

## **On the Rights of a Child in the Republic of Kazakhstan**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 8 August 2002 № 345.

#### **Unofficial translation**

Footnote. Throughout the whole text, the words “Legislative acts” are substituted respectively by the words “Laws” 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).

The Law regulates relations arising due to implementation of basic rights and legal interests of a child guaranteed by the Republic of Kazakhstan proceeding from the principles of priority of preparing children to full life in society, their development of social important and creative activity, development of high moral qualities, patriotism and civic consciousness, formation of the national consciousness on the basis of universal human values of the word civilization.

**Footnote. The Preamble 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).**

## **Chapter 1. General provisions**

### **Article 1. Basic definitions used in the Law**

The following basic definitions shall be used in the Law:

1) a child (children) in need of special social services - a child (children) whose life activity is disrupted as a result of the current circumstances as provided for by the legislation of the Republic of Kazakhstan on social protection, and who cannot overcome these circumstances independently or with the help of the family;

1-1) an abandoned child - a child who was left without the care of a single or both parents due to the restriction or deprivation of their parental rights, recognition of parents as missing, declaring them dead, recognition as incompetent (partially capable), imprisonment of parents, parents' evasion from raising a child or from protecting his rights and interests, including when parents refuse to take their child from an educational or medical institution, as well as in other cases of lack of parental care;

2) a child – a person under eighteen years of age (majority age);

3) organizations that perform the child rights protection functions are organizations that provide social support, social, medical-social, socio-pedagogical, psychological-pedagogical,

legal services and material assistance, social rehabilitation of children in need of special social services, supporting the employment of such children when they reach employable age;

4) social rehabilitation of a child – measures on restoration of social communications and functions lost by a child, replenishment of life support environment, strengthening of his care;

4-1) harassment (bullying) of a child - systematic (two or more times) actions of a humiliating nature, harassment and (or) intimidation, including those aimed at forcing to commit or refusing to commit any action, as well as the same actions committed publicly or using the mass media and (or) telecommunication networks, and (or) online platforms (cyberbullying);

5) social adaptation of a child – process of active adjustment of a child being in a difficult real-life situation to conditions of social environment by acquisition and perception of values, rules and norms of behavior accepted in society, as well as process of overcoming the consequences of psychological and (or) moral injury;

6) legal representatives of a child – parents, adoptive parents, trustee, guardian, patronage educator, foster parents, other persons substituting them, carrying out care, education, upbringing, protection of rights and interests of a child in accordance with the legislation of the Republic of Kazakhstan;

7) economic exploitation of a child – the worst forms of child labour, as well as trafficking of minor children, their involvement in criminal activity or in commission of anti-social actions, prostitution, production of indecent prints or participation of minor children in entertainment events of pornographic character, as well as labour committed by children under minimal age for acceptance for employment established by the Laws of the Republic of Kazakhstan;

8) orphan-child – a child whose only one or both parents are died;

8-1) mentoring of orphans, children without parental care (hereinafter referred to as mentoring) - activities aimed at providing individual support and assistance in preparing for independent life of orphans, children without parental care who are in educational organizations for orphans and children without parental care who have reached the age of ten;

8-2) a mentor for orphans, children left without parental care (hereinafter referred to as the mentor) - an adult citizen of the Republic of Kazakhstan who provides mentoring on the basis of a standard mentoring agreement;

9) trusteeship – legal form of protection of the rights and legal interests of children at the age from fourteen to eighteen years;

10) custody – legal form of protection of the rights and legal interests of children under fourteen years;

11) state minimal social standards – basic indices of ensuring life quality of children including minimal volume of social services, norms and normative standards established by the state;

12) a child with disabilities - a person under the age of eighteen who has a health disorder with a persistent disorder of body functions due to diseases, injuries, their consequences, and defects, leading to a disability and the need for his/her social protection;

12-1) target assets - money intended for ensuring and payment of target savings, as well as other purposes provided for by this Law;

12-2) targeted savings recipient - a citizen of the Republic of Kazakhstan who has reached the age of eighteen and has the right to receive targeted savings;

12-3) target savings account - a personal registered account of the target savings recipient opened in the unified pension savings fund in accordance with this Law and the legislation of the Republic of Kazakhstan, where target savings are accounted for and from which target savings are paid;

12-4) payments of target savings - the amount of target savings paid from the target savings account to the target savings beneficiary, as well as to the heirs in the manner established by the legislation of the Republic of Kazakhstan;

12-5) participant of target claims - a citizen of the Republic of Kazakhstan who has not reached the age of eighteen and has the right to target claims;

12-6) regional commissioner for children's rights of a region, city of republican significance, the capital - a representative of the Commissioner for Children's Rights in the Republic of Kazakhstan, operating on a voluntary basis, who is entrusted with the functions of ensuring basic guarantees of the rights and legitimate interests of children, as well as restoration their violated rights and freedoms in interaction with state and public institutions in the relevant administrative-territorial unit;

13) foster care – form of nurturing upon which a child who left without custody of parents shall be transferred for a care in a family of citizens under the contract concluded by the authorized state body and a person (patronage educator) who expressed a wish to take a child for care;

**14) is excluded by the Law of the Republic of Kazakhstan dated 01.04.2019 № 240-VI ( shall be enforced upon expiry of ten calendar days after its first official publication);**

15) Ombudsman for the rights of children in the Republic of Kazakhstan – a person, appointed by the President of the Republic of Kazakhstan, who is entrusted with the functions of ensuring the basic guarantees of the rights and legitimate interests of children, as well as restoring their violated rights and freedoms in cooperation with state and public institutions;

16) target savings from the unified accumulation pension fund in order to improve housing conditions and (or) pay for education (hereinafter referred to as target savings) –is the money accumulated in the target savings account of the target savings recipient at the expense of fifty percent of the investment income of the National Fund of the Republic of Kazakhstan averaged over eighteen years preceding the reporting year and investment income averaged over eighteen years preceding the reporting year accrued annually on this amount;

17) authorized operators - second-tier banks, the National Postal Operator, which open and maintain bank accounts for crediting payments of target savings transferred by the unified accumulative pension fund in order to improve housing conditions and (or) pay for education.

Footnote. Article 1 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 05.07.2014 № 236-V (shall be enforced from 01.01.2015); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 01.04.2019 № 240-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.05.2022 № 118-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 27.06.2022 № 129-VII (shall come into effect ten calendar days after the day of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023); dated 10.07.2023 № 19-VIII (shall be enforced sixty calendar days after the date of its first official publication); dated 16.11.2023 № 40-VIII (effective from 01.01.2024); dated 23.02.2024 № 64-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication); dated 15.04.2024 № 72-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication); dated 19.06.2024 № 94-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

## **Article 2. Force of the Law**

1. Force of the Law shall apply to citizens of the Republic of Kazakhstan. Child who is not a citizen of the Republic of Kazakhstan shall enjoy the rights and freedoms in the Republic, as well as incur obligations established for citizens, unless otherwise provided by the Constitution of the Republic of Kazakhstan, the Laws of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan.

2. Force of the rules of the Law establishing the rights and obligations of a child shall apply to children that acquired civil legal capability in a full measure until attainment of majority age in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 2 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).

## **Article 3. Legislation of the Republic of Kazakhstan on the rights of a child**

1. The Legislation of the Republic of Kazakhstan on the rights of a child are based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan in the field of protection of the rights of a child.

2. If international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the rules of international treaty shall be applied with the exception of cases when it follows that issuance of the Law of the Republic of Kazakhstan is required for its applying.

#### **Article 4. Legal equality of children**

1. All the children shall have equal rights independently of origin, race and national identity, social and material position, gender, language, education, relation to religious, residence place, health condition and other circumstances concerning a child and his (her) parents or other legal representatives.

2. Children born as in marriage, so out of a marriage shall enjoy equal and comprehensive protection.

**Footnote. Article 4 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).**

#### **Article 5. Prohibition of restricting rights of a child**

Rights of a child may not be restricted, with the exception of cases established by the Laws of the Republic of Kazakhstan.

**Footnote. Article 5 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).**

#### **Chapter 2. State policy in favor of children Article 6. Purposes of state policy in favor of children**

1. Purposes of state policy of the Republic of Kazakhstan in favor of children are:

1) ensuring of rights and legal interests of children, non-admission of their discrimination;  
2) strengthening of basic guarantees of rights and legal interests of children, as well as restoration of their rights in case of violations;

3) formation of legal grounds for guarantees of rights of a child, creation of the relevant bodies and organizations on protecting rights and legal interests of a child;

4) assistance for physical, intellectual, spiritual and moral development of children, patriotic, civic consciousness and peacefulness education, as well as implementing a personality of a child in favor of society, traditions of the people of the state, achievements of national and world culture;

5) ensuring of purposeful work on formation of legal sense and legal culture of a minor child;

6) ensuring protection of children from information harmful to their health and development.

2. State policy in favor of children is a priority field of activity of state bodies and is based on:

- 1) legislative ensuring of the rights of a child;
- 2) state assistance of a family for the purpose of ensuring of full nurturing of children, protection of their rights, their preparation for full life in society;
- 3) establishment and compliance with state minimal social standards oriented to improvement of life of children in recognition of regional special aspects;
- 4) responsibility of civil servants, citizens for violation of rights and legal interests of a child, infliction of harm to him (her);
- 5) state assistance of public associations and other organizations carrying out the functions on protection of rights and legal interests of a child.

**Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 170-VI (shall be enforced upon expiry of six months after its first official publication).**

#### **Article 7. Powers of central and local executive bodies of the Republic of Kazakhstan on the issues of protection of the rights of a child in the state**

1. Powers of central executive bodies on ensuring the guarantees of the rights of a child shall include:

- 1) development of the basis of state policy in favor of children;
  - 1-1) implementation of the state policy in the sphere of protection of children from information harmful to their health and development;  
**2) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V ( shall be enforced upon expiry of ten calendar days after the date of its first official publication )**;
- 3) adoption of regulatory legal acts on regulating and protecting the rights and freedoms of a child within the competence;
  - 3-1) development and approval of programs to help minors who have been subjected to violence, abuse, bullying, as well as minors in whose presence offenses against the person have been committed;
- 4) establishment of state minimal social standards oriented to improvement of life of children;
- 5) carrying out of measures on implementing state policy in favor of children at the expense of budget means and other sources not prohibited by the legislation of the Republic of Kazakhstan;
- 6) fulfillment of international obligations of the state and representation of interests of the state in international organizations on the issues of protecting the rights of a child;  
**7) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V ( shall be enforced upon expiry of ten calendar days after the date of its first official publication )**



);

8) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V ( shall be enforced from 01.01.2015);

9) carrying out of other powers provided 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.

2. (Is excluded)

3. Powers of local executive bodies on carrying out the guarantees of the rights of a child shall include:

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);

1-1) ensuring implementation of the state policy in the sphere of protection of children from information harmful to their health and development;

2) participation in formation of social infrastructure for children;

3) determination of the procedure for informing and conducting advices, carrying out of measures on protection of rights and legal interests of a child;

4) carrying out of measures on implementing state policy in favor of children in the field of nurturing, education, public health service, science, culture, physical culture and sport, social services and social protection of a family determined by the central executive bodies;

4-1) carrying out of compulsory arrangement of labour and provision of housing for orphaned children, children left without custody of parents in established manner;

5) carrying out of other powers assigned on local executive bodies by the legislation of the Republic of Kazakhstan in favor of local state management.

Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 № 13 (shall be enforced from 01.01.2005); dated 17.07.2009 № 188-IV (the order of enforcement see Article 2); dated 19.03.2010 № 258-IV; dated 06.01.2011 № 378-IV ( shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 №. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 №. 36-V (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 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); as amended by the Law of the Republic of Kazakhstan from 02.07.2018 № 170-VI (shall be enforced upon expiry of six months after its first official publication); dated 15.04.2024 № 72-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

**Article 7-1. Institution of the Ombudsman for the rights of a child**

1. The institution of the Ombudsman for the rights of a child shall be established by the President of the Republic of Kazakhstan and carry out its activities on a voluntary basis in order to guarantee the rights and legitimate interests of children, as well as to restore their violated rights and freedoms in cooperation with state and public institutions.

2. The activities of the Ombudsman for the rights of a child shall be based on the principles:

- 1) legality;
- 2) independence;
- 3) accessibility for children;
- 4) priority of protection of the rights and legitimate interests of a child;
- 5) objectivity;
- 6) publicity.

