

KAZAKHSTAN

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	16 Feb 1994	12 Aug 1994	11 Sep 1994
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	6 Sep 2000	24 Aug 2001	18 Jan 2002
Protocol to Prevent, Suppress and Punish Trafficking in Persons		31 Jul 2008 a	30 Aug 2008
UN Optional Protocol on the Involvement of Children in Armed Conflict	6 Sep 2000	10 Apr 2003 A ¹	10 May 2003
International Convention for the Protection of All Persons from Enforced Disappearance		27 Feb 2009 a	23 Dec 2010
Hague Convention on International Child Abduction		3 Jun 2013 A	1 Sep 2013

In Kazakhstan, there are nine laws that refer directly or indirectly to missing children:

1. Law of the Republic of Kazakhstan No. 154-XIII on Operational Investigative Activity of 15 September 1994;
2. Constitution of the Republic of Kazakhstan of 30 August 1995;
3. Law of the Republic of Kazakhstan No. 345-II on the Rights of the Child in the Republic of Kazakhstan of 8 August 2002;
4. Law of the Republic of Kazakhstan No. 591-II on Prevention of Crimes Committed by Minors and Child Neglect and Abandonment of 9 July 2004;
5. Code on Marriage and Family of the Republic of Kazakhstan of 26 December 2011;
6. Law of the Republic of Kazakhstan No. 199-V ZRK on Internal Affairs Agencies of the Republic of Kazakhstan of 23 April 2014;
7. Criminal Code of the Republic of Kazakhstan of 3 July 2014;
8. Code of Administrative Violations of the Republic of Kazakhstan of 5 July 2014; and
9. Civil Procedure Code of the Republic of Kazakhstan of 31 October 2015.

¹ See Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, G.A. Res. A/RES/54/263 (May 25, 2000), entered into force Feb. 12, 2002, Status of Ratification, Declaration, at <http://indicators.ohchr.org/> (last visited July 5, 2016) (on file with the International Centre for Missing & Exploited Children).

General Child Protection

The Government of Kazakhstan has ratified several child protection treaties and introduced new programs and policies in the areas of combating trafficking in persons, education, protection of persons with disabilities, social protection of children, and adolescent health care services.²

Kazakhstan has central and regional systems for the protection of children's rights. In 2006, the Child Rights Protection Committee of the Ministry of Education and Science of the Republic of Kazakhstan was formed. The Committee focuses on educating the public regarding the protection of children's rights, improving child protection legislation, preventing and reducing social orphanhood, and preventing child abuse, violence against children, child labor, homelessness, child neglect, and suicidal behavior among minors.³

In 2007, the Government of Kazakhstan created the Interdepartmental Commission on Minors' Affairs and Protection of Their Rights to develop proposals on prevention of child neglect and abandonment, and protection of children's rights and legitimate interests.⁴ There are also 213 regional commissions on minors' affairs and protection of their rights.⁵

In February 2016, the President of Kazakhstan established the Office of the Children's Rights Ombudsman to guarantee the rights and lawful interests of children and restore rights and freedoms that have been violated.⁶

General Missing Children's Issues

ICMEC's research did not identify dedicated missing children organizations or a national response specifically dedicated to the issue of missing children in Kazakhstan.

Definition of "Missing Child"

While the legislation of Kazakhstan does not define "missing child," it does provide definitions of "missing person" and "children in difficult life situations."

According to the Rules on Receiving and Registering Statements and Reports of Crimes, as well as Keeping the Unified Register of Pre-trial Investigations of 2014, a "missing person" is a person who disappeared suddenly for no apparent reason, whose whereabouts are unknown, and who has been reported missing.⁷

² Committee on the Rights of the Child, *Concluding observations on the fourth periodic report of Kazakhstan*, Oct. 20, 2015, CRC/C/KAZ/C/4, at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/248/14/PDF/G1524814.pdf?OpenElement> (last visited July 6, 2016); United Nations Human Rights Office of the High Commissioner, *Committee on the Rights of the Child examines report on Kazakhstan*, Sept. 17, 2015, at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16450&LangID=E> (last visited July 6, 2016).

