

II. Measures to implement UNGA resolution A/RES/73/146 Trafficking in women and girls

Kazakhstan, like other countries, is concerned with the problem of human trafficking and the protection of victims, as well as the security of those who provide witness. These safeguards are governed by the country's Law on State Protection of Persons participating in Criminal Proceedings. Thus, protection is legally provided to those who assist in preventing or detecting crimes, before the initiation of a criminal case, or in the presence of a real threat of committing violence or any other act prohibited by criminal law against them.

Trafficking in women and girls has increased manifold, and hence the monitoring and controlling this critical scourge with all its incidents, has been brought under the special surveillance of the MIA. In the first four months of 2020, 25 criminal cases related to human trafficking have been registered. Of these cases, six victims of trafficking have been identified and given timely services and support.

For reference: “Human trafficking”-1; “Involvement of a minor in prostitution”-1; “Trafficking in minors” - 1; “Involvement in prostitution” -3; “Organization or maintenance of brothels for prostitution and pandering” - 19.

Compensation for the harm caused to victims of human trafficking is offered in accordance with the Law on the Fund for Compensation for Victims (to the amount of 30 Monthly Calculated Index). Furthermore, the victim has the right to compensation for material and moral harm in accordance with the norms of the Civil Code of the Republic of Kazakhstan.

Furthermore, in order to rehabilitate victims of human trafficking, there is also systematic enforcement of the various clauses of the Assessment Criteria for their Identification and the Standard for the Provision of Special Social Services. Thus, the assessment criteria and procedures for identifying the victims is governed by the

Standard. This norm determines the conditions for their referral, reception and rehabilitation in organizations providing special social services. The victims receive these benefit based on their circumstances, regardless of the existence of a criminal case, and are provided medical, psychosocial and educational and vocational support. They are also eligible for fiscal relief, vocational guidance and job-based support to create the means of livelihood, together with legal aid for victims, further reinforced by formalized general legal services from the allotted budget.

Thus, buying and selling or other transactions with respect to a person, as well as his exploitation or recruitment, transportation, transfer, harboring, receiving, as well as other acts for the purpose of exploitation, shall be punishable by deprivation of freedom for a term of four to seven years with confiscation of property (*part 1 of Article 128 of the Criminal Code*).

The same act committed, taking into account aggravating circumstances, is punishable by imprisonment for a term of seven to nine years with confiscation of property (*part 2 of article 128 of the Criminal Code*).

The term of punishment for crimes provided for in paragraphs 1 or 2 of Article 128 of the Criminal Code, has strict punishments for the following: exporting outside the Republic of Kazakhstan; importing into the Republic of Kazakhstan or transporting a person through the territory of the Republic of Kazakhstan from one foreign state to another, as well as export outside the Republic of Kazakhstan, has also been increased from nine to twelve years of imprisonment with confiscation of property (*part 3 of article 128 of the Criminal Code*).

The sentence is also strengthened, and if the above crimes were committed by a criminal group and / or negligently causing the death of the victim or other serious consequences, namely, provides for imprisonment of 12-15 years with confiscation of the property of the perpetrator (*part 4 of article 128 of the Criminal Code of the Republic of Kazakhstan*).

Article 135 of the Criminal Code (*Trafficking in minors*) has also been amended. In particular, the buying and selling or other transactions involving a minor, as well as for exploitation or recruitment, transportation, transfer, harbouring, receiving, as well as other acts, the guilty person can expect imprisonment from 5 to 9 years in prison with confiscation of property.

Kazakhstan, having acceded to the main international documents that providing standards in the fight against human trafficking, having toughened the punishment for offenses in these areas, having strengthened the preventive effect of the relevant laws, has advanced in recent years in the protection of human rights in the field of combating human trafficking.

Since 2003, Kazakhstan has been working to combat human trafficking within the framework of the Plan of Action of the Government of the Republic of Kazakhstan to combat, deter and prevent crimes related to human trafficking.

Coordination between relevant State bodies is critical and is put into operation by the Interdepartmental Commission on Combating Illegal Export, Import and Trafficking in Human Beings implements all the activities, chaired by one of the two Ministries on a rotational basis the MIA and the Ministry of Labour and Social Protection

For reference:

In accordance with the order of the Prime Minister of the Republic of Kazakhstan No. 78-p dated June 16, 2017 on the formation of the Interdepartmental Commission on Combating Illegal Export, Import and Human Trafficking, the working body of the IDC is the Ministry of Internal Affairs of the Republic of Kazakhstan and the Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan on a rotating basis with a frequency of two years.

