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MANUAL ON INTERSECTORAL COORDINATION FOR DELIVERING THE MODEL FOR PROTECTIVE SERVICES TO CHILDREN AFFECTED BY MIGRATION

Tested in the cities of Nur-Sultan, Almaty
and Shymkent and Turkestan Oblast



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Almaty and Shymkent and
Turkestan Oblast**

Manual on intersectoral coordination for delivering the model for protective services to children affected by migration, 2021

Tested in the cities of Nur-Sultan, Almaty and Shymkent and Turkestan Oblast.

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ACRONYMS

CABM	Child affected by migration
CAM	Centre of Adaptation of Minors
CRC	UN Committee on the Rights of the Child
CSC	Centre for the Support of Children in Difficult Life Situations in Nur-Sultan
EU	European Union
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
NGOs	Non-governmental organisations
ODK	Open Data Kit
UN	United Nations
UNICEF	United Nations Children's Fund

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1.

INTRODUCTION

The Commissioner for Human Rights in the Republic of Kazakhstan launched a programme in partnership with UNICEF Kazakhstan and with funding and support from the European Union (EU) on the 'Protection of Children Affected by Migration in Kazakhstan' (the 'Joint Project').

'**Children affected by migration**' or '**CABM**' are:

- Children who are cross-border or internal migrants, either alone or with their families;
- Children who remain in Kazakhstan while one or both of their parents or legal representatives migrates elsewhere;
- Children born in Kazakhstan to migrant parents;
- Children repatriated to Kazakhstan.

CABM includes child asylum seekers, child refugees and child victims of trafficking, but excludes kandas (repatriate). A '**child**' is an individual aged 0 to 18 years.

The Commissioner for Human Rights has worked closely with stakeholders at the national and local levels in Kazakhstan to develop a 'model' for providing protective services to CABM, with the support of UNICEF and the EU and technical expertise from Coram International. The implementation of this model tested in the cities of Nur-Sultan, Almaty and Shymkent/Turkestan Oblast for 12 months between 2020 and 2021 under the Joint Project.

All stakeholders have a role to play in implementing this new model for providing protective services to CABM. Under the Joint Project, the following stakeholders will provide the following services:



1. The **Centres of Adaptation of Minors (CAMs)** in Almaty, and Shymkent/Turkestan Oblast and the **Centre for the Support of Children in Difficult Life Situations (CSC)** in Nur-Sultan provide case management services to protect CABM from the age of 3 who are at risk of, or who are suffering, significant harm. Separated and unaccompanied children are regarded as children at risk of, or who are suffering, significant harm.

Children who are at risk of, or who are suffering, significant harm are referred to in this Manual as '**children in need of care and protection.**'

2. A selected **NGO** in each of the three test locations will provide support services to CABM who meet the NGO's admission criteria. The support services include social services; legal services; psychological counselling services; and 'independent supporter' services. These services are explained in more detail later in this Manual. The NGOs selected to provide these services are:
 - a. **Kazakhstan International Bureau for Human Rights and Rule of Law in Nur-Sultan City;**
 - b. **Sana Sezim in Shymkent City/Turkestan Oblast; and**
 - c. **Rodnik in Almaty City.**
3. Other **State bodies, public institutions, professionals and practitioners**, such as teachers, doctors, nurses, police including the Department of Migration Services, the Border Guard Service, the Guardianship and Tutelage Authority, Commission on Issues of Minors, are responsible for identifying CABM; referring the child to the relevant body for protective services; and collaborating with the CAM/CSC or NGO during the delivery of the protective services.
4. All stakeholders play a role in monitoring the implementation of the model for protective services. This function will be performed through a multi-stakeholder **Steering Committee** established at the City/Oblast level of each test location.

This Manual explains the context for the development of the model for protective services and contains intersectoral working protocols to support State bodies, public institutions, professionals and practitioners in the test locations (i.e. Nur-Sultan; Almaty City; Shymkent City; and Turkestan Oblast) on implementing their functions under points '3' and '4,' above.

The State bodies, public institutions, professionals and practitioners who should use this Manual include, but are not limited to, the following:

- Border Guard Service
- Police investigators, juvenile inspectors, police in the Department of Migration Services, and other officials falling under the Department of Internal Affairs
- Guardianship and Tutelage Authority
- Commission on Issues of Minors
- Teachers, school pedagogues and other staff within schools
- Doctors, nurses and other healthcare professionals
- Social workers;
- Psychologists
- NGO workers
- Lawyers
- Prosecutors
- Courts
- Officials within Government departments at the regional and oblast levels, including the Departments of Education, Health and Labour and Social Protection

This Manual is divided into the following parts:

- **Part 2** explains the international standards on which the Joint Project and the model for protective services are based;
- **Part 3** provides a summary of the findings of the research conducted under the Joint Project, which have informed the development of the model for protective services;
- **Part 4** provides a description of the model for protective services and the roles of the selected NGOs, CAMs/CSC, and other stakeholders bodies;
- **ANNEX A** contains procedural guidelines for a multisectoral Steering Committee that is recommended to be established in each test location to monitor and oversee the implementation of the model for protective services; and
- **ANNEX B** contains the intersectoral working protocols for officials from State bodies and public institutions, professionals and practitioners on how to identify and refer CABM to protective services and coordinate in handling individual cases.

A separate Manual has been developed for the CAMs/CSC in Nur-Sultan, Almaty and Shymkent/Turkestan Oblast to support them in delivering the model for protective services. A separate Manual has also been developed for the selected NGOs (Kazakhstan International Bureau for Human Rights and Rule of Law in Nur-Sultan City; Sana Sezim in Shymkent City/Turkestan Oblast; and Rodnik in Almaty City) to assist them in delivering the model for protective services.

2.

INTERNATIONAL STANDARDS

Key Treaties and Instruments

Kazakhstan has obligations under international law to protect the rights of CABM. These obligations derive mainly from the Convention on the Rights of the Child (CRC),¹ its Optional Protocol on the Involvement of Children in Armed Conflict² and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.³ Under Article 2(1) of the CRC, Kazakhstan has an obligation to respect and ensure the rights contained in the CRC to every child within its jurisdiction without discrimination of any kind, irrespective of the child's or the child's parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or 'other status.' 'Other status' includes statelessness, nationality and immigration status.⁴ Therefore, Kazakhstan's obligations under the CRC apply not only to CABM who are Kazakh citizens, but also to all CABM within Kazakhstan's jurisdiction, regardless of the child's citizenship, nationality or migration situation.

Kazakhstan is also party to other international human rights treaties, which guarantee protections for children generally, as well as special protections for migrant children. These treaties include the International Covenant on Civil and Political Rights,⁵ the International Covenant on Economic,

Social and Cultural Rights,⁶ the Convention on the Elimination of All Forms of Discrimination against Women,⁷ the Convention on the Rights of Persons with Disabilities,⁸ the 1951 Convention Relating to the Status of Refugees,⁹ the Protocol Relating to the Status of Refugees 1967,¹⁰ the Minimum Age Convention 1973,¹¹ the Worst Forms of Child Labour Convention 1999,¹² the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment¹³ and its Optional Protocol.¹⁴

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) is also an important treaty, which protects the rights of CABM. The United Nations (UN) Committee on the Rights of the Child and the UN Committee on the Protection of the Rights of All Migrant Workers stress that children's rights have primary importance in the context of migration, and that the ICRMW and the CRC should be integrated by States into their migration-related frameworks.¹⁵

Kazakhstan's international obligations are elaborated in a range of 'soft law' standards. These include general comments issued by UN human rights monitoring bodies, and guidelines developed by UN bodies and multilateral

1 Kazakhstan ratified the Convention on the Rights of the Child (CRC) on 12 August 1994.

2 Kazakhstan ratified the Optional Protocol on 10 April 2003.

3 Kazakhstan ratified the Optional Protocol on 24 August 2001.

4 United Nations (UN) Committee on the Rights of the Child (CRC Committee), General Comment No. 6, para 12; CRC Committee, General Comment No. 22, para 12.

5 Kazakhstan ratified this treaty on 24 January 2006.

6 Kazakhstan ratified this treaty on 24 January 2006.

7 Kazakhstan became party to this convention on 26 August 1998.

8 Kazakhstan became party to this convention on 21 April 2015.

9 Kazakhstan became a party to this convention on 15 January 1999 without making any reservations.

10 Kazakhstan became a party to this protocol on 15 January 1999 without making any reservations.

11 Kazakhstan ratified this treaty on 18 May 2001 and has specified a minimum age of 16 years for the purposes of this treaty; retrieved from https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312283 on 1 November 2019.

12 Kazakhstan ratified this treaty on 26 February 2003.

13 Kazakhstan became party to this treaty on 26 August 1998.

14 Kazakhstan ratified this instrument on 22 October 2008.

15 CRC Committee, General Comment No. 22, para 13. Though note that Kazakhstan is not a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.



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organisations.¹⁶ Furthermore, safe migration of all humans, including children, is a key part of the

Sustainable Development Goals (SDGs), which Kazakhstan is aiming to achieve by 2030.¹⁷

16 The CRC Committee's General Comment No. 6 (2005) on the Treatment of Unaccompanied and Separated Children Outside their Country of Origin; Joint General Comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the CRC Committee on the General Principles regarding the Human Rights of Children in the Context of International Migration; Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the CRC Committee on State Obligations regarding the Human Rights of Children in the Context of International Migration in Countries of Origin, Transit, Destination and Return; and the Recommended Principles to Guide Actions Concerning Children on the Move and Other Children Affected by Migration, retrieved from <http://un-act.org/publication/view/recommended-principles-to-guide-actions-concerning-children-on-the-move-and-other-children-affected-by-migration/> on 1 November 2019.

17 SDG Target 10.7 is for all States to 'facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.' One of the indicators for this target is the 'number of countries that have implemented well-managed migration policies.' SDG 16 on promoting peaceful and inclusive societies is also relevant, particularly the targets to end the abuse, exploitation, trafficking and all forms of violence against and torture of children (SDG 16.2), ensuring equal access to justice for all (SDG 16.3), and by 2030, providing legal identity for all including birth registration (SDG 16.9).

The Rights of Children Affected by Migration

Under international standards, Kazakhstan should ensure that all CABM and their families are integrated into the local community by ensuring the realization of their rights and access to services on an equal footing to nationals.¹⁸ This standard stems from the child's right to life, survival and development under Article 6 of the CRC, as well as a range of economic, social and cultural rights in the CRC, which children are entitled to without discrimination on the basis of their migration status or those of their parents or legal representatives.¹⁹ These economic, social and cultural rights include:



The right to health:²⁰ Every CABM should have access to health equal to that of nationals, regardless of their migration status.²¹ In particular, CABM should have access to health services without being required to present a residence permit or asylum registration.²² Administrative and financial barriers to accessing health services should also be removed;²³



The right to education:²⁴ All CABM, irrespective of their status, should have full access to all levels and all aspects of education, including early childhood education and vocational training, on an equal basis to nationals.²⁵ Kazakhstan should therefore ensure equal access to quality and inclusive education for all CABM, irrespective of the child's migration status.²⁶ Kazakhstan should also take positive steps to eliminate discrimination against CABM and adopt a gender-sensitive approach to removing barriers to education.



This includes additional language education and intercultural support; dedicated staff to facilitate the child's access to education and promote the child's integration in school; the prohibition and prevention of segregation in education; and psychosocial support;²⁷

Adequate standard of living and social assistance:²⁸ Kazakhstan is required to recognise the right of every child, including CABM, to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Whilst parents and others responsible for the child have primary responsibility for securing these conditions for the child within their abilities and financial capacities, Kazakhstan is required to take 'appropriate measures' to assist parents and legal representatives to implement this right in accordance with national conditions and within its means. Assistance includes material assistance and support programmes, particularly with regard to nutrition, clothing and housing. Kazakhstan should also expeditiously reform legislation, policies and practices that discriminate against CABM and their families or prevent them from effectively accessing services and benefits, such as social assistance;²⁹



Birth registration:³⁰ Children have the right to be registered immediately after birth. The absence of birth registration may restrict the

18 CRC Committee, General Comment No. 22, para 22.

19 CRC, Arts 2 and 6; CRC Committee, General Comment No. 23, para 53.

20 Articles 23, 24 and 39 of the CRC.

21 CRC Committee, General Comment No. 23, para 55.

22 CRC Committee, General Comment No. 23, para 56.

23 CRC Committee, General Comment No. 23, para 56.

24 Articles 28 to 31 of the CRC.

25 CRC Committee, General Comment No. 23, para 59.

26 CRC Committee, General Comment No. 23, para 59.

27 CRC Committee, General Comment No. 23, para 62.

28 Article 27 of the CRC.

29 CRC Committee, General Comment No. 23, para 53.

30 Article 7 of the CRC.

child's other rights and lead towards child marriage, trafficking, forced recruitment and child labour. Kazakhstan should therefore take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of the child's or parent's migration status.³¹ Legal barriers to access-

ing birth registration services, such as requiring parents to produce documentation regarding their migration status, should therefore be removed.³² Importantly, children who do not have birth registration should be ensured equal access to health care, child protection, education and other social services.³³

Prohibition of the Detention of Children on the Basis of their Migration Status

The **deprivation of a child's liberty** (i.e. **detention**) has very negative consequences for a child's development and seriously hampers the child's integration in society.³⁴ If a child is placed in a public or private custodial setting by an order of a judicial, administrative or other public authority, and the child is not permitted to leave that custodial setting at will, then the child is regarded under international standards as being detained/deprived of their liberty.