³ The Child Rights Protection Committee of the Ministry of Education and Science of the Republic of Kazakhstan, *About Committee*, at <http://bala-kkk.kz/ru/node/502> (last visited July 6, 2016).

⁴ Articles 1 and 2 of the Regulations on the Interdepartmental Commission on Minors' Affairs and Protection of their Rights affiliated with the Government of the Republic of Kazakhstan, approved by the Decree of the Government of the Republic of Kazakhstan No. 415 of 24 May 2007, at <http://adilet.zan.kz/rus/docs/P070000415> (last visited July 6, 2016).

⁵ The Child Rights Protection Committee of the Ministry of Education and Science of the Republic of Kazakhstan, *On creation of the Office of the Children's Rights Ombudsman in the Republic of Kazakhstan* (Feb. 19, 2016), at <http://www.bala-kkk.kz/ru/news/18519> (last visited July 6, 2016).

⁶ *Id.*; The Decree of the President of the Republic of Kazakhstan No. 192 of 10 February 2016 On creation of the Office of the Children's Rights Ombudsman in the Republic of Kazakhstan, at <http://adilet.zan.kz/rus/docs/U1600000192> (last visited July 6, 2016).

⁷ Clause 2 sub-clause 13 of the Rules on Receiving and Registering Statements and Report of Crimes, as well as Keeping the Uniform Register or Pre-trial Investigations, approved by the Order of the General Prosecutor of the Republic of Kazakhstan No. 89 of 19 September 2014 (amended on 10 August 2015), at <http://prokuror.gov.kz/rus/dokumenty/prikazy-generalnogo-prokurora/o-vnesenii-izmeneniy-i-dopolneniy-v-prikaz-generalnogo-0> (last visited July 6, 2016).

Article 1 of the Law on the Rights of the Child of 2002 in the Republic of Kazakhstan provides a definition of “children in difficult life situations.” These are “children whose vital functioning is disrupted as a result of the circumstances and who cannot overcome these circumstances alone or with the help of the family; children in special educational organizations and educational organizations with a special custodial regime.” Governmental authorities protect the rights of such children in difficult life situations by providing them with special social services.⁸

The Law on Prevention of Crimes Committed by Minors and Child Neglect and Abandonment of 9 July 2004 (Law on Prevention of Crimes Committed by Minors) mentions two categories of runaways: (1) minors who left their families without permission; and (2) minors who ran away from children’s educational organizations, special educational organizations, and educational organizations with a special custodial regime.⁹ Administrative offices of special educational organizations and educational organizations with a special custodial regime report runaways to the local police department and assist police in the search for such runaways.¹⁰

Kazakh law enforcement authorities divide missing children into three unofficial categories: (1) children who run away from home regularly; (2) wanderers; and (3) lost toddlers (malyshipoteryashki).¹¹

Abandonment

Article 1 of the Law on Prevention of Crimes Committed by Minors defines neglected and abandoned children as follows:

Neglected child – a minor left without adult supervision over his behavior due to non-performance or improper performance of duties related to child’s upbringing, education and/or support by his parents or other legal representatives, as well as teachers, carers and other employees of educational institution, daycare and other institutions that are obliged to supervise minors, or as a result of minor’s running away from home or institutions in charge of protection of the rights of the child;

Abandoned minor – a neglected child without a place of residence.

Kidnapping and Abduction

Article 125 of the Criminal Code of the Republic of Kazakhstan of 3 July 2014 criminalizes kidnapping and abduction of a person. The sentence for kidnapping or abduction is heightened for a minor victim and may result in deprivation of liberty for a term of 7 to 12 years, with or without asset forfeiture.¹²

Article 136 of the Criminal Code prohibits the intentional substitution of a child (*i.e.*, switching infants at birth). The sentence for this crime may be as high as imprisonment for up to two years. If this crime was committed for financial gain or bad motives (*e.g.*, when a woman switches infants at birth in the hospital because her child was born with a disability and she wants a healthy infant), then the punishment will be harsher: imprisonment for a term of three to seven years.