3. The Ombudsman for the rights of a child shall be guided in his/her activities by the Constitution of the Republic of Kazakhstan, the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and other normative legal acts of the Republic of Kazakhstan.

**Footnote. Chapter 2 is supplemented by Article 7-1 in accordance with the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 7-2. Ombudsman for the rights of a child**

In order to ensure protection of the rights and legitimate interests of children, the Ombudsman for the rights of a child shall:

1) consider appeals concerning violations of the rights, freedoms and legitimate interests of a child, and complaints against decisions or actions (inaction) of the state central and local executive bodies and organizations, enterprises, their officials, violating the rights, freedoms and legitimate interests of a child;

2) provide assistance in the unimpeded realization and restoration of the violated rights, freedoms and legitimate interests of a child;

3) develop and make recommendations to the Government of the Republic of Kazakhstan on improvement of the legislation of the Republic of Kazakhstan;

4) has an unhindered access to government bodies and organizations of education, health systems and social protection, culture and sports, as well as institutions of the penal system where minors are detained;

5) have unimpeded access to the documents of state and public institutions dealing with children's rights;

6) perform other powers, assigned to him/her by this Law, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan;



7) coordinates the activities and organization of interaction of the “111” contact center on family issues, protection of the rights of women and children with state and public institutions

The procedure for the activities of the regional ombudsman for children's rights of a region, city of republican significance, the capital is approved by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

**Footnote.** Chapter 2 is supplemented by Article 7-2 in accordance with the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (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 15.04.2024 № 72-VIII (shall be enforced sixty calendar days after the day of its first official publication).

### **Article 7-3. Responsibilities of the Unified Accumulative Pension Fund**

1. The Unified Accumulative Pension Fund is obliged to:

1) open target savings accounts for recording and crediting target savings in accordance with this Law;

2) carry out accounting of target assets and target claims, accounting and crediting of target savings on target savings accounts, payments of target savings to the target savings recipient from the target savings account to the accounts of authorized operators, accounting of returns of target savings in the manner established by the Government of the Republic of Kazakhstan;

3) provide, without charging a fee, through the Internet resource of the unified accumulation pension fund and (or) the “electronic government” web portal the following information on:

the amount of target claims to the participant of target claims or his legal representative;

the amount of target savings at the request of the target savings recipient on any requested date from the date of opening the target savings account, subject to the provisions of Article 7 -7 of this Law;

4) make payments of target savings in US dollars in order to improve housing conditions and (or) pay for education in accordance with the legislation of the Republic of Kazakhstan to the accounts of target savings beneficiaries opened with an authorized operator, as well as to the bank accounts of the heirs of the deceased or declared deceased by enforced court decision participants of target claims or recipients of target savings opened with the authorized operator;

5) interact with the authorized operator on issues of accounting, payment and return of target savings in the manner determined by the Government of the Republic of Kazakhstan;

6) transfer the target savings of the target savings beneficiary from target savings accounts that were not used within ten years after the target savings beneficiary reached the age of eighteen, to an individual pension account to record voluntary pension contributions.

**Footnote. Chapter 2 has been supplemented with Article 7-3 pursuant to the Law of the Republic of Kazakhstan dated 16.11.2023 № 40-VIII (effective from 01.01.2024).**

**Article 7-4. Participants of target claims, target claims and target savings**

1. Only citizens of the Republic of Kazakhstan who have not reached the age of eighteen may be participants of target claims.

2. Accrual of target claims to participants of target claims shall be carried out annually until they reach the age of eighteen, except for the cases provided for by this Law.

3. Accounting for target claims and target savings shall be kept in US dollars.

4. Target claims are invested in financial instruments within the investment activities for the management of the National Fund of the Republic of Kazakhstan until the year when the participant of the target claims reaches the age of eighteen.

5. The opening of target savings accounts in the unified accumulation pension fund for accounting and crediting of target savings to the target savings account is carried out in the manner established by the Government of the Republic of Kazakhstan.

6. Accrual of target claims shall cease in the event of death or the entry into force of a court decision declaring the target claims participant deceased.

7. Payments of target savings shall be credited to the bank accounts of target savings beneficiaries, opened by them in US dollars with authorized operators in the order established by the legislation of the Republic of Kazakhstan.

8. The procedure for the formation and accounting of target claims, target savings and payments of target savings, as well as the accrual of target claims shall be determined by the Government of the Republic of Kazakhstan.

9. The return of payments of target savings to the target savings account of the recipient of target savings, opened in the unified pension savings fund, shall be carried out in US dollars.

At that, the costs related to conversion, payment for banking services related to transfers (refunds) of target savings payments to the target savings account of the recipient of target savings, opened in the unified accumulative pension fund, shall be paid at the target savings recipient's expense.

**Footnote. Chapter 2 has been supplemented with Article 7-4 pursuant to the Law of the Republic of Kazakhstan dated 16.11.2023 № 40-VIII (effective from 01.01.2024).**

**Article 7-5. Features of collection, processing of personal data of participants of target claims, recipients of target savings and their legal representatives**

To fulfill the obligations of the unified accumulative pension fund specified in Article 7-3 of this Law, the collection, processing of personal data of participants of target claims, beneficiaries of target savings and their legal representatives shall be carried out without their consent.

**Footnote. Chapter 2 has been supplemented with Article 7-5 pursuant to the Law of the Republic of Kazakhstan dated 16.11.2023 № 40-VIII (effective from 01.01.2024).**

## **Article 7-6. Payments of target savings**

1. The right to payments of target savings for the improvement of housing conditions and (or) payment for education shall be granted to recipients of target savings who have target savings.

2. In case of death or entry into legal force of a court decision on declaring as deceased a participant of target claims or a recipient of target savings having target savings, such target savings shall be inherited in accordance with the procedure established by the laws of the Republic of Kazakhstan.

In order to credit target savings payments, heirs of the participants of target claims or recipients of target savings who died or were declared dead by an enforced court decision shall open a bank account with an authorized operator in US dollars.

3. The grounds for declining target savings payment shall be termination of the citizenship of the Republic of Kazakhstan of the participant of target claims or the recipient of target savings.

4. Education fees shall be paid at the expense of target savings by submitting an application by the target savings recipient and concluding an agreement between him and educational organizations implementing educational programs of technical and vocational, post-secondary, higher and postgraduate education, or by concluding an educational savings insurance agreement or an agreement on educational savings deposit in accordance with the Law of the Republic of Kazakhstan “On the State Educational Savings System”.

**Footnote. Chapter 2 has been supplemented with Article 7-6 pursuant to the Law of the Republic of Kazakhstan dated 16.11.2023 № 40-VIII (effective from 01.01.2024).**

## **Article 7-7. Secrecy of target savings**

1. The secrecy of target savings shall include information on the balances and movements of money in the target savings accounts of the target savings recipients.

The unified accumulative pension fund guarantees the secrecy of target savings.

Information on the amount of target claims of target claims participants shall not be secret

2. Officials, employees of the unified accumulative pension fund, who due to the performance of their official and functional duties gained access to information constituting the secret of target savings, shall not have the right to disclose information constituting the secret of target savings, and shall bear responsibility for their disclosure in accordance with the laws of the Republic of Kazakhstan, except for cases stipulated by paragraphs 3 and 4 of this Article.

Exchange of information, including information constituting the secret of target savings, between the National Bank of the Republic of Kazakhstan and the authorized body on regulation, control and supervision of financial market and financial organizations shall not constitute disclosure of the secret of target savings.

3. The secret of target savings may be disclosed to the recipient of target savings in the manner prescribed by the internal documents of the unified accumulative pension fund.

4. Statements on balances and cash flows in target savings accounts may be issued to:

1) courts - on cases pending in their proceedings on the basis of a court ruling;  
2) the authorized body for regulation, control and supervision of the financial market and financial organizations - within the framework of exercising control and supervisory functions over the activities of the unified accumulative pension fund;

3) to the prosecutor - on the basis of the decision to conduct an inspection within his competence on the case material under consideration;

4) representatives of the target savings recipient - on the basis of a notarized power of attorney or a court decision;

5) the central executive body responsible for management and cross-sectoral coordination in the field of social protection of the population - on the issue that arose in connection with the application of the targeted savings recipient;

6) audit organizations conducting an annual mandatory audit of the unified accumulative pension fund;

7) heirs - in the event of death or the entry into force of a court decision declaring the recipient of targeted savings deceased upon request with the presentation of a certificate of inheritance right;

8) notaries and foreign consular offices - on inheritance cases in their proceedings in the event of death or entry into force of a court decision declaring the recipient of target savings deceased upon request;

9) heads of organizations of all types for orphans and abandoned children, based on information in the information systems of state bodies and (or) documents confirming the presence of orphans and abandoned children in such organizations.

**Footnote. Chapter 2 has been supplemented with Article 7-7 pursuant to the Law of the Republic of Kazakhstan dated 16.11.2023 № 40-VIII (effective from 01.01.2024).**

#### **Article 7-8. Target assets of the unified accumulative pension fund**

1. Seizure or foreclosure of target assets, target savings and payment of target savings on the debts of the target savings recipient, the unified accumulative pension fund, the National Bank of the Republic of Kazakhstan, authorized operators shall not be allowed, including in cases of liquidation and (or) bankruptcy of the listed subjects.

2. Target assets shall be used exclusively for:

1) payments of targeted savings in order to improve housing conditions and (or) pay for education and in other cases in accordance with the legislation of the Republic of Kazakhstan;

2) return of erroneously credited target savings and other erroneously credited money.

**Footnote. Chapter 2 has been supplemented with Article 7-8 pursuant to the Law of the Republic of Kazakhstan dated 16.11.2023 № 40-VIII (effective from 01.01.2024).**

#### **Article 7-9. Custody and accounting of target assets of the unified accumulative pension fund**

1. Target assets of the unified accumulative pension fund shall be held and accounted for on accounts with the National Bank of the Republic of Kazakhstan in accordance with the agreement concluded between the National Bank of the Republic of Kazakhstan and the unified accumulative pension fund.

2. The National Bank of the Republic of Kazakhstan for the purpose of accounting and custody of target assets of the unified accumulative pension fund has the right to open accounts with foreign custodian banks.

**Footnote. Chapter 2 has been supplemented with Article 7-9 pursuant to the Law of the Republic of Kazakhstan dated 16.11.2023 № 40-VIII (effective from 01.01.2024).**

**Article 7-10. Accounting and reporting of the unified accumulative pension fund on target claims, target savings and target assets and their control**

1. The Unified Accumulative Pension Fund shall keep records and draw reports on target claims, target savings and target assets in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

To carry out accounting of target assets and ensure reliability, safety and protection of information from unauthorized access, automated information systems in the form of software of the unified accumulative pension fund shall be used.

2. Control over the procedure of keeping records of target claims, target savings and target assets shall be performed by the authorized body on regulation, control and supervision of the financial market and financial organizations.

**Footnote. Chapter 2 has been supplemented with Article 7-10 pursuant to the Law of the Republic of Kazakhstan dated 16.11.2023 № 40-VIII (effective from 01.01.2024).**

**Article 7-11. Audit of the unified accumulative pension fund on its target asset**

Within the mandatory annual audit of the unified accumulative pension fund, the auditing organization shall audit the target assets of the unified accumulative pension fund. Expenses on the mandatory annual audit of the target assets of the unified accumulative pension fund shall be incurred from the unified accumulative pension fund's own assets.

**Footnote. Chapter 2 has been supplemented with Article 7-11 pursuant to the Law of the Republic of Kazakhstan dated 16.11.2023 № 40-VIII (effective from 01.01.2024).**

**Article 7-12. Regional Commissioner for Children's Rights of the region, city of republican significance, the capital**

In order to ensure the protection of the rights and legitimate interests of children, the regional ombudsman for children's rights of the region, city of republican significance, the capital:

1) considers appeals concerning violations of the rights, freedoms and legitimate interests of the child, and complaints about decisions or actions (inaction) of local executive bodies and organizations, their officials, violating the rights, freedoms and legitimate interests of the child;

2) assists in the unhindered implementation and restoration of the violated rights, freedoms and legitimate interests of the child;

3) develops and submits to the Commissioner for Children's Rights in the Republic of Kazakhstan recommendations for improving the legislation of the Republic of Kazakhstan;

4) freely visits local executive bodies and organizations of education, health care systems and social protection of the population, culture and sports, as well as institutions of the penal system where minors are detained;

5) has the right, upon request, to gain access to documents of state and public institutions dealing with children's rights in the relevant administrative-territorial unit in accordance with the legislation of the Republic of Kazakhstan;

6) performs other powers in accordance with the legislation of the Republic of Kazakhstan on the rights of the child.