Given the seriousness of depriving a child of his/her liberty, the CRC sets strict standards on when this measure may be applied. Article 37(b) of the CRC requires that no child shall be deprived of his/her liberty unlawfully or arbitrarily and that the arrest, detention or imprisonment of a child must be in conformity with the law and used **only as a measure of last resort and for the shortest ap-**

propriate period of time. In migration contexts, this means that:

- Unaccompanied or separated children should not, as a general rule, be detained;³⁵ and
- Detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on the child's migratory or residence status, or lack thereof.³⁶

Furthermore, where it is necessary as a measure of last resort to place a child in detention, the child is entitled to procedural safeguards, including the right to prompt access to legal and other appropriate assistance, and the right to challenge the legality of the detention before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.³⁷

Integration of Child Migrants in the Child Protection System

An effective child protection system is one that prevents and responds to violence, exploitation and abuse of children. Under international standards, child protection systems at the national and local levels should mainstream child migrants into their programmes, regardless of whether the State is a country of origin, transit, destination or return for the child.³⁸ This means that CABM should be identified promptly in border controls and other migration-control procedures within the State's ju-

risdiction, and that anyone claiming to be a child is treated as such and promptly referred to child protection authorities and other relevant services if they require support or protection.³⁹

Case management is an important part of implementing an effective child protection system. Case management is the 'process practiced by social service workers that supports or guides the delivery of social service support to vulnerable chil-

31 CRC Committee, General Comment No. 23, para 20.

32 CRC Committee, General Comment No. 23, para 21.

33 CRC Committee, General Comment No. 23, para 22.

34 UN Committee on the Rights of the Child, General Comment No. 24 (2019), Children's rights in juvenile justice, para 13.

35 CRC Committee, GC No. 6, para 62.

36 CRC Committee, GC No. 6, para 60.

37 CRC, Art 37(d).

38 CRC General Comment No. 22, para 14.

39 CRC General Comment No. 22, para 32(h).

dren and families and other populations in need.⁴⁰
Child protection case management includes:

Identification of CABM who are or might be in need of care and protection;

Referral of the CABM to the responsible child protection authority;

Social assessment of the needs and best interests of the CABM by a skilled social worker;

Decision-making on whether the CABM is, in fact, in need of care and protection;

Developing an individualised plan for the child by identifying and matching services to the child's assessed needs and specific goals;

Coordinating the implementation of the plan;

Monitoring the child's and family's progress, and making adjustments to the plan as the child's needs change; and

Closing the case when the goals of the plan are met.

In addition, particular considerations apply to unaccompanied and separated children, including family tracing and family reunification.⁴¹

As a matter of good practice, and given the State's duty to protect children in need of care and protection, child protection case management functions should remain within Government.⁴²

40 Global Social Service Workforce Alliance, *Core Concepts and Principles of Effective Case Management: Approaches for the Social Service Workforce*, 2018, p 7.

41 See Part 6.3 of the Legal Review for more details.

42 C. Hamilton, *Commentary on the Proposed Legislative Amendments to the Code of the Republic of Kazakhstan on Marriage (Matrimony) and Family 2011, as amended*, 2019, p 6.



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3.

THE JOINT PROJECT TO PROTECT CHILDREN AFFECTED BY MIGRATION IN KAZAKHSTAN

Overview

The Commissioner for Human Rights in the Republic of Kazakhstan launched a programme in partnership with UNICEF Kazakhstan and with funding and support from the EU, to 'Protect Children Affected by Migration in Kazakhstan.' This Joint Project is part of UNICEF's larger EU-funded programme, which covers seven countries (Bangladesh; Kazakhstan; Kyrgyzstan; Myanmar; Tajikistan; Thailand; and Uzbekistan) and runs from 2017 to 2021.

As part of the Joint Project, UNICEF engaged Coram International as consultants to help design and 'test' the implementation of a model for providing protective services to CABM in three selected locations: Nur-Sultan; Almaty; and Shymkent/Turkestan Oblast. The overall goal of the model is to contribute to ensuring that CABM are protected effectively and that their rights are progressively realised.

Situation of Children Affected by Migration

Between November 2019 and January 2020, Coram International provided technical support to the Commissioner for Human Rights and UNICEF to undertake research into the situation of CABM in three Cities (Nur-Sultan; Almaty and Shymkent). The purpose of the research was to inform the design of the model for protective services under the Joint Project. The research focused on the risks and challenges that CABM face; their ability to access services to meet their needs and realise their rights in line with international standards; whether and how CABM are integrated into the child protection system at the national and local levels; and the legal mandates, organisational structures and job descriptions of those involved in providing protective services to CABM.

The research found that all categories of CABM are prevalent in the test Cities, though their exact numbers were undetermined. This is due in part to gaps in the indicators used to collect administrative data, as well as children fluctuating in and out of the definition of 'CABM.' CABM and their parents are also largely 'hidden,' either because they are reluctant to approach the authorities due to mistrust or fears

of deportation, or because they are unaware that their migration situation is an issue until they are in need of services (e.g. when the child becomes ill or graduates from school and requires an official certificate).

Furthermore, CABM potentially have very different needs, given the various categories of children that fall within this definition. Children may also fall under more than one category of the definition of CABM, and face multiple risks and challenges. The risks and challenges CABM may face include:



Barriers to accessing education and health services: participants reported instances of schools and clinics asking children and parents to provide certain documentation, such as the child's individual identification number, in order to enrol a child in school or access health services, which undocumented or irregular⁴³ CABM are unable to provide;

43 Irregular migration refers to situations where a person enters or remains in Kazakhstan without the requisite authorisation, documentation or registration with the Department of Migration Services, or where the person works in Kazakhstan without a work permit or for an employer which is not authorised to hire foreign employees (irregular labour migration).



Barriers to accessing legal services: it is not clear whether and at what stage in the legal process free legal services are provided to CABM and their families when they come into contact with law enforcement authorities in practice, particularly in cases where parents are deprived of parental responsibility, and when CABM come into contact with juvenile police. Furthermore, undocumented CABM and their families appear to rely on NGOs to provide free legal services to resolve issues surrounding their documentation (e.g. registration for migration purposes; citizenship; birth registration). Furthermore, there was no evidence that CABM who are deprived of their liberty in the CAMs in Almaty and Shymkent, or in the CSC in Nur-Sultan, are provided with legal and other appropriate assistance, as required by Article 37(d) of the CRC;



Barriers to accessing social welfare: key social welfare services, particularly those applying to children and families in difficult life situations, apply only to Kazakh citizens or foreign or stateless persons residing permanently in Kazakhstan.⁴⁴ This creates a legal gap in the provision of social welfare services to CABM temporarily resident in Kazakhstan or those in irregular migration situations. CABM and families who are not eligible for these services may therefore have difficulties accessing services and benefits to help meet their basic needs, including food, clothing and shelter;



Children left without parental care: research indicates that children placed with relatives or family friends while their parents migrate are subsequently removed by the authorities and placed in State

care due to the absence of a power of attorney formalising the care arrangement with the relative or family friend;



Risk of exploitation: the research indicated links between irregular migration, the lack of documentation and children's experiences of labour and other forms of exploitation, as well as begging on the streets;



Access to the child protection or social welfare system: participants' responses indicated that migrant families who work or beg on the streets, particularly those from the Lyuli community, are not being recognised by the authorities as being vulnerable or at risk of harm. These families are consequently handled predominantly using a 'law enforcement' approach, including the temporary detention of children in the CAM/CSC while the police address the parents. These families revert to their difficult life situation after they reunite due to the absence of family support services;



Administrative liability: under the national law, CABM aged over 16 may be held administratively liable for migration-related offences. These offences relate predominantly to irregular migration situations. While children under the age of 16 cannot themselves be administratively responsible, they may nevertheless be questioned by police leading to administrative liability and penalties being imposed on their parents.

In addition, the study found that the fragmentation of the child protection system and the absence of a designated child protection body is resulting in CABM who are in need of care and protection being referred to a range of different stakeholder bodies, without any clear lines of coordination and referral. Where CABM are referred to the child pro-

44 For example, Kazakhstan's Law on Special Social Services 2008.

tection system, participants' responses indicate that the children do not have meaningful participation in their case, which is contrary to Article 12 of the CRC on the right of the child to be heard. This can leave the child feeling powerless and confused about their current or future situation.

The CAMs/CSC are places of detention. The research highlighted cases where CABM are detained in the CAMs/CSC solely on the basis of their migration status or due to the absence of temporary alternative care measures in the community. This is a violation of Kazakhstan's obligations under the CRC, and is in urgent need of reform.



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4.

THE MODEL FOR PROTECTIVE SERVICES

CHILD PROTECTION CASE MANAGEMENT BY THE CAMS/CSC

Overview

Under the Joint Project, recommendation was made for child protection case management functions to be assigned to a single body within Government, in line with good practice. After detailed consideration of the mandates and capacities of various local Government bodies, it was considered that the CAMs (in Almaty and Shymkent/Turkistan Oblast) and the CSC (in Nur-Sultan) would be best placed to take on these functions. However, children under three years of age fall under the jurisdiction of the Guardianship and Tutelage Authority and Department of Health. Given UNICEF's parallel efforts to strengthen child protection case

management of children under the age of three in partnership with the Ministry of Health and other stakeholder bodies, it was decided that children from the age of three years of age would not be included in the model tested by the CAMs/CSC under the Joint Project.

Under the Joint Project, all CABM from the age of three in the test locations must be referred to the designated case manager within the CAM/CSC if there is reason to believe that the child is in need of care and protection, **regardless of whether or not the child is without parental care.**



A 'child in need of care and protection' is one who is suffering or at risk of suffering significant harm.

'Harm' means ill-treatment or the impairment of physical, mental, intellectual, emotional or behavioural health or development, including impairment suffered from seeing or hearing the ill-treatment of another. Harm may be caused by physical, sexual or emotional abuse, neglect or exploitation.

'Unaccompanied and separated children' are regarded as suffering or at risk of suffering significant harm, and therefore fall within the definition of 'child in need of care and protection.'

An 'unaccompanied child' is a child who has been separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so.⁴⁵

A 'separated child' is a child who has been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. This includes children accompanied by other adult family members.⁴⁶

It is important to emphasise that the referral of the child to the CAM/CSC does **not** necessarily mean that the child should reside in the CAM/CSC. The child may, instead, remain with their family or in an alternative care arrangement in the community, depending on what is in the child's best inter-

ests. Under the model, it is the responsibility of the designated case manager or social worker in the CAM/CSC to conduct an assessment of the child's situation, determine whether the child is in need of care and protection, and develop, coordinate and monitor a plan that is in the child's best interests.

⁴⁵ Broadly based on the description provided by the CRC Committee in CRC GC No. 6, para 7.

⁴⁶ CRC GC No. 6, para 8.

This means that the CAMs/CSC will be providing case management for CABM from the age of three who are in need of care and protection and living with their parents/legal representatives, as well as those placed in alternative care or residing on the premises of the CAM/CSC.

Open Regime

Given Kazakhstan's international obligations under the CRC, under the model for protective services, the CAM/CSC should, as a general rule, operate an open regime. This means that CABM residing in the CAM/temporary residential unit of the CSC should, as a general rule, attend school in the community, though the CAM/CSC may provide remedial education and other support to

Children under the age of three who are in need of care and protection shall continue to fall under the jurisdiction of the Guardianship and Tutelage Authority and Department of Health.

assist the child in catching up at school and integrating into community life. The Commissioner for Human Rights, the Child Protection Committee, UNICEF and the test NGOs are working with the Departments of Education in the three test locations to ensure that CABM can be enrolled in and attend school in the community on the same basis as a Kazakh national.

Appointment of an Independent Supporter

The process for handling cases involving unaccompanied and separated CABM is often complex with multiple authorities making decisions, including the CAM/CSC, the Guardianship and Tutelage Authority and Department of Education, the Commission on Issues of Minors, the Department of Migration Services. The child may even be involved in criminal or administrative proceedings, for example, as a victim of trafficking. Therefore, there is a need for an independent person to mentor and provide emotional support to the child, help the child to navigate the system, and act as a check to ensure that all relevant authorities are involved and meeting the child's needs (whether legal, social, health, psychological, material, educational or other needs).

In addition, unaccompanied and separated child migrants, as well as other categories of CABM who are the subject of child protection case management by the CAM/CSC, may be left feeling confused about why they are in contact with the authorities or unclear about the status of their case. The impact of the decisions by the authorities on the child can be profound, and may include the child being settled in another State, or being removed from the care of their parents if this is in the child's best interests. In such situations, it is important that children who are capable of forming their own views have the opportunity to voice their views freely and have these views taken into account in accordance with their age and maturity, in line with their right to be heard under Article 12 of the CRC. To facilitate this, an independent supporter assigned to the child should also:

- Explain to the child why he/she has come into contact with the authorities and the process involved;
- Keep the child informed about the progress of his/her case;
- Ascertain the child's views, wishes and feelings on his/her current and future situation;
- Help the child to convey his/her views, wishes and feelings to the decision-making bodies; and
- Explain to the child why a particular decision was taken if the decision departs from the child's views, wishes and feelings.

The arrangements for providing these services vary from State to State. Under Kazakh law, legal representation for children without parental care or orphans is normally provided by the Director of the body providing the child with alternative care, such as the CAM/CSC or children's home. However, many alternative care providers, such as the CAM/CSC, are State bodies mandated to make decisions about the child, which means that they are not sufficiently independent to take on the role outlined above. Therefore, under the Joint Project, the selected NGOs in each test location (i.e. the International Bureau for Human Rights in Nur-Sultan City; Rodnik in Almaty City; and Sana Sezim in Shymkent City/Turkestan Oblast) shall offer independent supporter services to all CABM referred to the CAM/CSC under the model for protective services.

To ensure that the supporter from the NGO is independent, the NGOs are not permitted to take on this role if they have any conflict or potential

conflict of interest with the child, which is a decision that needs to be made on the facts of each individual case.

Support Services Provided by the Test NGOs

Under the model for protective services, NGOs take on the role of 'service provider.' This means that whenever the NGO comes into contact with a child who it considers might be in need of care and protection, it should refer the child to the CAM/CSC for case management if the child is aged three or above, or to the Guardianship and Tutelage Authority for children under the age of three. If the CAM/CSC considers that the services provided by the NGO match the child's needs, the CAM/CSC can approach the NGO and request it to provide the necessary services as part of the child's individual plan. However, in such cases, the management of the child's case would remain with the CAM/CSC. Alternatively, the NGO may

provide 'independent supporter' services to a child subject to child protection case management by the CAM/CSC, provided that there is no conflict or potential conflict of interest between the NGO and child (see above for details).

