

Kazakhstan

National Child Protection Legislation

National Legislation

- [Age of consent:](#)
Section 122 of the Criminal Code defines the age of consent as 16 years old.
- [Age of Criminal Responsibility:](#)
Section 15 of the Criminal Code states that a person is criminally responsible for the commission of a criminal infraction when they reach the age of 16, however, if a 14-year-old commits a more serious crime, such as murder, they are held criminally responsible.
- [Age of Marriage:](#)
Civil Code, Article 17 defines the age of marriage as 18 years for both men and women.

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- **Extraterritoriality**

[Criminal Code of Kazakhstan:](#)

Article 7

A criminal infraction, committed in the territory of the Republic of Kazakhstan shall be recognized an action which was initiated or continued or was completed in the territory of the Republic of Kazakhstan.

Article 8

Citizens of the Republic of Kazakhstan who committed a criminal infraction outside of the Republic of Kazakhstan shall subject to criminal responsibility under this Code, if an action, committed by them is recognized as criminally liable in the state, in their territory of which it was committed, and if these persons are not convicted in another state. Upon conviction of specified persons, a penalty may not exceed the maximum sanction, provided by the law of the state in whose territory the criminal infraction was committed. On the same basis, the foreigners and stateless persons being in the territory of the Republic of Kazakhstan shall bear responsibility, in the cases where they cannot be extradited to a foreign state for criminal prosecution or service of sentence in accordance with international treaty of the Republic of Kazakhstan.

Article 9

Citizens of the Republic of Kazakhstan, who committed a criminal infraction in the territory of another state shall not be subject to extradition, unless otherwise established by international treaty of the Republic of Kazakhstan. Foreigners and stateless persons who committed a crime outside the Republic of Kazakhstan and reside in the territory of the Republic of Kazakhstan may be extradited to a foreign state for criminal prosecution or service of a sentence in accordance with the international treaty of the Republic of Kazakhstan. No one shall be extradited to a foreign state where there are serious grounds for believing that in this state he would be in danger of torture, violence or other cruel or degrading treatment or punishment, as well as in the case of a threat of the death penalty, unless otherwise provided by international treaties of the Republic.

- **Mandatory reporting requirements** – There are no legal requirements to report cases of possible child sexual abuse. An argument could be raised using the following articles that there is an obligation to act.

[Criminal Code of Kazakhstan:](#)

Article 140. Non-performance of obligations on upbringing of a minor

1. Non-performance or improper performance of obligations without good reasons on the upbringing of a minor child by a parent or other person, to whom these obligations are imposed, as well as by a teacher or other employee of educational, fostering, medical or other institution, obliged to supervise the minor, has led to the minor's use of alcoholic drinks, narcotic drugs, psychotropic substances, vagrancy or beggary or commission by them of actions that contain the elements of crime, intentional criminal offense or intentional administrative infraction, -

shall be punished by a fine in the amount of up to two hundred monthly assessment indices or correctional works in the same amount, or community services for the term of up to one hundred and eighty hours, or arrest for the term of up to sixty days.

2. Non-performance or improper performance of obligations without good reasons on the upbringing of a minor child by parent or other person, to whom these obligations are imposed, as well as by a teacher or other employee of educational, fostering, medical or other institution, obliged to supervise the minor, connected with the abusive treatment of a minor, -

shall be punished by the fine in the amount of up to three hundred monthly assessment indices or correctional works in the same amount, or community services for the term of up to two hundred forty hours, or arrest for the term of up to seventy five days, with deprivation of the right to occupy certain positions or to engage in a certain types of activity for the term of up to three years, or without it.

Article 141. Improper performance of obligations on ensuring the safety of life and health of children

1. Improper execution of obligations to provide for the safety of the life and health of a minor child by a person, to whom such obligations were delegated by his service, or by a person executing such obligations under special assignment, or by a person who voluntarily undertook such obligations, if it caused by negligence severe or medium gravity harm to the health of minor, -

shall be punished by the fine in the amount of two thousand monthly assessment indices, or correctional works in the same amount, or restriction of liberty for a period of up to two years, or imprisonment for the same period, with deprivation of the right to occupy certain positions or to engage in certain types of activity for the term of up to three years, or without it.

2. The same action, which by negligence entailed the death of a minor child, - shall be punished by restriction of liberty for the term of up to five years or imprisonment for the same term, with deprivation of the right to occupy certain positions or to engage in certain types of activity for the term of up to three years, or without it.