⁸ Article 15, the Law of the Republic of Kazakhstan No. 114-IV On Special Social Services of 29 December 2008, at <http://adilet.zan.kz/rus/docs/Z080000114> (last visited July 6, 2016).

⁹ Article 13, clauses 1, 5(2), Article 14 clause 11, the Law of the Republic of Kazakhstan No. 591-II On Prevention of Crimes Committed by Minors and Child Neglect and Abandonment of 9 July 2004, at <http://adilet.zan.kz/rus/docs/Z040000591> (last visited July 6, 2016).

¹⁰ *Id.* at Article 13 clause 9 (2) and Article 14 clause 11 (2).

¹¹ Elena Boyarshinova, *Careless parents will be prosecuted* (5 August 2013), OTYRAR.KZ, at <http://otyrar.kz/2013/08/neradivyx-roditelej-privlekut-k-ugolovnoj-otvetstvennosti/> (last visited March 23, 2016).

¹² Part 2 (5) Article 125 of the Criminal Code of the Republic of Kazakhstan, at <http://adilet.zan.kz/rus/docs/K1400000226> (last visited July 6, 2016).

Article 143 of the Criminal Code criminalizes illegal removal of a minor from the country. The highest punishment for this offense is imprisonment for up to two years. Article 143 envisages a harsher penalty if a child is illegally removed from Kazakhstan for financial gain, for bad motives, by a criminal group, or as a result of conspiracy and may constitute imprisonment for up to five years with confiscation of property or without it.

Parental Abduction

Kazakhstan acceded to the Hague Convention on International Child Abduction on 3 June 2013 (as a non-member State) and in 2014 passed legislation establishing the Central Authority within the Ministry of Education and Science.¹³

Parental child abduction is not considered a crime under Article 125 of the Criminal Code of Kazakhstan,¹⁴ but rather is a civil matter. According to Article 73(2) of the Code on Marriage and Family, any disputes about the place of residence of a child must be resolved by a court unless there is a written agreement on this issue between the parents. Therefore, parental abduction may qualify as an arbitrary assertion of rights under Article 389 part 1 of the Criminal Code.¹⁵ The highest punishment for this crime is arrest for up to 45 days.¹⁶

In the case of an international child abduction, a parent or another person who claims that a child has been wrongfully removed to or retained in Kazakhstan in breach of custody rights may apply to the Central Authority with a request to start the search for the missing child. The Central Authority may assist with the search along with help from local Custody and Guardianship Authorities and advice of the competent court in Kazakhstan where the applicant may submit a request that the child be returned.¹⁷ If at the time of applying to the court the child's whereabouts are still unknown, the court must order the initiation of the search for the missing child and/or the abductor.¹⁸ The search for a missing child in this case (*i.e.*, where the child's whereabouts are unknown) will be performed by the police.¹⁹ This return mechanism for an abducted child, as is true in all countries that are signatory to the Hague Convention on International Child Abduction, works only if there is an established treaty relationship between Kazakhstan and the country of citizenship of the parent whose child was abducted to Kazakhstan.²⁰

When a child is abducted by family members within the territory of Kazakhstan and without consent from a parent or legal representative, such parent or legal representative must file a missing person report with the police in order to launch an investigation.²¹

¹³ Decree of the Government of the Republic of Kazakhstan No. 519 of 21 May 2014 On measures to ensure the implementation by the Republic of Kazakhstan of commitments arising from the Convention on the Civil Aspects of International Child Abduction of 25 October 1980, at <http://www.bala-kkk.kz/en/node/6460> (last visited July 6, 2016); Order of the Ministry of Education and Science of the Republic of Kazakhstan No. 208 of 4 June 2014 On measures to enforce the rules derived from the Law of the Republic of Kazakhstan "On Ratification of the Convention on the Civil Aspects of International Child Abduction", at <http://www.bala-kkk.kz/en/node/6460> (last visited July 6, 2016).

¹⁴ A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

¹⁵ *Id.*

¹⁶ Part 1 Article 389 of the Criminal Code of the Republic of Kazakhstan, *supra* note 326.

