



On countering human trafficking

Unofficial translation

The Law of the Republic of Kazakhstan dated July 5, 2024 № 110-VIII LRK.

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This Law shall determine the organizational and legal basics for countering human trafficking.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic concepts used in this Law

The following basic concepts are used in this Law:

1) human trafficking – the purchase and sale or commission of other transactions with respect to a person, including a minor, as well as his/her exploitation or recruitment, transportation, transfer, concealment, receipt, as well as the commission of other acts for the purpose of exploitation, including through the use of violence or threat of its use or other methods of coercion, deception or abuse of trust, use of official position, material or other dependence;

2) a unified system for countering human trafficking - a set of activities of subjects countering human trafficking to prevent, identify, suppress, disclose and investigate crimes related to human trafficking, as well as to provide assistance to the victims of human trafficking, ensuring and protecting their rights, freedoms and legitimate interests in accordance with the legislation of the Republic of Kazakhstan;

3) authorized state bodies in the sphere of countering human trafficking (hereinafter - the authorized state bodies) - internal affairs bodies and the central executive body exercising leadership and intersectoral coordination in the sphere of social protection of the population;

4) subjects of countering human trafficking - authorized state bodies, other state bodies, healthcare and educational organizations, local executive bodies of regions, cities of republican significance and the capital, non-profit organizations, individuals or legal entities engaged in tourism activities, as well as providing labor mediation, international organizations accredited in the territory of the Republic of Kazakhstan, implementing the counteraction of human trafficking within the limits of their competence;

5) subjects providing special social services to the victims of human trafficking - legal entities engaged in the state and non-state sectors in the provision of special social services and financed from budgetary funds;

6) rehabilitation of victims of human trafficking - actions to restore the psychological and (or) physical condition of the victim to the state that preceded the infliction of harm;

7) a victim of human trafficking - a person identified as a victim of human trafficking regardless of the presence of a pre-trial investigation on this matter, as well as a person recognized as a victim of crimes related to human trafficking in accordance with the criminal procedure legislation of the Republic of Kazakhstan ;

8) identification of a victim of human trafficking - the procedure for recognizing a person as a victim of human trafficking in the manner established by the legislation of the Republic of Kazakhstan;

9) a potential victim of human trafficking - a person in a vulnerable position due to material, psychological or other dependence, minority or old age, orphanhood or lack of parental care, disability, mental or other illness, substance abuse, unemployment, homelessness (persons without a fixed place of residence), unsettled legal status, creating conditions for the commission of crimes related to human trafficking against him, as well as a presumed (possible) victim of human trafficking before being identified as a victim of human trafficking.

Article 2. Scope of this Law

The effect of this Law shall apply to citizens of the Republic of Kazakhstan, fellow countrymen, as well as foreigners and stateless persons permanently residing or temporarily staying on the territory of the Republic of Kazakhstan, revealed and identified as victims of human trafficking on the territory of the Republic of Kazakhstan.

Article 3. Legislation of the Republic of Kazakhstan on countering human trafficking

1. The legislation of the Republic of Kazakhstan on countering human trafficking shall be based on the Constitution of the Republic of Kazakhstan and consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. International treaties ratified by the Republic of Kazakhstan shall have priority over this Law. The procedure and conditions for the operation of international treaties in the territory of the Republic of Kazakhstan, to which the Republic of Kazakhstan is a party, shall be determined by the legislation of the Republic of Kazakhstan.

Article 4. Main goals and objectives of this Law

1. The main goals of this Law shall be to ensure and protect the rights, freedoms and legitimate interests of victims of human trafficking, the interests of society and the state in the sphere of countering human trafficking.

2. The main objectives of this Law shall be:

1) organizing and coordinating the activities of a unified system for countering human trafficking;

2) providing assistance to the victims of human trafficking, ensuring their safety;

3) preventing and suppressing crimes related to human trafficking;

4) strengthening the interaction of subjects countering human trafficking;

5) creating organizational and legal basics for international cooperation in countering human trafficking and fulfilling their international obligations.

