
- 7) Non-discrimination.

2. Basic tasks of the state policy in the scope of providing special social services shall be:

- 1) creating conditions for overcoming tight real-life situation in the case of its occurrence;
- 2) provision of the guaranteed volume of special social services;
- 3) provision of observance of standards of rendering the special social services;
- 4) development of monitoring system and qualitative assessment of rendered special social services;
- 5) ensuring development of system of providing special social services;
- 6) State control over the provision of special social services;
- 7) development of international cooperation in the scope of provision of special social services.

Footnote. Article 4 as amended by the laws of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 02.07.2018 No. 165-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Chapter 2. TYPES AND GROUNDS OF PROVIDING SPECIAL SOCIAL SERVICES

Article 5. Types of special social services

1. Special social services shall include a guaranteed volume of special social services and paid special social services.

2. Guaranteed volume of special social services is the unified list of special social services, rendered at the expense of budget funds.

2-1. The guaranteed volume of special social services is the minimum social standard in the sphere of social security in accordance with the Law of the Republic of Kazakhstan “On Minimum Social Standards and Their Guarantees”.

3. Paid special social services are rendered on a fee basis in excess of the guaranteed volume of special social services in the manner determined by the authorized body in the field of social protection of the population.

4. Special social services may include provision of services of general nature in the form of information, consulting, intermediary services.

5. Subjects providing special social services, engaged in the state sector shall render the services of general nature at the expense of budget funds.

6. Special social services shall comply with standards of rendering the special social services.

7. The list and procedure of providing additional volume of special social services, provided over the guaranteed volume of special social services, shall be approved by representative bodies of regions (city of republican significance and the capital).

8. The procedure of providing of special social services to minor children at the educational establishments with a particular regime shall be approved by the Government of the Republic of Kazakhstan.

Footnote. Article 5 as amended by Articles of the Republic of Kazakhstan No 236-V as of 05.07.2014; № 315-V dated 19.05.2015 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 433-V dated 03.12.2015 (shall be enforced from 01.01.2016); № 76-VI dated 20.06.2017 (shall be enforced from 01.07.2017); dated 28.12.2018 the Law No. 210-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 6. Grounds, on which the person (family) may be recognized as being in tight real-life situation

1. A person (family) may be recognized as being in tight real-life situation for the following grounds:

- 1) orphanage;
- 2) lack of parental care;
- 3) neglect of minors, as well as deviant behavior;
- 3-1) presence of minors in educational institutions with particular treatment;
- 4) restriction of opportunities of psycho physical forwardness of children from birth to three years;
- 5) permanent disability of body functions, associated by physical and (or) mental capacities;
- 6) restriction of life activity due to the socially significant diseases and diseases, constituting a danger to others;
- 7) incapacity to self-service due to advanced age, in consequence of earlier diseases and (or) disability;
- 8) inhuman treatment that led to the social disadaptation and social deprivation;
- 9) homelessness (persons without definite place of residence);
- 10) release from the places of detention;
- 11) registration with a probation service.

2. The Ministry of Internal Affairs of the Republic of Kazakhstan jointly with authorized bodies in the field of social protection of the population, healthcare and education establish criteria for assessing the presence of cruel treatment that resulted in social alienation and social deprivation.

The forms of inhuman treatment, led to the social disadaptation and social deprivation are the actions, related with domestic violence, human trafficking, as well as minors, other types of their exploitation, as well as kidnapping independently from existence of a fact of commencement of criminal proceeding on the occasion of performed acts.

Footnote. Article 6 as amended by Laws of the Republic of Kazakhstan No. 556-IV dated 15.02.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 175-V dated 18.02.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after the date of its first official publication); № 236-V dated 05.07.2014 (shall be enforced from 01.01.2015); № 58-VI dated 18.04.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 76-VI dated 20.06.2017 (shall be enforced from 01.07.2017); 01.04.2019 № 240-VI (shall be enforced upon the expiration of ten calendar days after its first official publication).