**Footnote. Chapter 2 is supplemented by Article 7-12 in accordance with the Law of the Republic of Kazakhstan dated 15.04.2024 № 72-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).**

### **Chapter 3. Main rights and obligations of a child Article 8. Right of a child to protection of health**

1. Each child shall have inalienable right to protection of health.

2. State shall create conditions for mother on protection of her health for ensuring a birth of healthy child.

3. Right of a child to protection of health shall be ensured by:

1) adoption of the legislation of the Republic of Kazakhstan in the field of protection of health of a child;

2) propaganda and stimulation of children's healthy lifestyle;

3) state support of scientific researches in the field of protection of health of children;

4) control of condition of health of a child, his (her) parents and preventive treatment of childhood diseases;

5) rendering of qualified medical treatment;

6) creation of favorable environment being required for healthy development of a child;

7) control of producing and selling food stuff of proper quality for children.

4. The state shall guarantee gratuitous volume of medical assistance for children in accordance with the legislation of the Republic of Kazakhstan.

5. Any scientific tests or other experiments with a child inflicting harm to his (her) life, health and normal physical and psychological development shall be prohibited.

**Footnote. Article 8 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).**

### **Article 9. Right of a child to individuality and its preservation**



Each child after birth shall be registered in accordance with the Laws of the Republic of Kazakhstan. From the date of birth, he (she) shall have the right to first name, patronymic and last name, nationality and citizenship, and in cases provided by the Laws of the Republic of Kazakhstan, right to their preservation.

**Footnote. Article 9 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).**

#### **Article 10. Right of a child to life, personal freedom, inviolability of dignity and private life**

1. Each child shall have the right to life, personal freedom, inviolability of dignity and private life.

2. The state shall ensure the personal integrity of the child, and protects him/her from physical and (or) mental violence, cruel, rude or degrading treatment, harassment (bullying) of the child, acts of a sexual nature, involvement in criminal activities and the commission of antisocial acts and other types activities that infringe on the rights and freedoms of a person and citizen enshrined in the Constitution of the Republic of Kazakhstan.

**Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan dated 03.05.2022 № 118-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 11. Right of a child to freedom of speech and conscience, information and participation in social life**

1. Each child shall have the right to freedom of speech and expression of own opinion, freedom of conscience, development of own social activity, receipt and distribution of information being relevant to his (her) age, voluntary participation in public associations, as well as in other forms of non-commercial organizations and peaceful meetings permitted by the legislation of the Republic of Kazakhstan.

2. The state bodies shall promote the activities of public associations aimed at the development of the personality of children, their creative makings, social activity, scientific, technical and artistic creativity, protection of their intellectual property, protection of life and health of children, protection of natural environment, historical and cultural monuments, carrying out charity, involving in participation in cultural and sports life, leisure activities.

**Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 16.11.2015 № 403-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 12. Right of a child to necessary level of living**

1. Each child shall have the right to level of life and conditions being required for full physical, psychological, moral and spiritual development.

2. The state shall ensure creation of these conditions through the system of social and economic measures.

### **Article 13. Property rights of a child**

1. A child shall have the right to receive maintenance from his (her) parents and other family members in the manner and amounts established by the Law. The sums owing to a child as alimonies, benefits and other social payments shall be transferred to the ownership of parents (their substituting persons) and shall be spent for maintenance, education and nurturing of a child.

2. Every child shall have the right, in accordance with the procedure established by law, to make transactions independently or through his legal representatives, hold deposits in banks or with the National Postal Operator, to dispose of earnings, scholarship or other income and intellectual property rights, to acquire and exercise other property rights.

Parents or legal representatives have the right to deposit money allocated by the state as child allowance or material assistance in the name of the child in banks and (or) the National Postal Operator.

3. Each child shall have the right of property for incomes received by him (her), property received by him (her) as a gift or in order of succession, as well as for any other property acquired at the expense of a child.

Child receiving incomes from his (her) own labour shall have the right to participate in expenses on maintenance of family, if he (she) lives with parents.

Right of a child for disposition of property owing to him (her) on the basis of a right of ownership shall be determined by civil legislation of the Republic of Kazakhstan.

**Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 16.11.2023 № 40-VIII (effective from 01.01.2024).**

### **Article 14. Right of a child to dwelling place**

1. Each child shall have the right to dwelling place in accordance with housing legislation of the Republic of Kazakhstan.

2. Orphan-child, child left without custody of parents, staying in educational, medical and other organizations including the organizations ensuring temporary isolation from society, being under trusteeship or guardianship, under foster care shall reserve the right of ownership to dwelling place or right of using the dwelling place, and in its absence, shall have the right to receiving the dwelling place in accordance with housing legislation of the Republic of Kazakhstan.

Dwelling place from state housing fund or dwelling place leased by local executive body in a private housing fund shall be reserved for orphaned children, children left without custody of parents for the period of their stay in educational, medical and other organizations, including the organizations ensuring temporary isolation from society, being under trusteeship or guardianship, under foster care – until their attainment of majority age.

3. Children being left without custody of parents, as well as orphaned children may not be dispossessed from dwelling place occupied by them without provision of other dwelling place

4. Reservation of a right of ownership to dwelling place or right of using the dwelling place of children mentioned in paragraph 2 of the Article shall be ensured by local executive bodies.

5. Making transactions on alienation, as well as exchange or grant of dwelling place belonging to an orphan-child, a child being left without custody of parents not attained the age of fourteen years, or conclusion of contract of guarantee, transactions on delivery of dwelling place in uncompensated use or in gage, transactions leading refuse from the rights to succession belonging to him (her) according to the Law, will, division of their dwelling place or apportionment of participatory share from it shall not be allowed.

**Footnote. Article 14 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 № 126-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 14-1. Ensuring of preservation of dwelling place belonging to orphaned children, children being left without custody of parents**

1. Local executive bodies shall:

1) register and carry out control of preservation of dwelling place belonging to orphaned children, children being left without custody of parents;

2) ensure preservation of dwelling place belonging to orphaned children, children being left without custody of parents until their arrangement under trusteeship or guardianship, under foster care in educational medical and other organizations;

3) establish custody of dwelling place belonging to orphaned children, children being left without custody of parents.

2. The legal representatives of the child shall ensure the safety of the dwelling of orphans, children without parental custody.

With the consent of a trusteeship or guardianship body, the legal representatives of the child may rent (sublease) the dwelling of orphans, children without parental custody, under a standard contract approved by the authorized child rights protection body of the Republic of Kazakhstan.

The Money received under a rental (lease) contract for a dwelling shall be credited to the bank account of orphans, children without parental custody.

The rules for the preservation of the dwelling of orphans, children without parental custody shall be approved by the authorized child rights protection body of the Republic of Kazakhstan.

3. Civil servants of local executive bodies and legal representatives of a child shall bear responsibility provided by the Laws of the Republic of Kazakhstan for non-fulfillment of obligation on preservation of dwelling place belonging to orphaned children, children being left without custody of parents.

**Footnote.** Chapter 3 is supplemented by Article 14-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2013 № 126-V (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 19.04. 2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

### **Article 15. Right of a child to education**

1. Each child shall have the right to education and he (she) shall be guaranteed by receipt of gratuitous basic, main secondary and general secondary education and on a competitive basis – gratuitous technical and professional, post-secondary and higher education in accordance with the legislation of the Republic of Kazakhstan on education.

2. Expel of a child from the state educational institution before receipt of gratuitous general secondary education or technical and professional education besides compliance with general procedure for expelling may be conducted only upon notifying the bodies of trusteeship and guardianship.

3. For children with disabilities who need special pedagogical approaches in accordance with the assessment of special educational needs, additional funds shall be allocated from the state budget to guarantee that they receive education at the level of established standards.

4. State shall bear costs fully or partially for maintenance of children being in need of social protection during the period of their receipt of education. Amounts and sources of social assistance during their receipt of education shall be determined by the Government of the Republic of Kazakhstan.

**Footnote.** Article 15 as amended by the Law of the Republic of Kazakhstan dated 27 July 2007 № 320 (the order of enforcement see Article2); dated 26.06.2021 № 56-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

### **Article 16. Right of a child to freedom of labour**

1. Each child shall have the right to freedom of labour, free choice of business occupation and profession.

2. From the age of fourteen years, children shall have the right to participate in socially useful labour at the time free from study under permission of parents being available for them

on health condition and development, not harming to physical, moral and psychic condition of a child, as well as shall have the right to obtain profession. This right shall be ensured by employment service and bodies of local state management.

3. Procedure for conclusion and dissolution of labour agreement and other special aspects of regulating the labour of employees under the age of eighteen years shall be established by labour legislation of the Republic of Kazakhstan.

4. Acceptance or engagement of a child for performance of any work that may be dangerous for his (her) health or may be an obstacle in receipt of his (her) education or may cause damage to his (her) health and physical, mental, spiritual, moral and social development shall be prohibited.

**Footnote. Article 16 as amended by the Laws of the Republic of Kazakhstan dated 15.05.2007 № 253; dated 23.11.2010 № 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 16-1. Right of a child on protection from economic exploitation**

Each child shall have the right to protection from economic exploitation.

**Footnote. The Law is supplemented by Article 16-1 in accordance with 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).**

#### **Article 17. Right of a child to state assistance**

1. State assistance shall be appointed to each child having the right to its receipt. Amount, conditions and procedure for rendering of state assistance shall be established by the legislation of the Republic of Kazakhstan.

2. Children being left without custody of parents, as well as orphaned children shall be in full state security in accordance with the legislation of the Republic of Kazakhstan.

3. State bodies shall ensure equal material and other conditions independently from the form of trusteeship or guardianship to each child being left without custody of parents.

#### **Article 18. Establishment of state minimal social standards**

1. State policy in behalf of children shall be carried out on the basis of state minimal social standards.

2. State minimal social standards shall include established minimal volume of social services on:

1) guaranteed, publicly available gratuitous basic, main secondary and general secondary education and on gratuitous technical and professional, post-secondary and higher education on a competitive basis in accordance with the state educational order;

2) gratuitous medical maintenance of children, their food supply in accordance with minimal food standards;

3) guaranteed ensuring of a right to occupational guidance, choice of the scope of activity, arrangement of labour, protection of labour, payment of labour for children upon their attainment of fifteen years of age in the manner established by the legislation of the Republic of Kazakhstan;

4) social services, social protection of children, including guaranteed material support through the payment of state benefits to citizens with children in connection with their birth and raising, as well as measures for social adaptation and social rehabilitation of children in need of special social services;

5) ensuring of right to dwelling place in accordance with housing legislation of the Republic of Kazakhstan;

6) organization of health improvement and recreation, as well as for children residing in extreme conditions, as well as in territories being unfavourable in ecological relation and recognized thereof in the manner established by the legislation of the Republic of Kazakhstan ;

7) rendering of qualified legal assistance.

3. State minimal social standards shall be determined in recognition of regional differences in conditions of their residence. In accordance with the legislation of the Republic of Kazakhstan, bodies of local state management may establish additional social standards.

4. Children being in the relevant educational organization, special and pedagogic-educational organization, healthcare organization, organization of social service or other institution and organization, shall have the right to periodical conformity assessment of services provided by it to state minimal social standards.

**Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 27 July 2007 № 320 (the order of enforcement see Article 2); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023)**

#### **Article 19. Right of a child to rest and leisure time**

1. Each child shall have the right to rest and leisure time being relevant to his (her) age, health and needs.

2. Parents or persons substituting them shall ensure living conditions being necessary for maintenance and all-round development of a child in accordance with own abilities and facilities.

3. State bodies shall constitute and maintain childhealth-improving, sport, creative and other leisure time organizations, camps and health resorts in accordance with the legislation of the Republic of Kazakhstan.

4. State shall carry out measures on ensuring of a right of children to rest, health-improvement and leisure time.



5. Conduct of public worship, religious customs, ceremonies and (or) meetings, as well as actions oriented to distribution of religious denomination in child health-improving, sport, creative and other leisure time organizations, camps and health resorts shall not be allowed.

**Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 11.10.2011 № 484-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 20. Obligations of a child**

Each child shall be obliged to comply with the Constitution and legislation of the Republic of Kazakhstan, respect for the rights, freedom, honor and dignity of other persons, state symbols of the Republic, take care of parents being incapable for work, of preservation of historical and cultural heritage, keep historical and cultural monuments in safe, save nature and treat with due care with natural resources.