¹⁷ Guide for citizens on the procedure of applying the standards of the Convention on the Civil Aspects of International Child Abduction of 25 October 1980 in the Republic of Kazakhstan when solving family disputes, at <http://www.bala-kkk.kz/en/node/6460> (last visited July 6, 2016); Article 392 pt. 1 of the Civil Procedure Code of the Republic of Kazakhstan, at <http://adilet.zan.kz/rus/docs/K1500000377> (last visited July 6, 2016).

¹⁸ Article 133 pt. 1 of the Civil Procedure Code of the Republic of Kazakhstan, *supra* note 331.

¹⁹ A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

²⁰ Article 38 of the Convention on the Civil Aspects of International Child Abduction of 25 October 1980, *supra* note 4.

²¹ A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

The Ministry of Internal Affairs is responsible for issuing international passports for the citizens of Kazakhstan.²² The law does not require the signatures of both parents or the physical presence of both parents at the time of application for a child's passport.²³ However, Kazakh legislation contains a number of requirements regarding cross-border travel with children. As a general rule, a child traveling with one parent or guardian does not need the consent of the other parent to exit Kazakhstan unless it is a departure for permanent residence.²⁴ If a minor citizen of Kazakhstan is traveling unaccompanied, he or she must have a passport as well as notarized consent from both parents, adoptive parents, or guardians in order to leave Kazakhstan; such consent must indicate the duration of travel and the country/countries that the child intends to visit.²⁵ When traveling by train in Kazakhstan, the passenger who is accompanying the child, but is not a legal representative of the child, must show power of attorney allowing him or her to accompany the child. Children who are 15 years of age and older are allowed to travel by train unaccompanied within Kazakhstan.²⁶

When a minor leaves Kazakhstan with one parent or guardian for permanent residence in another country, notarized consent from the other parent living in Kazakhstan is required.²⁷ In the absence of such consent, the matter may be resolved by the court.²⁸ If the opposing parent's parental rights are terminated, the consent of that parent is not required; instead a court decision on the termination of parental rights must be submitted to law enforcement.²⁹

Children traveling with their parents or guardians must have originals or certified copies of the documents certifying their relationship with their parents or guardians; otherwise the child may be denied exit from Kazakhstan. A birth certificate will suffice if the child and the parent have the same last name. When the last names of the child and the parent are different, then in addition to the birth certificate of the child, the parent or the guardian must submit a document confirming the change of the last name or documents confirming custody, adoption, or guardianship in case the child's parents are deceased, missing, or deprived of their parental rights.³⁰

²² Article 6, clause 1(18) of the Law of the Republic of Kazakhstan No. 199-V ZRK On Internal Affairs Agencies of the Republic of Kazakhstan of 23 April 2014, at <http://adilet.zan.kz/rus/docs/Z1400000199> (last visited July 14, 2016).

²³ Clause 9 of the Standard of Public Services "The issuing of passports, identity cards to citizens of the republic of Kazakhstan", approved by the Decree of the Minister of Interior of the Republic of Kazakhstan No. 332 of 10 April 2015, at <http://adilet.zan.kz/rus/docs/V1500011174#z11> (last visited July 14, 2016); Clauses 6-12 of the Rules of Registration, Issuance, Replacement, Delivery, Removal and Destruction of a passport of a citizen of the Republic of Kazakhstan, an identity card of a citizen of the Republic of Kazakhstan, a Residence Permit of a Foreign Citizen in the Republic of Kazakhstan, an Identity of a Stateless Person and a Refugee Certificate, approved by the Resolution of the Government of the Republic of Kazakhstan No. 852 of 26 August 2013, at <http://adilet.zan.kz/rus/docs/P1300000852> (last visited July 14, 2016).

²⁴ *Id.*; See also Sergei Sizintsev, *A parent's consent for a child's departure abroad* (Sept. 22, 2012), DE FACTO, at http://defacto.kz/content/soglasie-roditelya-na-vyezd-rebenka-za-granitsu#Trebuetsya_li_razreshenie_roditelya_na_vremenny_vyezd_rebenka_za_granitsu_s_drugim_roditelem_na_otdykh_lechenie_v_gosti_i_t_p (last visited July 7, 2016); *Is it necessary to get a consent for a child's departure from Kazakhstan?* (Oct. 19, 2015), CENTRAL ASIA MONITOR, at <http://camonitor.kz/18880-nuzhno-li-razreshenie-na-vyezd-rebenka-iz-kazahstana.html> (last visited July 7, 2016).