Chapter 3. THE STATE REGULATION OF PROVISION OF SPECIAL SOCIAL SERVICES

Article 7. The competence of the Government of the Republic of Kazakhstan in the scope of provision of special social services

The Government of the Republic of Kazakhstan shall:

1) develop the basic directions of the state policy in the scope of provision of special social services;

2) approve the list of guaranteed volume of special social services;

3) Is excluded by No. 461-IV from 15.07.2011 (shall be enforced from 30.01.2012)

;

4) determine the special procedure of the public procurement in a manner of competitive tender of special social services on provision of guaranteed volume of special social services;

5) is excluded by Law of the Republic of Kazakhstan No. 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

6) exercise 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 Laws of the Republic of Kazakhstan No. 452-IV dated 05.07.2011 (shall be enforced from 13.10.2011); No. 461-IV dated 15.07.2011 (shall be enforced from 30.01.2012); No. 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 8. Competence of the authorized body in the field of social protection of the population

Footnote. The title of Article 8 as amended by Law of the Republic of Kazakhstan № 76-VI dated 20.06.2017 (shall be enforced from 01.07.2017).

The authorized body in the field of social protection of the population, within the scope of its competence, shall:

1) carry out the state policy in the field of special social services' provision;

2) develop and approve:

standards for the provision of special social services in the field of social protection of the population;

rules for certification of social workers in coordination with the authorized body in the field of education;

Qualification requirements for social workers;

rules for assessment and determination of the need for special social services in coordination with the authorized body in the field of education;

Rules for financing and monitoring the provision of special social services in the field of social protection;

rules for the formation of a single register of organizations providing special social services, and the register of specialists providing special social services;

rules for the activities of organizations providing special social services;

methodological recommendations in the sphere of provision of special social services;

methodological recommendations for improving the skills of social workers in the field of social protection of the population;

3) ensure:

the monitoring of special social services' provision;

the conducting of analysis of the population's needs for special social services;

the development of international cooperation in the field of special social services' provision;

4) carry out:

State control over the provision of special social services;

coordination of activities on methodological support of the system for the provision of special social services;

interaction with natural and legal persons, authorized bodies in the field of healthcare, education and other state bodies on the provision of special social services;

other powers stipulated by this Law, other 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 8 in the new wording of Law of the Republic of Kazakhstan № 433-V dated 03.12.2015 (shall be enforced from 01.01.2016); as amended by Law of the Republic of Kazakhstan № 76-VI dated 20.06.2017 (shall be enforced from 01.07.2017); ;dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 02.07.2018 № 165-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 8-1. Competence of the authorized body in the field of healthcare

The authorized body in the field of healthcare, within the scope of its competence, shall:

1) carry out the state policy in the field of special social services' provision by the healthcare system;

2) develop and approve:

standards for the provision of special social services in the field of healthcare in coordination with authorized bodies in the field of social protection of the population and education;

qualification requirements to social workers in the field of healthcare and the procedure for the appraisal of their performance;

3) ensure:

the monitoring of special social services' provision in the field of healthcare;

the conducting of analysis of the population's needs for special social services in the field of healthcare;

the development of international cooperation in the field of special social services' provision in the healthcare system;

4) carry out:

monitoring the provision of special social services in the field of health care;

coordination of activities of health facilities in the field of provision of special social services in the healthcare system;

interaction with natural and legal persons, authorized bodies in the field of social protection of the population, education and other state bodies on the provision of special social services in the healthcare system;

other powers stipulated by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Chapter 3 is supplemented by Article 8-1 in accordance with Law of the Republic of Kazakhstan № 76-VI dated 20.06.2017 (shall be enforced from 01.07.2017); The Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 9. Competence of the authorized body in the field of health care service

Footnote. Article 9 is excluded by Law of the Republic of Kazakhstan No. 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 10. Competence of the authorized body in the field of education

An authorized body in the field of education within the competence shall:

1) realize the state policy in the scope of providing special social services;

2) develop and approve standards for the provision of special social services in the field of education and protection of children's rights;

3) develop and, in coordination with the authorized bodies in the field of social protection of the population and health care, approve qualification requirements for social workers and the rules of their certification, regardless of the form of ownership of the subject providing special social services;