#### **Chapter 4. Child and family Article 21. Right of a child to live and be nurtured in family**

Each child shall have the right to live and be nurtured in family, right to know his (her) parents and other close relatives, right to their care and nurturing, with the exception of cases when this contradicts to his (her) interests.

**Footnote. Article 21 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).**

#### **Article 22. Right of a child in family**

Each child in family shall have personal non-property and property rights established by the Constitution of the Republic of Kazakhstan, this Law and other Laws of the Republic of Kazakhstan.

**Footnote. Article 22 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).**

#### **Article 23. State support for families raising children**

State shall render support for families raising children by provision of social assistance in the manner established by the legislation of the Republic of Kazakhstan.

**Footnote. Article 23 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).**

#### **Article 24. Obligations of parents on nurturing of a child, his (her) care and maintenance**

1. Parents or other legal representatives shall be obliged to create the living conditions necessary for the full development of a child.

2. Parents shall be obliged to nurture a child, carry out his (her) care, maintain materially, take care of his (her) welfare, provide dwelling place.

**Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 01.04.2019 № 240-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 25. Right of child to live with parents**

1. Child shall have the right to joint living with his (her) parents or other legal representatives.

2. It is prohibited to separate a child from his (her) parents or other legal representatives against the will of the child, parents or legal representatives. Decision on separation shall be adopted only by court in exclusive cases and inasmuch as it is required for the purpose of protection of a child.

3. Residence place of a child upon separate residence of parents shall be established by the agreement of parents, and in its absence, the dispute between parents shall be solved by court. By this, the court shall consider personal qualities and position of parents, as well as interests and opinion of a child.

#### **Article 26. Right of child to communicate with parents living separately**

1. Child shall have the right to receive information on a parent living separately from him (her), to meetings and communication with him (her), with the exception of cases of existence of a threat for life and health of a child.

2. Disputes arising due to restriction of rights of a child provided by the Article shall be solved in a judicial proceeding.

#### **Chapter 5. Right of a child being left without custody of parents Article 27. Trusteeship, guardianship, patronage and foster family**

1. Trusteeship, guardianship or patronage shall be established over a child, left without parental care, and he/she may also be transferred to a foster family for the protection of his/her property and personal non-property rights in accordance with the legislation of the Republic of Kazakhstan.

2. Trusteeship shall be established over the children who have not reached the age of fourteen years, and guardianship – over the minors aged from fourteen to eighteen years.

3. Trusteeship and guardianship bodies shall be local executive bodies.

4. Patronage may be established over a child, left without parental care, including those, being in an educational, medical or other institution, in accordance with the legislation of the Republic of Kazakhstan.

5. Orphans, children, left without parental care, being in an educational institution, may be transferred to a foster family in accordance with the legislation of the Republic of Kazakhstan

6. In case of establishment of trusteeship or guardianship for a child with siblings, the conditions for their joint living shall be created.

**Footnote. Article 27 is in the wording of the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced from 01.01.2017).**

## **Article 28. Adoption (adoption of a girl)**

In order to create conditions for the development and upbringing in the family, a child, left without parental care may be transferred for adoption in accordance with the procedure, established by the legislation of the Republic of Kazakhstan.

### **Article 28-1. Host family**

Orphans and children, left without parental care in organizations of all types (educational, medical and other) may be transferred to host families in periods not related to the educational process (vacations, weekends and holidays).

**Footnote. Chapter 5 is supplemented by Article 28-1 in accordance with the Law of the Republic of Kazakhstan dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 28-2. Mentoring**

1. Orphans, children without parental care, located in educational organizations for orphans and children without parental care who have reached the age of ten may be assigned a mentor who provides mentoring on a free basis. The procedure for organizing mentoring is determined by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

2. The mentor provides individual support and assistance in preparing for independent life to orphans, children without parental care, located in educational organizations for orphans and children without parental care.

3. A mentor cannot be:

1) a person who does not have citizenship of the Republic of Kazakhstan and has not reached the age of majority;

2) a person recognized by the court as incompetent or partially capable;

3) a person whose spouse is recognized (recognized) by the court as incompetent or partially capable;

- 4) a person deprived of parental rights by a court or limited by a court in parental rights;
- 5) a person removed from the duties of a guardian or trustee for improper performance of the duties assigned to him by the law of the Republic of Kazakhstan;
- 6) the former adoptive parent (adopter), if the adoption was canceled by the court due to his fault;
- 7) a person who, for health reasons, cannot exercise parental rights (the list of diseases in the presence of which a person cannot adopt a child, take him under guardianship or trusteeship, patronage, is established by the authorized body in the field of health care);
- 8) a person who does not have a permanent place of residence;
- 9) a person of non-traditional sexual orientation;
- 10) a person who has an outstanding or unexpunged conviction for committing an intentional crime at the time of appointment as a mentor;
- 11) a person who, at the time of establishing mentoring, does not have an income that provides him with a living wage established by the legislation of the Republic of Kazakhstan;
- 12) a person registered in a drug treatment or psychoneurological dispensary;
- 13) a person who has or has had a criminal record, is or has been subject to criminal prosecution (with the exception of persons against whom criminal prosecution was terminated on the basis of subparagraphs 1) and 2) of part one of Article 35 of the Criminal Procedure Code of the Republic of Kazakhstan) for criminal offenses: murder, intentional infliction of harm to health, against public health and morality, sexual integrity, for extremist or terrorist crimes, human trafficking.

If the person appointed as a mentor is married or lives together with other persons, the spouse or persons living together are subject to the requirements established by subparagraphs 4) - 6), 10), 12) and 13) of part one of this paragraph.

4. The mentor has the right to:

- 1) visit the child at his place of residence in educational organizations for orphans and children left without parental care, and also, with the consent of the child and the head of this educational organization, communicate with the child outside his place of residence;
- 2) during periods not related to the educational process (vacations, weekends and holidays), provide the child with assistance in obtaining additional educational, and medical services.

5. The mentor has no right to:

- 1) take the child outside the territory of the Republic of Kazakhstan;
- 2) when communicating with a child outside his place of residence, leave the child under the supervision of third parties (individuals and (or) legal entities), except in cases of placing the child in a medical organization to provide medical care or delivering him to the internal affairs bodies;
- 3) violate other terms of the mentoring agreement.

6. The mentor is obliged to:

- 1) bear responsibility for the life and health of the child during his stay with him;

2) immediately inform the authorities performing the functions of guardianship or trusteeship, or the organization of education for orphans and children without parental care in which the child is located, about the occurrence of a situation that threatens the life and (or) health of the child, his illness, receiving injury, placement of the child in a medical organization for medical care or delivery of the child to the internal affairs bodies;

3) comply with other terms of the mentoring agreement.

**Footnote.** Chapter 5 is supplemented by Article 28-2 in accordance with the Law of the Republic of Kazakhstan dated 23.02.2024 № 64-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

## **Article 29. Maintenance and nurturing of a child in educational, medical and other similar institutions**

1. A child being left without custody of parents shall be subject to arrangement in educational, medical and other similar institution upon impossibility to transfer him (her) for nurturing in a family.

2. Alimonies, benefits and other social payments owing to a child shall be transferred to his (her) banking account and shall be paid in the manner established by the legislation of the Republic of Kazakhstan.

3. Conditions that are approximate to family conditions shall be created for a child staying in educational, medical and other similar institutions for children being left without custody of parents. Child shall have the right to maintenance, nurturing, education, all-round development, respect for his (her) honor and dignity, ensuring of own interests, conservation of native language, culture, national customs and traditions.

4. Employees of educational, medical and other similar institutions for children being left without custody of parents that committed anti-pedagogic or unmoral actions in respect of a child staying in mentioned institutions shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

5. Protection of the rights and interests of a child staying in educational, medical and other institutions for children being left without custody of parents, assistance in employment shall be carried out by local executive bodies. Orphaned children that lost parents before majority age, and children being left without custody of parents shall be provided by dwelling places from the state housing fund for use in accordance with housing legislation of the Republic of Kazakhstan.

**Footnote.** Article 29 as amended by the Laws of the Republic of Kazakhstan dated 11.07.2009 № 185-IV (shall be enforced from 30.08.2009); dated 23.11.2010 № 354-IV ( shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 30. Organizations carrying out the functions on protection of the rights of child**

1. In the healthcare organization for orphans, children left without parental care, from birth to three years, children with mental and physical development disorders from birth to four years, providing psychological and pedagogical support for families with the risk of abandoning a child, children shall be accepted -orphans and children left without parental care , from birth to three (four) years. For the temporary maintenance of children in healthcare organizations for orphans, children left without parental care, from birth to three years, children with mental and physical development disorders from birth to four years, providing psychological and pedagogical support to families with the risk of abandoning a child, open special departments.

Children with deviant behavior at the age from eleven to eighteen shall be placed in special educational organizations.

Children at the age from eleven to eighteen, needing special conditions of upbringing, training and requiring special pedagogical approach shall be placed in the organization of education with a special regime of maintenance.

Organization of education for orphans and children, left without parental care, with the exception of a family-type children's village, a youth home and a juvenile adaptation centre shall accept children, left without parental care at the age from three to eighteen.

Educational boarding school of general type shall accept orphans, children, left without parental care and children from needy and large families at the age from six to eighteen, having no medical contraindications for the maintenance in organizations of this type.

A medical and social institution (organization) accepts children with disabilities who need care, medical, domestic services and social and labour adaptation, aged from four to eighteen years..

The family-type children's village shall accept orphans and children, left without parental care up to the age of eighteen. The procedure for admission and conditions of detention of children in family-type children's villages shall be determined by the legislation of the Republic of Kazakhstan on family-type children's villages and youth homes.

Pupils of children's villages and graduates of orphanages, boarding schools for orphans and children, left without parental care, aged from sixteen to twenty-three, with the exception of persons with neuropsychiatric diseases may undergo social adaptation in the Youth home on the basis of the decision of administration of the children's village, orphanage, boarding school for orphans and children, left without parents.

Pupils of children's villages and graduates of orphanages, boarding schools for orphans and children, left without parental care, aged from sixteen to twenty-three, with the exception of persons with neuropsychiatric diseases may undergo social adaptation in the Youth home, functioning as an independent legal entity, on the basis of the decision of local executive bodies.

Neglected and homeless children aged from three to eighteen years old shall be admitted to the centers for the adaptation of minors to establish parents or other legal representatives



and transfer them to them, children without custody of parents or persons replacing them, in case of impossibility of their timely placement, children selected during immediate danger to their life or health by the trusteeship and guardianship authority from the parents (one of them) or from other persons in whose care they are, children referred to special educational organizations, as well as children in need of special social services due to ill-treatment, which led to social maladaptation and social deprivation.

Support centers for children in need of special social services shall accept children in need of special social services between the ages of three and eighteen.

Assistance organizations established in accordance with the Law of the Republic of Kazakhstan "On the Prevention of Domestic Violence" accept children in need of special social services as a result of abuse that led to social maladaptation and social deprivation.

2. Conditions for acceptance and maintenance of children in organizations carrying out the functions on protection of the rights of child insofar as it is not established by the Law shall be determined by provision on these organizations approved by body authorized by the Government of the Republic of Kazakhstan.

3. The legislation of the Republic of Kazakhstan on public procurement shall not apply to legal relations, related to the purchase of goods and services by organizations, carrying out functions on protection of rights of a child.

Rules for the purchase of goods and services of organizations, carrying out functions on protection of rights of a child shall be determined by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

Footnote. Article 30 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 26.12.2011 № 517-IV (shall be enforced from the date of its first official publication); dated 18.02.2014 № 175-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 04.12.2015 № 435-V (shall be enforced from 01.01.2016); dated 09.04.2016 № 501-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 01.04.2019 № 240-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.05.2022 № 118-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 27.06.2022 № 129-VII (shall come into effect ten calendar days after the day of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023)

## **Chapter 6. Rights of a child with disabilities**

Footnote. Chapter 6 - as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 № 129-VII (shall come into effect ten calendar days after the day of its first official publication).

### **Article 31. Rights of a child with disabilities to a full life**

1. A child with disabilities shall have equal rights with healthy children to a full life in conditions that ensure his dignity and promote active inclusion in society.

2. A child with disabilities shall have the right to receive an education corresponding to his physical, and mental abilities and desires, to choose the type of activity and profession, and to participate in creative and social activities.