Where a child does not appear to be in need of care and protection and a child protection referral to the CAM/CSC (for children from the age of three) or Guardianship and Tutelage Authority (for children under three) does not need to be made, the CABM may be referred to the NGO directly in order to receive legal, social support services or psychological counselling services. In such cases, the NGO is responsible for managing the child's case.

Identification and Referral of CABM by Other Stakeholders

To implement the model for protective services, all persons who come into contact with a CABM (e.g. teachers; Department of Migration Services; juvenile inspectors and other police officials; Border Guard Service; Guardianship and Tutelage Authority; Commissions on Issues of Minors) should

identify CABM who are in need of care and protection or support services, refer them to the appropriate body for protective services without delay according to the procedures in this Manual; and coordinate with the appropriate body to ensure the delivery of the protective services to the child..

Steering Committee

The implementation of the model for protective services requires the buy-in and commitment of all stakeholders involved in working with CABM. Without the buy-in and commitment of all stakeholders, CABM will not be referred to the CAM/CSC or NGOs in order to receive the necessary protective services. For this reason, it is recommended that in each of the three test locations, a multi-disciplinary Steering Committee is set up to oversee the implementation of the model for protective services and provide guidance to stakeholders to ensure its implementation.

The role of the Steering Committee is not to monitor individual cases. Rather, the Steering Committee should be mandated to ensure the effective intersectoral coordination of cases of CABM and to eliminate overlaps and gaps in the provision of protective services to these children during the implementation of the model. The Steering Committee should therefore function as a forum for stakeholders to discuss and address any issues that have

arisen with implementing the model for protective services during the course of the test. Issues may include, for example, certain stakeholder bodies not making any referrals of CABM from the age of three who are in need of care and protection to the CAM/CSC for child protection services.

The Steering Committee for each location should consist of representatives of all City and Oblast-level stakeholders involved in working with CABM, including:

- The CAM (in Almaty and Shymkent/Turkestan Oblast) or CSC (in Nur-Sultan);
- The NGO selected by UNICEF under the Joint Programme (i.e. the International Bureau of Human Rights in Nur-Sultan; Rodnik in Almaty and Sana Sezim in Shymkent/Turkestan Oblast);
- UNICEF;
- Deputy Akim;

- Commission on Issues of Minors;
- Guardianship and Tutelage Authority;
- Department of Education/Education Unit;
- Department of Health;
- Department of Labour and Social Protection;
- Department of Internal Affairs (Division for Juvenile Inspection; Police Investigation; and Department of Migration Services);

- Border Guard Service;
- Judiciary;
- Prosecutor's Office.

Each representative shall be nominated by the body for which they work. The representative should have sufficient authority to make operational decisions in his/her respective institution. Procedural guidelines for the operations of the Steering Committee are enclosed in ANNEX A.

Role of UNICEF

During the Joint Project, UNICEF will provide support and advice to the selected NGOs, CAMs/CSC, professional bodies and the Steering Committee on the establishment and implementation of the model for protective services. Coram International, as UNICEF consultants, will also provide coaching

and training to staff within the CAM/CSC and NGOs on delivering protective services to children affected by migration, and a training for professionals on implementing the intersectoral working protocols in ANNEX B.

ANNEX A. ANNEX A. PROCEDURAL GUIDELINES FOR THE STEERING COMMITTEE

The role of the Steering Committee is to ensure effective intersectoral coordination of cases of CABM and to eliminate overlaps and gaps in the provision of child protection and social support services for these children during the implementation of the model for protective services.

Members of the Steering Committee shall appoint a chairperson from their members. The selected NGO's Programme Director or Programme Coordinator shall act as the Secretary of the Steering Committee unless the chairperson designates another person to take on this roll.

The Secretary is responsible for:

- Convening and facilitating the monthly (and after the first year, bi-monthly) and ad hoc meetings of the Steering Committee;
- Taking and circulating minutes of the Steering Committee meetings to all its members;
- Circulating relevant reports and documents to Steering Committee members and other relevant stakeholders in a timely fashion.

The Steering Committee is responsible for:

- Overseeing the implementation of the model for protective services in the City, including via a mid-term and annual review of the model;
- Acting as a forum for raising and discussing any high-level operational challenges that arise during the implementation of the model for protective services, particularly with regard to referrals and intersectoral coordination in the handling of cases involving CABM; and
- Agreeing on the steps that must be taken in order to address any barriers to the effective implementation of the model for protective services.

Members of the Steering Committee have the following responsibilities:

- Take all reasonable steps to ensure the successful implementation of the model for protective services;
- Attend the monthly/bi-monthly and ad hoc meetings of the Steering Committee and the six-month and annual review (discussed in more detail below);

- Liaise between the CAM/CSC or NGO and the body that the member represents to ensure the successful implementation of the model for protective services;
- Take all reasonable steps to address any problems that arise with the model for protective services as they relate to the representative's body.

The Steering Committee may:

- Nominate any other relevant body or individual to become a member of the Steering Committee. Membership shall be approved by a simple majority vote of the Steering Committee at their monthly/bi-monthly meetings;
- Invite any other relevant person or body to attend and speak at a meeting of the Steering Committee; and
- Make recommendations to amend the functions of the model for protective services in order to improve the implementation of its activities.

At the meetings of the Steering Committee, oral reports shall be given by:

- The NGO's Programme Director, who shall report on the progress of the Programme, the type and the number of cases that the NGO is working on, any difficulties that have arisen and on any other relevant issues relevant to the implementation of the model for protective services. The NGO's Programme Director shall respond to any related questions of the Steering Committee;
- The Director of the CAM/CSC shall report on the progress of delivering child protection services under the model, the type and the number of cases that the CAM/CSC is working on, any difficulties that have arisen and on any other relevant issues relating to the implementation of the model for protective services. The CAM/CSC's Director shall respond to any related questions of the Steering Committee;
- Other members of the Steering Committee shall report on the experiences of their body in working with the model for protective services.

Ad hoc meetings of the Steering Committee may be convened by the Secretary at any other time if it is deemed necessary.

The Steering Committee shall conduct a mid-term and annual review of the model for protective services. Each review shall consist of a formal meeting of the Steering Committee during which each member of the Steering Committee shall present a written report on the progress of the model for protective services with regard to the body that it represents. In these reports, the Steering Commit-

tee members shall include statistics and information on cases that have been referred, problems encountered, recommendations for improvements and their general evaluation of the Centre up to that date.

In addition to the annual reviews, the Steering Committee shall hold a six-month review of the model for protective services in the first year. The format of the six-month review should be the same as the annual review.



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ANNEX B. ANNEX B. INTERSECTORAL WORKING PROTOCOLS

1. INTRODUCTION

All State or public officials, professionals and practitioners (collectively referred to as ‘professionals’) in Nur-Sultan City, Almaty City, Shymkent City and Turkestan Oblast should apply these intersectoral working protocols when working with children affected by migration (CABM).

The overall aim of these working protocols is to contribute to ensuring that children affected by migration are protected effectively and are able to enjoy their rights.

These working protocols are based on Kazakh law as well as the UN Convention on the Rights of the Child and other international child rights standards and best practices. In particular, where national

laws and regulations are silent on a particular issue, this does not prevent a professional from acting in line with the UN Convention on the Rights of the Child and other international child rights standards and best practices, as set out in these working protocols.

These intersectoral protocols may need to be adapted in light of any social distancing or quarantine measures in place from time to time (for example, participating in virtual meetings instead of in-person meetings). Such adjustments must, however, comply with the guiding principles in Part 3 of these intersectoral working protocols.

2. KEY TERMS AND DEFINITIONS

For the purposes of these intersectoral working protocols, the following terms have the following meanings:

An **‘age-disputed child’** is an individual who claims to be a child but does not have any official documentation to prove his/her age, and whose child status or age is disputed by a Government authority.

A **‘child’** is an individual aged 0 to 18 years.

A **‘child affected by migration’** or **‘CABM’** refers to a child who falls under one or more of the following categories:

- Children who are migrants themselves, either alone or with their families;
- Children who remain in Kazakhstan while one or both of the child’s parents or legal representatives migrate to another country;
- Children born in Kazakhstan to migrant parents;
- Children who are repatriated to Kazakhstan or who are returned to Kazakhstan as their country of origin.

This definition includes child asylum seekers, child refugees and child victims of trafficking, but excludes **kandas**.

A **‘child in need of care and protection’** is any child who is suffering or at risk of suffering significant harm, regardless of whether or not the child is left without parental care or is an orphan.

‘Child protection case management’ has the meaning set out in the section on Integration of Child Migrants in the Child Protection System in Part 2 of the Manual on Intersectoral Coordination.

A **‘child protection meeting’** is a confidential meeting of professionals involved with the child and family to review all relevant information and plan how to support the family to care for, protect and safeguard the child.

A **‘child protection plan’** is a plan to safeguard the child from further harm, promote the child’s health and development, and support the family to care for the child, while the child continues to live with his/her parent or legal representative.

An individual’s **‘country of origin’** is his/her country of nationality or, if the individual is stateless, country of habitual residence.

‘Deprivation of liberty’ refers to any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or

other public authority.⁴⁷ The placement of a child in a CAM/CSC that operates a closed regime is regarded as a deprivation of the child's liberty.

A **'durable solution'** is a long-term, sustainable care arrangement for a CABM, which meets the child's best interests.

'Exploitation' refers to the act of taking advantage of a child, including through:

- Economic exploitation, including forced labour, and any other work that is likely to be hazardous or interfere with the child's education, or be harmful to the child's health or physical, mental, spiritual, moral or social development;
- Exploitation for illicit drug production and trafficking;
- Sexual exploitation and sexual abuse, specifically the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices and the exploitative use of children in pornographic performances and materials; and
- The abduction of, sale of or trafficking in children, or any other forms of child exploitation, including slavery, practices similar to slavery, servitude or the removal of organs.⁴⁸

'Family Code' refers to the Code on Marriage (Matrimony) and Family 2011 of the Republic of Kazakhstan, as amended from time to time.

'Harm' means ill treatment or the impairment of physical, mental, intellectual, emotional or behavioural health or development, including impairment suffered from seeing or hearing the ill-treatment of another. Harm may be caused by physical, sexual or emotional abuse, neglect or exploitation.

'Joint Project' refers to the programme launched by the Commissioner for Human Rights in the Republic of Kazakhstan in partnership with UNICEF Kazakhstan and with funding and support from the European Union on the Protection of Children Affected by Migration, under which the model for protective services is being developed and tested.

The **'Manager'** is the staff member within the CAM/CSC who is responsible for managing and

monitoring individual cases of CABM who are in need of care and protection under the model for protective services.

'Migrant' or **'migration'** refers to any movement of a person away from his or her place of usual residence, whether within Kazakhstan or across Kazakhstan's international borders, temporarily or permanently.

'Model' or **'model for protective services'** refers to the system of providing child protection case management services and support services to CABM that is being tested in Nur-Sultan City, Almaty City and Shymkent City/Turkestan Oblast under the Joint Project, as described in Part 3 of the Manual on Intersectoral Coordination to which these working protocols are appended.

'Personal details' refer to any information, or combination of information, which may reveal the identity of an individual.

A **'professional'** is any State or public official, professional or practitioner.

'Separated children' are children who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.⁴⁹

A **'Social Worker'** is a staff member of the CAM/CSC who is designated to provide social work services to CABM who are in need of care and protection under the model for protective services.

A person is **'stateless'** if he/she is not considered as a national by any State under the operation of its law.

'Support services' refers to the services being tested by the NGOs under the Joint Project as summarised in Part 3.3 of the Manual on Intersectoral Coordination to which these working protocols are appended.

'Trafficking' of children refers to the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation. Child trafficking includes both internal and cross-border recruitment, transportation, transfer, harbouring or receipt of a child for the purposes of exploitation.

47 United Nations Rules for the Protection of Juveniles Deprived of their Liberty, adopted by General Assembly resolution 45/113 of 14 December 1990, para 11(b).

48 Based on the definition of 'child exploitation' contained in the IOM's Glossary on Migration (2019) and the description contained in Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol).

49 CRC GC No. 6, para 8.

'Unaccompanied children' refers to children who have been separated from both parents and other

relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.⁵⁰

3. GUIDING PRINCIPLES

All professionals shall apply the following principles when implementing the model for protective services as set out in the Manual on Intersectoral Coordination and these intersectoral working protocols:

- 3.1 In all actions concerning the child, the **best interests of the child** are a primary consideration. In cases of adoption, the best interests of the child shall be the paramount consideration;
- 3.2 The child's right to **life, survival and holistic development** shall be respected and protected at all times;
- 3.3 The child **must not be discriminated** against on the basis of the child's or his/her parent's or legal representative's race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, migration, or other status. This means that all children who are eligible for protective services under this model for protective services must be treated equally and without discrimination on any of these grounds;

3.4 The child has the **right to be heard**. This means that where the child is capable of forming his or her own views, the child has the right to express those views freely, and to have those views given due weight in accordance with the child's age and maturity. Every child should be presumed to be capable of forming his or her own views, unless proven otherwise;

3.5 **The child's dignity shall be respected and protected at all times**. This means that the child must be treated with care, sensitivity, fairness and respect, with special attention given to his or her personal situation, wellbeing and specific needs, and with full respect for the child's physical and psychological integrity;

3.6 **A child may only be deprived of his/her liberty (i.e. detained) as a measure of last resort and for the shortest appropriate period of time**. Detention shall not be justified solely on the basis of the child being unaccompanied or separated, or on the child's migratory or residence status, or lack thereof.⁵¹

50 Broadly based on the description provided by the CRC Committee in CRC GC No. 6, para 7.

51 CRC Committee, GC No. 6, para 60.



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4. IDENTIFYING CABM WHO ARE IN NEED OF CARE AND PROTECTION

General provisions

4.1 Whenever a professional comes into contact with a child, the professional shall consider whether the child is a CABM.



Remember: a CABM is a child (i.e. an individual under the age of 18) who is:

- An internal or cross-border child migrant, regardless of whether the child is migrating alone, with his/her family or other person;
- A child who remains in Kazakhstan while one or both of the child's parents or legal representatives migrate to another country;
- A child born in Kazakhstan to migrant parents; or
- A child who is repatriated to Kazakhstan or who is returned to Kazakhstan as his/her country of origin.

