

On approval of the Rules for the provision of social and legal assistance to the persons subject to probation

Invalidated Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated October 23, 2014 No. 1131. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 09/01/2023 No. 758.

Unofficial translation

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 09/01/2023 No. 758 (effective after ten calendar days after the date of its first official publication).

Footnote. The heading is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 13.04.2022 No. 217 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. To approve the attached Rules for the provision of social and legal assistance to the persons subject to probation.

Footnote. Paragraph 1 is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 13.04.2022 No. 217 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

2. To recognize as invalid the Resolution of the Government of the Republic of Kazakhstan dated April 28, 2012 No. 542 “On approval of the Rules for the provision of social and legal assistance to conditionally convicted” (CAPG of the Republic of Kazakhstan, 2012, No. 46, Art. 623).

3. This resolution shall be enforced on January 1, 2015 and shall be subject to official publication.

*Prime-Minister of
the Republic of Kazakhstan*

K. Massimov

Approved
by the Resolution
of the Government of the
Republic of Kazakhstan
dated October 23, 2014 No. 1131

Rules

for the provision of social and legal assistance to the persons subject to probation

Footnote. Rules are in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 13.04.2022 No. 217 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 1. General provisions

1. These Rules for the provision of social and legal assistance to the persons subject to probation (hereinafter - the Rules) have been developed in order to implement the Penal Execution Code of the Republic of Kazakhstan, the Law of the Republic of Kazakhstan "On Probation" and shall determine the procedure for providing social and legal assistance to the persons subject to probation.

2. Local executive bodies, public associations, and other organizations shall provide social and legal assistance to the persons in respect of whom pre-trial, sentence , penitentiary and post-penitentiary probation is applied. These persons may apply for this assistance to local executive bodies or public associations and other organizations.

3. Sentence probation shall be applied to a person sentenced to restriction of freedom or a conditionally convicted person.

4. Penitentiary probation shall be applied to a convict serving a sentence of deprivation of liberty in institutions of the penitentiary (penal) system.

For the persons in respect of whom penitentiary probation is applied, the administration of the institution of the penitentiary (penal) system shall draw up an individual program for the provision of social and legal assistance in the form according to Appendix to these Rules.

5. Post-penitentiary probation shall be applied to a person:

- 1) released on parole from serving a sentence of deprivation of liberty;
- 2) released from places of deprivation of liberty, in respect of whom the court has established administrative supervision;
- 3) to whom deprivation of liberty was replaced by restriction of liberty in accordance with Article 73 of the Criminal Code of the Republic of Kazakhstan;
- 4) to whom deprivation of liberty was replaced by a fine in accordance with Article 73 of the Criminal Code of the Republic of Kazakhstan;
- 5) who has served the term of punishment imposed by the court in the form of deprivation of liberty.

Chapter 2. Procedure for providing social and legal assistance to the persons subject to probation

6. The main direction of social and legal assistance to the persons subject to probation shall be obtaining education, mastering a profession, employment, treatment, and providing legal assistance.

7. The probation service when registering the persons subject to probation shall:

- 1) establish the place of residence, state of health, level of education, and employment;
- 2) explain the procedure for receiving social and legal assistance.

8. Local executive bodies shall organize the process related to the provision of social and legal assistance to the persons subject to probation in accordance with the legislation of the Republic of Kazakhstan.

9. Medical assistance shall be provided in state healthcare organizations within the guaranteed volume of free medical care and (or) in the system of compulsory social health insurance.

10. A person with an incomplete secondary education, subject to probation, shall apply to educational institutions at the place of residence.

11. Legal assistance to the persons subject to probation shall provide for the following services:

1) execution of documents of legal significance, in cases where they do not have funds, to receive social benefits, social payments prescribed by law, to apply for employment, training, and medical care;

2) legal advice on the statutory rights to social assistance, social security and ways to protect against their violations, established by law;

3) providing assistance in obtaining benefits, allowances, and other social payments established by law, contributing to the solution of issues that create conditions for getting out of a difficult life situation.

To provide legal assistance, the persons subject to probation shall apply to local executive bodies at their place of residence.

12. When providing employment assistance to the persons subject to probation, local executive bodies shall carry out the following activities:

1) send the unemployed to the vacancies available in the database of vacancies of the authorized body/employment center;

2) send the unemployed to social jobs;

3) send the unemployed with their consent to public works;

4) send the unemployed to vocational training, retraining, and advanced training in accordance with the needs of the labor market with subsequent assistance in their employment;

5) establish quotas for the employment of persons registered with probation services or released from places of deprivation of liberty. At the same time, the payroll number of employees of the sending party does not include employees involved in work in accordance with the contract for the provision of personnel services.

13. After the expiration of probation control, the period of administrative supervision and deregistration of the probation service, social and legal assistance provided by state bodies and other organizations continues in accordance with the legislation of the Republic of Kazakhstan.

14. Within three working days after receiving a court resolution, the probation service shall send a notice to the local executive body and the organization providing

social and legal assistance to suspend it in respect of persons put on the wanted list for whom the preventive measure "detention" has been chosen.

15. Illegal actions of employees of local executive bodies, public associations, and other organizations, citizens providing social and legal assistance may be appealed in the manner prescribed by law.

Appendix
to the Rules for the provision
of social-legal assistance to the
persons subject to probation

Form

(name of the institution)

Individual program for the provision of social and legal assistance

We, the undersigned: _____
(employees of the institution of the penal enforcement (penitentiary) system)

_____ based on the results of the state of health, the level of education and employment, presence

of a place of residence, as well as other information (of a person subject to penitentiary probation),

they compiled an individual program for the provision of social and legal assistance in relation to

_____ (surname and initials of the person) after release, he/she will reside

_____,
(address)

needs the following social and legal assistance:

- 1) receiving medical care (if necessary);
- 2) legal assistance (if necessary):

execution of documents of legal significance, in cases a person registered with the probation service does not have funds to receive social benefits, social payments, as required by law, to apply for employment, training, medical care; legal advice on statutory rights to social assistance, social security and ways to protect against their violations; assistance in obtaining benefits, allowances and other social payments established by law, contributing to the solution of issues that create conditions for getting out of a difficult life situation;

- 3) assistance in obtaining an education (if necessary);
- 4) mastery of a profession and employment (if necessary);
- 5) placement in a temporary stay organization providing special social services (in the event that a person who has served a sentence does not have or has lost housing);
- 6) receiving other assistance (if necessary).

An individual program for the provision of social and legal assistance was drawn up by employees of an institution of the penal enforcement (penitentiary) system).

(title) (signature) (surname, name, patronymic (if any))

(title) (signature) (surname, name, patronymic (if any))

" ____ " _____ 20__

S.P.

I am familiar with and agree with the individual program for the provision of social and legal assistance

(surname, name, patronymic (if any)) (signature)

" ____ " _____ 20__