Article 5. Basic principles of this Law

The basic principles of this Law shall be:

- 1) legality;
- 2) humanity;
- 3) priority of ensuring and protecting the rights, freedoms and legitimate interests of a person and citizen;
- 4) priority of preventive measures;
- 5) comprehensiveness, systematicity, continuity of countering human trafficking through joint efforts of subjects countering human trafficking;
- 6) the inevitability of punishment for committing crimes related to human trafficking;
- 7) the inadmissibility of discrimination against victims of human trafficking, including on the issues of gender approach and interests of children, ensuring their safety and providing them with assistance;
- 8) ensuring the confidentiality of information about the person and information that allows to establish the status of a victim of human trafficking.

Chapter 2. TASKS AND COMPETENCE OF SUBJECTS COUNTERING HUMAN TRAFFICKING, INTERNATIONAL COOPERATION

Article 6. Tasks of authorized state bodies and other state bodies in the sphere of countering human trafficking

The tasks of authorized state bodies shall be the formation and, together with other state bodies, the implementation of state policy in the sphere of countering human trafficking.

Article 7. Competence of authorized state bodies

1. The internal affairs bodies, within their competence shall:
 - 1) form and implement state policy in the sphere of countering human trafficking, coordinate the activities of subjects countering human trafficking;
 - 2) interact with other subjects countering human trafficking, the Commissioner for Human Rights in the Republic of Kazakhstan, the Commissioner for Children's Rights and the Commissioner for the Rights of Socially Vulnerable Categories of the Population under the President of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan;
 - 3) coordinate and carry out the work on planning, organizing and implementing measures on countering human trafficking, including prevention, risk assessment in the sphere of countering human trafficking, redirection of victims of human trafficking for assistance and provision of special social services in the manner established by the legislation of the Republic of Kazakhstan;
 - 4) develop and approve regulatory legal acts in the field of prevention, detection, suppression and disclosure of crimes related to human trafficking, in accordance with the legislation of the Republic of Kazakhstan;

5) summarize the practice of applying the legislation of the Republic of Kazakhstan in the field of detection, prevention, suppression and disclosure of crimes related to human trafficking, and also develop and make proposals for its improvement;

6) organize the training, retraining and advanced training of employees of subjects countering human trafficking;

7) ensure the protection of life, health, rights and freedoms of a man and a citizen, the interests of society and the state in the process of countering human trafficking;

8) inform the public about the results of activities in the sphere of countering human trafficking;

9) exercise other powers provided for 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. The central executive body exercising leadership and intersectoral coordination in the sphere of social protection of the population, within the limits of its competence shall:

1) form and implement state policy in the sphere of social protection of victims of human trafficking, coordinate the activities of subjects countering human trafficking;

2) interact with other subjects countering human trafficking, the Commissioner for Human Rights in the Republic of Kazakhstan, the Commissioner for Children's Rights in the Republic of Kazakhstan and the Commissioner for the Rights of Socially Vulnerable Categories of the Population under the President of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan;

3) coordinate and carry out the work on planning, organizing and implementing measures on countering human trafficking, including prevention, risk assessment in the field of countering human trafficking, redirection of victims of human trafficking for assistance and provision of special social services in the manner established by the legislation of the Republic of Kazakhstan;

4) develop and approve regulatory legal acts in the sphere of social protection and provision of special social services to the victims of human trafficking in accordance with the legislation of the Republic of Kazakhstan;

5) summarize the practice of applying the legislation of the Republic of Kazakhstan in the sphere of social protection and provision of special social services to the victims of human trafficking, and also develop and make proposals for its improvement;

6) organize the training, retraining and advanced training of employees of subjects countering human trafficking;

7) ensure the protection of rights, freedoms and legitimate interests of individuals and citizens, the interests of society and the state in the process of countering human trafficking;

8) inform the public about the results of activities in the sphere of countering human trafficking;

9) exercise other powers provided for 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.