3. Children with disabilities, including children with mental or physical disabilities, shall have the right to receive medical and social assistance in accordance with an individual child development plan drawn up under the guidance of parents (legal representatives), as well as a social worker and other specialists in accordance with individual requirements child and family.

### **Article 32. State guarantees in the field of employment of a child with disabilities**

1. State bodies and local self-government bodies shall be obliged to create the necessary conditions for education, vocational training, and selection of suitable work and employment of a child with disabilities, taking into account his state of health, needs and opportunities.

2. The laws of the Republic of Kazakhstan may establish benefits for individuals and legal entities engaged in activities to ensure the employment of children with disabilities, the organization of their professional training and retraining.

### **Article 33. State assistance for children with disabilities**

1. The state implements a set of medical, legal, and socio-economic measures aimed at supporting children with disabilities.

2. State assistance provided to children with disabilities shall be established by the laws of the Republic of Kazakhstan.

3. Parents and other legal representatives raising and caring for a child with disabilities shall be entitled to receive state assistance.

## **Chapter 7. Child and society Article 34. Introduction to national and world culture**

1. State shall ensure possibility for children in introduction to history, traditions and spiritual values of people of Kazakhstan and achievements of world culture.

2. State shall encourage creation of an organization for development of creative and scientific abilities of children, production of cine and video films, television and radio broadcastings, publication of children's newspapers, magazines and books, ensure their availability in the manner established by the legislation of the Republic of Kazakhstan.

3. The use of mass media, literature, entertainment and other events that disseminate pornography, the cult of cruelty and violence, insulting human dignity, having a harmful effect on children, and contributing to the commission of offenses shall be prosecuted by law.

**Footnote. Article 34 as amended by the Law of the Republic of Kazakhstan dated 19.06.2024 № 94-VIII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).**

### **Article 35. Child and religious**

1. State shall guarantee non-interference to nurturing of a child based on religious world-view of parents or persons substituting them, compliance with traditions and commission of religious customs with participation of a child beyond the educational, pedagogic, medical and other similar institutions, with the exception of cases when such actions constitute a threat to life and health of the child, violate his (her) rights and restrict the responsibility.

2. In respect of children under majority age, the religious customs shall be committed with the agreement of parents or persons substituting them.

Enforcement measures on engagement of children in religion shall not be allowed.

### **Article 36. Protection of a child from negative effect of social environment**

1. State bodies, individuals and legal entities shall be obliged to protect a child from negative effect of social environment, information, propaganda and agitation inflicting harm to his (her) health, moral and spiritual development.

2. Propaganda of healthy lifestyle and legal education of children is recognized by the state as one of the most priority direction of own policy.

3. A child, who has suffered from physical or psychological trauma as a result of a criminal offence, violence or other illegal act must be provided with necessary assistance in restoring health and social adaptation.

4. Stay of a child, as well as his (her) access to the entertainment places at night time (from 10 pm to 6 am) without accompanying of legal representatives shall be prohibited.

5. Stay of a child without accompanying of legal representatives outside dwelling place from 11 pm to 6 am shall be prohibited.

**Footnote. Article 36 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 03.07.2014 № 227-V (shall be enforced from 01.01.2015).**

### **Article 37. Protection of a child from adverse effect of alcoholic and tobacco products**

1. Parents, other legal representatives of a child, state bodies, as well as organizations carrying out the functions of nurturing and education of a child shall be obliged to propagate healthy lifestyle and harm of alcoholic and tobacco products.

2. Sale of alcoholic products, tobacco and tobacco products to a child shall be prohibited.

3. Employment of children in works or in selling alcoholic and tobacco products shall be prohibited.

4. Smoking tobacco products, selling tobacco products in sales organization selling products for children and in cultural institutions, as well as during carrying out of measures for children shall be prohibited.

5. Storage and sale of alcoholic products in buildings and in the territories of public health , educational organizations, health and fitness, sport and sporting technical structures, cultural and leisure organizations shall be prohibited.

**Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated 18.06.2014 № 210-V (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).**

#### **Article 38. Protection of the child against psychoactive substances, potent or poisonous substances**

1. The child must be protected from non-medical use of psychoactive substances, potent or poisonous substances, from their manufacture, sale or other distribution.

2. For inducing a child to non-medical use of psychoactive substances, the measures of liability established by the Laws of the Republic of Kazakhstan are applied.

**Footnote. Article 38 in the wording of the Law of the RK dated 07.07.2020 № 361-VI ( shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 39. Protection of children from information, inflicting harm to their health and development**

**Footnote. The title of article 39 is in the wording of the Law of the Republic of Kazakhstan dated 02.07.2018 № 170-VI (shall be enforced upon expiry of six months after the day its first official publication).**

1. It is prohibited to carry out for children display, sale, donation, reproduction, rental and distribution of toys and promotional products aimed at inciting racial, national, social and religious hatred, promoting class exclusivity, war, terrorism, containing calls to violent change of the constitutional system and violation of territorial integrity of the Republic of Kazakhstan, pornography, harmful to the health and development of children, as well as otherwise damaging the spiritual and moral development of a child.

2. For commission of actions mentioned in paragraph 1 of this Article, the measures of responsibility established by the Laws of the Republic of Kazakhstan shall be applied.

**Footnote. Article 39 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); as amended on 02.07.2018 № 170-VI (shall be enforced upon expiry of six months after its first official publication).**

**Article 39-1. State control over dissemination of information products containing information prohibited for children, persons under the age of eighteen, as well as the procedure for the stay of minors in entertainment facilities**

1. State control over dissemination of information products containing information prohibited for children, persons under the age of eighteen, as well as the procedure for the stay of minors in entertainment facilities, is carried out in the form of an inspection with a visit to the subject (object) of control.

2. State control over dissemination of information products containing information prohibited for children, persons under the age of eighteen, as well as the procedure for the stay of minors in entertainment facilities, is carried out by visiting subjects (objects) of control by officials of the internal affairs bodies of the Republic of Kazakhstan (hereinafter referred to as the internal affairs bodies).

3. An inspection with a visit to the subject (object) of control is carried out during the working hours of the subject (object) of control, established by the internal labor regulations, except for cases when the inspection is related to the need to suppress violations and (or) establish the circumstances of their commission (weekends, holidays or at night).

4. Conducting an inspection with a visit to the subject (object) of control on the facts of dissemination of information products containing information prohibited for children, persons under the age of eighteen, as well as on the procedure of stay of minors in entertainment facilities, is carried out on the basis of:

1) publications in the media that became known from requests from individuals and legal entities;

2) operational and preventive measures carried out by internal affairs bodies;

3) upon direct detection of a violation by employees of internal affairs bodies.

5. An inspection with a visit to the subject (object) of control is carried out without prior notification of the subjects (objects) of control and registration of an act on the appointment of the inspection.

6. Officials of internal affairs bodies, when conducting an inspection with a visit to the subject (object) of control, have the right:

1) for an unhindered access to the territory and premises of the subject (object) of control;

2) to receive documents (information) on paper and electronic media or copies thereof for inclusion in the inspection materials with a visit to the subject (object) of control in compliance with the requirements for state secrets and other secrets protected by law of the Republic of Kazakhstan;

3) carry out audio, photo and video filming;

4) to attract specialists, consultants and experts from government bodies, subordinate and other organizations.

7. Officials of internal affairs bodies, when conducting an inspection with a visit to the subject (object) of control, are obliged to:

- 1) present an official ID;
- 2) comply with the legislation of the Republic of Kazakhstan, the rights and legitimate interests of the subjects of control;
- 3) not interfere with the established operating mode of the subjects (objects) of control during the period of inspection with a visit to the subject (object) of control;
- 4) not prevent the subject of control or his authorized representative from being present during the inspection with a visit to the subject (target) of control, and provide explanations on issues related to the subject of the inspection;
- 5) provide the subject of control with the necessary information related to the subject of the inspection with a visit to the subject (object) of control during its conduct.

8. Subjects of control have the right:

- 1) not to provide information if it does not relate to the subject of the inspection being carried out with a visit to the subject (object) of control or to the periods specified in the act on the appointment of the inspection;
- 2) to appeal the act on the results of the inspection with a visit to the subject (object) of control in the manner established by the legislation of the Republic of Kazakhstan;
- 3) not allow an employee (employees) of the internal affairs bodies of the Republic of Kazakhstan who arrived to conduct an inspection to be inspected if they do not have an official identification card;
- 4) to involve third parties in participating in the inspection in order to protect their rights and legitimate interests, as well as to make audio, photo and video recording of individual actions of an official of the internal affairs bodies, without creating obstacles to his activities.

9. Subjects of control are obliged to:

- 1) ensure unimpeded access for officials of internal affairs bodies to conduct an inspection with a visit to the subject (object) of control to their territory and premises;
- 2) provide officials of internal affairs bodies with documents (information) on paper and electronic media or copies thereof for inclusion in the inspection materials with a visit to the subject (object) of control in compliance with the requirements for state secrets and other secrets protected by law of the Republic of Kazakhstan;
- 3) make a note about receipt of the report on the results of the inspection on the day the inspection is completed.

10. Based on the results of an inspection with a visit to the subject (object) of control, upon confirmation of the fact of dissemination of information products containing information prohibited for children, persons under the age of eighteen, as well as violations of the procedure of the stay of minors in entertainment facilities, a report on the results of the inspection with a visit to the subject (object) of control is drawn up, measures are taken in relation to the subject of control to bring to administrative responsibility in accordance with the Code of the Republic of Kazakhstan on administrative offences



11. The first copy of the act on the results of the inspection with a visit to the subject (object) of control is submitted in electronic form to the state body carrying out activities in the field of state legal statistics and special records within its competence, the second copy on paper against signature or in electronic form is submitted to the subject of control (the head of a legal entity or his authorized person, an individual) to familiarize himself and take measures to eliminate the identified violations, the third one stays at the internal affairs bodies. From the date of delivery of the report on the results of the inspection with a visit to the subject (object) of control, the period for eliminating the violation is calculated.

12. The report on the results of the inspection with a visit to the subject (object) of control, sent in one of the following ways, is considered delivered in the following cases:

- 1) by hand - from the date of the note in the receipt certificate;
- 2) by mail – registered mail with notification;
- 3) electronically - from the date of sending by the internal affairs body to the electronic address of the subject of control, if such an address was previously provided by the subject of control.

13. The period for conducting an inspection with a visit to the subject (object) of control is established taking into account the volume of upcoming work, assigned tasks and should not exceed five working days.

14. The time frame for eliminating the identified violations specified in the report on the results of the inspection with a visit to the subject (object) of control is determined taking into account the circumstances that influence the real possibility of its execution, but not more than thirty calendar days from the date of delivery.

15. In cases of failure to report on the measures taken and (or) failure to take measures to eliminate identified violations by the subject of control, an official of the internal affairs bodies, within the limits of authority, takes measures to bring the subject of control to responsibility established by the laws of the Republic of Kazakhstan.

16. The report on the results of the inspection with a visit to the subject (target) of control indicates:

- 1) date, time and place of drawing up the act;
- 2) last name, first name, patronymic (if it is indicated in the identity document) and position of the official of the internal affairs bodies who conducted the inspection with a visit to the subject (object) of control;
- 3) the name of the subject of control or the surname, first name, patronymic (if it is indicated in the identity document) of the individual in respect of whom an inspection is scheduled with a visit to the subject (object) of control, the position (if any) of the authorized person present during the inspection with a visit to the subject (object) of control;
- 4) the object of control indicating the location;
- 5) a list of identified violations and requirements to eliminate the identified violations, indicating the deadline for their elimination;

6) information about familiarization or refusal to familiarize with the act of the subject of control or his authorized person, their signatures or refusal to sign;

7) signature of the official of the internal affairs bodies who conducted the inspection with a visit to the subject (object) of control.

17. The end of the inspection period with a visit to the subject (object) of control is the day of delivery to the subject of control of the report on the results of the inspection with a visit to the subject (object) of control.

**Footnote.** Chapter 7 is supplemented by Article 39-1 in accordance with the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

#### **Article 40. Protection of a child from prostitution**

Involvement of a child in prostitution shall entail responsibility provided by the Laws of the republic of Kazakhstan.

**Footnote.** Article 40 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).

#### **Article 40-1. Protection of a child from actions on involvement in the turnover of products, inflicting harm to his/her health and development**

**Footnote.** The title of article 40-1 is in the wording of the Law of the Republic of Kazakhstan dated 02.07.2018 № 170-VI (shall be enforced upon expiry of six months after the day its first official publication).