4) approve the list of specialties of social employees, the standards of their training and raising of qualification;

5) provide:

conduct of monitoring on provision of special social services;

carrying-out of an analysis of population needs in the special social services;

development of international cooperation in the scope of providing special social services;

6) carry out:

Control over the provision of special social services;

interaction with natural and legal persons, authorized bodies in the field of social protection of the population and healthcare and other state bodies on the provision of special social services;

other powers stipulated by this Law, other 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 is in the wording of Law of the Republic of Kazakhstan No. 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after the date of its first official publication); as amended by Law of the Republic of Kazakhstan № 76-VI dated 20.06.2017 (shall be enforced from 01.07.2017; dated 24.05.2018 No. 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 02.07.2018 No. 165-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 01.04.2019 No. 240-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 11. Competence of local executive bodies of oblasts (cities of republican significance and the capital), districts (cities of oblast significance)

A footnote. Title of Article 11 with the change introduced by the Law of the Republic of Kazakhstan dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

1. Local executive bodies of oblasts (cities of national importance and the capital) within their competence:

1) realize the state policy in the scope of providing special social services;

2) carry out:

interaction with individuals and legal entities and authorized bodies on issues of providing special social services;

3) provide:

creation and activity of subjects providing special social services, being under their supervision;

provision of the guaranteed volume of special social services by the subjects, providing special social services;

carrying-out of an analysis of population needs in the special social services;

4) organize the staffing support of subjects, providing special social services, professional training, retraining and raising of qualification of social employees;

5) take measures on development of the system of providing special social services;

6) develop and submit for approval to the local representative bodies of the regions (cities of national importance and the capital) a list and procedure for the provision of additional volume of special social services provided in excess of the guaranteed volume of special social services;

7) carry out public procurement, as well as place the state social order on providing special social services and services on assessment and determination of necessity in the special social services;

8) exercise other powers, imposed on local executive bodies in the interests of local state management by the legislation of the Republic of Kazakhstan.

2. Local executive bodies of districts (cities of regional significance) within the competence shall:

1) realize the state policy in the scope of providing special social services;

2) provide creation and activity of subjects, providing special social services, being under their supervision;

3) organize the staffing support of subjects, providing special social services, professional training, retraining and raising of qualification of social employees;

4) provide carrying-out of an analysis of population needs in the special social services;

5) carry out the public procurement, as well as place the state social order on providing special social services and services on assessment and determination of necessity in the special social services;

6) take measures on development of the system of providing special social services;

7) interact with individuals and legal entities and state bodies on issues of providing special social services;

8) exercise other powers, imposed on local executive bodies in the interests of local state management by the legislation of the Republic of Kazakhstan.

Footnote. Article 11 as amended by Laws of the Republic of Kazakhstan No. 452-IV dated 05.07.2011 (shall be enforced from 13.10.2011); No. 461-IV dated 15.07.2011 (shall be enforced from 30.01.2012); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Chapter 3-1. National preventive mechanism

A footnote. The Law is supplemented by Chapter 3-1 in accordance with the Law of the Republic of Kazakhstan dated 01.04.2019 № 240-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Footnote. In Chapter 3-1, the words “Commissioner for Human Rights”, “Commissioner for Human Rights”, “of the Commissioner for Human Rights”, “by the Commissioner for Human Rights”, “to the Commissioner for Human Rights” have been replaced respectively by the words “Commissioner for Human Rights in the Republic Kazakhstan”, “Commissioner for Human Rights in the Republic of Kazakhstan”, “of the Commissioner for Human Rights in the Republic of Kazakhstan”, “by the Commissioner for Human Rights in the Republic of Kazakhstan”, “to the Commissioner for Human Rights in the Republic of Kazakhstan” in accordance with the Law of the Republic of Kazakhstan dated 05.11.2022 No. 157-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 11-1. National preventive mechanism

1. The National Preventive Mechanism operates in the form of a system for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, which operates through the activities of the members of the National Preventive Mechanism.