CABM includes child asylum-seekers, child refugees and child victims of trafficking but excludes kandas.

4.2 Whenever a professional comes into contact with a CABM, he/she must consider whether there is reasonable cause to believe that the child is in need of care and protection. A child is in need of care and protection if he/

she is suffering or at risk of suffering significant harm. Separated or unaccompanied CABM are regarded as suffering or at risk of suffering significant harm, and are therefore children in need of care and protection.



Remember: 'Harm' refers to any ill-treatment or the impairment of physical, mental, intellectual, emotional or behavioural health or development, including impairment suffered from seeing or hearing the ill-treatment of another. Harm may be caused by physical, sexual or emotional abuse, neglect or exploitation.

A 'separated child' is a child who is separated from both parents, or from his/her legal or customary primary caregiver, but not necessarily from other relatives. A separated child therefore includes children accompanied by other adult family members.

An 'unaccompanied child' is a child who is separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so.

4.3 All professionals should remain vigilant whenever they come into contact with a CABM, and should always consider whether the child falls under paragraph 4.2. In particular, professionals should remember that a child may still be suffering or at risk of suffering significant harm while in the care of his/her parents or legal representatives. Such cases may arise, for example, if the child's parents or legal representatives are neglecting the child, or if the child is being physically, psychologically or sexually abused.

accompanied, and whether any accompanying adults are authorised to take the child across the border. If the professional is uncertain about whether or not the child is separated or unaccompanied, the professional should err on the side of caution and treat the child as a child in need of care and protection.

4.4 Particular care should also be taken when children are crossing international borders. Professionals should always check and verify whether or not the child is separated or unac-

4.5 Where a professional has reasonable cause to believe that the child is in need of care and protection, the professional must **immediately**:

- a. If the child is under the age of three, refer the child to the Guardianship and Tutelage Authority at the City/Oblast level in which the child is located; or

- b. If the child is aged three years or above:
- i. Refer the child to the CAM (in Almaty or Shymkent/Turkestan Oblast) or CSC (in Nur-Sultan); and
 - ii. Notify the Guardianship and Tutelage Authority at the City/Oblast level in which the child is located that a referral to the CAM/CSC has been made.



Remember, the referral of the child to the CAM/CSC does not necessarily mean that the child will reside in the CAM/CSC. Rather, the role of the CAM/CSC is to determine whether or not the child is in need of care and protection and, if so, the form of care and protection that should be provided to the child. If it is in the child's best interests, the child may remain in the care of his/her parents/legal representatives while receiving protective services from the CAM/CSC.

4.6 Referrals made under paragraph 4.5 shall be made to the following:



- c. The Centre for the Support of Children in Difficult Life Situations in Nur-Sultan
Director -Takisova Bibgul Sailaubekovna.
Address: 67 Seifullina str., mob.:+7 778 580 7676, email: dd-ast@mail.ru;
- d. The Centres of Adaptation of Minors in Almaty City:
Director- Omarova Galiya Bisenovna.
Address: 32 Donentayeva str., mob:+7 777 233 8969, email: canalmaty@mail.ru;
- e. The Centres of Adaptation of Minors in Shymkent City:
Director - Kanseit Bimen Zhumakhanuly.
Address: 15 Zholdybai Nurlybayev str., tel: 8(7252) 443016,
mob: +7 778 222 6763, email: san_shymkent@mail.ru.

Immediate danger to the health and life of the child (emergency removals)



Remember: Article 82(1) of the Code on Marriage (Matrimony) and Family 2011 (Family Code) permits the Guardianship and Tutelage Authority to remove a child from the care of his/her parents or other custodian in the event that there is an immediate danger to the health or life of a child. In order to do this, the Guardianship and Tutelage Authority must:

- Give immediate notice to the Office of the Public Prosecutor;
- Request the local executive body (acting through the Commission on Protection of Minors)) at the City/Oblast level to file a claim in court to restrict or deprive the parents of their parental rights.⁵²

- 4.7** A CABM whose health or life is in immediate danger is a child in need of care and protection. Therefore, whenever a professional believes that there is an immediate danger to the health or life of a CABM and that it is necessary to remove the child from the care of his/her parents or carer to protect and safeguard the child, the professional must immediately:
- a. Notify the Guardianship and Tutelage Authority of the City/Oblast in which the child is located;
 - b. Notify the Department of Juvenile Inspection of the City or district in which the child is located that an emergency removal of a child needs to be made; and

⁵² Code on Marriage (Matrimony) and Family 2011 (Family Code), Article 82.

- c. Refer the case to the Manager or on-call Social Worker at the CAM/CSC using the contact details in paragraph 4.6.

4.8 Once the notifications and referrals in paragraph 4.7 have been made, the juvenile inspector, the Social Worker from the CAM/CSC and, where possible, a representative of the Guardianship and Tutelage Authority, shall remove the child and place the child in temporary care for his/her protection. If a Social Worker from the CAM/CSC is unable to accompany the juvenile inspector, the juvenile inspector shall, immediately and in any event within 3 hours of the removal of the child, inform the Manager or on-call Social Worker at the CAM/CSC of the outcome of the visit and whether or not the child has been removed for his/her protection. If the child has been removed for his/her protection, the child shall be referred to the CAM/CSC for placement in temporary care.

4.9 Immediately after or at the same time as making the removal, the CAM/CSC Social Worker, together with the Guardianship and Tutelage Authority, shall give notice to the Office of the Public Prosecutor under section 82(2) of the Family Code 2011 that the child has been removed and placed into temporary protection.

4.10 Where a child has been removed and placed into temporary care for his/her protection, the designated Manager or Social Worker at the CAM/CSC shall be responsible for conducting an initial assessment of the child and making recommendations to the Guardianship and Tutelage Authority and Commission on Issues of Minors on the steps required to protect and safeguard the child.

4.11 See Part 6 for the protocols on coordinating cases referred to the CAM/CSC.

5. CHILDREN WHO ARE NOT IN NEED OF CARE AND PROTECTION BUT REQUIRE SUPPORT SERVICES

5.1 When a professional comes into contact with a CABM who does not fall under paragraph 4.2, the professional still has a duty to consider whether the child is in difficult circum-

stances, or is in need of legal services or psychological counselling services provided by the NGOs selected to deliver these support services under the model.

Children in difficult circumstances

5.2 When a professional comes into contact with a CABM who does not fall under paragraph 4.2, but there is reasonable cause to believe that the child is in difficult circumstances, the professional must make a referral request to the selected NGO in the City/Oblast immediately and in any event within 1 working day of identifying that the child may be in difficult circumstances. See paragraphs 5.14 to 5.21 on how to make a referral request.

5.3 A child is in difficult circumstances if any one or more of the situations in Table 1: Risk Factors apply. However, the list in Table 1 should

be used only as a guide, and not as a rigid or exhaustive list of issues that the child or family must meet in order for a referral to the NGO to be made. A child or family may have several, overlapping vulnerabilities that may not fit neatly into a category in the list. The professional should therefore treat each case individually and pay attention to the particular circumstances of each child and family to determine whether the child or family is in difficult circumstances. If you are in doubt, you should contact the NGO for advice or, if this is not possible, proceed to make the referral request.



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Table 1: Risk Factors⁵³

Health	<ul style="list-style-type: none"> • Child or parent has a physical or mental illness • Child or parent has a physical or mental disability • The parent is elderly • The child or parent has a substance addiction • The child is a young carer • The child is behind in or unlikely to reach a satisfactory level of health and development • The child is unable to access or is ineligible for healthcare services.
Protection needs	<ul style="list-style-type: none"> • The child or parent is a survivor of trauma, gender-based violence or violent crime • The child or parent is a victim of trafficking
Basic needs	<ul style="list-style-type: none"> • Lack of food • Lack of access to clean water for drinking or bathing • No secure shelter • Poverty/destitution • Lack of appropriate clothing • Child does not have birth registration
Behaviour and relationship	<ul style="list-style-type: none"> • Child or parent is involved in anti-social behaviour or crime • Breakdown in family relationship
Education and employment	<ul style="list-style-type: none"> • Child is not enrolled in school or attending school regularly • The child is ineligible to receive an official graduation certificate from school or other education programme on the same basis as a Kazakh national • Parent is unemployed • Child is at high risk of future unemployment
Justice	<ul style="list-style-type: none"> • Child or parent is charged with a criminal or administrative offence solely on the basis of his/her migration status
Migration status	<ul style="list-style-type: none"> • The child or parent is a refugee or asylum-seeker • The child or parent is a stateless person • The child or parent is undocumented • The child or parent is an irregular migrant (i.e. when a person enters or remains in Kazakhstan without the requisite authorisation, documentation or registration with the Department of Migration Services, or where the person works in Kazakhstan without a work permit or for an employer which is not authorised to hire foreign employees)
Gender	<ul style="list-style-type: none"> • Pregnant or nursing mother, or young mother

5.4 It may not always be clear to the professional whether the child is in need of care and protection and hence a referral to the CAM/CSC under Part 4 of the working protocols should be made, or whether the child is solely in dif-

ficult circumstances and hence should be referred to the NGO under this Part 5. If you are unsure, proceed to make a referral request to the NGO. The NGO will then contact the CAM/CSC if needed.

⁵³ Adapted from the Vulnerability Screening Tool developed by the UNHCR and the International Detention Coalition, with the support of the Oak Foundation, p 3, retrieved from <https://www.unhcr.org/uk/protection/detention/57fe30b14/unhcr-idc-vulnerability-screening-tool-identifying-addressing-vulnerability.html> on 24 April 2020.

Children in need of legal services

- 5.5** ‘Legal services’ refers to the provision of legal advice or legal advocacy, depending on the needs of the client. Legal advice involves providing advice on how the law applies to a particular factual situation. Legal advocacy, on the other hand, involves advocating for a client’s legal interests during legal proceedings, or representing the client’s legal interests, both in and out of the courtroom.
- 5.6** Under the model for protective services, the selected NGOs may provide free legal services to an individual on the following issues:
- The regularisation of a child’s migration status or documentation of a CABM;
 - A CABM’s inability to access government education, health, birth registration or social welfare services on an equal footing to a Kazakh national;
 - An administrative or criminal charge against a child based solely on his/her migration status; or
 - Supporting the safe return of a child and his/her family to their country of origin or third country (though such services may only be provided to separated or unaccompanied children where requested by the CAM/CSC following a best interests assessment and determination).
- 5.7** The selected NGOs do not provide the following services under the model:
- Legal advice on a matter that is already being dealt with by a lawyer or legal advocate on behalf of the child;
 - Legal advice to professionals on their work in a professional capacity.
- 5.8** If a professional comes into contact with a CABM who does not fall under paragraph 4.2, but believes that the child is in need of legal services and is likely to meet the NGO’s admission criteria listed in paragraph 5.9, the professional must make a referral request to the test NGO in his/her City/Oblast **immediately and in any event within 1 working day** of identifying that the child may be in need of legal services. See paragraphs 5.14 to 5.21 on how to make a referral request.
- 5.9** The NGO’s admission criteria for providing legal services are as follows:
- The legal matter relates to one or more of the following issues:
 - The regularisation of a child’s migration status or documentation of a CABM;
 - A CABM’s inability to access government education, health, birth registration or social welfare services on an equal footing to a Kazakh national;
 - An administrative or criminal charge against a child based solely on his/her migration status;
 - Supporting the safe return of a child and his/her family to their country of origin or third country (though such services should be requested by the CAM/CSC following a best interests assessment and determination);
 - The child who is the subject of the legal matter is located in the City/Oblast. However, the NGO has discretion to take on cases where the child is not located in the City/Oblast, but will only do so in exceptional circumstances. Exceptional circumstances include cases where, for example, a child migrates from Kazakhstan to another country but finds him/herself in a situation where he/she is being exploited or trafficked. In such cases, the NGO may be engaged by the child’s parents or legal representatives or other appropriate person in order to help secure the child’s safe return to Kazakhstan;
 - Where the child is aged 16 years or above, the child has provided his/her prior informed consent to receiving the legal services in writing (which would be obtained by the NGO);
 - If the child is under 16 years of age, the child (if the child has sufficient age and maturity) and the child’s parent/legal representative have provided their prior informed consent to receiving the legal services in writing (which would be obtained by the NGO).

Children in need of psychological counselling services

5.10 CABM may have experienced trauma or other psychological harm as a result of their migration experiences. This may be the case, for example, if the child is a victim of trafficking or is a returning migrant and has experienced violence in another country. In such cases, the child may be in need of psychological counselling services in order to support his/her rehabilitation and integration into the community. The selected NGO may provide psychological counselling services to such children.

5.11 Where a professional comes into contact with a CABM who does not fall under paragraph 4.2, but believes that the CABM might be in need of psychological counselling services and meet the admission criteria in paragraph 5.12, the professional shall make a referral request to the selected NGO for his/her City/Oblast **immediately and in any event within 1 working day** of identifying the child's needs for this service. See paragraphs 5.14 to 5.21 on how to make a referral request.

5.12 The NGO's admission criteria for psychological counselling services is as follows:

- a. The child is a CABM;
- b. The child is located in the City/Oblast;
- c. The child is in need of psychological

counselling services and the provision of these services to the child is in the child's best interests (this will be decided by the NGO); and

- d. The child and, if the child is under 16, the child's parent or legal representative, has given his/her prior informed consent to receiving the psychological counselling services (this will be obtained by the NGO).

5.13 However, the NGO does **not** provide medical health services and does not have the expertise or capacity to work with children with complex or serious mental health issues. Children with complex or serious mental health issues, for example, children who have attempted suicide or who are suffering from clinical depression, are not eligible for referral to the NGO under the model and should be referred to the local health authorities for professional medical attention instead. If the professional is unsure whether a child is eligible for the psychological counselling services provided by the NGO, the referrer should still contact the NGO to seek its advice. The NGO can then provide guidance to the official, professional or practitioner on the appropriate body that should be approached to take on the case.