Article 8. Competence of other state bodies in the sphere of countering human trafficking

1. Other state bodies carrying out counteraction to human trafficking within their competence shall:

- 1) take measures to prevent human trafficking;
- 2) participate in assessing risks in the sphere of countering human trafficking and in making proposals for their minimization in the manner established by the legislation of the Republic of Kazakhstan;
- 3) participate in the redirection of victims of human trafficking for assistance and provision of special social services in the manner established by the legislation of the Republic of Kazakhstan;
- 4) inform the internal affairs bodies of the facts of crimes related to human trafficking that have become known to them;
- 5) inform the public of the results of activities in the sphere of countering human trafficking;
- 6) exercise other powers provided for 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. In addition to the competencies provided for in paragraph 1 of this Article:

1) The Border Service of the National Security Committee of the Republic of Kazakhstan, within the limits of its competence shall:

assist law enforcement agencies of the Republic of Kazakhstan in protecting citizens and complying with the legislation of the Republic of Kazakhstan in the field of population migration in the border area;

jointly with other state bodies and organizations, take part in events to prevent human trafficking;

2) the authorized body in the field of healthcare, within the limits of its competence shall: coordinate the work on providing victims of human trafficking with a guaranteed volume of free medical care according to the list of medical services determined by the authorized body in the field of healthcare;

jointly with other state bodies and organizations, take part in events to prevent human trafficking;

3) the authorized body in the field of education, within the limits of its competence shall: form, within the framework of the educational process, knowledge, skills and abilities in students and pupils of educational organizations on the issues of preventing human trafficking ;

jointly with other state bodies and organizations, take part in events to prevent human trafficking;

4) the authorized body in the sphere of foreign policy, within the limits of its competence shall:

ensure the implementation of the foreign policy course of the Republic of Kazakhstan in the field of international cooperation in the sphere of countering human trafficking;

ensure the protection of the rights and interests of citizens of the Republic of Kazakhstan who have become victims of human trafficking abroad;

take measures to provide with relevant documents and return to the Republic of Kazakhstan of citizens of the Republic of Kazakhstan, including minors, refugees recognized by the Republic of Kazakhstan, and stateless persons permanently residing in the Republic of Kazakhstan who have become victims of human trafficking abroad;

5) the central executive body carrying out functions of state administration in the field of tourism activities, within the limits of its competence, jointly with other state bodies and organizations, shall take part in events to prevent human trafficking;

6) the authorized body in the field of mass media, within the limits of its competence shall :

promote ensuring legal propaganda in the sphere of countering human trafficking in the mass media;

promote coverage in the mass media of the activities of subjects countering human trafficking.

Article 9. Competence of local executive bodies of regions, cities of republican significance and the capital in the sphere of countering human trafficking

Local executive bodies of regions, cities of republican significance and the capital, within the limits of their competence shall:

1) take measures to prevent human trafficking;

2) participate in assessing risks in the sphere of countering human trafficking and in making proposals for their minimization in the manner established by the legislation of the Republic of Kazakhstan;

3) participate in the redirection of victims of human trafficking to provide them with assistance and special social services in the manner established by the legislation of the Republic of Kazakhstan;

4) organize the training, retraining and advanced training of employees of subjects countering human trafficking;

5) organize the work with non-profit organizations on countering human trafficking, including by placing state social orders;

6) submit a petition to the internal affairs bodies to issue a temporary residence permit for foreigners and stateless persons revealed and identified as victims of human trafficking in the territory of the Republic of Kazakhstan, for a period of up to six months with the possibility

of extension, but not more than three months, to receive special social services in the manner prescribed by the legislation of the Republic of Kazakhstan;

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

Article 10. Competence of other subjects countering human trafficking

1. Healthcare organizations shall:

1) provide identified victims of human trafficking with a guaranteed volume of free medical care in accordance with the list of medical services determined by the authorized body in the field of healthcare;

2) exercise other powers in accordance with the legislation of the Republic of Kazakhstan.

2. Educational organizations shall:

1) provide minor victims of human trafficking with special social services in accordance with the legislation of the Republic of Kazakhstan on social protection;

2) exercise other powers in accordance with the legislation of the Republic of Kazakhstan.