2. As part of their activities, participants in the national preventive mechanism visit entities providing special social services and other organizations as defined by the laws of the Republic of Kazakhstan for visits by these participants (hereinafter - preventive visits).

3. The participants of the national preventive mechanism are the Commissioner for Human Rights in the Republic Kazakhstan, as well as members of public monitoring commissions and public associations selected by the Coordination Council and carrying out activities to protect the rights and legitimate interests of citizens, lawyers, social workers and doctors.

4. Commissioner for Human Rights in the Republic of Kazakhstan coordinates the activities of the participants in the national preventive mechanism and, in accordance with the legislation of the Republic of Kazakhstan, takes measures to ensure the necessary capacity and professional knowledge of the participants in the national preventive mechanism.

5. Reimbursement of expenses of the participants of the national preventive mechanism on preventive visits is made from the budget funds in the order determined by the Government of the Republic of Kazakhstan.

Article 11-2. Coordinating Council

1. In order to ensure effective coordination of the activities of the national preventive mechanism, a Coordination Council is being established under Commissioner for Human Rights in the Republic of Kazakhstan.

Members of the Coordination Council, with the exception of the Commissioner for Human Rights in the Republic of Kazakhstan, are elected by a commission established by the Commissioner for Human Rights in the Republic of Kazakhstan from among the citizens of the Republic of Kazakhstan.

2. Commissioner for Human Rights in the Republic of Kazakhstan approves that Regulation on the Coordination Council under Commissioner for Human Rights in the Republic of Kazakhstan;

The procedure for selecting participants in the national preventive mechanism;

The procedure for forming groups of participants in the national preventive mechanism for preventive visits;

Methodological recommendations on preventive visits;

The procedure for preparing the annual consolidated report on preventive visits.

3. The Coordinating Council cooperates with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture.

Article 11-3. Requirements for participants in the national preventive mechanism

1. Individuals cannot participate in the national preventive mechanism:

1) persons who have a criminal record that has not been expunged or removed in accordance with the procedure established by law;

2) Persons suspected or accused of committing criminal offences;

(3) Persons who have been declared by a court to be legally incompetent or to be of limited competence;

4) Judges, advocates, civil servants and military personnel, as well as employees of law enforcement and special state bodies;

5) registered with a psychiatrist and/or a narcologist.

2. The participants of the national preventive mechanism may also not be persons exempted from criminal liability for non-habilitative reasons for committing an intentional crime; dismissed from the state or military service, from law enforcement and special state bodies, courts or excluded from the collegium of advocates for negative reasons; deprived of a license to engage in advocacy.

Article 11-4. Rights of a party to the national preventive mechanism

1. A participant in the national preventive mechanism has the right to do so:

1) To receive information on the number of persons detained in organizations subject to a preventive visit, the number of such organizations and their location;

2) To have access to information on the treatment of persons detained in organizations subject to a preventive visit and the conditions of their detention;

3) Carry out preventive visits in accordance with the established procedure within the formed groups;

4) Interview persons detained in organizations subject to preventive visits and/or their legal representatives in person or, if necessary, through an interpreter, as well as any other person who, in the opinion of the party to the national preventive mechanism, may provide relevant information;

5) To freely choose and visit the organizations to be visited;

6) To receive reports and complaints of torture and other cruel, inhuman or degrading treatment or punishment.

2. The participant in the national preventive mechanism is independent in carrying out lawful activities.

Article 11-5. Obligations of participants in the national preventive mechanism

1. In the exercise of their powers, participants in the national preventive mechanism shall be obliged to comply with the legislation of the Republic of Kazakhstan.

2. The participants of the national preventive mechanism shall not interfere with the activities of organizations subject to preventive visits.

3. In the presence of circumstances that cast doubt on the impartiality of the participant of the national preventive mechanism, who is a member of the preventive visit team, he or she must refuse to participate in the preventive visit.

4. The participants of the national preventive mechanism shall be obliged to register received reports and complaints about the use of torture and other cruel, inhuman or degrading treatment or punishment in accordance with the procedure established by the Commissioner for Human Rights in the Republic of Kazakhstan.