Making a referral request

5.14 The professional may make a referral request in writing via email or orally in person or over the telephone.

5.15 To make a referral request in writing, the pro-

fessional should complete the NGO's Referral Request Form in Part 8 and submit this by email to the following address along with any other relevant information to support the referral request:



- a. In Nur-Sultan City/Kazakhstan International Bureau for Human Rights:
email: capital.kibhr@gmail.com
- b. In Almaty City/Rodnik: email: rodnik27@yandex.ru
- c. In Shymkent City and Turkestan Oblast/Sana Sezim:
email: ngosanasezim@rambler.ru

5.16 If the professional wishes to make the referral orally, the professional should telephone the

NGO on the following number:



- a. In Nur-Sultan City: Kazakhstan International Bureau for Human Rights: mob.: +77084253383,+77055162121, +77075573392;
- b. In Almaty City: Rodnik mob.: +7 727 396 1938, +7 727 396 4240, +7 747 111 2360
- c. In Shymkent City and Turkestan Oblast/Sana Sezim: email: ngosanasezim@rambler.ru

5.17 For oral referral requests, the NGO will ask the professional who made the referral request some questions about the child's case to help the NGO decide whether or not the case is eligible for the support services programme. The professional will normally be asked to provide at least the following information:

- a. The professional's name, work address, job title and the body or authority that the professional represents;
- b. Name and address of the child and each member of the child's family, and the dates of birth of all children in the family;
- c. Details about the factual circumstances of the child and family, including how the professional came into contact with them, and their migration situation;
- d. An explanation as to why the professional considers that the child or family is in difficult circumstances, or is in need of legal or psychological counselling services;
- e. Details of any other services being provided to the child or family by the State or other NGOs;
- f. An indication of whether the professional has informed the child and family about the referral and, if so, whether or not the child and family are willing to receive services;
- g. A description of any evidence or documentation relevant to the matter;
- h. Information about any steps taken to help the child or family to date.

The professional will not necessarily have all this information, but should provide as much information as possible to help the NGO make its decision on the eligibility of the case.

5.18 The professional who made the referral will be contacted by the NGO's programme coordinator within **2 working days** of receiving the referral request to confirm whether or not the case meets or is likely to meet the NGO's admission criteria and, if so, whether or not the NGO has space for the child and family on its programme.

5.19 If the NGO does not have space on its programme, or if the case evidently does not meet the admission criteria, the professional will be notified of the NGO's decision in writing, together with the reasons for the decision, within the **2 working-day** period mentioned in paragraph 5.18 above. The professional may nevertheless receive guidance or advice from the NGO programme coordinator on other sources of information or contact details of other persons who may be able to assist the child and family. The professional is responsible for notifying and explaining the NGO's decision to the child and family.

5.20 If the NGO programme coordinator decides that the case meets or is likely to meet the admission criteria, and the NGO has space on its programme for the child and family, the professional will be notified of the NGO's decision within the **2 working-day** time period mentioned in paragraph 5.18. The professional should agree with the NGO programme coordinator whether the NGO or professional will inform the child and parents/legal representatives about the NGO's decision and next steps.

5.21 See Part 7 for the protocols on handling cases accepted onto the NGO's support services programme under the model.

6. CHILDREN REFERRED TO THE CAM/CSC

Overview

- 6.1** The role of the CAM/CSC is to provide child protection services to CABM who are in need of care and protection. This includes:
- a. Undertaking an initial assessment of the child's situation to:
 - i. Determine whether or not the child is suffering or is at risk of suffering significant harm, and whether the child is separated or unaccompanied;
 - ii. Identify any immediate steps that should be taken to protect the child;
 - b. If there is evidence that a crime or administrative offence has been committed against the child, coordinating with the police to ensure joint handling of the case;
 - c. Conducting age assessments, where necessary, if there is a dispute about the child's age;
 - d. Conducting family tracing for unaccompanied and separated CABM;
 - e. Managing the medical examination of a child where it is necessary and in the best interests of the child to conduct the examination;
 - f. Where it is necessary in the best interests of the child to place the child in temporary care, to make recommendations to the Guardianship and Tutelage Authority and, where relevant, the Commission on Issues of Minors or courts, on the form of placement that is in the child's best interests;
 - g. If the CAM/CSC concludes, based on the initial assessment, that there are reasonable grounds for concern that the child is suffering or at risk of suffering significant harm, conducting a full social assessment of the child and identifying a long-term, sustainable care arrangement for a CABM, which meets the child's best interests (i.e. which is referred to in this Manual as a 'durable solution');
 - h. Managing, coordinating and monitoring the development and implementation of a child protection plan to protect and safeguard a child from further harm, promote the child's health and development, and support the parents/legal representatives to care for the child while the child lives with his/her parent and legal guardians, provided that this is in the best interests of the child;
 - i. Managing, coordinating and monitoring the development and implementation of a care plan setting out an alternative care arrangement for the child and the support services that will be provided to a child, in cases where it is in the child's best interests to be removed from the care of his/her parents or legal representatives, or where it is not possible or in the child's best interests to be reunited with them;
 - j. Where it is in the best interests of a separated or unaccompanied child to be returned to his/her country of origin or third country, either to the care of his/her parents or legal representatives or to a specific alternative care arrangement, managing, coordinating and monitoring the development and implementation of the child protection plan or care plan for the child, up until responsibility for the child and case management is transferred to the designated child protection authority in the country of origin or third country (as relevant).
- 6.2** When a child is referred to the CAM/CSC, the child's case will be managed by the Manager within the CAM/CSC, a role that should be taken on by a senior social worker. The CAM/CSC Manager is responsible for managing and coordinating the child's case file. The CAM/CSC Manager will delegate tasks to a CAM/CSC Social Worker to support the delivery of protective services to the child.



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Initial Assessment

6.3 After the referral of the child to the CAM/CSC, the CAM/CSC will undertake an initial assessment of the child to determine whether or not the child is suffering or is at risk of suffering significant harm and the steps that should be taken to protect the child. The CAM/CSC must complete the initial assessment:

- a. Within **48 hours** of receiving the referral or, if later, the removal of the child from his/her parents or legal representatives, if there is evidence that the child is suffering or is at immediate risk of significant harm;
- b. Within **72 hours** of receiving the referral in all other cases.

6.4 The initial assessment is a holistic assessment of the child's needs. To do this, the CAM/CSC Social Worker will need to:

- k. See and speak to the child on his/her own, where the child is of sufficient age and maturity to express his/her views;
- l. See and speak to the child's parents and legal representatives (to the extent that they are traceable or present);
- m. Visit the child's home and place of shelter (unless the child is homeless and sleeping on the streets); and
- n. Consult with officials, professionals and individuals involved in the child's matter.

Professionals should use their best efforts to cooperate with the CAM/CSC Social Worker to assist him/her in conducting the initial assessment.

Evidence that a Crime or Administrative Offence May Have Been Committed

- 6.5** If there is evidence that a crime or administrative offence has been committed against the child, for example child trafficking, it is important that the police coordinates with the CAM/CSC in handling the child's case. Joint handling of the child's case is necessary to prevent the child from having to participate in numerous interviews or medical examinations with different bodies, which can often be traumatic and stressful for the child.
- 6.6** If there is evidence that a crime or administrative offence has been committed against the child, the police officer or juvenile inspector in charge of the child's criminal or administrative case, will be contacted by the CAM/CSC Social Worker to arrange a meeting at the earliest possible opportunity after the child's referral to the CAM/CSC. The purpose of this meeting is for the police officer or juvenile inspector and CAM/CSC Social Worker to agree:
- How the investigation is to be conducted;
 - How to undertake joint interviews of the child and other relevant persons for the purposes of the criminal/administrative investigation and child protection matter (e.g. Will the police officer lead the interview or the CAM/CSC Social Worker?);
 - Where the family and any person against whom an allegation is made shall be interviewed;
- Whether a medical examination of the child will be required and, if so, to arrange for a joint medical examination to be carried out for the purposes of the criminal/administrative investigation and child protection case;
 - Who will interview any other child in the family or found on the premises;
 - The issues that will be covered during the interview; and
 - The manner in which the interview will be recorded.
- 6.7** Where an investigative interview by law enforcement authorities with the child is necessary to gather evidence, a CAM/CSC Social Worker should be present during the interview. The role of the CAM/CSC Social Worker is to gather information to contribute to the child's initial assessment. The CAM/CSC Social Worker is not there to help the child to express his/her views, wishes and feelings, as this role should be undertaken by an independent person. The child should not be interviewed in the presence of any person suspected of harming the child or suspected of colluding with such a person. The interview may be postponed to allow a medical examination of the child to take place (see paragraphs 6.13 and 6.15) but should take place immediately following the examination, unless this is not in the best interests of the child.

Age Assessment and Determination



Background: The determination of whether or not a person is a child has a significant effect on the types of services, benefits and protection to which that person is entitled. Children without any official documentation to prove their age may sometimes be required to undergo an age assessment to determine their age and eligibility for these services, benefits and protection. However, there is no single and definitive method for assessing a person's age.⁵⁴ Even age assessments that are based on medical evidence have a margin of error.⁵⁵ This can lead to situations where children have to go through stressful, lengthy and, at times, invasive, procedures to assess their age, which do not produce conclusive results. The following paragraphs therefore set out the practices and standards that should be applied to ensure that children are age assessed only when necessary and in a prompt, child- and gender-sensitive and culturally appropriate manner, in line with the UN Convention on the Rights of the Child and good practice.

⁵⁴ L. Brownlees & T. Smith, Age assessment practices: a literature review & annotated bibliography, 2011, referenced in Coram Children's Legal Centre, Happy Birthday? Disputing the Age of Children in the Immigration System, May 2013, p 8 (source is in English).

⁵⁵ Coram Children's Legal Centre, Happy Birthday? Disputing the Age of Children in the Immigration System, May 2013, p 8 (source is in English).

6.8 This section on age assessments and determinations applies when a professional comes into contact with an individual affected by migration who claims to be a child but can provide no proof of his/her age via a birth certificate. In such cases, as a general rule, the professional should accept the child's assertion that he/she is a child. However, if the professional has reasonable cause to believe that the individual is not a child, the professional should accept all documentation that can prove the individual's age, such as a notification of birth, extracts from birth registries, baptismal or equivalent documents or school reports. The professional should assume that the documents are genuine unless there is proof to the contrary.⁵⁶ The professional should also allow interviews with or testimonies by parents regarding age, and permit affirmations to be filed by teachers or community leaders who know the age of the child.⁵⁷

6.9 If the measures in paragraph 6.8 prove to be unsuccessful, and the professional continues to have reasonable cause to believe that the individual is not child, the professional must arrange an age assessment of the individual (referred to as an 'age-disputed child'). If the age-disputed child is separated or unaccompanied, or otherwise in need of care and protection, the professional should refer the age-disputed child to the CAM/CSC under

paragraph 4.2. The CAM/CSC will then undertake an age assessment of the child as part of the child's initial assessment.

6.10 The age assessment undertaken by the CAM/CSC shall be a multi-disciplinary, holistic assessment of the child's physical and psychological development, in line with the guidance of the UN Committee on the Rights of the Child and international good practices. The role of the CAM/CSC Social Worker is to ensure that:

- a. The assessment is carried out in a child- and gender-sensitive and culturally appropriate manner, with the child's best interests as a primary consideration;
- b. The assessment is carried out promptly, without any undue delay;
- c. Interviews are held with the child, parents, legal representatives and caregivers in languages that they understand;
- d. The least invasive method of assessment is adopted;
- e. The method of assessment adopted is scientific, safe and fair, avoids any risk of violating the physical integrity of the child, and gives due respect to the child's dignity.



Note that the UN Committee on the Rights of the Child considers that solely medical methods based on, among other things, bone and dental analysis, are 'often inaccurate, due to wide margins of error, and can also be traumatic.'⁵⁸

6.11 If the result of the age assessment undertaken by the CAM/CSC is conclusive, the professional should adopt the results of the assessment. If the age assessment produces

inconclusive or uncertain results, the professional should give the age-disputed child the benefit of the doubt.

56 CRC Committee, General Comment No. 24 (2019) on children's rights in the child justice system, 18 September 2019 (CRC GC No. 24), para 33.

57 CRC GC No. 24, para 33.

58 CRC GC No. 24, para 33.

Family Tracing



Family tracing refers to the process of finding the parents or other family members of an unaccompanied or separated CABM. Family tracing is an important part of finding a durable solution for an unaccompanied or separated CABM. The UN Committee on the Rights of the Child recommends that family tracing should therefore be 'prioritized except where the act of tracing, or the way in which the tracing is conducted, would be contrary to the best interests of the child, or jeopardize the fundamental rights of those being traced.'⁵⁹ There may also be cases where the child does not wish to trace his/her family.

6.12 Family tracing shall be undertaken by the CAM/CSC as soon as possible after the referral of the child to the CAM/CSC, except where the CAM/CSC concludes that the act of tracing, or the way in which the tracing is conducted, would be contrary to the best interests of the child, or place the family member at risk of harm. If the CAM/CSC concludes that family tracing would not be contrary to the child's best interest, the CAM/CSC Social

Worker will liaise with all relevant professionals such as the police, embassies, consulates and authorities in other States, to trace the child's family, and coordinate the family tracing process. All professionals should use their best efforts to assist the CAM/CSC to trace the child's family, though the management and coordination of the family tracing effort will remain with the CAM/CSC.

Medical Examination

6.13 If there is evidence that a crime or administrative offence has been committed against the child, the police officer or juvenile inspector in charge of the criminal/administrative case should discuss with the CAM/CSC Manager whether a medical examination of the child will be required and, if so, reach an agreement on how a joint medical examination will be carried out for the purposes of the criminal/administrative investigation and child protection case (see paragraph 6.6).

6.14 To conduct a medical examination of a CABM, both the police/juvenile inspector and CAM/CSC should coordinate with each other to ensure that:

- a. If the child is under the age of 16, they obtain the prior written consent of the child's parent or legal representative; or
- b. If the child is over the age of 16, they obtain the prior written consent of the child.