3. Non-profit organizations shall:

1) take measures to prevent human trafficking;

2) participate in assessing risks in the sphere of countering human trafficking and in making proposals to minimize them using international experience;

3) participate in the redirection of victims of human trafficking for assistance and provision of special social services in the manner established by the legislation of the Republic of Kazakhstan;

4) inform internal affairs agencies about the facts of appeals from victims of human trafficking;

5) interact with other subjects countering human trafficking;

6) identify victims of human trafficking in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

7) provide the victims of human trafficking with special social services in accordance with the legislation of the Republic of Kazakhstan on social protection;

8) apply to local executive bodies of regions, cities of republican significance and the capital with an application for a petition to issue a temporary residence permit for foreigners and stateless persons revealed and identified as victims of human trafficking in the territory of the Republic of Kazakhstan, for a period of up to six months with the possibility of extension, but not more than three months, to receive special social services in the manner established by the legislation of the Republic of Kazakhstan;

9) facilitate the return of foreigners revealed and identified as victims of human trafficking in the territory of the Republic of Kazakhstan to their country of citizenship;

10) exercise other rights and obligations in accordance with the legislation of the Republic of Kazakhstan.

The subjects providing special social services to the victims of human trafficking shall carry out the functions stipulated by subparagraphs 3) – 8) of part one of this paragraph.

4. Individuals and legal entities:

1) engaged in tourism activities, shall take information measures aimed at preventing the use of tourism for the purposes of illegal migration and transit to third countries, sexual, labor and other exploitation, in accordance with the legislation of the Republic of Kazakhstan on tourism activities;

2) providing labor mediation, shall not allow the exploitation of child labor, recruitment of people for sexual and (or) other exploitation, consult applicants on employment issues, compile information on employers with vacancies and persons wishing to find employment, organize professional training and retraining of applicants with subsequent employment, and also exercise other rights and obligations in accordance with the legislation of the Republic of Kazakhstan on social protection.

Article 11. Competence of the interdepartmental and regional commissions for countering human trafficking

1. The Interdepartmental commission for countering human trafficking shall be a consultative and advisory body under authorized state bodies, regional commissions for countering human trafficking shall be consultative and advisory bodies under local executive bodies of regions, cities of republican significance and the capital.

2. The working body of the Interdepartmental commission for countering human trafficking shall be structural divisions of authorized state bodies, the working bodies of regional commissions for combating human trafficking shall be structural divisions of local executive bodies of regions, cities of republican significance and the capital.

3. The Interdepartmental commission for countering human trafficking shall coordinate the activities of regional commissions for countering human trafficking.

4. The regulations on the Interdepartmental commission for countering human trafficking, providing for the members, powers and procedure for their activities, shall be approved by a joint legal act of the authorized state bodies.

5. The regulations on regional commissions for countering human trafficking, providing for the members, powers and procedure for their activities, shall be approved by local executive bodies of regions, cities of republican significance and the capital in agreement with local representative bodies in accordance with the model regulations on the regional commission for countering human trafficking, approved by a joint legal act of the authorized state bodies.

Article 12. The basics of international cooperation in the sphere of countering human trafficking

1. State bodies carrying out counteraction of human trafficking shall cooperate in the sphere of countering human trafficking with competent bodies of foreign states, international law enforcement organizations, as well as international and non-profit organizations in

accordance with the legislation of the Republic of Kazakhstan and international treaties to which the Republic of Kazakhstan is a party.

2. The main areas of international cooperation in the field of combating human trafficking shall be:

1) development and conclusion of international treaties of the Republic of Kazakhstan in the sphere of countering human trafficking, including on the issues of protection and rehabilitation of victims of human trafficking;

2) interaction with competent bodies of foreign states, including through representatives of the Ministry of Internal Affairs of the Republic of Kazakhstan located outside the Republic of Kazakhstan, for the purpose of preventing, identifying, suppressing, solving and investigating crimes related to human trafficking, as well as protecting the rights of victims;

3) joint creation and development of information systems and means of prompt notification, response and control aimed at increasing the effectiveness of countering human trafficking;

4) exchange of experience, advanced training of employees.