²⁵ Clause 27 of the Rules for the carriage of passengers, baggage and cargo by air transport, approved by the Decree of the Government of the Republic of Kazakhstan No. 1522 of 13 December 2011, at <http://adilet.zan.kz/rus/docs/P1100001522> (last visited July 7, 2016); See also, *id.*

²⁶ Clause 77 of the Rules for the carriage of passengers, baggage and cargo by railroad transport, approved by the Decree of the Government of the Republic of Kazakhstan No. 799 of 14 July 2011, at <http://adilet.zan.kz/rus/docs/P1100000799> (last visited July 7, 2016).

²⁷ Clause 7 sub-clause 6 of the Rules for issuance of documents for traveling outside the Republic of Kazakhstan for permanent residence, approved by the Decree of the Government of the Republic of Kazakhstan No. 361 of 28 March 2012, at <http://adilet.zan.kz/rus/docs/P1200000361> (last visited July 7, 2016).

²⁸ *Id.*

²⁹ A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

³⁰ *Id.*

Anyone who takes a child out of the country in violation of the above cross-border travel requirements may be charged with the crime of illegal removal of a minor under Article 143 of the Criminal Code. Kazakh legislation does not address the entry of children into the territory of Kazakhstan.

Reporting Mechanism

When a child is missing, a parent must file a missing person report with a local police department and contact the Bureau of Registration of Accidents in Astana. Reports of missing children can be made to police either in person or by phone (102).³¹ A parent (guardian), relative, or friend of a missing child can file a missing person report.³² Upon receipt of a report, a duty officer registers the message and informs the head of the local police department about the report.³³

A report about a missing child can be also filed online by filling out a special form on the website of the Association of Volunteer Organizations “Search for Missing Children” (<https://en.poiskdetei.ru/>), or by calling the Association’s office at 8 499 686 02 01 for more information.

ICMEC’s research did not identify any hotlines in Kazakhstan specifically dealing with cases of missing children. However, the Bureau of Registration of Accidents in Astana, which is affiliated with the Department of Interior of Astana, acts as a kind of hotline for searching for missing people.³⁴ The Bureau has a database containing information received on a daily basis from specialized agencies of the Department of Interior, such as detention centers, reception centers, and others. All incoming information is sent to the Operational Control Center (OCC) database, which is run by the police. The Bureau’s computers are connected to the OCC, which makes it possible to track data on accidents, missing persons, and discovery of corpses.³⁵ Medical institutions in Astana also help gather information. Any resident of Astana may call the Bureau free-of-charge to inquire about a missing person and the Bureau is obliged to respond to the inquiry by checking right away for information about the missing person in their databases.³⁶

There are three hotlines created by the Union of Crisis Centers in Kazakhstan: (1) National Hotline for Children and Youth (150); (2) Hotline to Prevent Domestic Violence (1415); and (3) Hotline to Prevent Trafficking in Persons (11616).³⁷

Investigation of Missing Child Cases

The Rules on Receiving and Registering Statements and Reports of Crimes, as well as Keeping the Unified Register of Pre-trial Investigations of 2014, mandate immediate investigation of a missing person case.³⁸ Law enforcement authorities in Kazakhstan have some internal guidelines and policies

³¹ Azamat Sarsenbaev, *What to do if your child is missing?* (July 10, 2015), at <http://yvision.kz/post/520215> (last visited July 7, 2016); Chingiz Saikhanov and Amanita Masanchi, *Missing persons* (Nov. 26, 2014), Vox POPULI, at <http://www.voxpopuli.kz/main/2337-propavshie-bez-vesti.html> (last visited July 7, 2016).

³² Chingiz Saikhanov and Amanita Masanchi, *Missing persons*, *supra* note 345; A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

³³ Section 12 Paragraph 3 of the Rules for organization of activity of Operational Control Centers and police dispatch centers of the internal affairs agencies of the Republic of Kazakhstan, approved by the Order of the Minister of Interior No. 439 of 17 July 2014, at <http://adilet.zan.kz/rus/docs/V14C0009697> (last visited July 7, 2016).