Even though the law does not require the consent of children under the age of 16, it is good practice to obtain the prior written consent of a child under the age of 16 where the child has sufficient maturity and understanding to provide consent to the medical examination.

6.15 If the child's parent or legal representative refuses to provide consent but the child has sufficient maturity and understanding, the consent of the child should be sufficient. If the child does not have sufficient maturity of understanding, and the child's parent or legal representative (where legal representation is provided by a body other than a Government authority) refuses to provide consent, the CAM/CSC Manager shall submit an application to the Guardianship and Tutelage Authority/Court. A determination of whether a child has sufficient maturity and understanding to provide consent to the medical examination shall lie with the doctor undertaking the medical examination.

⁵⁹ CRC GC No. 6, para 80.

Provision of Temporary Care

6.16 Where a CABM is referred to the CAM/CSC and:

- a. It is necessary to remove the child and place him/her into temporary care for his or her protection; or
- b. The child is not being cared for by a parent or legal representative, for example, because the child is orphaned, abandoned, lost or otherwise separated or unaccompanied;

the CAM/CSC Manager will undertake an initial assessment of the child and issue recommendations to the Guardianship and Tutelage Authority and, where relevant, the Commission on Issues of Minors or courts, on the placement of the child in temporary care in accordance with the terms of the Family Code and the principles listed in paragraph 6.18.

6.17 The Guardianship and Tutelage Authority and, where relevant, the Commission on Issues of Minors or courts, should consider the assessment and recommendations of the CAM/CSC to decide:

- a. Whether the placement of the child in temporary care is necessary in the best interests of the child; and
- b. If so, the form of temporary care to be selected for the child based on his/her best interests.

6.18 In making its decision under paragraph 6.17, the Guardianship and Tutelage Authority and, where relevant, the Commission on Issues of Minors or courts, should apply the following principles, in line with Kazakhstan's obligations under the UN Convention on the Rights of the Child and good practice:

- a. The guiding principles in Part 3 of these intersectoral working protocols;
- b. The child shall remain as close as possible to his/her habitual place of residence, to the extent that this is in line with the child's best interests, in order to facilitate the child's contact and potential reintegration with his/her family, and minimise disruption to the child's educational, social and cultural life;

- c. Siblings with existing bonds shall not be separated by placements in temporary care unless there is a clear risk of abuse or other justification in the best interests of the child. In any case, every effort shall be made to enable siblings to maintain contact with each other, unless this is against their wishes or interests;
- d. The placement in the CAM/CSC temporary residential unit or other form of temporary residential care should be limited to cases where such a setting is specifically appropriate, necessary and constructive for the individual child concerned and in his/her best interests;
- e. If the child is placed in the CAM/CSC, the child is placed in a family-based form of temporary care that is in the child's best interests as soon as the placement in the CAM/CSC temporary residential unit ceases to be appropriate, necessary and constructive for the child or in the child's best interests.

6.19 Where it is specifically appropriate, necessary and constructive for the individual child and in his/her best interests to be placed in the CAM/CSC temporary residential unit, the Departments of Education and Education Units of the City/Oblast and relevant district, and CAM/CSC shall:

- a. Ensure that the child is subject to an open regime, including by allowing the child to continue to attend, or enrolling the child in, school or other education programme in the community on the same footing as a Kazakh national, unless the child is a significant risk of harm to him/herself or to others, in which case serious consideration needs to be made as to whether placement in the CAM/CSC temporary residential unit is appropriate for the child or other resident children in the first place;
- b. Together with other relevant bodies (e.g. the Commission on Issues of Minors, courts and Guardianship and Tutelage Authority) review the child's placement at least every calendar month to ensure that the child's placement in the CAM/CSC temporary residential unit continues to be specifically appropriate, necessary

and constructive for the child and in his/her best interests, and does not exceed a period of **3 months**.

6.20 The child shall remain in temporary accommodation until all necessary assessments

are undertaken by the CAM/CSC and a decision is made on the action required to safeguard and promote the welfare of the child in accordance with the law and these working protocols.

Action following the initial assessment

6.21 After the initial assessment, the CAM/CSC will decide whether there is reasonable cause to believe that the child or any other child in the household is suffering or is at risk of suffering significant harm. If the CAM/CSC concludes that there are reasonable grounds for concern that the child is suffering or at risk of suffering significant harm, the professional who made the child protection referral will receive a notification from the CAM/CSC to notify him/her that the CAM/CSC is still considering the child's case and that it will inform you of the outcome once the decision is made. The CSC/CAM will then proceed to undertake a full social assessment of the child (see paragraphs 6.26 to 6.30 below).

6.22 If the CAM/CSC concludes that there is no reasonable cause to believe that the child or any other child in the household is suffering or is at risk of suffering significant harm and the child or family are not in a difficult life situation, the professional who made the child protection referral will be notified of this decision by the CAM/CSC.

6.23 If the CAM/CSC concludes that there is no reasonable cause to believe that the child or any other child in the household is suffering or is at risk of suffering significant harm but that the child or family are in a difficult life situation, the CAM/CSC will refer the child to the selected NGO to receive the relevant support services. In such cases, the profes-

sional who made the child protection referral will receive a notification from the CAM/CSC to indicate that the child has been referred to and accepted onto the NGO's support programme.

6.24 Due to the CAM/CSC's privacy policy, the CAM/CSC may not provide you with details of the child's case. The CAM/CSC will only provide you with the details that it is required to disclose by law or by its manual on the implementation of the model for protective services.

6.25 If a parent or relative has been charged with a criminal or administrative offence in relation to the child, the police officer or juvenile inspector in charge of the criminal or administrative case should keep the CAM/CSC Manager involved and informed of the progress of the case according to the arrangements agreed with the CAM/CSC under paragraphs 6.5 to 6.7. The CAM/CSC will not close the case file until the criminal or administrative case is complete and the parent or legal representative is not found to be responsible for the harm against the child. If the parent or legal representative is charged and found guilty of harm against the child, the CAM/CSC will update its social assessment of the child and reconsider whether there is reasonable cause to believe that the child or any other child in the household is suffering or is at risk of suffering significant harm.

Social assessment

6.26 The CAM/CSC will conduct a full social assessment of the child if it has reasonable cause to believe that the child or any other child in the household is suffering or is at risk of suffering significant harm. The purpose of a social assessment is:

- a. To determine whether: the child is suffering or at risk of suffering significant harm; and

- b. A parent or legal representative is able to protect and safeguard the child, promote the child's health and development and respond appropriately to the child's needs;

6.27 The social assessment of a separated or unaccompanied child will include an assessment of whether or not family reunification is in the child's best interests (assuming that

the child's family are traceable and can be traced – see paragraph 6.12). When undertaking this assessment, consideration will be made to reunification in the child's country of origin, in Kazakhstan or in a third country, depending on the child's best interests.

- 6.28** The CAM/CSC will complete the social assessment within eight weeks of notifying you of the decision of its initial assessment under paragraph 6.21. Once again, all professionals and practitioners should use their best efforts to cooperate with the CAM/CSC to assist it in undertaking the social assessment.
- 6.29** Following the social assessment, the CAM/CSC will reach its conclusion on whether there is reasonable cause to believe that the child is suffering or is at risk of suffering significant harm. If the case involves a crime

or administrative offence against the child, the CAM/CSC Manager will contact the responsible police officer or juvenile inspector to consult with him/her before the CAM/CSC formulates its conclusions.

- 6.30** If the CAM/CSC concludes that there is no reasonable cause to believe that the child is suffering or at risk of suffering significant harm, the CAM/CSC will inform you of its decision in the same way as outlined in paragraphs 6.22 to 6.25. However, if the CAM/CSC concludes that there is reasonable cause to believe that the child is suffering or is at risk of suffering significant harm, the CAM/CSC will coordinate with all relevant stakeholders involved in the child's case to decide what action should be taken in the best interests of the child.

Development of a child protection plan

6.31 Paragraphs 6.31 to 6.44 apply if, following the social assessment, the CAM/CSC makes one of the following conclusions:

- a. There is reasonable cause to believe that the child is suffering or is at risk of suffering significant harm but that the harm and the risk are not so serious that it is necessary to remove the child from his/her parent or legal representative in order to protect and safeguard the child; or
- b. If the child is separated or unaccompanied and the parents or legal representatives have been traced:
 - i. The parents or legal representatives are able to protect and safeguard the child, promote the child's health and development, and respond appropriately to the child's needs; and
 - ii. It is in the best interests of the child to be reunited with his/her parents or legal representatives, either in the child's country of origin, Kazakhstan or resettlement country;

6.32 If the CAM/CSC reaches one of the conclusions in paragraphs 6.31, it shall arrange a 'child protection meeting.' A 'child protection meeting' is a confidential meeting of professionals involved in the child's case to review all relevant information and plan how to support the family to care for, protect and safeguard the child.

6.33 All professionals involved in the child's case and in supporting the family to care for and protect the child will be invited to participate in the child protection meeting by the CAM/CSC Social Worker. The child protection meeting must take place within **7 working days** of the completion of the social assessment. All professionals invited to the meeting will be provided with the following information by the CAM/CSC Social Worker:

- a. A chronology of significant events relating to the child's and family's contact with the authorities;
- b. Information about the child's health and development;
- c. Information on the capacity of the parents, legal representative, caregiver and other relevant relatives to care for, protect and safeguard the child;
- d. Where relevant, information on the appropriateness of family reunification in the country of origin, Kazakhstan or resettlement country;
- e. The expressed views, wishes and feelings of the child;
- f. An analysis of future risks to the child's safety, health and development.



This information and documentation about the child's case is confidential. You must not disclose this information or documentation to any person other than the professional members who have been invited to the child protection meeting.

6.34 The professional should use his/her best efforts to attend the child protection meeting, or ensure that a suitably qualified and informed colleague is able to take his/her place. If the professional is unable to attend the child protection meeting, he/she shall submit a written report to the CAM/CSC social worker at least **2 working days** before the meeting setting out his/her contributions. The report should set out:

- a. The professional's views on the risk of harm to the child and the extent to which the parents or legal representatives are able to protect and safeguard the child, promote the child's health and development, and respond appropriately to the child's needs;
- b. The professional's recommendations on the action that should be taken to support the family in caring, protecting and safeguarding the child; and
- c. The reasons for the professional's views, including the evidence on which these views are based.

The CAM/CSC will share the professional's report with the other professional members of the child protection meeting so that they can read it before the meeting. These reports are confidential and must be treated in the same way as the information and reports listed in paragraph 6.33.

6.35 The CAM/CSC Manager shall chair the child protection meeting. The CAM/CSC Social Worker shall be the secretary for the meeting and is responsible for taking the minutes of the meeting. At the start of the meeting, the chairperson shall remind the attendees at the meeting that time will be allocated to:

- a. Listen to the views, wishes and feelings of the child (where the child is present and capable of expressing his/her views);
- b. Listen to the views and submissions of the parents, relatives, legal representatives and carers (as relevant); and

- c. A professional discussion on the evidence presented, during which time the chairperson may require the child, the parents, legal representatives, caregiver and any person assisting them (including the independent supporter), to leave.

6.36 During the meeting, the chairperson may ask the child to leave if the chairperson deems that it is not in the child's best interests to hear the information being presented or discussed, and shall explain to the child the reasons why he/she is being asked to leave. In such cases, the child's independent supporter may remain in the meeting and provide child-friendly feedback to the child after the sensitive discussions have taken place.

6.37 At the child protection meeting, the professional members shall:

- a. Bring together and analyse the information about the child's health, development and wellbeing and the capacity of the parents, legal representatives or caregiver to protect and safeguard the child and promote the child's health and development;
- b. Decide whether the child is at continuing risk of suffering significant harm;
- c. Where relevant, whether it is in the best interests of the child to be reunited with his/her parents or legal representatives, in the child's country of origin, Kazakhstan or resettlement country (as relevant); and
- d. Make recommendations on the actions needed to support the family to care for, protect and safeguard the child.

6.38 In determining whether a child is suffering or is at risk of suffering significant harm, the child's health or development must be compared to that which could reasonably be expected of a child in similar circumstances, taking into account the following factors:

- a. The nature and extent of the harm suffered or likely to be suffered by the child;

- b. The impact on the child's health and development;
- c. The child's development within the context of his/her family and the child's wider environment;
- d. Any special needs of the child, for example, a medical condition, communication impairment or disability, that may affect the child's development or care within his/her family; and
- e. The capacity of the parents, legal representatives or caregiver to protect and safeguard the child and meet the child's needs.

6.39 The professional members of the meeting shall adopt one of the following decisions:

- a. There is no evidence, or insufficient evidence, that the child is at continuing risk of suffering significant harm, such that no further action shall be taken in the matter; or
- b. There is no evidence, or insufficient evidence, that the child is at continuing risk of suffering significant harm, but the child or family are in a difficult life situation and shall be referred to relevant support services; or
- c. The child is at continuing risk of suffering significant harm but the child's health and development can be safeguarded by putting in place a child protection plan while the child lives with his/her parent or legal representative. This includes cases where the child is separated or unaccompanied but it is regarded as in the child's best interests to be reunited with his/her parents or legal representatives in the child's country of origin, Kazakhstan or third country; or
- d. The child is at continuing risk of suffering significant harm, and the child's health and development cannot be safeguarded by putting in place a child protection plan while the child lives with his/her parents or legal representative. This includes cases where the child is separated or unaccompanied and it is not regarded as in the child's best interests to be reunited with his/her parents or legal representatives in any location.

6.40 If the professional members of the child protection meeting reach the conclusion in paragraph 6.39.c, above, the professional members shall, at the child protection meeting, develop an outline of a child protection plan for the child.