- **Prohibition on holding specific positions**

Article 50. Deprivation of right to hold specific position or engage in defined activity

1. Deprivation of right to hold specific position or engage in certain activity is prohibition to hold specific positions on the state service, local government bodies or engage in defined professional or other activity.
2. Deprivation of right to hold specific position or engage in defined activity shall be established for the term from one year up to ten years. For commission of crimes, provided by **paragraph 5) of third and fourth part of Article 120, paragraph 5) of third and fourth part of Article 121, second and third part of Article 122, second and third part of Article 124**, second, third, fourth and fifth part of Article 132, second and third part of Article 133, **paragraph 2) of fourth part of Article 134** and **paragraphs 1) and 2) of third part of Article 312**, deprivation of right to hold specific position or engage in defined activity shall be imposed in a compulsory basis and means life prohibition to hold pedagogical positions and positions, **related to the work with minors....**
3. Deprivation of right to hold specific position or engage in defined activity may be imposed in the cases when it is not provided by relevant Article of Special part of this Code as additional punishment for the relevant criminal infraction, if in recognition of nature and extent of social danger of committed action and identity of guilty person, a court shall recognize as impossible to maintain his (her) right to hold specific positions or engage in defined activity.
4. Upon imposition of this punishment as additional to imprisonment, arrest, it shall be extended to all the time of serving of basic punishment, but upon that its period is calculated from the date of service of imprisonment, arrest. In the case of imposition of deprivation of right to hold specific positions or engage in defined activity as additional type of punishment to other basic types of punishment, as well as upon deferral of service of sentence or conditional sentence, its term is calculated from the date of entry of verdict into legal force.

- **Sexual Offenses Against Children**

Article 120. Rape

1. Rape, in other words sexual relationship with application of action of force and with threat of its application to injured person or other persons or with the use of helpless state of injured person shall be punished by imprisonment for the term of three to five years.
2. Rape:
 - 1) committed by group of persons, group of persons on previous concert;
 - 2) connected with threat of murder, as well as committed with special cruelty in relation to the injured person or other persons;
 - 3) entailed infection with venereal disease of injured person;
 - 4) committed repeatedly shall be punished by imprisonment for the term of five to ten years.
3. The actions, provided by first and second parts of this Article, if they:
 - 1) resulted the death of injured person by negligence;
 - 2) resulted infliction of grievous harm to health of injured person by negligence, infection her with HIV/AIDS or other grave consequences;
 - 3) **committed in relation of certainly minor person;**
 - 4) committed in the conditions of emergency situation or in the course of mass disorders;
 - 5) **committed in relation of minor** by parent, teacher or other person, to whom the responsibilities of his (her) upbringing are imposed by the Law of the Republic of Kazakhstan;

- 6) committed by criminal group shall be punished by imprisonment for the term of ten to fifteen years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of ten years or without it, and in the cases, provided by paragraph 5), with deprivation of the right to occupy determined positions or to engage in a determined activity for life.
4. The actions, provided by first, second or third parts of this Article, if they are **committed in relation of certainly minor** shall be punished by imprisonment for the term of fifteen to twenty years with deprivation of the right to occupy determined positions or to engage in a determined activity for life or life imprisonment.

Article 121. Violent acts of sexual nature

1. Pederasty, lesbian act or other actions of sexual nature with application of action of force and with threat of its application to injured person or other persons or with the use of helpless state of injured person- shall be punished by imprisonment for the term of three to five years.
2. The same action:
 - 1) committed by group of persons, group of persons on previous concert;
 - 2) connected with threat of murder, as well as committed with special cruelty in relation to the injured person or other persons;
 - 3) entailed infection with venereal disease of injured person;
 - 4) committed repeatedly shall be punished by imprisonment for the term of five to ten years.
3. The actions, provided by first or second parts of this Article, if they:
 - 1) resulted the death of injured person by negligence;
 - 2) resulted infliction of grievous harm to health of injured person by negligence, infection him (her) with HIV/AIDS or other grave consequences;
 - 3) **committed in relation of certainly minor person;**
 - 4) committed in the conditions of emergency situation or in the course of mass disorders;
 - 5) **committed in relation of minor** by parent, teacher or other person, to whom the responsibilities of his (her) upbringing are imposed by the Law of the Republic of Kazakhstan;
 - 6) committed by criminal group shall be punished by imprisonment for the term of ten to fifteen years with deprivation of the right to occupy determined positions or to engage in a determined activity for the term of ten years or without it, and in the cases, provided by paragraph 5), with deprivation of the right to occupy determined positions or to engage in a determined activity for life.
4. The actions, provided by first, second or third parts of this Article, if they are committed in **relation of certainly minor** shall be punished by imprisonment for the term of fifteen to twenty years with deprivation of the right to occupy determined positions or to engage in a determined activity for life or life imprisonment.