Involvement of a child in the production, advertising, public demonstration or distribution, as well as the sale to a child of printed publications, film or video materials, images, other objects or materials of a pornographic nature, and (or) erotic content, inflicting harm to the health and development of a child, shall entail liability under the laws of the Republic of Kazakhstan.

**Footnote.** The Law is supplemented by Article 40-1 in accordance with 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 on 02.07.2018 № 170-VI (shall be enforced upon expiry of six months after its first official publication).

#### **Article 41. Prohibition of participation of children in military actions**

Involvement of a child in participation in military actions, military conflicts, creation of children's military formations shall be prohibited.

#### **Article 41-1. Protection of a child from illegal movement**

The Republic of Kazakhstan shall take measures on prevention and suppression of illegal movement, kidnapping of children, their traffic independently from the purposes, forms and methods of fulfillment, as well as their return to the country of permanent residence.

Footnote. The Law is supplemented by Article 14-1 in accordance with 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).

## **Chapter 8. Protection of the rights and legally protected interests of the child**

Footnote. In Chapter 8, the words "Commissioner for Human Rights", "of Commissioner for Human Rights", "by Commissioner for Human Rights", "to Commissioner for Human Rights" shall be replaced respectively by the words "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 the expiration of ten calendar days after the day of its first official publication).

### **Article 42. Protection of child from illegal movement**

Footnote. Article 42 is excluded 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).

### **Article 43. Legal representatives of child**

1. The legal representatives of the child shall represent children and protect their rights and legally protected interests in relations with any persons in all state bodies and organizations, including in courts, without special authority based on the child's birth certificate, parents' passports, or guardian's identity card.

2. Rights and interests of minor children protected by the Law at the age from fourteen to eighteen years shall be protected by their legal representatives with the exception of cases when the legislation of the Republic of Kazakhstan provide the right of a minor child to enter into civil, family, labour and other legal relations and protect own rights and interests on an independent basis.

3. Representation and protection of interests of children staying in pedagogic, medical organizations, organizations of social protection of population or other organizations shall be carried out by these organizations in accordance with the legislation of the Republic of Kazakhstan.

4. Representation and protection of rights and interests of a child protected by the Law being left without custody of parents shall be assigned on a temporary basis on body of

trusteeship and guardianship until arrangement of a child in family or organization carrying out the functions on protection of the rights of children.

**Footnote. Article 43 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 44. State bodies and protection of the rights of child**

Protection of rights and interests of children protected by the Law shall be carried out by state bodies in accordance with their powers.

#### **Article 45. Procedure for settling disputes upon execution of the Law**

**Footnote. Title of Article 45 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).**

Parents (persons substituting them) as well as persons carrying out the activity on education, nurturing, protection of health, social protection and social service of a child, assistance of his (her) social adaptation, social rehabilitation and (or) other activity with his (her) participation shall have the right to go to the court in the manner established by the Law of the Republic of Kazakhstan with a suit on compensation for harm to a child inflicted to his (her) health, property, as well as moral damage.

**Footnote. Article 45 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).**

#### **Article 46. State report on position of children in the Republic of Kazakhstan**

Annual state report on position of children in the Republic of Kazakhstan shall be represented by authorized body in the field of protection of the rights of children to the President of the Republic of Kazakhstan and shall be published in official printed publications

**Footnote. Article 46 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).**

#### **Article 47. Protection of rights of refugee children and internally displaced persons**

1. Refugee children and internally displaced persons shall have the right to protection of own interests.

2. Bodies of trusteeship and guardianship at the place of stay of a child, territorial subdivisions of authorized body carrying out the management in the scope of regulating

relations on the issues of refugees, shall assist in receiving details on existence and place of residence of parents or other legal representatives, shall place a child in medical and preventive or other organizations carrying out the functions on protection of the rights of a child if necessary.

**Footnote. Article 47 as amended 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).**

#### **Article 47-1. National preventive mechanism**

1. National preventive mechanism shall act in the form of system of prevention of tortures and other cruel, inhuman types of treatment and punishment or those degrading the honor, functioning in virtue of the activity of participants of the national preventive mechanism.

2. Within the framework of their activities, the participants of the national preventive mechanism shall visit organizations, carrying out functions for protection of the rights of a child and other organizations, determined by the laws of the Republic of Kazakhstan for visits by these participants (hereinafter – preventive visits).

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

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

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

**Footnote. The Law is supplemented by Article 47-1 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); as amended by the Law of the Republic of Kazakhstan dated 01.04.2019 № 240-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 47-2. Coordination council**

1. For the purpose of ensuring of effective coordination of the activity of national preventive mechanism under Commissioner for human rights in the Republic of Kazakhstan, the Coordination council shall be created.

Members of Coordination council with the exception of Commissioner for human rights in the Republic of Kazakhstan shall be elected by committee created 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 shall approve:

- provision on Coordination council under the Commissioner for human rights in the Republic of Kazakhstan;
- procedure for selecting participants of the national preventive mechanism;
- procedure for formation of groups from among participants of the national preventive mechanism for preventive visits;
- methodological recommendations on preventive visits;
- procedure for drafting annual consolidated report on the results of preventive visits.

3. Coordination council shall interact with Subcommittee on prevention of tortures and other cruel, inhuman or cruel, inhuman types of treatment and punishment or those degrading the honor of the Committee Against Torture of the United Nations Organization.

**Footnote. The Law is supplemented by Article 47-2 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).**

#### **Article 47-3. Requirements to participants of the national preventive mechanism**

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

- 1) having outstanding or unexpunged conviction in the manner established by the Law;
- 2) suspected or accused of committing criminal offences;
- 3) recognized incapable or partially capable by a court;
- 4) judges, lawyers, state employees and military servants, as well as employees of law enforcement and special state bodies;
- 5) having a registration in a psychiatrist and (or) narcologist.

2. Persons released from criminal responsibility on non-rehabilitating grounds for commission of intentional crime; dismissed from state or military service from law enforcement and special state bodies, courts or excluded from the bar association on negative motives; revoked of a license for practice law may not be participants of the national preventive mechanism.

**Footnote. The Law is supplemented by Article 47-3 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); as amended by the Law of the Republic of Kazakhstan dated 01.04.2019 № 240-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 47-4. Rights of participant of the national preventive mechanism**

1. Participant of the national preventive mechanism shall have the right to:

1) receive information on quantity of persons maintained in organizations, being subject to preventive visit, quantity of such organizations and their location;

2) have an access to information, concerning treatment with persons maintained in organizations being subject to preventive visit, as well as conditions of their maintenance;

3) carry out preventive visits in established manner in a composition of formed groups;

4) hold conversations with persons maintained in organizations being subject to preventive visits and (or) with their legal representatives without witnesses, in person or through an interpreter if necessary, as well as with any other person that may provide the relevant information in opinion of a participant of the national preventive mechanism;

5) choose and visit organizations being subject to preventive visit;

6) receive reports and complaints on applying the tortures and other cruel, inhuman types of treatment and punishment or those degrading dignity.

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

**Footnote. The Law is supplemented by Article 47-4 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).**

#### **Article 47-5. Obligations of participants of the national preventive mechanism**

1. Upon fulfillment of own powers, participants of the national preventive mechanism shall be obliged to comply with the legislation of the Republic of Kazakhstan.

2. Interference of participants of the national preventive mechanism in activity of organizations being subject to preventive visit shall not be allowed.

3. In existence of circumstances arising doubt in impartiality of a participant of the national preventive mechanism included to the group on preventive visit, he (she) shall be obliged to refuse from participation in preventive visit.

4. Participants of the national preventive mechanism shall be obliged to register accepted communications and complaints on applying tortures and other cruel, inhuman types of treatment and punishment or those degrading dignity in the manner determined by the Commissioner for the human rights in the Republic of Kazakhstan.

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

Information on accepted and transferred communications and complaints shall be included to the report on results of preventive visits.

5. Participants of the national preventive mechanism that violated provisions of the Law shall bear responsibility established by the Laws of the Republic of Kazakhstan.



Footnote. The Law is supplemented by Article 47-5 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).

#### **Article 47-6. Termination of powers of participant of the national preventive mechanism**

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

- 1) violation of provisions of the Law;
- 2) written application on resignation;
- 3) his (her) death or enforcement of the court decision on declaring him (her) deceased;
- 4) departure beyond the boundaries of the Republic of Kazakhstan for permanent residence;
- 5) loss of nationality of the Republic of Kazakhstan;
- 6) enforcement of condemnatory judgement;
- 7) occurrence of other cases provided by the Laws of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 47-6 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).

#### **Article 47-7. Types and periodicity of preventive visits**

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

- 1) periodic preventive visits conducted on regular basis not less than once every four years;
- 2) interim preventive visits conducted during the period between periodical preventive visits for the purpose of monitoring of implementing recommendations on the results of previous periodical preventive visit, as well as prevention of pursuing the persons with whom the participants of the national preventive mechanism held conversations, from the side of administration of organizations being subject to preventive visit;
- 3) special preventive visits conducted on the basis of received communications on prevention of tortures and other cruel, inhuman types of treatment and punishment degrading dignity.

2. Coordination council shall determine the terms and list of organizations being subject to preventive visits within the appropriated budget means.

Footnote. The Law is supplemented by Article 47-4 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).

#### **Article 47-8. Procedure for preventive visits**

1. Preventive visits shall be conducted by groups formed by the Coordination council from among the participants of the 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, no one from among the participants of the national preventive mechanism may not be subject to any discrimination on the grounds of origin, social, official and property position, gender, race, nationality, language, confession, convictions, place of residence or on any other circumstances.

3. Safety ensuring of participants of the national preventive mechanism shall be assigned on administration of organizations being subject to preventive visit. In case of illegal actions of participants of the national preventive mechanism, a head of administration of organizations being subject to preventive visit shall inform the Commissioner for human rights in written in the Republic of Kazakhstan.

4. Following the results of every preventive visit in the name of a group, the written report in the form approved by the Coordination council shall be drawn up that shall be signed by all the members of group carried out preventive visit. Member of a group having special opinion shall draw it up in written and enclose to report.

**Footnote. The Law is supplemented by Article 47-8 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).**

#### **Article 47-9. Annual consolidated report of participants of the national preventive mechanism**

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

2. Annual consolidated report of participants of the national preventive mechanism shall also include:

recommendations to authorized state bodies on improvement of conditions of treating with persons maintained in organizations being subject to preventive visit and prevention of tortures and other cruel, inhuman types of treatment and punishment or those degrading dignity;

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

Annual consolidated report of participants of the national preventive mechanism shall be enclosed by financial report on preventive visits for a previous year.

3. Annual consolidated report of participants of the national preventive mechanism shall be sent for considering of authorized state bodies and shall be published in the web-site of the Commissioner for human rights in the Republic of Kazakhstan for the term no later than one month from the date of his (her) approval by the Coordination council.

Footnote. The Law is supplemented by Article 47-9 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).

#### **Article 47-10. Confidentiality**

1. Participants of the national preventive mechanism shall not have the right to disclose details on private life of a person became known to them in the course of preventive visits without the agreement of this person.

2. Disclosure of details on private life of a person by participants of the national preventive mechanism became known to them in the course of preventive visits without the agreement of this person shall entail responsibility established by the Laws of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 47-10 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).

#### **Article 47-11. Interaction of authorized state bodies with participants of the national preventive mechanism**

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

None of state body or civil servant shall not have the right to restrict the rights and freedoms of citizens for informing participants of the national preventive mechanism on the facts of applying tortures and other cruel, inhuman types of treatment and punishment or those degrading dignity.

Civil servants impeding legal activity of participants of the 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 within three months from the date of receiving annual consolidated report of participants of the national preventive mechanism in written on the measures taken following the results of considering the received reports.

3. On the basis of reports of participants of the national preventive mechanism following the results of preventive visits, the Commissioner for human rights in the Republic of Kazakhstan shall have the right to apply to authorized state bodies or civil servants in the manner established by the legislation of the Republic of Kazakhstan with an application on initiation of disciplinary or criminal case in relation to a civil servant that violated the rights and freedoms of human and citizen.

Footnote. The Law is supplemented by Article 47-11 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).

**Chapter 9. Special aspects of responsibility of child and effect on his (her) behavior Article 48.  
Special aspects of responsibility of child**

1. Child committed unlawful action shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

2. Upon assignment of a type of punishment, state bodies and civil servants shall consider conditions of life and nurturing of a child, level of mental development, other personality factors, as well as effect of elder persons according to age on him (her).