³⁴ Official Site of Akimat of Astana, “Hotline” on search of missing people works in Astana (April 5, 2013), at <http://astana.gov.kz/en/modules/material/538> (last visited July 7, 2016); A response from the Union of Crisis Centers to the Gap Analysis document.

³⁵ *Id.*

³⁶ *Id.*

³⁷ The Union of Crisis Centers in Kazakhstan, at <http://telefon150.kz> (last visited July 7, 2016).

³⁸ Clause 35-1 of the Rules on Receiving and Registering Statements and Report of Crimes, as well as Keeping the Uniform Register or Pre-trial Investigations, *supra* note 321; Chingiz Saikhanov and Amanita Masanchi, *Missing persons*, *supra* note 345.

explaining how to proceed when a missing person case is reported to police, including: registering information about the missing person in the book of record and in the Unified Register of Pre-trial Investigations by a duty officer; informing law enforcement officers within their own department as well as officers in nearby territorial police departments about the case; and sending a Criminal Police and Investigation Officer and operational team to the place where the disappearance occurred.³⁹

When a search for missing children takes place in hard-to-reach areas (e.g., in the mountains or near bodies of water), the police engage with the Committee of Emergency Situations.⁴⁰ Volunteer search-and-rescue squads also take part in searching for missing children by creating and distributing posters in the neighborhood, disseminating information about the missing child online, interviewing possible witnesses, and searching the area of the disappearance using special equipment.⁴¹ ICMEC's research could not confirm whether there is a formal agreement between police and the Committee.

National Database

The OCC system allows Kazakh police to register reports, collect and analyze information about crimes and occurrences, manage police resources, share information across jurisdictions, dispatch police officers to the place of occurrence, report the results of police activities, and provide informational support for management decisions.⁴² All missing persons reports must be immediately registered in the Unified Register of Pre-trial Investigations, an automated database containing information about a crime or occurrence, the progress of the investigation, participants in criminal proceedings, which procedural decisions have been made and investigative actions have been taken, and who is in charge of the investigation.⁴³

The Committee for Legal Statistics and Special Accounts of the General Prosecutor's Office registers all missing person cases. Information about missing persons is open to the public and available on the website of the Committee.⁴⁴ The Committee also maintains an automated information system – “Special Accounts” – that contains information about detainees, convicted persons, persons who have

³⁹ The Rules on Receiving and Registering Statements and Report of Crimes, as well as Keeping the Uniform Register or Pre-trial Investigations, *supra* note 321; The Rules for organization of activity of Operational Control Centers and police dispatch centers of the internal affairs agencies of the Republic of Kazakhstan, *supra* note 347.

⁴⁰ National operational rescue squad of the Ministry of Emergency Situations of the Republic of Kazakhstan, *About us*, at <http://www.roso.kz/index.php/o-nas> (last visited July 8, 2016); *Emergency response group is searching for three girls from Western Kazakhstan in the Urals* (June 14, 2012), TODAY.KZ, at <http://today.kz/news/article/2012-06-14/187650-news/> (last visited July 8, 2016); Committee of Emergency Situations of the Ministry of Internal Affairs of the Republic of Kazakhstan, *Lost in the fog are found*, at http://www.emer.gov.kz/index.php?option=com_content&view=article&id=30731%3A2015-12-02-13-16-39&catid=20%3A2011-06-09-13-26-46&Itemid=5&lang=ru (last visited July 8, 2016); Committee of Emergency Situations of the Ministry of Internal Affairs of the Republic of Kazakhstan, *About performing searches of missing children* (Sept. 19, 2013), at http://www.emer.gov.kz/index.php?option=com_content&view=article&id=19242%3A2013-09-19-09-22-22&catid=22%3A2011-06-09-13-29-10&Itemid=37&lang=ru (last visited July 8, 2016).