Article 122. Sexual Relations or Other Sexual Actions with a Person Who Has Not Attained 16 Years of Age

1. Sexual relationship, pederasty, lesbian act or other actions of sexual nature with person, certainly not reached the age of sixteen shall be punished by restriction of liberty for the term of up to five years or imprisonment for the same term.
2. The same actions, committed in relation of person, not reached the age of eighteen, by parent, teacher or other person, to whom the responsibilities of his (her) upbringing are imposed by the Law of the republic of Kazakhstan shall be punished by imprisonment for the term of seven to ten years with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

3. The actions, provided by first or second parts of this Article, committed repeatedly shall be punished by imprisonment for the term of ten to fifteen years with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

Article 124. Corruption of minors

1. Commission of sexual abuse without use of force of a person who obviously has not attained 14 years of age, shall be punishable by restraint of liberty for a term of up to four years or by deprivation of liberty for a term of three to five years.
2. The same acts committed with a person who has not attained 14 years of age by a parent, teacher or another person, who is responsible for his upbringing by law shall be punishable by deprivation of liberty for a term of five to seven years with deprivation of the right to hold specific offices or to engage in specific activities for a term of ten to twenty years.
3. The acts, specified by the first or second parts of the present article, committed repeatedly are punishable with deprivation of liberty for a term of seven to nine years with a possible deprivation of the right to hold specific offices or to engage in specific activities for a term of ten to twenty years.

Article 134. Involvement of a minor in prostitution

1. Involvement of a minor in prostitution shall be punished by imprisonment for the term of three to five years with confiscation of property.
2. Involvement of a minor in prostitution by use of force or threat of its use, use of dependent position, blackmail, destruction or damaging of property or by false pretenses shall be punished by imprisonment for the term of five to seven years with confiscation of property.
3. The actions, provided by first and second part of this Article, committed:
 - 1) by group of persons on previous concert;
 - 2) repeatedly;shall be punished by imprisonment for the term of six to ten years with confiscation of property.
4. The actions, provided by first, second or third parts of this Article, committed by:
 - 1) criminal group;
 - 2) parent, teacher or other person, to whom the responsibilities on upbringing of a minor are imposed by the Law of the Republic of Kazakhstan, -shall be punished by imprisonment for the term of seven to twelve years with confiscation of property, and in the cases, provided by paragraph 2), with deprivation of the right to occupy determined positions or to engage in a determined activity for life.

Article 135. Trafficking in minors

1. Buy and sale or commission of other transactions in relation of minor, as well as his (her) operation or enlistment, transportation, transfer, concealment, receipt, as well as commission of other actions in order of operation- shall be punished by imprisonment for the term of five to seven years with confiscation of property.
2. The same actions, committed:
 - 1) group of persons on previous concert;
 - 2) repeatedly;
 - 3) with use of force, dangerous to life and health, or threat of its use;
 - 4) with use of weapons or objects used as weapons;
 - 5) in relation of two and more persons;
 - 6) in order of removal of organs or tissues of injured person for transplantation or other use;
 - 7) by false pretenses or abuse of trust;
 - 8) by person with the use of his (her) official position;
 - 9) in order of involvement of a minor in commission of crimes or other antisocial actions;
 - 10) with the use of material or other dependence of injured person;

- 11) in relation of minor, certainly for guilty person being in the state of pregnancy;
- 12) in relation of a minor, certainly for guilty person suffered from mental disease or being in the helpless state;
- 13) with suppression, non-disclosure or destruction of documents, certifying identity of injured person,-

shall be punished by imprisonment for the term of seven to ten years with confiscation of property.

1. The actions, provided by first and second parts of this Article, committed in order of export outside of the Republic of Kazakhstan, import in the Republic of Kazakhstan or transportation of a minor through the territory of the Republic of Kazakhstan from one foreign state to another, as well as export outside of the Republic of Kazakhstan, import in the Republic of Kazakhstan or transportation of minor through the territory of the Republic of Kazakhstan from one foreign state to another state in order of commission of such actions-

shall be punished by imprisonment for the term of ten to twelve years with confiscation of property.

2. The actions, provided by first, second or third parts of this Article, if they:

- 1) committed by criminal group;
- 2) resulted the death of injured person by negligence or other grievous consequences,-

shall be punished by imprisonment for the term of twelve to fifteen years with confiscation of property.

Article 312. Production and turnover of materials or items with pornographic images of the minors or their involvement for participation in the entertainment events of pornographic nature

1. Production, storage or transfer across the State border of the Republic of Kazakhstan for the purposes of distribution, public demonstration or advertisement or distribution, public demonstration or advertisement of materials or items with pornographic images of the minors –

shall be punished by imprisonment for the term of three to six years with confiscation of property.

2. Involvement of the minors as executors for participation in the entertainment events of pornographic nature by person, attained the age of eighteen, -

shall be punished by imprisonment for the term of five to seven years with confiscation of property.

3. The actions, provided by first or second parts of this Article, committed:

- 1) by parent, teacher or other person, to whom the obligations of upbringing of the minor are imposed by the Law of the Republic of Kazakhstan;
- 2) in relation of certainly the minor;
- 3) by group of persons on previous concert or by criminal group, -

shall be punished by imprisonment for the term of five to eight years with confiscation of property, with deprivation of the right to occupy determined posts or to engage in a determined activity for the term of ten years, and in the cases, provided by paragraphs 1) and 2), with deprivation of the right to occupy determined posts or to engage in a determined activity for life.