**Article 49. Special aspects of effect on child's behavior**

Upon carrying out of parental rights, parents and other legal representatives shall not have the right to inflict harm to physical and mental health of a child, his (her) moral development. Methods of nurturing of a child shall exclude slighting, cruel, rough treatment, insult or exploitation of a child degrading human dignity.

**Chapter 10. Final provisions Article 50. Responsibility for violation of the legislation of the Republic of Kazakhstan on child's rights**

1. Persons being guilty in violation of the legislation of the Republic of Kazakhstan on child's rights shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

2. Avoidance of performance, as well as improper fulfillment of obligations by parents (persons substituting them) on nurturing and maintenance of children, abandonment of parents from a child in maternity clinic (department) or children's medical institution, leaving children without supervision, cruel treatment with children, their exploitation shall entail deprivation of parental rights or their restriction of persons substituting them.

From the moment of removal of a child from custody, paying benefit as well as other payments for a child shall be terminated under the court decision.

3. In case of using benefits and other payments for children by parents (persons substituting them) for the purposes other than intended, if this essentially infringes the interests of a child, bodies of social protection, bodies of trusteeship and guardianship, commissions for protection of the rights of minor children or a prosecutor shall bring a suit in favor of a child on compensation of unreasonably disbursed funds to him (her). Funds recovered by court shall be transferred to the banking account of a child.

4. Parents deprived of parental rights shall not be released from the obligation on paying alimonies for children in respect of whom they are deprived of parental rights.

Footnote. Article 50 as amended by the Laws of the Republic of Kazakhstan dated 11.07.2009 № 185-IV (shall be enforced from 30.08.2009); dated 23.11.2010 № 354-IV ( shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 51. Coordination of implementing compliance with the legislation of the Republic of Kazakhstan on child's rights by authorized body**

Authorized body in the field of child's rights shall be determined by the Government of the Republic of Kazakhstan.

Authorized body in the field of protection of children's rights shall:

1) coordinate and direct the activity of other interested authorized bodies in the field of protection of child's right;

1-1) implement state policy in the field of protection of child's rights;

1-2) carry out coordination and organizational supervision of local executive bodies in the field of protection of children's rights;

2) *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);*

3) ensure annual review of regulations and normative standards of children's life indicators to improvement of minimal social standards;

4) coordinate activity of authorized bodies in the field of protection of children's rights in a case of international cooperation.

Footnote. Article 51 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).

**Article 52. State control in the field of protection of a child's rights**

1. State control in the field of protection of a child's rights shall be aimed at ensuring the rights and legitimate interests of a child and shall be carried out by the authorized state bodies and local executive bodies within the competence, determined by the legislation of the Republic of Kazakhstan.

2. The object of state control in the field of protection of a child's rights shall be the activities of individuals and legal entities aimed at realization of the rights of a child.

3. State control in the field of protection of children's rights is carried out in the form of unscheduled inspection and preventive control with a visit to the subject (object) of control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

4. Preventive control without visiting the subject (object) of control shall be carried out in accordance with the Entrepreneurial code of the Republic of Kazakhstan and this Law.

5. Subjects of state control are educational organizations and organizations performing functions to protect the rights of the child, regardless of type, form of ownership and departmental subordination, bodies and organizations of culture and sports.

6. The objectives of preventive control without visiting the subject (object) of control shall be timely suppression and prevention of violations, providing the subjects of control with the right of independent elimination of violations, revealed by the authorized state bodies based on the results of preventive control without visiting the subject (object) of control, and reducing administrative burden on them.

7. Preventive control without visiting the subject (object) of control is carried out by mutual comparison of data in the republican data bank of orphans and children left without parental care, and persons wishing to adopt into a family, the unified education information system, information from authorized organizations and government authorities through requests and information received from the media and other open sources, appeals from individuals and legal entities.

8. Based on the results of preventive control without visiting the subject (object) of control, a recommendation is drawn up to eliminate the identified violations (hereinafter referred to as the recommendation) within five working days from the date of detection of violations without initiating a case of an administrative offense with a mandatory explanation to the subject of control of how to eliminate the violations.

9. The recommendation shall be handed over to the subject of control personally under the signature or in any other way confirming the facts of sending and receiving.

The recommendation sent by one of the following methods is considered to be delivered in the following cases:

- 1) on purpose – from the date of marking in the recommendation on receipt;
- 2) by mail - by registered letter;
- 3) electronically – from the date of sending by the authorized state bodies to the e-mail address of the subject of control, specified in the letter upon request.

10. The recommendation on elimination of the violations, revealed by the results of preventive control without visiting the subject (object) of control shall be executed within ten working days from the day following the day of its delivery.

11. In case of disagreement with the violations, specified in the recommendation, the subject of control shall have the right to send an objection to the authorized state body that sent the recommendation within five working days from the day following the day of its delivery.

12. Non-execution in the established term of recommendation on elimination of violations, revealed by the results of preventive control without visiting the subject (object) of control, shall entail imposition of a preventive control with a visit to the subject (object) of control by inclusion in the semiannual list of preventive control with a visit to the subject (object) of control.



13. The frequency of preventive control without visiting the subject (object) of control is monthly, no later than the 25th day, no more than once a month.

Footnote. Article 52 is in the wording of 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); as amended by the Laws of the Republic of Kazakhstan dated 02.07.2018 № 170-VI (shall be enforced upon expiry of six months after its first official publication); dated 01.04.2019 № 240-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication); dated 15.04.2024 № 72-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

**Article 52-1. State control in relation to educational authorities of regions, cities of republican significance, the capital, districts (towns of regional significance)**

1. State control in relation to educational authorities of regions, cities of republican significance, the capital, districts (towns of regional significance) is aimed at ensuring compliance of the activities of educational authorities of regions, cities of republican significance, the capital, districts (towns of regional significance) with the requirements of the legislation of the Republic of Kazakhstan on rights of the child and is carried out by the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

2. The procedure for conducting state control and the requirements for the activities of the inspected educational authorities of regions, cities of republican significance, the capital, districts (towns of regional significance) are carried out in the manner established by this Law

3. The inspection is carried out by performing one of the following actions:

- 1) visiting a subject of state control;
- 2) requesting the necessary information regarding the subject of the inspection;
- 3) calling the subject of state control in order to obtain information about his compliance with the requirements established by the legislation of the Republic of Kazakhstan on the rights of the child.

4. The subject of the inspection is the compliance by subjects of state control with the requirements established in accordance with paragraph 2 of this article.

5. A scheduled inspection in relation to the subject of state control is carried out once every three years on a set of issues of compliance with the requirements provided for in paragraph 2 of this article.

An unscheduled inspection is appointed in relation to the subject of state control on certain issues of compliance with the requirements provided for in paragraph 2 of this article.

6. The basis for appointing a scheduled inspection of a subject of state control is the annual list approved by the first head of the authorized body in the field of education and sent

to the authorized body in the field of legal statistics and special records before December 20 of the year preceding the year of scheduled inspections.

The authorized body in the field of protection of children's rights of the Republic of Kazakhstan publishes a list of scheduled inspections on its Internet resources until December 25 of the year preceding the year of scheduled inspections.

Amendments and additions to the list of scheduled inspections are carried out in cases of liquidation, reorganization, change of name, redistribution of powers between subjects of control, as well as the occurrence of emergencies of a natural and man-made nature, the introduction of a state of emergency, the emergence or threat of the spread of an epidemic, outbreaks of quarantine facilities and especially dangerous pests, infectious, parasitic diseases, poisonings, radiation accidents and related restrictions.

If the above cases occur, the scheduled inspection may be extended, suspended and resumed.

In the event of a change in the list of scheduled inspections, the amended list of scheduled inspections is also sent to the authorized body in the field of legal statistics and special records.

7. The grounds for an unscheduled inspection of subjects of state control are:

1) instructions from the first head of the authorized body in the field of education, the authorized body in the field of protection of children's rights of the Republic of Kazakhstan;

2) request of the prosecutor or order of the criminal prosecution body;

3) monitoring the execution of orders to eliminate violations identified as a result of the inspection;

4) appeals from individuals and legal entities whose rights and legitimate interests have been violated;

5) appeals from individuals and legal entities, as well as government bodies on specific facts of violations of the requirements of the legislation of the Republic of Kazakhstan on the rights of the child;

6) publications and reports in the media about violations of the legislation of the Republic of Kazakhstan on the rights of the child.

Unscheduled inspections are not carried out in cases of anonymous requests.

**Footnote. Chapter 10 is supplemented by Article 52-1 in accordance with the Law of the Republic of Kazakhstan dated 15.04.2024 № 72-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).**

**Article 52-2. Requirements imposed on the activities of educational management bodies of regions, cities of republican significance, the capital, districts (cities of regional significance)**

1. Requirements for the activities of educational management bodies of the region on:

1) the allocation of funds for the provision of financial and material assistance to students and pupils of state educational organizations of regional and district (city of regional

significance) scale from families entitled to receive state targeted social assistance, as well as from families not receiving state targeted social assistance, in which the per capita income is below the subsistence minimum, and orphans, children left without parental care living in families, children from families requiring emergency assistance as a result of emergency situations, and other categories of students and pupils determined by the collegial management body of the educational organization, in the amount of not less than two percent of budget funds allocated for the current maintenance of general educational schools and for the placement of state educational orders for secondary education in state enterprises on the right of economic management;

2) organizing retraining of personnel and advanced training of employees of educational organizations for orphans and children left without parental care;

3) providing conditions for persons held in centers for the adaptation of minors and centers for supporting children in need of special social services;

4) providing assistance to boards of trustees of educational organizations for orphans and children left without parental care;

5) organizing and implementing staffing of educational organizations for orphans and children left without parental care;

6) providing methodological guidance to the psychological service in educational organizations, including those located in districts (cities of regional significance);

7) participation in organizing summer recreation, leisure and employment of minors;

8) development and implementation in the practice of educational organizations of programs and methods aimed at forming law-abiding behavior of minors, instilling in them the basics of morality and a healthy lifestyle;

9) creation of psychological, medical and pedagogical commissions that identify minors with developmental or behavioral deviations, conduct their comprehensive examination and prepare recommendations for determining the forms of their further education and upbringing ;

10) prevention of offenses, neglect, homelessness and antisocial behavior among minors, identification and elimination of the causes and conditions that contribute to them;

11) ensuring social rehabilitation of children affected by terrorist activities;

12) ensuring the organization of anti-terrorist protection of facilities vulnerable to terrorism, carrying out activities in the field of education of the Republic of Kazakhstan.

2. Requirements for the activities of educational management bodies of cities of republican significance, the capital, on:

1) the allocation of funds for the provision of financial and material assistance to students and pupils of state educational organizations from families entitled to receive state targeted social assistance, as well as from families not receiving state targeted social assistance, in which the per capita income is below the subsistence minimum, and orphans, children left without parental care living in families, children from families requiring emergency

assistance as a result of emergency situations, and other categories of students and pupils determined by the collegial management body of the state educational organization, in the amount of not less than two percent of the total amount of budget funds allocated for the current maintenance of general educational schools and for the placement of state educational orders for secondary education in state enterprises on the right of economic management;

2) organizing retraining of personnel and advanced training of employees of educational organizations for orphans and children left without parental care;

3) providing conditions for persons held in adaptation centers for minors and support centers for children in need of special social services;

4) providing assistance to boards of trustees of educational organizations for orphans and children left without parental care;

5) organizing staffing of educational organizations for orphans and children left without parental care;

6) providing methodological guidance to the psychological service in educational organizations;

7) implementing state functions on guardianship or trusteeship of minors;

8) prevention of offenses, neglect, homelessness and antisocial actions among minors, identification and elimination of causes and conditions that contribute to them;

9) organization of summer recreation, leisure and employment for minors;

10) identification and registration of minors who do not attend general educational institutions for disrespectful reasons, carrying out individual preventive measures with them and their parents or other legal representatives;

11) creation of psychological, medical and pedagogical commissions that identify minors with developmental or behavioral deviations, conduct a comprehensive examination of them and prepare recommendations for determining the forms of their further education and upbringing;

12) development and implementation in the practice of educational organizations of programs and methods aimed at forming law-abiding behavior of minors, instilling in them the basics of morality and a healthy lifestyle;

13) participation in identifying minors with deviant behavior, dysfunctional families, registering them with the internal affairs bodies and implementing individual preventive measures with them;

14) ensuring the organization in general educational institutions of accessible sports sections, technical and other circles, clubs and involving minors in them;

15) ensuring the implementation of measures to prevent harassment (bullying) of a child;

16) ensuring social rehabilitation of children affected by terrorist activities;

17) ensuring the organization of anti-terrorist protection of facilities vulnerable to terrorism, operating in the field of education of the Republic of Kazakhstan.