⁴¹ *In Temirtau the search for 9-year-old Vladislav Sheller has been conducted for a week already* (Jan. 4, 2016), TODAY.KZ, at <http://today.kz/news/proisshestviya/2016-01-04/706589-v-temirtau-uzhe-nedelyu-razyiskivayut-9-letnego-vladislava-shellera/> (last visited July 8, 2016); *Police of Kyzylordinskaya Oblast is searching for a missing child* (Aug. 14, 2015), TODAY.KZ, at <http://today.kz/news/proisshestviya/2015-08-14/623433-policia-kyzylordinskoj-oblasti-iset-bez-vesti-propavsego-rebenka/> (last visited July 8, 2016); A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

⁴² Chapter 1, clauses 3 and 4 of the Rules for organization of activity of Operational Control Centers and police dispatch centers of the internal affairs agencies of the Republic of Kazakhstan, *supra* note 347.

⁴³ Clauses 35-1 and 21 of the Rules on Receiving and Registering Statements and Report of Crimes, as well as Keeping the Uniform Register or Pre-trial Investigations, *supra* note 321.

⁴⁴ *Kazakhstanis can get information about missing people through the Internet* (April 6, 2012), PROFIT, at <http://profit.kz/news/8405/Informaciu-o-propavshih-bez-vesti-kazahstanci-mogut-poluchit-cherez-internet/> (last visited July 8, 2016); Information Service of the Committee for Legal Statistics and Special Accounts of the Prosecutor General's Office of the Republic of Kazakhstan, at <http://service.pravstat.kz/portal/page/portal/POPageGroup/Services/SuRet> (last visited July 8, 2016).

committed administrative offenses, and wanted persons.⁴⁵ In addition, there is a government database – “Natural Persons” – containing official records of birth, marriage, unique identification numbers, and other information concerning the civil status of a person.⁴⁶

The Committee for Legal Statistics and Special Accounts maintains a record of the fingerprints of all persons taken into custody, charged offenders, detained suspects, administrative detainees, and unidentified detainees.⁴⁷ Law enforcement records fingerprints with an automated fingerprinting information system called ADIS.⁴⁸ In November 2014, a DNA database was created containing DNA samples of violent offenders and evidence of crimes.⁴⁹ Beginning in January 2017, when the Law on Fingerprint and Genomic Registration will enter into force, every person residing or staying in Kazakhstan will be able to provide fingerprints and DNA data voluntarily.⁵⁰

Case Management System

ICMEC’s research did not identify a case management system for missing children cases. In 2014, the Internet Association of Kazakhstan announced a plan to create a web portal with information about missing children,⁵¹ supported by the General Prosecutor’s Office. However, the Association postponed the launch due to insufficient funding.⁵²

Alert Mechanism

While Kazakhstan does not have a centralized rapid emergency child alert system, there are photo distribution mechanisms in place. For example, upon registering a missing person report, police officers can publish the report in the mass media.⁵³ The official website of the Ministry of Internal Affairs contains a link – “Wanted” – where the Committee of the Criminal Police of the Ministry of Internal Affairs publishes information on missing persons and wanted criminals.⁵⁴ The public helps

⁴⁵ Committee for Legal Statistics and Special Accounts of the Prosecutor General’s Office of the Republic of Kazakhstan, *Automated information system “Special Accounts”*, at <http://pravstat.prokuror.kz/rus/o-kpsisu/ais/avtomatizirovannaya-informacionnaya-sistema-specialnye-uchety> (last visited July 8, 2016).

⁴⁶ Electronic Government of the Republic of Kazakhstan, Projects of the electronic government of the Republic of Kazakhstan, at <http://egov.kz/wps/portal/Content?contentPath=/egovcontent/basic/projects> (last visited July 8, 2016); NITEC, *Government Database “Natural Persons”*, at <http://www.nitec.kz/index.php/post/gosudarstvennaya-baza-dannyih-fizicheskie-litsa> (last visited July 8, 2016); Roza Shinzhirbaeva, *Vital Records Offices are creating an electronic database – birth certificates and marriage certificates in the Southern Kazakhstan Oblast are issued with the help of a computer* (Dec. 18, 2007), at <http://www.adilet.gov.kz/ru/node/656> (last visited July 8, 2016).