During the chairmanship of the Ministry of Labour and Social Protection of the Population (2016 - 2017), *the following events and measures were adopted:*

- three meetings of the IDC were held (31st-33rd) (*where actual problems and issues of prevention, prevention and combating crimes related to human trafficking were considered and discussed*);

- by order of the Acting Minister of Health and Social Development of the Republic of Kazakhstan, dated 24 February 2016 No. 138, the Standard was approved for the provision of special social services to victims of human trafficking;

-in order to introduce the Standard, the State budget provides for and allocates targeted current transfers for the provision of special social services to victims of human trafficking in the non-governmental sector.

For the period 2016 -2019, services were provided to about 600 people for the total amount allocated from the State budget for more than 288.3 million tenge (over \$ 720,000) (*Aktobe, East Kazakhstan, Karaganda, Kostanai, Kyzylorda, Pavlodar, North Kazakhstan, Turkestan regions and the cities of Almaty and Nur-Sultan*) (*services are provided only through NGOs*).

For reference: *Of those who applied, 63% are victims of labour exploitation, 23% are of sexual exploitation, the rest 14% are of several other types of exploitation. Of them, 91% were re-socialized and 9% were expelled for negative reasons. The majority of applicants (43%) were sent through law enforcement agencies, 42% came independently, 6% were identified by the organization itself, 9% are re-applicants sent by health authorities.*

For 2020, additional 101 million tenge (over \$ 252,000) were provided for the provision of special social services, and there will be greater outlays as needs increased.

Thus, implementing the Standard has made it possible to ensure timely and urgent assistance to victims of human trafficking for their re-socialization and return to society.

In order to build the capacity of social protection workers, the Ministry, with the support of the Organization for Security and Cooperation in Europe (OSCE), has conducted training seminars on the provision of special social services to victims of

human trafficking for social workers and units of the Ministry of Internal Affairs of the Republic of Kazakhstan.

At the same time, due to the possible spread of the Coronavirus infection, all social facilities, including crisis centers for victims of domestic violence and human trafficking, comply with social distancing and strict sanitary standards and are provided with the necessary disinfectants and detergents.

All employees and recipients of special social services of these organizations are systematically instructed on preventative measures.

According to the statistics of the information and analytical system “Torelik”, for the first four months of 2020, 15 criminal cases related to human trafficking were pending in the courts, of which 12 were completed with a verdict of sentencing. Some 18 persons were convicted as follows:

- according to provision 3 of Article 125 of the Criminal Code (*kidnapping for the purpose of exploiting the kidnapped*), six persons were convicted, and sentenced to imprisonment, according to Article 135 of the Criminal Code (trafficking in minors) one person was convicted and sentenced to imprisonment;
- according to Article 309 of the Criminal Code (on the organization and maintenance of brothels for prostitution and pandering), 11 persons were sentenced, including one person with restricted movement; two persons for imprisonment, and the remaining eight persons were sentenced to suspended imprisonment.

For reference: *The number of cases considered by the courts depends on the cases received from the pre-trial proceedings authorities. All criminal cases completed by the investigation and sent to the courts are considered on the merits.*

It should also be noted that the Law On Amending and Adding to Certain Legislative Acts of the Republic of Kazakhstan on the Improvement of Criminal,

Criminal Procedure Laws and Enhancing the Protection of Personal Rights of 27 December 2019, has now increased the punishment for criminal offenses related to human trafficking.

Kazakhstan supports active partnership with non-governmental organizations on issues of assistance to victims of human trafficking. Currently, 22 NGOs work in this field, with representatives in all regions of the country. These institutions provide victims of trafficking with legal assistance counselling, as well as, psychological, medical and legal assistance.

Kazakhstan has elaborated a detailed Action Plan for 2018-2020, and is currently in force with great efficiency (*Government decree No. 609 dated 1 October 2018*). It contains an entire range of measures, including:

- conducting comprehensive interagency preventive, investigative measures and special operations to combat human trafficking and illegal migration;
- continuing state financial and other assistance, within the framework of the state social order and non-profit public organizations providing assistance to victims of human trafficking;
- continuing the work of diplomatic missions and consular offices of the Republic of Kazakhstan in maintaining interaction and exchanging experience with foreign countries to identify and provide timely and appropriate assistance to victims of human trafficking found abroad, ensuring their safety, rights, freedoms and legitimate interests, and early return to their homeland ;
- organizing and supporting “helplines”, and “hotlines” to provide immediate services to victims of human trafficking. The Government has a special number for the hotline that is 150
- supporting and cooperating with non-governmental and international organizations and centres, with their respective specialized structures and services to combat human trafficking;

- monitoring and exchanging data between competent authorities regarding advertisements and information materials in the media and the Internet, related to human trafficking and child pornography, as well as generating demand for such services;
- organizing and conducting cultural and educational and outreach actions, awareness-raising among the population, aimed at combating trafficking in persons, including children;
- cooperating in the orientation, advanced training, staff re-orientation sessions for the employees of interested state bodies, including through consultations and internships in specialized units to combat human trafficking.