3. Requirements for the activities of educational management bodies of districts (cities of regional significance), on:

1) the allocation of funds for the provision of financial and material assistance to students and pupils of state educational organizations of district (city of regional significance) scale from families entitled to receive state targeted social assistance, as well as from families not receiving state targeted social assistance, in which the per capita income is below the subsistence minimum, and orphans, children left without parental care living in families, children from families requiring emergency assistance as a result of emergency situations, and other categories of students and pupils determined by the collegial management body of the state educational organization, in the amount of not less than two percent of the total amount of budget funds allocated for the current maintenance of general educational schools and for the placement of state educational orders for secondary education in state enterprises on the right of economic management;

2) ensuring coordination of the activities of the psychological service of educational organizations located in districts (cities of regional significance);

3) implementing, in accordance with the established procedure, state support for orphans and children left without parental care;

4) implementing the functions of the state on guardianship or trusteeship of minors;

5) preventing offenses, neglect, homelessness and antisocial behavior among minors, identifying and eliminating the causes and conditions that contribute to them;

6) organizing summer recreation, leisure and employment for minors;

7) identification and registration of minors who do not attend general educational institutions for disrespectful reasons, carrying out individual preventive measures with them and their parents or other legal representatives;

8) development and implementation in the practice of educational organizations of programs and methods aimed at forming law-abiding behavior of minors, instilling in them the basics of morality and a healthy lifestyle;

9) participation in identifying minors with deviant behavior, dysfunctional families, registering them with the internal affairs bodies and implementing individual preventive measures with them;

10) ensuring the organization of accessible sports sections, technical and other circles, clubs in general educational institutions and involving minors in them;

11) ensuring social rehabilitation of children affected by terrorist activities;

12) ensuring the organization of anti-terrorist protection of facilities vulnerable to terrorism, carrying out activities in the field of education of the Republic of Kazakhstan;

13) ensuring the implementation of measures to prevent harassment (bullying) of a child.

**Footnote. Chapter 10 has been supplemented by Article 52-2 in accordance with the Law of the Republic of Kazakhstan dated 01.07.2024 № 104-VIII (shall be enforced after the date of entry into force of subparagraph 6) of paragraph 10 of Article 1 of the Law of the Republic**

of Kazakhstan "On Amendments and Supplements to Certain Legislative Acts of the Republic of Kazakhstan on Ensuring Women's Rights and Children's Safety).

**Article 52-3. Procedure for conducting state control in relation to educational management bodies of regions, cities of republican significance, the capital, districts (cities of regional significance)**

1. When conducting inspections, the subject of control must be notified in advance of the appointment of the inspection at least 24 hours before the start of the inspection, indicating the date of its start.

2. The start of the inspection shall be considered to be the date of delivery to the subject of control of the act on the appointment of the inspection, indicating the terms and subject of the inspection.

The act on the appointment of the inspection shall indicate:

- 1) the number and date of the act;
- 2) the name of the state body;
- 3) surname, name, patronymic (if indicated in the identity document) and position of the person (persons) authorized to conduct the inspection;
- 4) information about the specialists, consultants and experts involved in the inspection;
- 5) the name of the subject of control;
- 6) the type and subject of the appointed inspection;
- 7) the duration of the inspection;
- 8) the grounds for the inspection, including regulatory legal acts of the Republic of Kazakhstan, the mandatory requirements of which are subject to inspection;
- 9) the period of the inspection;
- 10) the rights and obligations of the subject of control, stipulated by paragraphs 15 and 16 of this Article;
- 11) the signature of the head of the subject of control or his authorized person on receipt or refusal to receive the act;
- 12) the signature of the person authorized to sign acts, and the seal of the state body.

3. The timeframes for conducting an inspection shall be established taking into account the volume of upcoming works, as well as the tasks set and must not exceed:

- 1) when conducting unscheduled inspections - five working days and with an extension of up to five working days;
- 2) when conducting scheduled inspections - ten working days and with an extension of up to ten working days.

If it is necessary to conduct a request to state bodies, as well as in connection with a significant volume of the inspection, the period for conducting an inspection may be extended only once by the head of the authorized body in the field of protection of children's rights of the Republic of Kazakhstan for the timeframes stipulated by part one of this paragraph.



In case of extension of the inspection period, the authorized body in the field of protection of children's rights of the Republic of Kazakhstan shall, without fail, draw up an additional act on extension of the inspection period and notify the subject of control about it one working day before the extension of the inspection.

4. Inspections shall be carried out during the working hours of the subject of control, established by the regulations of the subject of control.

5. Based on the results of the inspection, the official of the authorized body in the field of protection of children's rights of the Republic of Kazakhstan shall draw up a conclusion on the results of the inspection.

6. The conclusion on the inspection results shall indicate:

- 1) the date, time and place of drawing up the conclusion;
- 2) the name of the state body;
- 3) the date and number of the act on the appointment of the inspection, on the basis of which the inspection was conducted;
- 4) surname, name, patronymic (if indicated in the identity document) and position of the person who conducted the inspection;
- 5) the name of the subject of control;
- 6) the date, place and period of the inspection;
- 7) the type and subject of the inspection;
- 8) information on the results of the inspection, including the violations identified, their nature;
- 9) requirements for the elimination of the violations identified, indicating the deadline for fulfilling the requirements and taking measures against the persons who committed the violations;
- 10) information on familiarization with or refusal to familiarize themselves with the conclusion of the representative of the subject of control, as well as persons present during the inspection, their signatures or refusal to sign;
- 11) the signature of the official who conducted the inspection.

7. Copies of documents related to the inspection results (if any) shall be attached to the conclusion on the inspection results.

8. The first copy of the conclusion on the inspection results with copies of appendices shall be handed over on paper against signature or in electronic form to the subject of control (the head or his authorized person) for familiarization and taking measures to eliminate the identified violations, the second copy in electronic form shall be submitted to the state body implementing, within the limits of its competence, activities in the field of state legal statistics and special records, and its territorial bodies, the third copy shall remain with the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

9. In case of any comments and/or objections regarding the results of the inspection, the head of the subject of control shall state them in writing.

Comments and/or objections shall be attached to the conclusion on the results of the inspection, about which a corresponding note shall be made.

In case of refusal to accept the conclusion on the results of the inspection, a report shall be drawn up, which shall be signed by the officials conducting the inspection and the head of the subject of control or his authorized representative.

The subject of control shall have the right to refuse to sign the report, giving a written explanation of the reason for the refusal.

10. The subject of control over the violations specified in the conclusion on the inspection results, within three working days from the day following the day of its delivery, provides information on the measures that will be taken to eliminate the identified violations, indicating the deadlines that are agreed upon with the official of the authorized body in the field of protection of children's rights of the Republic of Kazakhstan.

The deadlines for the execution of the conclusion on the inspection results shall be determined taking into account the circumstances that affect the real possibility of its execution, but not less than ten calendar days from the date of delivery of the conclusion.

Upon expiration of the period for eliminating the identified violations specified in the conclusion on the inspection results, the subject of control shall be obliged to provide the authorized body for the protection of children's rights of the Republic of Kazakhstan with information on the elimination of the identified violations within the period specified in this conclusion.

The subject of control shall attach (if necessary) materials proving the fact of elimination of the violation to the information provided on the elimination of the identified violations.

In this case, an unscheduled inspection shall not be required.

In the event of failure by the subject of control to provide information on the execution of the conclusion on the inspection results within the established period, the authorized body for the protection of children's rights of the Republic of Kazakhstan shall send a request to the subject of control within two working days on the need to provide information on the execution of the conclusion.

In the event of repeated failure to provide information on the execution of the conclusion on the inspection results, the authorized body for the protection of children's rights of the Republic of Kazakhstan shall have the right to appoint an unscheduled inspection.

11. In the absence of violations of the requirements established in Article 52-2 of this Law, a corresponding entry shall be made in the conclusion on the inspection results during the inspection.

12. The end of the inspection period shall be considered the day the conclusion on the inspection results is delivered to the subject of control no later than the end of the inspection specified in the act on the appointment of the inspection or an additional act on the extension of the inspection period.

13. It is prohibited to conduct other types of inspections that are not established by the laws of the Republic of Kazakhstan.

14. During the inspection, officials of the authorized body for the protection of children's rights of the Republic of Kazakhstan shall not have the right to:

1) check compliance with requirements not established in Article 52-2 of this Law, as well as if such requirements do not fall within the competence of the authorized body for the protection of children's rights of the Republic of Kazakhstan;

2) demand the provision of documents, information, if they are not objects of the inspection or do not relate to the subject of the inspection;

3) disclose and (or) disseminate information obtained as a result of the inspection and constituting a commercial, tax or other secret protected by law, except for cases stipulated by the laws of the Republic of Kazakhstan;

4) exceed the established deadlines for the inspection;

5) carry out activities of a costly nature for the purposes of state control at the expense of the subjects of control.

15. Subjects of control shall have the right:

1) not to allow officials of the authorized body for the protection of children's rights of the Republic of Kazakhstan who have arrived to conduct an inspection at the facility to conduct an inspection in the following cases:

failure to comply with time intervals in relation to the previous inspection when appointing a scheduled inspection;

exceeding or expiring the periods specified in the act on scheduling the inspection (additional act on extending the period, if any), which do not correspond to the periods established by this Article;

assigning persons who do not have the appropriate authority to conduct an inspection;

extending the inspection period beyond the period established by this Article;

absence of the act on scheduling the inspection, service ID (identification card);

2) not to provide information if it is not related to the subject of the inspection being conducted;

3) to appeal the conclusion on the results of the inspection of the authorized body in the field of protection of children's rights of the Republic of Kazakhstan in the manner established by the legislation of the Republic of Kazakhstan;

4) to record the process of the inspection, as well as individual actions of the official of the authorized body in the field of protection of children's rights of the Republic of Kazakhstan, carried out by him within the framework of the inspection, using audio and video equipment, without creating obstacles to the activities of the official, as well as with his notification.

16. The subjects of control shall be obliged to:

1) ensure unimpeded access of officials of the authorized body for the protection of children's rights of the Republic of Kazakhstan to the territory and premises of the inspected facility;

2) appear when summoned by officials of the authorized body for the protection of children's rights of the Republic of Kazakhstan;

3) provide information at the request of the authorized body for the protection of children's rights of the Republic of Kazakhstan;

4) in compliance with the requirements for the protection of commercial, tax or other secrets, submit to officials of the authorized body for the protection of children's rights of the Republic of Kazakhstan documents (information) on paper and electronic media or their copies for attachment to the conclusion on the results of the inspection, as well as access to automated databases (information systems) in accordance with the objectives and subject of the inspection;

5) make a note on receipt of the conclusion on the results of the inspection on the day of its completion;

6) prevent changes and additions to the documents being inspected during the inspection, unless otherwise provided by this Law or other laws of the Republic of Kazakhstan;

7) in the event of receipt of the act on the appointment of an inspection, ensure the presence of the head of the subject of control or his deputy at the location of the object of control during the appointed time of the inspection.

17. Subjects of control shall have the right to appeal decisions, actions (inaction) of the authorized body in the field of protection of children's rights of the Republic of Kazakhstan and its officials in the manner established by the legislation of the Republic of Kazakhstan.

**Footnote. Chapter 10 has been supplemented by Article 52-3 in accordance with the Law of the Republic of Kazakhstan dated 01.07.2024 № 104-VIII (shall be enforced after the date of entry into force of subparagraph 6) of paragraph 10 of Article 1 of the Law of the Republic of Kazakhstan "On Amendments and Supplements to Certain Legislative Acts of the Republic of Kazakhstan on Ensuring Women's Rights and Children's Safety).**

### **Article 53 Coordination of the activities of state bodies and organizations that perform the child rights protection functions**

The activities of state bodies and organizations that perform the child rights protection functions shall be coordinated by the authorized child rights protection body of the Republic of Kazakhstan.

**Footnote. Article 53 - as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

*The President  
of the Republic of Kazakhstan*

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