Received communications and complaints are forwarded to the Commissioner for Human Rights in the Republic of Kazakhstan for consideration in the manner prescribed by the legislation of the Republic of Kazakhstan.

Information on received and transmitted communications and complaints is included in the report on the results of preventive visits.

5. Participants in the national preventive mechanism who have violated the provisions of this Law shall be held responsible in accordance with the laws of the Republic of Kazakhstan.

Article 11-6. Termination of the powers of a party to the national preventive mechanism

A party to the national preventive mechanism shall cease to be a party to the mechanism:

1) Violation of the provisions of this Act;

2) Written declaration of resignation;

3) his death or the entry into force of a court decision declaring him dead;

4) departure for permanent residence outside the Republic of Kazakhstan;

5) loss of citizenship of the Republic of Kazakhstan;

6) the entry into force of a court conviction;

7) in other cases provided for by the laws of the Republic of Kazakhstan.

Article 11-7. Types and frequency of preventive visits

1. Preventive visits to the national preventive mechanism are subdivided into

1) Periodic preventive visits conducted on a regular basis at least once every four years;

2) Intermediate preventive visits conducted between periodic preventive visits to monitor the implementation of the recommendations of the previous periodic preventive visit, as well as to prevent the prosecution of persons interviewed by the national preventive mechanism by the administrations of the organizations to be visited ;

3) Special preventive visits based on reports of torture and other cruel, inhuman or degrading treatment or punishment.

2. The Coordinating Council determines the dates and the list of organizations subject to preventive visits within the limits of the allocated budget.

Article 11-8. Procedure for preventive visits

1. Preventive visits are carried out by groups formed by the Coordinating Council of the National Preventive Mechanism in accordance with the rules approved by the Government of the Republic of Kazakhstan in consultation with by the Commissioner for Human Rights in the Republic of Kazakhstan.

2. No participant in the national preventive mechanism may be subjected to discrimination on grounds of origin, social, official or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstances when forming groups for preventive visits.

3. Ensuring the security of the participants in the national preventive mechanism is the responsibility of the administration of the organizations to be visited. In the event of misconduct by the participants in the national preventive mechanism, the head of the administration of the organizations to be visited shall inform of the Commissioner for Human Rights in the Republic of Kazakhstan in writing.

4. Each preventive visit shall be followed by a written report in the form approved by the Coordinating Council, which shall be signed by all members of the preventive visit team. A member with a dissenting opinion shall prepare a written report and attach it to the report.

Article 11-9. Annual consolidated report of the participants in the national preventive mechanism

1. The Coordinating Council prepares an annual consolidated report of the participants in the national preventive mechanism, taking into account their reports on preventive visits.

2. The annual consolidated report of the participants in the national preventive mechanism is also included:

Recommendations to the competent State bodies on improving the treatment of persons detained in organizations subject to preventive visits and preventing torture and other cruel, inhuman or degrading treatment or punishment;

Proposals for improving the legislation of the Republic of Kazakhstan.

The annual consolidated report of the participants in the national preventive mechanism is accompanied by a financial report on preventive visits for the past year.

3. The annual consolidated report of the participants in the national preventive mechanism is forwarded for consideration by the competent State bodies and posted on the website of the Commissioner for Human Rights in the Republic of Kazakhstan within one month of its approval by the Coordinating Council.

Article 11-10. Privacy

1. Participants in the national preventive mechanism may not disclose information about the private life of a person known to them during preventive visits without the consent of the person concerned.

2. Disclosure by the participants of the national preventive mechanism of information about the private life of a person who became known to them during preventive visits without the consent of the person concerned shall entail liability established by the laws of the Republic of Kazakhstan.

Article 11-11. Interaction of authorized state bodies with the participants of the national preventive mechanism

1. State authorities and their officials shall assist the participants of the national preventive mechanism in carrying out their legitimate activities.

No State body or official has the right to restrict the rights and freedoms of citizens for reporting torture and other cruel, inhuman or degrading treatment or punishment to the participants in the national preventive mechanism.