6.41 'A child protection plan' is a plan to safeguard the child from further harm, promote the child's health and development, and support the family to care for the child, while the child lives with his/her parent or legal representative. The plan shall be for no longer than 12 months in duration without a new social assessment by the CAM/CSC. The child protection plan should:

- a. Identify the risks of significant harm faced by the child and detail the ways in which the child shall be protected;
- b. Establish short-term and long-term objectives that are directly linked to reducing the risk of harm to the child, protecting the child's safety, and promoting the child's health and development;
- c. Detail the actions that shall be taken to reach the objectives, the persons responsible for those actions and the time limits for achieving these objectives;
- d. The date for the next periodic review of the plan, which shall take place within 30 days of the commencement of the plan;
- e. If the child is reuniting with his/her parents or legal representatives in the country of origin or resettlement country:
 - i. Identify a case manager within the child protection authority of that country who will manage the child's case;
 - ii. Detail the dates and process for the review of the child protection plan by that authority;
 - iii. Detail the process for returning the child to his/her country of origin or resettlement country, which must not involve depriving the child of his/her liberty at any stage of the process solely on the basis of the child's migration status or for the child's care and protection; and
 - iv. Detail the process for handing over the case management of the case file from the CAM/CSC to the case manager in the other country.

6.42 If the professional members of the child protection meeting reach the conclusion in paragraph 6.39.d, the professional members shall refer the case back to the CAM/CSC for it to develop a care plan for the child (see paragraphs 6.39).

6.43 Following the child protection meeting, the professional members of the meeting will receive the draft minutes, recommendations and, where relevant, the outline of the child protection plan developed at the meeting, for their review, approval and signature. The professional members of the child protection meeting may submit comments on the accuracy of the minutes to the CAM/CSC which, if not incorporated into the minutes, will be held in the child's case file at the CAM/CSC.

6.44 Following the child protection meeting, the CAM/CSC will finalise the child protection plan within **7 working days** of the child protection meeting. If the CAM/CSC requires the approval of another body (e.g. the Guardianship and Tutelage Authority) in order to finalise the child protection plan, the CAM/CSC will provide a written copy of the child protection plan to that body for its approval and signature. The professionals involved in the child's case will then receive a copy of the final minutes and child protection plan from the CAM/CSC once all necessary approvals have been obtained.

Implementation, review and closure of the child protection plan

Children remaining in Kazakhstan

6.45 The CAM/CSC Manager shall coordinate the implementation of the child protection plan with the assistance of a CAM/CSC Social Worker. However, professionals involved in the child's case are responsible for participating in reviews of the child protection plan, which shall be convened by the CAM/CSC. The child protection plan must be reviewed at least **once every 30 days**. The purpose of the review meeting is to consider:

- a. Whether the child protection plan continues to be adequate to safeguard the child;
- b. Whether the child protection plan has been followed;
- c. The progress made by the child and family; and
- d. Whether the child protection plan should continue in its current form or should be amended to better meet the child's needs.

6.46 The review meeting shall adopt the same procedures as the initial child protection meeting (see paragraphs 6.32 to 6.38).

6.47 Following the discussions at the meeting, the professional members who attended the meeting shall make one of the following recommendations:

- a. The child protection plan continues to be necessary for the best interests of the child and should continue as drafted;
- b. The child protection plan continues to be necessary for the best interests of the child but needs to be varied to meet the child's needs;
- c. The child protection plan is no longer adequate to protect and safeguard the child and promote his/her health and development, such that further intervention is necessary;
- d. The child protection plan has continued for 12 months but there is reasonable cause to believe that the child is suffering or is at risk of suffering significant harm; or
- e. There is no longer any reasonable cause to believe that the child is suffering or is at risk of suffering significant harm, and that the child protection plan is no longer necessary to protect and safeguard the child, promote his/her health and development, or support the parents/legal representatives to meet the child's care needs.

6.48 The CAM/CSC Manager shall accept the recommendations of the professionals at the review meeting except where the Manager considers that the recommendations are not in the child's best interests. If the CAM/CSC Manager rejects any recommendations, the

professional members of the meeting will receive the Manager's reasons in writing within **2 working days** of the review meeting.

- 6.49** If amendments are to be made to the child protection plan, the CAM/CSC shall amend the child protection plan within **7 working days** of the review meeting and set a date for the next review.
- 6.50** If the child protection plan has continued for 12 months but the child continues to be at risk of suffering significant harm, or where the child protection plan is no longer adequate to protect and safeguard the child and promote his/her health and development, the CAM/CSC shall conduct another assessment of

the child and consider whether it is necessary for the best interests of the child to be placed in temporary care.

- 6.51** If there is no longer any reasonable cause to believe that the child is suffering or is at risk of suffering significant harm, and that the child protection plan is no longer necessary to protect and safeguard the child, promote his/her health and development, or support the parents/legal representatives to meet the child's care needs, the CAM/CSC shall ensure that the child and family are referred to any appropriate support services; and close the child's case file at the CAM/CSC.

Children returned to their country of origin or resettlement country

- 6.52** The CAM/CSC Manager shall manage the implementation of the child protection plan in so far as it relates to activities taking place in the territory of Kazakhstan. This will include managing and coordinating the implementation of the provisions for the safe return of the child to his/her country of origin or third

country in which the child and family are to be resettled, and transferring case management to the relevant authority in that country. The CAM/CSC shall close the child's case file upon confirmation by the child's case manager in the country of origin/country of resettlement of the child's safe arrival in that country.

Developing a care plan

General Provisions

- 6.53** The CAM/CSC shall develop a care plan for a child where, following the social assessment or child protection meeting, it is concluded that:
 - a. The child is suffering or is at risk of suffering significant harm and the harm and the risk are so serious that it is necessary to remove the child from his parent or legal representative in order to protect and safeguard the child; or
 - b. If the child is separated and unaccompanied, it is not in the child's best interests to reunite with his/her parents or legal representatives in any location, such that it is necessary to place the child in alternative care.
- 6.54** The care plan shall contain information on:
 - a. The arrangements to meet the child's physical and mental health; education and training; emotional and behavioural development; identity including the child's

- religious, cultural and linguistic background; family and social relationships; placement; and social and self-care skills;
- b. Any support that will be provided to the child and the family to prepare the child for his/her potential reintegration into the family home;
- c. The access the child shall have to his/her parents/legal representatives during the care plan or the reasons for denying access;
- d. The long-term plan for the child's upbringing, including adoption if this is in the best interests of the child;
- e. Any other provisions necessary to safeguard the child;
- f. The roles and responsibilities of all professionals, including the nature and frequency of their contact with the child; and
- g. The date of the review of the child's care plan, which shall take place no later than

28 days from the commencement of the care plan; and

- h. When relevant, arrangements and services that shall be put in place and delivered to support the child to transition from care.

6.55 The care plan shall be based on the guiding principles in Part 3 of these working protocols as well as the following:

- a. The child shall remain as close as possible to his/her habitual place of residence, to the extent that this is in line with the child's best interests, in order to facilitate the child's contact and potential reintegration with his/her family, and minimise disruption to the child's educational, social and cultural life;
- b. The child shall be provided with a stable home that meets his/her basic need for safe and continuous attachment to his/her caregivers, with permanency as a key goal, whether through reintegration in the child's nuclear family, placement with the child's extended family or, if that is not possible, in an alternative care arrangement that is in the child's best interests;
- c. Siblings with existing bonds shall not be separated by placements in alternative care unless there is a clear risk of abuse or other justification in the best interests of the child. In any case, every effort shall be made to enable siblings to maintain contact with each other, unless this is against their wishes or interests;

- d. The placement of the child in residential care (for example, in the SOS Children's Village or other form of children's home) shall be limited to cases where such a setting is specifically appropriate, necessary and constructive for the individual child concerned and in his/her best interests;
- e. The alternative care measure selected for the child shall not involve depriving the child of his/her liberty;
- f. Arrangements and services to support the child to transition from care, integrate into the community, and transition to adulthood are put in place and delivered as early as possible in the care plan;
- g. All decisions relating to the adoption of the child shall be made with the best interests of the child as the paramount consideration.

6.56 If the child is placed in residential care, the Guardianship and Tutelage Authority and CAM/CSC shall ensure that the child's placement in residential care is reviewed at least every **three months** to ensure that the child's placement in the residential institution continues to be specifically appropriate, necessary and constructive for the child and in his/her best interests. As soon as the child's placement in the residential institution ceases to be appropriate, necessary and constructive for the child, the child must be placed in a family-based form of care that is in the child's best interests.

Separated or unaccompanied children outside their country of origin

6.57 If, following the social assessment or child protection meeting, it is concluded that the child cannot be reunited with his/her parents or legal representatives (either because they cannot be traced, are deceased, or it is not in the child's best interests to reunite with his/her parents or legal representatives in any location), the CAM/CSC will conduct an assessment to determine whether it is in the best interests of the child to return to his/her country of origin (either to the care of his/her extended family or, if that is not possible, to an alternative care arrangement). In line with international standards, the CAM/CSC shall

not permit non-rights-based arguments, such as considerations relating to migration control, to override the child's best interests.

6.58 A child must not be returned to his/her country of origin if:

- a. There are substantial grounds for believing that there is a real risk of irreparable harm to the child, either in the country to which removal is to be effected or in any country to which the child may subsequently be removed. Irreparable harm includes, but is not limited to: torture; inhuman or degrading treatment or punish-

ment; recruitment as a combatant or to provide sexual services for the military; direct or indirect participation in hostilities; and violations of the child's right to life, survival or development. This rule applies regardless of whether or not the harm is caused by State actors or non-State actors, is directly intended or an indirect consequence of an action or inaction; or

- b. There is a reasonable risk that such a return would lead to the violation of fundamental human rights of the child; or
- c. If the child is seeking asylum or has been granted refugee status.
- d. It is not possible or in the child's best interests to place the child with his/her extended family, and a secure and concrete alternative care arrangement in line with the standards in paragraphs 6.55 cannot be put in place for the particular child or is not ready for implementation in the country of origin.

6.59 If it is not in the child's best interests to be returned to his/her country of origin or if the child's return is not permitted under the preceding paragraph, the CAM/CSC shall conduct an assessment of the child's situation with a view to integrating the child in Kazakhstan and developing a care plan for the child.

6.60 All professionals involved in delivering services to the child or his/her family under the care plan, or who are otherwise involved in the development of the care plan, such as the Guardianship and Tutelage Authority, shall receive a copy of the care plan from the CAM/CSC for their written approval.

6.61 The CAM/CSC is responsible for coordinating the review of the child's care plan. The purpose of the review is to assess whether the care plan is addressing the child's needs, is in line with the principles outlined in paragraph 6.55, and whether any changes are required. Given the vulnerabilities of and potential risks for children in alternative care, especially for unaccompanied and separated children and child victims of trafficking, the reviews shall pay particular attention to ensuring the child's physical and psychosocial health, protection against domestic violence

or exploitation, and access to educational and vocational skills and opportunities.

6.62 The first review of the child's care plan shall take place no later than **28 days** after the commencement date of the care plan. Subsequent reviews shall take place at least every **three months** until the end of the care plan.

6.63 All professionals involved in the child's care plan (e.g. NGOs and Government departments providing services to the child or family; psychologist; school pedagogue; a representative from the Guardianship and Tutelage Authority and Commission on Issues of Minors and Protection of Minors) shall be invited to the review meeting of the child's care plan. The CAM/CSC shall also invite:

- a. The child (where the child is of sufficient age and maturity);
- b. The child's independent supporter;
- c. The child's carer under the care plan (i.e. the child's custodian, trustee, guardian, foster carer or professional family carer);
- d. The child's parent or legal representative, unless this would not be in the child's best interests;

6.64 If the CAM/CSC excludes a parent, relative, legal representative or caregiver from the review, or if those persons are unable or unwilling to attend the review meeting, the CAM/CSC shall permit that person to:

- a. Submit a statement in writing, which shall be read out during the review; or
- b. Provide oral contributions via a friend or other attendee at the meeting.

6.65 If the CAM/CSC concludes that it would not be in the child's best interests to attend any part of the review, the attendance and involvement of the child's independent supporter becomes especially important. It is the role of the independent supporter to convey the child's views, wishes and feelings at the review in the child's absence, and to update the child on the events at the meeting after its conclusion.

6.66 At least **7 days** before the review meeting, the professional members shall receive a written report from the CAM/CSC on:

- a. The progress of the child and, where relevant, parents;

- b. The extent to which the care plan is being implemented and any changes to the care plan that the CAM/CSC considers to be necessary;
- c. Any changes required to the legal status of the child, including any intention to make an application to deprive the child's parents of parental responsibility.

6.67 All professionals who have been invited to the review but who are unable to attend shall submit a written report at least **three working days** before the review explaining their professional views on whether the care plan is addressing the child's needs, is in line with the principles outlined in 6.55, and whether any changes are required.

6.68 The professional members of the review will be provided with any written reports from the child's carer and from other professionals involved within **two working days** of the review meeting.

6.69 All information and documentation relating to the review is confidential and cannot be released to any person other than the professional members of the meeting.

6.70 The CAM/CSC Manager shall chair the review meeting. The CAM/CSC Social Worker shall be the secretary for the meeting and is responsible for taking the minutes.

6.71 During the meeting, time will be allocated to:

- a. Listen to the views, wishes and feelings of the child (either directly or through his/her independent supporter);
- b. Listen to the views of the parents and carers (as relevant); and
- c. Have a professional discussion on the information and views presented, during which time the chairperson may require the child, the parents, legal representatives, caregiver and any person assisting them (including the independent supporter), to leave.

6.72 During the review, the chairperson may ask the child to leave if the chairperson deems that it is not in the child's best interests to hear the information being presented or discussed, and shall explain to the child the reasons why he/she is being asked to leave. In such cases, the child's independent supporter may remain in the review and provide

child-friendly feedback to the child after the sensitive discussions have taken place.

6.73 At the review, the professional members shall make one of the following decisions:

- a. The care plan continues to be necessary for the best interests of the child and should continue as drafted;
- b. The care plan needs to be varied to meet the child's needs or comply with the principles in paragraph 6.55;
- c. The care plan is no longer necessary to protect and safeguard the child and promote his/her health and development.

6.74 A care plan is no longer necessary to protect and safeguard the child and promote a child's health and development under paragraph 6.73.c if:

- a. The child is approaching the age of 18 (after which the child may no longer be subject to a care plan); or
- b. It is in the best interests of the child to be returned to or placed in parental care. This includes cases where it is in the best interests of the child to be returned to the care of his/her birth parents, as well as placement of the child with adoptive parents in accordance with the terms of the Family Code.

