



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Kazakhstan*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information on:

(a) The evaluation process and the effectiveness of the action plan on promotion of rights and improvement of quality of life for persons with disabilities for 2012–2018 and the new plan for 2019–2025, in particular on the consultation with organizations of persons with disabilities in the drafting process, its main goals, particularly its measures against stigma and discrimination, and the measures envisaged to achieve its goals and the mechanism monitoring its implementation;

(b) The use of the medical model of disability in current law, and plans, if any, to replace them with a human rights model of disability;

(c) The criteria used to define the three categories of disabilities frequently referred to in the country's initial report (CRPD/C/KAZ/1),¹ and the legal basis for this categorization;

(d) Plans to remove derogatory language towards persons with disabilities, including children with disabilities, in current laws;

(e) Steps taken to ratify the Optional Protocol to the Convention.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

2. Please provide information on:

(a) Plans to enact national anti-discrimination legislation protecting the rights of persons with disabilities;

(b) The definition of discrimination in national law, in particular whether the denial of reasonable accommodation constitutes a form of discrimination, and whether it encompasses multiple and intersectional discrimination and indirect discrimination.

Women with disabilities (art. 6)

3. Please provide information on:

(a) Measures taken with the aim of improving the situation of women with disabilities in the areas mentioned, as recommended by the Committee on the Elimination of

* Adopted by the pre-sessional working group at its fourteenth session (7–18 September 2020).

¹ Unless otherwise indicated, paragraph numbers refer to the initial report of the State party.



Discrimination against Women (CEDAW/C/KAZ/CO/5, paras. 26 (j) and 48) and the Committee on Economic, Social and Cultural Rights (E/C.12/KAZ/CO/2, para. 13);

(b) Access by women with disabilities to employment, entrepreneurship and training opportunities;

(c) The availability of and access to targeted social services and measures for ensuring access to health-care services, including family planning and adequate maternity care, for women with disabilities.

Children with disabilities (art. 7)

4. Please provide information on:

(a) The reasons for the unusually low number of children with disabilities registered in the State party (3 per cent, as compared with 10 to 15 per cent, which is the figure generally registered or estimated in other countries);

(b) Community-based services that provide health care, support, education and rehabilitation effectively available to children with disabilities, in urban and rural areas;

(c) The training of medical personnel on the needs of children with disabilities and measures in place to prevent their traumatization during medical examinations, as reported to the National Commission on Children's Rights and the Human Rights Ombudsman.

Awareness-raising (art. 8)

5. Please provide information on:

(a) Measures taken and strategies in place in educational institutions to promote awareness of the rights of children with disabilities and whether there has been a change in attitudes in the reporting period;

(b) The indicators and evaluation processes in place for the assessment of the existing awareness-raising measures (paras. 149–163).

Accessibility (art. 9)

6. Please provide information on:

(a) The standards used in the application of the indicators described in the measures and indicators for the creation of a barrier-free environment (para. 165 and annex 2), and in code of practice SP RK 3.06-101-2012 (para. 80), particularly with respect to accessibility of existing public buildings; residential, occupational, medical, educational, entertainment and shopping facilities; automated teller machine services; and taxis. Please expound the types of impairment these standards take into account and the standards used for the monitoring of buildings under construction since 2017;

(b) The manner in which the digital programme of Kazakhstan and other government plans on digitalization take into account the requirements of persons with disabilities, and how access of persons with disabilities to e-government, media and communications services is ensured.

Right to life (art. 10)

7. Please provide information on:

(a) Absolute and relative numbers of suicides committed by persons with disabilities, and on deaths of persons with disabilities in psychiatric, correctional and other institutions, in particular in institutions under the responsibility of the Ministry of Interior;

(b) Plans, if any, to abolish the death penalty and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, as recommended by the Human Rights Committee (CCPR/C/KAZ/CO/2, para. 16);

(c) Whether the imposition or execution of the death penalty for persons with intellectual or psychosocial disabilities is permissible, and on the number of persons with intellectual or psychosocial disabilities currently on death row.

Situations of risk and humanitarian emergencies (art. 11)

8. Please provide information on:

(a) Measures adopted to account for the requirements of persons with physical, psychosocial or intellectual disabilities in situations of risk and humanitarian emergencies, and to ensure the effective protection and safety of persons with disabilities, including but not limited to implementing article 18 (1) of the Law on civil protection of 11 April 2014;

(b) Measures taken to establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the rights of persons with disabilities on an equal basis with others, and specifically in the context of the public health emergency resulting from the coronavirus disease (COVID-19) pandemic. In particular, please inform the Committee about measures taken to:

- (i) Provide persons with disabilities with accessible information concerning the scope of the pandemic and the prevention of the spread of the virus;
- (ii) Ensure continuous access to support and mainstream community services, including in-home care and personal assistance;
- (iii) Provide equal access to health care, including life-saving measures;
- (iv) Ensure that disability benefits are guaranteed at all times.