Officials impeding the legal activities of the participants of the national preventive mechanism shall bear responsibility established by the laws of the Republic of Kazakhstan.

2. Within three months from the date of receipt of the annual consolidated report of the participants in the national preventive mechanism, the authorized state bodies shall inform of the Commissioner for Human Rights in the Republic of Kazakhstan in writing of the measures taken as a result of consideration of the received reports.

3. On the basis of the reports of the participants in the national preventive mechanism on the basis of the results of preventive visits, the Commissioner for Human Rights in the Republic of Kazakhstan has the right, in accordance with the procedure established by law, to apply to the authorized state bodies or officials to initiate disciplinary or administrative proceedings or criminal proceedings against an official who has violated human and civil rights and freedoms.

Chapter 4. ORGANIZATION OF PROVIDING SPECIAL SOCIAL SERVICES TO PERSON (FAMILY), BEING IN TIGHT REAL-LIFE SITUATION

Article 12. Rights and obligations of person (family), being in tight real-life situation

1. A person (family), being in tight real-life situation shall have a right to:
 - 1) apply for provision of special social services;
 - 2) receive information on his (her) rights, obligations and conditions of providing special social services;
 - 3) participate in conducting assessment and determination of necessity in the special social services;
 - 4) choose subjects providing the guaranteed volume of special social services and (or) paid special social services except for minors in educational institutions with particular treatment;
 - 5) receive or refuse from provision of special social services;
 - 6) appeal actions (omission) of civil servants, as well as subjects, providing special social services, in the manner, established by the Laws of the Republic of Kazakhstan;
 - 7) confidentiality of information of personal character, become well known to civil servant or subjects, providing special social services.
2. A person (family), being in tight real-life situation, shall be obliged to:
 - 1) provide comprehensive and reliable information for determination of necessity and adoption of decision on provision of special social services;
 - 2) not to prevent to the process of assessment and determination of necessity in the special social services;
 - 3) inform in a timely manner the subjects, providing special social services on change of circumstances, affecting to their provision.

Footnote. Article 12 as amended by Law of the Republic of Kazakhstan № 236-V dated 05.07.2014 (shall be enforced from 01.01.2015).

Article 13. Application of person (family), being in tight real-life situation for provision of the special social services

1. A person (family), being in tight real-life situation shall apply for provision of the special social services at the place of residence (except for the case, provided by paragraph 7 of Article 15 of this Law) by filling of a written application:
 - 1) for the guaranteed and (or) additional volume of the special social services, provided over the guaranteed volume, to the local executive bodies of districts (cities of regional significance);
 - 2) for the paid services to the subjects, providing special social services; social services provided in excess of the guaranteed volume:
 - to subjects providing special social services to troubled individuals (families) because of cruel treatment that resulted in social alienation and social deprivation;

to subjects providing assistance to victims of domestic violence;
to subjects providing special social services to troubled individuals (families) because of homelessness (to persons of no fixed abode).

2. In the interests of person (family), being in tight real-life situation, with application on provision of the special social services with specification of reason, on which a person (family) do not apply independently, may apply:

- 1) one of the adult members of the family;
- 2) trustee (guardian);
- 3) akim of rural settlement, village, rural district;
- 4) a person by power of attorney in accordance with civil legislation of the Republic of Kazakhstan;
- 5) a subject providing special social services to a troubled individual (family) because of:

cruel treatment that resulted in social alienation and social deprivation;
homelessness (to a person of no fixed abode);

6) organization on rendering assistance, created in accordance with the Law of the Republic of Kazakhstan “On preventive measures of domestic violence”.

Footnote. Article 13 as amended by Constitutional Law of the Republic of Kazakhstan No. 121-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan No. 175-V dated 18.02.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 433-V dated 03.12.2015 (shall be enforced from 01.01.2016).

Article 14. Assessment and determination of necessity in the special social services

1. Provision of special social services shall be carried out on the basis of assessment and determination of necessity in the special social services of person (family), being in tight real-life situation, determined by the social employee on assessment and determination of the necessity in the special social services.