6.75 In cases falling under paragraph 6.74, the CAM/CSC shall remain responsible for ensuring that the child safely transitions from care. However, all professionals involved in the child's case shall be responsible for ensuring that they provide the necessary support before, during and after the child's transition from care. At the review meeting, the professional members shall ensure that:

- a. No later than 3 months before the end of the care plan, the care plan sets out the steps that must be taken before, during and after the child's discharge from care in order to prepare the child for the transition; the persons responsible for these steps; and the deadlines for their implementation;
- b. Ensuring that the child's case is transferred to the relevant authority responsible for managing the provision of after-care to the child;
- c. If the child is to be subject to a child protection plan after his/her discharge from

care, ensuring that the child protection plan is developed, implemented and reviewed according to the steps set out in these intersectoral working protocols;

- d. If the child has turned 18, ensuring that the child's case is transferred to the relevant authority responsible for monitoring the child's transition from care.

6.76 The CAM/CSC shall accept the recommendations of the review meeting except where the CAM/CSC Manager considers that the recommendations are not in the child's best interests. If the CAM/CSC Manager rejects any recommendations, the Manager shall provide its reasons to the professional members of the review meeting in writing within 2 working days of the meeting.

6.77 If amendments are to be made to the care plan, the CAM/CSC shall amend the care plan within 7 working days of the review meeting and set a date for the next review, which shall take place no later than three

months from the date of the last review. The CAM/CSC shall take the same post-administration steps as it would take following a child protection meeting.

6.78 The CAM/CSC shall close the child's case file if:

- a. The child turns 18 years of age and his/her case is transferred to the relevant authority responsible for monitoring the young person's transition from care; or
- b. After a one-year review of the child following his/her leaving care (which shall be undertaken by the CAM/CSC), the CAM/CSC Manager concludes that there is no reasonable cause to believe that the child is suffering or at risk of suffering harm, and that the child's parents/legal representatives are able to safeguard the child, promote his/her health and development and respond appropriately to the child's needs.

Children returned to their country of origin

6.79 The CAM/CSC shall manage the implementation of the care plan in so far as it relates to activities taking place in the territory of Kazakhstan. This will include managing and coordinating the implementation of the provisions for the safe return of the child to his/

her country of origin, and transferring case management to the relevant authority in that country. The CAM/CSC shall close the child's case file upon confirmation by the child's case manager in the country of origin of the child's arrival in that country.

7. CHILDREN REFERRED TO THE NGO

7.1 After the NGO programme coordinator confirms acceptance of the referral, the child and parents/legal representatives will be contacted by the NGO social worker, lawyer or psychologist (depending on the type of support

the child and parents/legal representatives are likely to receive) within **3 working days** of the NGO's receipt of the referral request, to commence the process for providing the support services.

Children who receive multiple services from the NGO

7.2 Most CABM and families referred to the NGO are likely to require multiple services (i.e. a combination of social support services, legal services and psychological therapy). In such cases, the NGO's social worker will manage the case. The role of the NGO social worker will start with an initial meeting with the child and family, which the NGO social worker will arrange with the child and family. This meeting shall take place within **4 working days** of the NGO receiving the referral request. The

specialist should not attend the whole of this meeting. Even if the specialist attends the beginning of the meeting to make introductions, the specialist should leave the meeting to allow the NGO to speak with the child and family on their own. The purpose of the initial meeting is:

- a. For the NGO social worker to explain the purpose of the programme and the process involved;

- b. For the NGO social worker to explain the NGO's policy and responsibilities with regard to confidentiality and child protection, and provide the child and parent/legal representative with a handout to summarise this policy;
- c. For the NGO social worker to gather any missing information about the factual situation of the child and family, their needs and any other relevant issues, in order to determine whether the child and family meet the admission criteria;
- d. If the child has sufficient maturity and understanding, for the NGO social worker to speak with the child separately to the family in order to understand his/her situation and views;⁶⁰
- e. For the child and family to ask the NGO social worker any questions about the programme to help them to decide whether or not they would like to participate;
- f. For the child, parent/legal representative and NGO to complete the documentation needed to open a case file at the NGO; and
- i. Identify and arrange for any urgent support needed by the child and family (for example, immediate medical attention).

7.3 After the initial meeting, the NGO social worker will conduct an assessment of the child's educational, medical, legal, family and social needs and work with the child and parent/legal representative to develop an individualised 'service plan' for the child and family to meet these needs. The needs assessment and development of the service plan will be completed by the NGO social worker within **5 working days** of the initial meeting with the child and family.

7.4 To conduct the assessment, and subject to COVID-19 social distancing rules in place, the NGO social worker will need to:

- a. See and speak to the child on his/her own, according to the child's age and maturity;

- b. See and speak to the child's parents and legal representatives;
- c. Visit the child's home or place of shelter (unless the child is homeless and sleeping on the streets or COVID-19 social distancing measures prevent this); and
- d. Consult with other NGO staff and other professionals and individuals involved in the child's matter in order to conduct a holistic assessment of the child's needs.

Professionals should use their best efforts to provide relevant information and consult with the NGO social worker in order to enable him/her to undertake the assessment.

7.5 When developing the service plan, the NGO social worker will work with the child (if the child has sufficient maturity and understanding) and family to:

- a. Develop immediate, medium-term and long-term goals of the child and each family member;
- b. Identify and match services to their assessed needs, in order to achieve their goals.

7.6 The services required by the child and family will therefore vary from case to case, and may include:

- a. The provision of safe housing and social welfare benefits;
- b. Medical services;
- c. Assistance with social care in the community;
- d. Individual, group or family counselling;
- e. Parenting advice;
- f. Legal services (which can be provided by the NGO);
- g. Assistance with obtaining migration documentation;
- h. Psychological counselling services (which can be provided by the NGO);
- i. Assistance with birth registration;

⁶⁰ This may be the case, for example, if the parent/legal guardian is being obstructive to the process or if the child requests a separate discussion or, more practically, the NGO social worker needs to assess the child's level of maturity and understanding to engage in the process.

- j. Enrolling the child in school or other relevant educational or training programme;
- k. Remedial education to help the child catch up at school; and
- l. Supporting the parent to find a sustainable job.

7.7 The NGO will not necessarily be the provider of all the services that the child and family needs. Rather, the role of the NGO social worker is to work with the child (if the child has sufficient maturity and understanding) and family to identify and match services to

their assessed needs, in order to achieve their goals. Government bodies, public institutions, professionals and practitioners may therefore be contacted by the NGO to inquire into whether they are able to provide a necessary service to the child and family. Services may include healthcare services from the Department of Health; enrolling the child in a local school and providing remedial education by the Department of Education; provision of employment advice or social welfare benefits to the parents/legal representatives by the Department of Labour and Social Protection.



All Government bodies, public institutions, professionals, practitioners and service providers should use their best efforts to provide or procure the services identified by the NGO as necessary to meet the child and family's needs.

7.8 If the Government body, public institution, professional or practitioner consents to providing the child with the necessary service, the NGO social worker will work with the Government body/institution/professional/practitioner to agree on the duration and frequency of the services, and incorporate this into the child's monthly and weekly service plan. A

representative of the Government body/institution/professional/practitioner must sign the service plan to indicate its agreement to provide the services.

7.9 Once the service plan has been developed and agreed to by the child, parents/legal representatives and service providers, the NGO social worker will coordinate the implementa-



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tion of the service plan. All service providers must therefore provide the NGO with updates on the progress of the child or other relevant family member in response to the services at least every month, in the form agreed with the NGO social worker. Based on these reports, and discussions with the child and family, the NGO social worker will assess the progress of the child and family in meeting their goals, and adjusting the service plan with the agreement of the child (if the child has sufficient maturity and understanding) and family members as relevant. Consequential adjustments may need to be made to the frequency or nature of the services provided under the service plan. In such cases, the service provider will be consulted with by the NGO social worker, and asked to provide its written consent to the amended service plan.

7.10 The NGO is responsible for deciding when the child and family have met the goals of the service plan and for deciding whether or not to close the case. In some cases, however, the child and family may withdraw their consent to a service prior to the goals being reached. In such cases, the service provider must inform the NGO social worker as soon as possible so that the NGO can understand why and whether any adjustments can be made to address the issues prompting the withdrawal of their consent. If the child (where he/she has sufficient maturity and understanding) and parent/legal representative maintain that they do not wish to continue with a service or service plan, the NGO shall stop the service or close the case (as relevant), and inform the relevant service providers.

Children who receive legal services only

7.11 If the child requires legal services only, the NGO's lawyer will manage the case on behalf of the NGO. The NGO's lawyer will contact the child or parent/legal representative (as appropriate) within **2 business days** of the NGO's receipt of the referral request to introduce him/herself and confirm that he/she has taken on the matter.

7.12 If the NGO has been asked to provide legal advocacy services, the NGO lawyer will arrange a time to meet with the child and, where relevant, parent/legal representative. The purpose of this meeting will be to:

- a. Clarify the facts of the case and identify the relevant legal issues;
- b. Collect any relevant documentation from the client in relation to the legal matter;
- c. Clarify the scope of the legal assistance to be provided by the lawyer and the likely duration of the case;
- d. To explain the NGO's privacy policy and child protection policy and provide the child and parent/legal representative with

a handout summarising these policies;

- e. If the client wishes to proceed with the legal advocacy, to obtain the client's signature to the power of attorney authorising the lawyer to provide legal advocacy; and
- f. The next steps for the client and lawyer in proceeding with the matter.

7.13 The nature of the legal representation will depend on the facts of each individual case. Throughout the case, the NGO lawyer must keep the client and, if separate, the child (if the child has sufficient maturity and understanding) informed of the progress of the matter.

7.14 If the NGO is asked to provide the child or parent/legal representative with legal advice, the NGO lawyer will provide the written legal advice to the client within **11 business days** of the NGO's receipt of the initial referral request.

7.15 The NGO lawyer is responsible for deciding when to close the child's case file with the NGO.

Children who receive psychological counselling services only

7.16 If the CABM receives psychological counselling services only from the NGO, the NGO psychologist will manage the child's case.

The role of the NGO psychologist will start with an initial meeting with the child and family, which the NGO psychologist will arrange

with the child and family, if this is agreed with the professional who made the referral request. This meeting shall take place within **4 working days** of the NGO receiving the referral request. The specialist should not attend this initial meeting. At the initial meeting, the NGO psychologist will, among other things, explain the purpose of the services and the process involved to the child and parent/legal representative (where present); conduct preliminary inquiries with the child and parent/legal representative in order to develop a 'therapy plan' for the child; and complete the paperwork in order to admit the child onto the programme.

7.17 If the child or, if the child is under the age of 16, the parent/legal representative, do not consent to the child receiving the psychological support services, the specialist who made the referral request will be notified by the NGO that the necessary consents were not obtained and hence the child was not admitted to the psychological counselling programme.

7.18 Where the relevant consents have been provided, within **5 working days** of the initial meeting, the NGO psychologist will finalise his/her assessment of the child's needs

and develop a therapy plan for the child. The NGO psychologist may consult with other professionals involved in the child's case in order to develop the therapy plan. In particular, if the child is involved in criminal proceedings as a victim or witness, as a general rule, the child should not commence psychological counselling sessions until he/she has provided his/her statement to the police. This is important because there is a risk that the therapy will affect the quality or nature of their evidence. However, if there are undue delays by the police in taking the child's statement, the Prosecutor and police handling the case may agree with NGO psychologist to commence the therapy sessions before the child has provided his/her statement to the police, provided that this is in the best interests of the child.

7.19 The NGO psychologist will implement the therapy plan with the child, during which the psychologist will monitor and assess the child's progress, and make adjustments to the plan as needed, with the child's consent. The NGO is responsible for deciding when the child's goals have been met and deciding when to close the child's case file at the NGO.

8. APPENDIX: NGO REFERRAL REQUEST FORM

REQUEST FOR NGO SUPPORT SERVICES FOR CHILDREN AFFECTED BY MIGRATION

Please complete this form and submit it to the Programme Coordinator of the NGO in order to make a request for support services. For requests sub-

mitted orally, this form should be completed by the Programme Coordinator of the NGO in order to make a written record of the request.

SECTION A: DETAILS ABOUT THE PERSON REFERRING THE CHILD (IF RELEVANT)		
A1	Name:	
A2	Referring body:	
A3	Address:	
A4	Telephone number:	

SECTION B: DETAILS ABOUT THE CHILD		
B1	Name:	
B2	Address:	
B3	Date of birth:	
B4	Description of the child's care arrangement:	
B5	Does the child have a physical or mental disability? If so, please specify.	
B6	Language(s) spoken by the child?	
B7	Does the child need an interpreter or other communication aid? If so, please provide details.	

SECTION C: DETAILS ABOUT THE CHILD'S PARENTS/LEGAL REPRESENTATIVES		
C1	Name(s):	
C2	Address(es):	
C3	Marital status:	
C4	Language(s) spoken?	
C5	Do the parent/legal representatives require an interpreter or any communication aids? If so, please provide details.	

SECTION D: CHILD'S MIGRATION STATUS		
D1. Please describe the child's migration status or how the child is affected by migration.		

SECTION E: SUPPORT SERVICES REQUESTED		
Д1	What support services are being requested for the child? (select all that apply)	Social support services <input type="checkbox"/> Legal services <input type="checkbox"/> Psychological counselling services <input type="checkbox"/> Independent supporter services <input type="checkbox"/>
Д2	Why do you consider that the child needs these support services.	
Д3	Is the child or family currently receiving any other support services? If so, specify the services and the service provider.	

Signed: [Signature of the person completing the form]

Date:

For the NGO to complete:

Eligibility decision and reasons:	Does the case meet or is it likely to meet the referral criteria? If the answer is 'no,' explain why. Does the NGO have space on the Programme to provide the services to the child?
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Date on which the referrer was notified of the eligibility decision and reasons:

Person responsible for notifying the beneficiaries:

If the NGO is responsible for notifying the beneficiaries, the date on which the beneficiaries were informed of the decision:

Signed: [Programme Coordinator]

Date:



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