Equal recognition before the law (art. 12)

9. Please provide information on:

(a) Circumstances allowing for the limitation of legal capacity as defined by law, the procedural prerequisites for a court decision limiting legal capacity, the practice of nominations of guardians in institutions, and the trends in the number and proportion of persons with disabilities placed under guardianship since the ratification of the Convention;

(b) Legal possibilities available to persons with disabilities to restore their legal capacity against or without the will of the guardian and measures to support persons with disabilities in exercising their legal capacity.

Access to justice (art. 13)

10. Please provide information on:

(a) Measures to establish and maintain mechanisms, such as training for judicial and administrative personnel, and the provision of legal aid, sign language interpreters and audio description, in order to ensure access to criminal, civil and administrative procedures for persons with disabilities on an equal basis with others;

(b) The practice of judicial and administrative adjudicative bodies to provide procedural accommodation in individual cases, including in institutions and penitentiaries and in encounters with law enforcement officials;

(c) The implementation in domestic law of the guarantee of children with disabilities under the age of 10 and of children with intellectual or psychosocial disabilities to express their views in matters affecting them.

Liberty and security of the person (art. 14)

11. Please provide information on:

(a) Measures taken to ensure that no one is deprived of liberty solely because of their physical, intellectual or psychosocial disability (see CCPR/C/127/D/2920/2016, paras. 7.13 and 7.14), including perceived disabilities;

(b) The number of persons with disabilities, in particular children with disabilities, held in closed institutions, the average duration of their stay in institutions and the support programmes to move children with disabilities out of closed institutions to family settings;

(c) Mechanisms available to persons with disabilities, including persons with disabilities under guardianship, held in closed institutions, to exercise their rights, protect them from abuse and medical treatment without their consent, and have them discharged.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

12. Please provide information on:

(a) Measures taken to guarantee all accommodations necessary to ensure persons with disabilities held in pretrial facilities are not subjected to cruel, inhuman or degrading treatment (CCPR/C/119/D/2146/2012, para. 8.7, and CAT/OP/KAZ/1, paras. 96 and 120);

(b) Processes in place to provide rehabilitation services to persons with disabilities in detention facilities;

(c) The incidence of forced sterilization and forced abortion among women with disabilities, in particular those living in institutions; the legal, including criminal, provisions against such measures; and the number and outcome of judicial procedures undertaken against such measures since the ratification of the Convention.

Freedom from exploitation, violence and abuse (art. 16)

13. Please provide information on:

(a) Measures taken to protect persons with disabilities, including women, girls and LGBTQI+ persons with disabilities, from domestic and gender-based violence, and to facilitate the reporting of violence, and access to crisis counselling, security planning and other protective measures taken under the reforms adopted in 2015 (CAT/C/KAZ/4, paras. 154–162);

(b) The procedures and frequency of the visits of the national preventive mechanism for the monitoring of residential institutions for persons and children with disabilities and on monitoring mechanisms for all institutions in which women with disabilities still live.

Protecting the integrity of the person (art. 17)

14. Please provide information on the mechanisms in place to ensure that persons with disabilities are not subjected to medical procedures such as abortion and sterilization without their consent or against their will (para. 254). Please clarify whether the 2009 order No. 626 of the Ministry of Health on the performance of abortions on pregnant women with disabilities has been amended, as envisaged by the national plan. Please explain the measures to ensure access of persons with disabilities to sexual and reproductive health services, including contraceptives and education and information in accessible formats.

15. Please explain the seeming incongruence between the statement contained in paragraph 255 of the State party's initial report, indicating that 213 cases of abortions performed on women with disabilities were reported between 2012 and 2016, on the one hand, and the finding contained in a 2019 report of the United Nations Population Fund,² indicating that only about 0.5 per cent of women registered as women with disabilities in the Turkestan region had children, on the other hand.

Liberty of movement and nationality (art. 18)

16. Please provide information on any plans to provide services to persons with disabilities at their location of residence, even if it is different from the location of their State registration.

² <https://bit.ly/3l0AY2F> (in Russian).

Living independently and being included in the community (art. 19)

17. Please provide information on measures taken to:

- (a) Establish accessible and affordable housing in the community, and community-based support, to enable adults with disabilities to choose where and with whom they live, on an equal basis with others;
- (b) End the institutionalization of persons with disabilities, including older persons with disabilities, and persons with intellectual or psychosocial disabilities, and to provide children with disabilities with quality care in family settings.

Personal mobility (art. 20)

18. Please provide information on the quality of assistive devices provided by the State party, the choices that persons with disabilities have in their selection, the administrative procedures in place to allocate them, and the mechanisms monitoring their distribution.

Freedom of expression and opinion, and access to information (art. 21)

19. Please provide information on:

- (a) Measures taken or planned to improve access of persons with disabilities to information technologies, including standards adopted to ensure accessible web design;
- (b) Policies, programmes and funding to facilitate the use of sign languages and other accessible means, modes and formats of communication, including Easy Read, by persons with disabilities in formal and informal official interactions;
- (c) The assertion that criminal and administrative measures are actively used against ordinary citizens, journalists and media outlets, including persons with disabilities, as per information submitted to the Committee, which is seemingly corroborated by a number of communications issued by the Human Rights Committee (see, e.g., CCPR/C/128/D/2686/2015).