2. Criteria upon assessment and determination of necessity in the special social services are:

- 1) restriction of life activity;
- 2) social disadaptation;
- 3) social deprivation;
- 4) unfavorable social environment.

3. Within ten working days from the date of receipt of an application from persons mentioned in article 13 of this Law, a social worker, on the instructions of local executive bodies of districts, cities of regional, national significance, the capital, shall assess and determine the need for special social services in the manner established by paragraph five subparagraph 2) of article 8 of this Law.

4. On the basis of assessment and determination of necessity in the special social services, social employee on assessment and determination of necessity in the special social services shall prepare conclusion, in which a type of service, category of a recipient, place of provision, duration of providing the service, content of service, individual peculiarities are determined.

Footnote. Article 14 as amended by Law of the Republic of Kazakhstan № 433-V dated 03.12.2015 (shall be enforced from 01.01.2016).

Article 15. Provision of special social services

1. Provision of guaranteed and additional volumes of special social services in excess of the guaranteed volume is carried out pursuant to a decision of local executive bodies of districts, cities of regional, national significance, the capital, if they are funded through the budget, except for troubled individuals because of cruel treatment that resulted in social alienation and social deprivation, associated with trafficking in persons and homelessness.

2. Within three working days from the date of receipt of the opinion of a social worker on assessment and identification of the need for special social services, local executive bodies of districts, cities of regional, national significance, the capital make a decision to provide special social services to a troubled individual (family), which are funded through the budget.

Until local executive bodies of districts, cities of regional, national significance, the capital take a decision to provide special social services to a troubled individual (family) because of cruel treatment that resulted in social alienation and social deprivation associated with domestic violence, this individual (family) may stay with subjects providing special social services or providing assistance to victims of domestic violence, if their provision (rendering) is funded through the budget.

3. In case of refusal to fund the provision of special social services through the budget, local executive bodies of districts, cities of regional, national significance and the capital shall notify an applicant in writing specifying the reason for the refusal in the manner established by the legislation of the Republic of Kazakhstan and return the documents submitted for the assessment and determination of the need for special social services.

4. Grounds for refusal in provision of special social services shall be:

- 1) inconsistency to the grounds mentioned in Article 6 of this Law;
- 2) unreliability of presented details and documents.

5. Provision of special social services shall be carried out by subjects providing special social services at the expense of budget funds, from the date of adoption of decision on its rendering.

6. Provision of paid special services shall be carried out in accordance with an agreement, concluded by a person (family), being in tight real-life situation, and subjects, providing special social services.

7. Special social services are provided to a troubled individual (family) because of homelessness (to a person of no fixed abode), cruel treatment that resulted in social alienation and social deprivation, regardless of the place of residence.

8. Under the grounds referred to in sub-paragraphs 6) and 8) of paragraph 1 Article 6 of this Law, the choice of entities providing special social services shall be made by persons (families) in a difficult life situation via the social services portal.

Footnote. Article 15 as amended by Law of the Republic of Kazakhstan No. 175-V dated 18.02.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 433-V dated 03.12.2015 (shall be enforced from 01.01.2016); Law of the RK No. 67-VII dated 12.10.2021 (shall take effect ten calendar days after the date of its first official publication).

Article 16. Rights and obligations of social employees

1. Social employee shall have a right to:

1) introduction of new methods into the scope of provision of special social services, engage in research activities;

2) free choice of methods and forms of organizing the activity in the scope of provision of special social services upon condition of compliance with standards of rendering of special social services;

3) raising of qualification no less frequently than once every five years.

2. Social employee, carrying out an assessment and determination of necessity in the special social services, except for the rights, established by paragraph 1 of this Article, shall have a right to:

1) request and receive necessary information from the local executive bodies;

2) attract the necessary specialists for assessment and determination of necessity in the special social services.