3. Provision of international legal assistance in criminal cases concerning crimes related to human trafficking shall be carried out in accordance with international treaties to which the Republic of Kazakhstan is a party, and in the event of their absence, on the basis of the principle of reciprocity in the manner prescribed by the Criminal Procedure Code of the Republic of Kazakhstan.

Chapter 3. PREVENTION, REVEALING, SUPPRESSION, DISCLOSURE AND INVESTIGATION OF CRIMES RELATED TO HUMAN TRAFFICKING

Article 13. Measures to prevent human trafficking

Measures to prevent human trafficking shall include:

1) organizational measures – development, approval and implementation of regulatory legal acts of the Republic of Kazakhstan, preparation and dissemination of information materials, systematic implementation of measures to prevent human trafficking;

2) legal measures – increasing the legal literacy of the population in countering human trafficking, legal protection of potential victims of human trafficking;

3) research measures – search, comprehensive, analytical works, analysis of law enforcement practice, scientific research related to the study of human trafficking problem;

4) information measures – educational activities to raise awareness of citizens of the Republic of Kazakhstan, fellow countrymen, foreigners and stateless persons about the rights of victims of human trafficking, measures to protect and assist them, the requirements of the legislation of the Republic of Kazakhstan, as well as countering human trafficking, including minors, their exploitation, intolerance to prostitution and pornography;

5) socio-economic measures – preparation and implementation of social projects aimed at preventing human trafficking, eliminating and reducing the causes and conditions conducive

to human trafficking, as well as providing social support measures in accordance with the legislation of the Republic of Kazakhstan;

6) other measures aimed at identifying and eliminating the causes and conditions conducive to human trafficking.

Article 14. Risks assessment in the sphere of countering human trafficking

1. Risks assessment in the sphere of countering human trafficking shall be carried out by authorized state bodies in order to determine the threats and opportunities for solving the problem of human trafficking, identify shortcomings in the implementation of measures to counter human trafficking.

2. The rules for conducting risks assessment in the sphere of countering human trafficking shall be approved by a joint regulatory legal act of authorized state bodies.

3. The results of risks assessment in the sphere of countering human trafficking and the developed recommendations aimed at improving the activities to identify and eliminate the causes and conditions contributing to the emergence of human trafficking shall be considered at a meeting of the interdepartmental commission for countering human trafficking and shall be communicated to the subjects countering human trafficking, and shall also be taken into account when developing an action plan, strategic, program and other documents.

Article 15. Revealing, suppression, disclosure and investigation of crimes related to human trafficking

1. In order to reveal and suppress crimes related to human trafficking, preventive, operational-search and other measures shall be carried out on an ongoing basis in accordance with the legislation of the Republic of Kazakhstan.

2. As part of revealing and suppression of crimes related to human trafficking, identification and redirection of victims of human trafficking shall be carried out for the provision of assistance and special social services in the manner established by the legislation of the Republic of Kazakhstan.

3. Disclosure and pre-trial investigation of crimes related to human trafficking shall be carried out in accordance with the criminal procedure legislation of the Republic of Kazakhstan.

Chapter 4. PROTECTION OF THE RIGHTS OF VICTIMS OF HUMAN TRAFFICKING AND PROVIDING THEM ASSISTANCE

Article 16. Identification and status of a victim of human trafficking

1. Identification of a potential victim of human trafficking shall be carried out to assign the status of a victim of human trafficking, provide the necessary protection and assistance, and prevent the risk of repeated involvement in human trafficking.

2. Identification of a victim of human trafficking shall be carried out by internal affairs bodies jointly with the local executive body of districts, cities of regional, republican significance, the capital, determining the direction in the sphere of social protection and

employment of the population, a subject providing special social services to the victims of human trafficking, a non-profit organization in the manner established by the legislation of the Republic of Kazakhstan.