Respect for privacy (art. 22)

20. Please expound the measures, including but not limited to the application of the Data Protection Act of 2013, to ensure the protection of personal data of persons with disabilities in the operation of the Social Services Portal, the unification of government databases and the operation of mobile apps, such as DMUMED. Please also include measures to ensure a respect for the privacy of the data about persons with disabilities in government sources, including medical databases.

Respect for home and the family (art. 23)

21. Please provide information on:

- (a) The legal provisions in place and the practices followed in the assignment of children with disabilities to adoptive and foster parents;
- (b) The criteria employed and number of cases decided under article 11 (5) of the Code on marriage and family of 26 December 2011, which prohibits marriage for a person who is recognized as being incapable as a consequence of mental disease or dementia by enforced court decision;
- (c) The number of women and girls with disabilities exercising their rights to sexual and reproductive health services.

Education (art. 24)

22. Please provide information on:

- (a) The current status of implementation of the national education and science development programme for the period 2020–2025, and its action plan, in particular its funding and the percentage of students with disabilities enrolled in inclusive educational settings at all levels, from kindergarten to university;

- (b) The number and type of existing “correctional” or “specialized” schools for children with disabilities and the prerequisites for placing a student in such schools;
- (c) The number of children with disabilities in homeschooling as a proportion of all children with disabilities in the mainstream education system and the educational support services provided to them;
- (d) The provision of educational material, including information technology, adapted to the requirements of students with disabilities;
- (e) The accessibility of vocational training programmes and of higher education for persons with disabilities and the provision of reasonable accommodation;
- (f) Measures taken to provide rehabilitation services to children with disabilities in schools during situations of emergency.

Health (art. 25)

23. Please provide information on:

- (a) The provision of health insurance to persons with disabilities on an equal basis with others;
- (b) The implementation of article 136 (1) of the Code of public health and the health-care system, and on the accessibility of health-care organizations and their services;
- (c) The availability of sign language interpretation in medical facilities for persons with hearing impairments and measures to ensure that persons with disabilities are treated with respect in such facilities.

Habilitation and rehabilitation (art. 26)

24. Please provide information on:

- (a) The standards for and the processes of early intervention and life-saving treatments for young children with disabilities, and plans to adapt national approaches to identification of disability to the International Classification of Functioning, Disability and Health;
- (b) The availability of rehabilitation services for persons with physical, psychosocial or intellectual disabilities, and information about plans, if any, to make them more broadly available, and on standards governing the work of rehabilitation therapists;
- (c) The structure, organization, composition, funding and working methods of the Medical Social Expert Assessment Board, on measures in place to prevent traumatization and degradation in its processes of disability evaluation, on the possibilities of challenging decisions of the Board in judicial proceedings, and on the monitoring of the Board.

Work and employment (art. 27)

25. Please provide information on:

- (a) The current percentage of employed persons with disabilities of working age, as compared with the respective figures for the work force in general, disaggregated by the public and private sectors, types of impairment and gender, and on the methods used to collect the employment data;
- (b) The actual functioning of the quota system and its results in practice;
- (c) The number of persons with disabilities employed in government structures and in senior positions therein;
- (d) The legal obligations of private employers to provide reasonable accommodation for employees with disabilities, government programmes to promote such measures and the mechanisms for their enforcement.

Adequate standard of living and social protection (art. 28)

26. Please provide information on:

- (a) The poverty rate among persons with disabilities, and on the measures and budgets in place or planned to end poverty for persons with disabilities;
- (b) The consideration of disability-related expenses in the calculation of disability benefits, entitlements and pensions;
- (c) Measures taken to inform persons with disabilities about services provided by the State.

Participation in political and public life (art. 29)

27. Please provide information on:

- (a) Whether there are any plans to extend the right to vote and to be elected to persons with disabilities who have been declared by a court to not possess dispositive capacity and who have – as a consequence – been placed under guardianship;
- (b) Measures taken to improve the accessibility of elections and of polling stations for future local and national elections;
- (c) The percentage of persons with disabilities in leading capacities of officially registered political parties, in elective office and in politically appointed government positions.

Participation in cultural life, recreation, leisure and sport (art. 30)

28. Please provide information on:

- (a) Any plans to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled;
- (b) The funding of sports activities for persons with disabilities;
- (c) Access of persons with disabilities to privately owned cultural and sports venues and services.

C. Specific obligations (arts. 31–33)**Statistics and data collection (art. 31)**

29. Please provide information on any plans to:

- (a) Extend access to the centralized database on persons with disabilities operated by the Ministry of Labour to other government entities, the National Statistics Committee and organizations of persons with disabilities, while protecting personal data;
- (b) Include the set of questions proposed by the Washington Group on Disability Statistics in the next population and housing census;
- (c) Conduct surveys that include persons with disabilities, specifying the planned disaggregation of the data compiled by impairment, gender, age and rural or urban residence.

National implementation and monitoring (art. 33)

30. Please provide information on measures taken to establish an independent national monitoring mechanism endowed with adequate human, technical and financial resources, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).