3. Social employee shall be obliged to:

1) have the relevant theoretical and practical knowledge in the field of his (her) professional competence;

2) ensure the quality of provided special social services;

3) not to disclose confidential information on person (family), being in tight real-life situation;

4) not to admit discrimination in relation of person (family), being in tight real-life situation;

4-1) immediately inform law enforcement bodies about the fact that minors have committed acts (or omissions) in respect of them that contain signs of criminal or administrative offense in the organizations of social protection of the population, as

well as about the facts that have become known to him in connection with his professional activities outside the organizations of social protection of the population;

5) improve professional skills on a regular basis;

6) undergo attestation no less frequently than once every five years;

7) draw up an individual plan for the provision of special social services;

8) comply with the norms of professional ethics of conduct, approved by the authorized body in the field of social protection of the population in agreement with the authorized bodies in the field of healthcare and education.

Social employee carrying out assessment and determination of necessity in the special social services, except for obligations, established by paragraph 3 of this Article, shall be obliged to assess and determine necessity in a quality manner in provision of special social services to the person (family), being in tight real-life situation.

Footnote. Article 16 with the change introduced by the Law of the Republic of Kazakhstan dated 01.04.2019 № 240-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 03.05.2022 No. 118-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 17. Rights and obligations of subjects, providing special social services

1. Subjects, providing special social services shall have a right to:

1) participate in tenders for the provision of special social services, services for assessing and determining the need for special social services provided at the expense of budgetary funds, in accordance with the legislation of the Republic of Kazakhstan on public procurement and on state social order, state order for the implementation of a strategic partnership, grants and awards for non-governmental organizations in the Republic of Kazakhstan;

2) provide the special social services on a paid basis;

3) carry out an assessment and determination of necessity in the special social services;

4) request and receive necessary information from the local executive bodies for assessment and determination of the volume and types of special social services, except for the cases, provided by the legislation of the Republic of Kazakhstan.

2. Subjects, providing the special social services shall be obliged to:

1) comply with the standards of rendering the special social services;

2) create conditions, required for provision of special social services;

3) respect the dignity of recipients of special social services and members of their family;

4) treat humanly and not to allow discriminating actions in relation to the recipients of special social services and members of their family;

5) ensure confidentiality upon provision of special social services, except for the cases, provided by the Laws of the Republic of Kazakhstan;

6) provide training and raising of qualification of social employees.

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 04.07.2022 No. 134-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Article 18. Licensing of the activity on provision of special social services

Footnote. Article 18 is excluded by Law of the Republic of Kazakhstan No. 461-IV dated 15.07.2011 (shall be enforced from 30.01.2012).

Article 19. Financing of subjects, providing special social services

Financing of subjects, providing special social services shall be carried out at the expense of:

1) budget funds in the manner, established by the legislation of the Republic of Kazakhstan;

2) funds received for provision of paid special social services;

3) other sources that are not inconsistent with the legislation of the Republic of Kazakhstan.

Chapter 5. FINAL PROVISIONS

Article 20. State control over the provision of special social services

A footnote. Title of Article 20 with the change introduced by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

1. State control in the sphere of provision of special social services is carried out in the form of inspection and preventive control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

Inspection shall be carried out in accordance with the Entrepreneurial Code of the Republic of Kazakhstan. Other forms of state control are exercised in keeping with this Law.

2. In case of violation of requirements of this Law by the subject, providing special social services, an authorized body shall:

1) direct the binding orders on elimination of violations to the subjects, providing special social services within three business days from the date of ending of inspection;

2) take measures, required for bringing of the subject (his (her) civil servants), providing special social services, to responsibility, established by the Laws of the Republic of Kazakhstan.

3. Actions (omission), as well as decisions of the state bodies may be appealed in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 20 is in the wording of Law of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (see Article 2 for the enactment procedure); as amended by Laws of the Republic of Kazakhstan No. 378-IV dated 06.01.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 15-V dated 27.04.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016); No. 156-VI dated 24.05.2018 (shall be enforced upon expiration of ten calendar days after the day of its first official publication).

Article 21. Responsibility for the breach of the legislation of the Republic of Kazakhstan on special social services

Persons that are guilty in the breach of the legislation of the Republic of Kazakhstan on special social services shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

Article 22. Order of enforcement of this Law

This Law enters into force from 1 January, 2009.

The President

of the Republic of Kazakhstan

N. Nazarbayev