3. Assignment of the status of a victim of human trafficking shall be carried out based on the results of identification of a human trafficking victim in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Article 17. Rights and obligations of a person identified as a victim of human trafficking

1. A potential victim of human trafficking shall have the right to apply for identification as a victim of human trafficking.

2. A person identified as a victim of human trafficking shall have the right:

1) to receive information about the rights and obligations, protection and assistance provided by the subjects countering human trafficking and subjects providing special social services to the victims of human trafficking;

2) to have their personal data kept confidential and protected in accordance with the Law of the Republic of Kazakhstan "On Personal Data and Their Protection";

3) to apply for special social services;

4) to apply for social assistance provided by decisions of local representative bodies, in the manner established by the legislation of the Republic of Kazakhstan as a person (family) in need of special social services;

5) to receive a guaranteed volume of free medical care in accordance with the list of medical services determined by the authorized body in the field of healthcare;

6) to receive state-guaranteed legal assistance in the form of legal consultation, as well as receive comprehensive social legal assistance in the manner established by the legislation of the Republic of Kazakhstan;

7) for state protection when recognized by the body ensuring the security of protected persons as a person subject to state protection during criminal proceedings, in the manner prescribed by the Law of the Republic of Kazakhstan "On State Protection of Persons Participating in Criminal Proceedings";

8) for the participation of a teacher and (or) psychologist during the interrogation of a minor as a witness or victim within the framework of the pre-trial investigation and consideration of a criminal case in court;

9) to receive compensation in accordance with the legislation of the Republic of Kazakhstan on the Victims Compensation Fund;

10) to receive assistance in organizing access to representative offices and consulates of the country of origin (country of citizenship);

11) for temporary residence in the territory of the Republic of Kazakhstan in order for a foreigner or a stateless person revealed and identified as a victim of human trafficking in the territory of the Republic of Kazakhstan to receive a guaranteed volume of special social services in accordance with the legislation of the Republic of Kazakhstan on social protection;

12) to make a decision on contacting law enforcement agencies and on cooperation with them during the period of providing him with special social services in accordance with the legislation of the Republic of Kazakhstan on social protection, but not less than thirty calendar days, as an immigrant revealed and identified as a victim of human trafficking in the territory of the Republic of Kazakhstan;

13) to apply to the internal affairs bodies for obtaining a visa to leave the Republic of Kazakhstan for the country of citizenship of a foreigner or permanent residence of a stateless person in accordance with the legislation of the Republic of Kazakhstan in the field of population migration;

14) to carry out labor activities without permission from local executive bodies to attract foreign labor until the completion of proceedings on a specific criminal case related to human trafficking, in accordance with the laws of the Republic of Kazakhstan;

15) to apply for the status of a refugee or stateless person in the manner established by the legislation of the Republic of Kazakhstan as an asylum seeker;

16) to appeal an administrative act, administrative action (inaction) related to the adoption of an administrative act, in the manner established by the laws of the Republic of Kazakhstan;

17) to exercise other rights provided for by the laws of the Republic of Kazakhstan.

3. A person identified as a victim of human trafficking shall be obliged to:

1) comply with the legislation of the Republic of Kazakhstan on countering human trafficking;

2) to provide complete and reliable information about themselves, taking into account their psychological state and health when interacting with subjects countering human trafficking for protection and assistance.

Article 18. Redirection of victims of human trafficking

1. Redirection of victims of human trafficking for assistance and provision of special social services shall determine a system of cooperation within the framework of which the subjects countering human trafficking, within the limits of their competence, participate in revealing, redirecting, protecting and providing assistance to the victims of human trafficking, including potential victims, to ensure a comprehensive and accessible system of support for the victims of human trafficking.

2. The procedure for redirecting the victims of human trafficking for assistance and provision of special social services shall be approved by a joint regulatory legal act of authorized state bodies in agreement with other state bodies in the field of countering human trafficking.

