Citation for published version (APA):
Kazakhstan is on the shortlist for the Winter Olympics 2022. “The European bank for reconstruction and development” has 182 projects in Kazakhstan (€5.7 billion net EBRD investment, almost half is within the private sector). At the end of October 2014 Kazakhstan was criticized by the OECD for not having done enough to tackle corruption. For example, the OECD wrote on the 29th October 2014 that: “Kazakhstan’s new anti-corruption strategy must be better defined, involving key stake-holders, with targeted actions and goals that address the key corruption challenges facing the country…”(page 1). Human rights organisations have raised concerns that the human rights situation has seriously deteriorated since December 2011 and that the situation will deteriorate further with recent changes to the Criminal Code (the General Prosecutor’s Office) and the Code of Administrative Offences (Justice Ministry) coming into force on the 1st January 2014. The new UNICEF representative in Kazakhstan is Yuri Oksamitin (he is UNICEF’s former representative in Belarus). “Kazakhstan has ratified most of the international treaties regarding child protection, including the Convention on the Rights of the Child (CRC) and the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (OPSC). It also acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN Trafficking Protocol)” (page 3). However, there are obstacles to do with Kazakhstani domestic law that “…hinder Kazakhstan from complying with its obligations under the aforementioned international treaties” (page 3).

CHILDREN’S RIGHTS: IS A DEPORTATION FROM SWEDEN TO BE CONSIDERED ‘CHILD ABDUCTION’?

1. The Swedish Migration Board’s Lifos-report 33316 states. ‘Since both authorities and the public consider that placing children in institutions is a feasible and ‘easy’ solution, this means that they are encouraging families who experience a crisis, or who are experiencing severe difficulties to abandon their children’ (page 8). In other words, it may be worth exploring whether a deportation of a child (who is born in Sweden), who is at high risk of being put into an institution as his mother is severely suicidal and experiences extensive function loss, would not be considered as child abduction from the mother as their return to Kazakhstan could not be considered voluntary. Would this not breach Article 3 of the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Convention)?

2. Also, according to Chapter 2, Article 6: ‘A Contracting State shall designate a Central Authority to discharge the duties which are imposed by the Convention upon such authorities’. As far as I can see it is under the Ministry of Justice in Sweden (see Appendix 1). The Central Authority shall in particular: ‘take all appropriate measures’ to ‘prevent further harm to the child’ and ‘secure the voluntary return of the child’ (Article 7)– In this example, case 4, the mother has been rejected on asylum and protection and received death threats by her mother in Kazakhstan. Hence, it must be considered completely unfeasible that the child (3 years of age) should voluntarily choose to return to Kazakhstan. It must also be completely unfeasible to expect that the mother would voluntarily send her son to an institution in Kazakhstan. I wonder whether a deportation would breach Article 7 of the International Covenant on Civil and Political Rights (1966).

3. It states in the Lifos-report 33316 that: ‘About 65% of all trafficking involving children concerns trafficking within the country, and about 35% is cross-border. In year 2010 the protection for children who have fallen victims of trafficking for reasons of sexual exploitation was strengthened as tougher punishments for persons charged and sentenced for trafficking offences involving children, however, the protection of children who are victims of crime is still weak’ (page 7). However, when it comes to children of single parents who are suffering from severe impairments (and a risk of suicide) and whom for this reason are not able to look after the best interest of their child, and where the parent already has been a victim of trafficking and forced prostitution, the child must be considered particularly vulnerable if deported back to Kazakhstan, particularly of trafficking. According to Ecpat, whilst child prostitution is illegal, the Criminal Code ‘does not criminalise offering and providing a child for prostitution’ (page 3).

**APPENDIX 1:**

**Sweden - Central Authority**

Address
Ministry for Foreign Affairs
Department for Consular Affairs and Civil Law
103 39 STOCKHOLM
Sweden

numéro de téléphone/telephone number: +46 (8) 405 1000 (switchboard)
numéro de télécopie/telefax number: +46 (8) 723 1176
email: ud-kc@gov.se
Internet: http://www.regeringen.se/sb/d/11446

*Personnes à contacter / persons to contact:*

Mr Claes Bergdahl, Head of Section, Deputy Director
(langues de communication / languages of communication: suédois, anglais, francais / Swedish, English, French)
Tel.: +46 (8) 405 5734
Email: claes.bergdahl@gov.se

Mrs Erica Neiglick, Deputy Head of Section, Expert
(langues de communication / languages of communication: suédois, anglais, allemand / Swedish, English, German)
Tel.: +46 (8) 405 1455
Email: erica.neiglick@gov.se

Mrs Emelie Rennerfelt, Expert
(langues de communication / languages of communication: suédois, anglais, francais, portugais / Swedish, English, Portuguese)
Tel.: +46 (8) 405 3831
Email: emelie.rennerfelt@gov.se

Mr Pär Eriksson, Expert
(langues de communication / languages of communication: suédois, anglais, francais / Swedish, English, French)
Tel.: +46 (8) 405 4774
Email: par.eriksson@gov.se

EMERGENCY NUMBERS
Ministry for Foreign Affairs - During office hours 8.00 a.m. - 5.00 p.m.: +46 (8) 405 1000
- Other times: +46 (8) 405 5001

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Conventions

- Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children [34]