⁴⁷ Article 12 clause 3 sub-clause 2 of the Law of the Republic of Kazakhstan No. 510 On the state legal statistics and special accounts of 22 December 2003, at <http://adilet.zan.kz/rus/docs/Z030000510> (last visited July 8, 2016); Clauses 1 (4), 7, and 8 of the Rules for conducting and using certain types of special accounts, approved by the Order of the General Prosecutor of the Republic of Kazakhstan No. 71 of 10 July 2014, at <http://adilet.zan.kz/rus/docs/V1400009638> (last visited July 8, 2016).

⁴⁸ Committee for Legal Statistics and Special Accounts of the Prosecutor General’s Office of the Republic of Kazakhstan, *Fingerprinting of citizens* (Jan. 22, 2014), at <http://pravstat.prokuror.kz/rus/sub/news/daktiloskopirovanie-grazhdan> (last visited July 8, 2016).

⁴⁹ *A DNA database is being developed in Kazakhstan* (June 11, 2015), DELOVOY KAZAKHSTAN, at <http://dknews.kz/baza-dannyh-dnk-formiruetsya-v-kazahstane/> (last visited July 25, 2016).

⁵⁰ A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

⁵¹ *A web portal for searching missing children will be created in Kazakhstan* (May 15, 2014), TODAY.KZ, at <http://today.kz/news/article/2014-05-15/508599-v-kazahstane-sozhdadut-internet-portal-dlya-poiska-propavshih-detej/> (last visited July 8, 2016).

⁵² *Launch of a web site with information on missing children in Kazakhstan is postponed* (Oct. 15, 2014), TENGRI NEWS, at <http://tengrinews.kz/internet/sozdanie-sayta-informatsiy-propavshih-detyah-kazahstane-263457/> (last visited July 8, 2016); *General Prosecutor’s Office – about missing children* (June 25, 2015), FORBES, at http://forbes.kz/news/2015/06/25/newsid_90288 (last visited July 8, 2016).

⁵³ Azamat Sarsenbaev, *What to do if your child is missing?*, *supra* note 345.

⁵⁴ Ministry of Internal Affairs of the Republic of Kazakhstan, *Investigation (Missing Persons)*, at http://mvd.gov.kz/portal/page/portal/mvd/MVD/mvd_nav_roz/lookface; See also the response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

relatives and friends of missing persons through social network sites.⁵⁵ Volunteer search-and-rescue squads create and distribute posters in the local area and disseminate information about missing children online.⁵⁶

Awareness-Raising Initiatives

While ICMEC's research did not identify awareness-raising initiatives specific to the issue of missing children, the NGO Union of Crisis Centers in Kazakhstan is actively involved in the protection of children from abuse and violence. It is a professional network of 13 organizations from 11 regions of Kazakhstan conducting activities aimed at preventing gender violence and all forms of discrimination. It conducts outreach events in children's camps, provides psychological help to children who are victims of violence, and monitors national and regional legislation protecting children from domestic violence.⁵⁷

Trafficking

Trafficking in persons is addressed in Article 135 of the Criminal Code of the Republic of Kazakhstan of 3 July 2014, which prohibits the sale of children (sale and purchase, and any other transactions with children), as well as recruiting, transferring, delivering, harboring, and accepting a child for the purposes of his or her subsequent exploitation, including exploitation in forced labor and begging, and sexual exploitation.⁵⁸

⁵⁵ *About 300 children went missing in Kazakhstan since the beginning of 2015* (Aug. 6, 2015), RADIOTOCHKA, at <http://radiotochka.kz/13934-v-kazahstane-bez-vesti-propalo-okolo-300-detey-s-nachala-2015-goda.html> (last visited July 8, 2016).

⁵⁶ A response from the Union of Crisis Centers to the Gap Analysis document (April 27, 2016).

⁵⁷ THE UNION OF CRISIS CENTRES OF KAZAKHSTAN, *About Us*, at <http://telefon150.kz/about> (last visited June 13, 2016).

⁵⁸ Article 3 clause 1 of the Criminal Code of the Republic of Kazakhstan clarifies the meaning of the term "exploitation of a person."