Article 19. Return of citizens of the Republic of Kazakhstan, including minors, refugees recognized by the Republic of Kazakhstan, and stateless persons permanently residing in the Republic of Kazakhstan who have become victims of human trafficking

The foreign institutions of the Republic of Kazakhstan shall cooperate with the Ministry of Internal Affairs of the Republic of Kazakhstan and other subjects of countering human

trafficking in order to issue a certificate of return to the Republic of Kazakhstan as soon as possible and ensure the return of citizens of the Republic of Kazakhstan, including minors, refugees recognized by the Republic of Kazakhstan, and stateless persons permanently residing in the Republic of Kazakhstan who have become victims of human trafficking, in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Article 20. Return of foreigners and stateless persons identified as victims of human trafficking in the territory of the Republic of Kazakhstan

1. The return of foreigners and stateless persons identified as victims of human trafficking in the territory of the Republic of Kazakhstan shall be carried out to the country of origin (country of citizenship) voluntarily after the completion of provision of special social services and (or) criminal proceedings.

2. Foreigners and stateless persons recognized as victims of crimes related to human trafficking shall be provided with assistance in returning to the country of origin (country of citizenship) within the framework of special social services in the manner established by the legislation of the Republic of Kazakhstan.

3. If there is a fear that the return of victims of human trafficking endangers their safety, they, with their consent, shall not be subject to return and expulsion deportation the Republic of Kazakhstan and may apply for refugee status or stateless persons in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Chapter 5. PROTECTION OF THE RIGHTS OF MINOR VICTIMS OF HUMAN TRAFFICKING AND PROVIDING THEM ASSISTANCE

Article 21. Protection of the rights of minor victims of human trafficking

1. Protection of the rights of minor victims of human trafficking and the provision of assistance to them shall be ensured taking into account their legitimate interests and opinions.

2. If the age of a victim of human trafficking is not precisely determined and there are grounds to believe that the victim is a minor, then the presumption applies that this person is considered a minor and shall be subject to appropriate treatment until his or her age is determined.

3. If the victim of human trafficking is an unaccompanied minor, then actions shall be taken in accordance with the marriage and family legislation of the Republic of Kazakhstan.

Article 22. Prevention of trafficking in minors

The subjects countering human trafficking shall take measures for:

preventive work with minors and their legal representatives;

raising awareness of countering human trafficking among persons working with minors in the field of education, upbringing and development, recreation and health organizations, physical education and sports, medical care, provision of special social services, culture and art;

development and implementation of programs to counter human trafficking in educational organizations;

covering in the information sphere of the issues related to the prevention of human trafficking or crimes related to human trafficking, as well as eliminating the causes and conditions conducive to trafficking in minors.

Article 23. Return or identification of a minor victim of human trafficking

1. In the event that a minor victim of human trafficking who is a foreigner or a stateless person is identified in the Republic of Kazakhstan, the guardianship and trusteeship authorities at the location of the child shall assist in obtaining information about the presence and place of residence of the parents (parent) or other legal representatives, and, if necessary, place the child in organizations that exercise functions to protect the rights of the child.

When deciding on the issue of returning to the country of origin (country of citizenship) or leaving the minor in the Republic of Kazakhstan, the decision shall be made only with the consent of the minor who has reached the age of ten years, given by him in the presence of the parents (parent) or other legal representatives or a representative of the body exercising functions of guardianship or trusteeship.

2. A minor victim of human trafficking shall be returned to the country of origin (country of citizenship) provided that the parents (parent) or other legal representatives or competent authorities of the country of origin (country of citizenship) of the minor have agreed to take responsibility for him/her and provide him/her with appropriate assistance and protection.

3. If such return endangers her/his safety and does not correspond to her/his interests, the minor victim of human trafficking shall be assigned to an organization that carries out functions to protect the rights of the child, in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Chapter 6. FINAL PROVISIONS

Article 24. Responsibility for violation of the legislation of the Republic of Kazakhstan on countering human trafficking

Violation of the legislation of the Republic of Kazakhstan on countering human trafficking shall entail liability established by the laws of the Republic of Kazakhstan.

Article 25. Procedure for the entry into force of this Law

This Law shall enter into force upon expiration of sixty calendar days after the date of its first official publication.

The President of the Republic of Kazakhstan

K. TOKAYEV