



# Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

## Initial report submitted by Kazakhstan under article 35 of the Convention, due in 2017\*

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\* The present document is being issued without formal editing.



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## Introduction

1. The Republic of Kazakhstan ratified the Convention on the Rights of Persons with Disabilities in February 2015.
2. This report is being submitted in accordance with article 35 (1) of the Convention and was prepared in accordance with the guidelines (CRPD/C/2/3) drafted by the Committee on the Rights of Persons with Disabilities.
3. This report is the initial report of Kazakhstan on the measures taken to implement its obligations under the Convention and the progress achieved as a result.
4. The report covers the period 2012–2016 and contains information on key legislative, judicial, administrative, practical and other measures taken during the reporting period that are of direct relevance to the provisions of the Convention.
5. The preparation process for this report involved consultations and discussions with representatives of the country's civil society associations of persons with disabilities.
6. The report was prepared by the Ministry of Labour and Social Protection in cooperation with other government agencies and organizations responsible for the observance and protection of the rights of persons with disabilities.
7. The Government of Kazakhstan is grateful to the United Nations Development Programme (UNDP) for its technical assistance in preparing this report.

## I. General information

### Land and people

8. The territory of Kazakhstan covers 2,724,900 km<sup>2</sup>.
9. At the start of 2017, the population of Kazakhstan was 17.9 million, of whom 9.2 million (51.4 per cent) were female and 8.7 million (48.6 per cent) were male. The breakdown by age group was: children (age 0–16): 5.4 million (male: 2.8 million, female: 2.6 million); age 16–62: 10.7 million (female: 5.3 million, male: 5.4 million); age 63 and older: 1.8 million (female: 1.3 million, male: 0.5 million).
10. The population density stands at 6.6 persons per km<sup>2</sup>. The urban population is 10.3 million (57.5 per cent) and the rural population is 7.6 million (42.5 per cent).
11. The population includes more than 100 different ethnic groups, including 11.7 million Kazakhs (66.48 per cent), 3.6 million Russians (20.6 per cent), 548,800 Uzbeks (3.11 per cent), 289,700 Ukrainians (1.6 per cent), 256,200 Uighurs (1.45 per cent), 202,900 Tatars (1.15 per cent) and 181,700 Germans (1.03 per cent).
12. The population of Kazakhstan is 70 per cent Muslim, 26 per cent Christian, 0.03 per cent Jewish and 0.09 per cent Buddhist. The Constitution guarantees freedom of conscience and religion. There is a separation between religion and the State.

### Political structure

13. Kazakhstan is a unitary State with a presidential system of government.
14. The government exercises power on the basis of the Constitution and other laws and is divided into legislative, executive and judicial branches, which work together using a system of checks and balances.
15. The highest representative body in Kazakhstan exercising legislative power is Parliament, which consists of two chambers that operate on a continuing basis: the Senate, the upper house, whose members are elected for six-year terms; and the Majilis, the lower house, for five-year terms.

16. Kazakhstan has nine officially registered political parties. Following the elections held in March 2016, representatives of three of these parties became members of the Majilis.
17. The Government of Kazakhstan heads the system of executive bodies and directs their work. It consists of central authorities (ministries and departments) and local authorities (*akimats*).
18. Justice in Kazakhstan is administered only by the courts. The courts in Kazakhstan are the Supreme Court and local courts established by law.
19. The Constitutional Council has a special status in the political system of Kazakhstan.

## **Administrative structure**

20. The territorial breakdown of administration in the country includes 14 provinces, the capital, a city of national status, 177 administrative districts, 87 towns and cities, 30 settlements and 6,668 villages.
21. The capital of Kazakhstan is Astana (since 10 December 1997), with a population of more than 1 million.
22. The official language of Kazakhstan is Kazakh. In public organizations and local government bodies, Russian is officially used on an equal basis with the official language.

## **Socioeconomic development**

23. Kazakhstan is one of the richest countries in the world in terms of its reserves of oil, gas, titanium, magnesium, tin, gold and other non-ferrous metals and chemical raw materials. It has the world's largest proven reserves of zinc and tungsten, the second largest reserves of silver, lead and chromite, the third largest reserves of copper and the fourth largest of molybdenum.
24. Kazakhstan is currently one of the 50 most competitive countries. In terms of economic growth, it has become one of the most successful countries in the world, alongside China, India, Russia, Brazil, South Korea, Malaysia, etc. In a quarter of a century, the economy of Kazakhstan has grown by a factor of 16 while personal incomes have risen sixfold.
25. A process of economic diversification has been launched through the accelerated development of the manufacturing sector. Rapid industrialization of the economy is ongoing. As part of this process, in recent years approximately 1,000 new companies have been set up and more than 400 new products have been developed. Now, 111 different countries buy finished goods from Kazakh companies.
26. The Government has established 10 special economic zones and 10 industrial zones. Innovative production facilities are being opened in the country and modern motorways and railways, pipelines and power lines are being constructed. The Western Europe-Western China road, which is being constructed in partnership with Russia and China, will be one of the main thoroughfares of Eurasia.
27. Kazakhstan has set the objective of renewing its historical role in the near future to become the largest business and transit hub of the Central Asian region and a bridge between Europe and Asia. To achieve this, Kazakhstan is planning to create an integrated system of international trade, logistics, financial, business, innovation, technology and tourist hubs along the key transport corridors.
28. The transport and logistics infrastructure will be developed as part of the establishment of macroregions based on the hub principle, under the Nurly Jol programme.
29. In the transport industry as a whole, more than 2,000 kilometres of new railway lines have been laid down in recent years. For further development of the railway industry, a programme has been approved for development and integration of transport infrastructure up to 2020.

30. The new economic policy will be focused on implementing projects from the second five-year plan on industrialization. Six industries have been designated as priority industries and divided into 14 sectors, which will receive almost 80 per cent of funding under the Nurly Jol programme. Investments will be made in the metals, oil refining, food, agricultural chemicals, automobile manufacturing and construction industries.

31. A large-scale housing programme has resulted in unprecedented levels of housing starts, with some 6 million m<sup>2</sup> of housing commissioned per year.

32. All these projects have led to reduced unemployment, providing decent work for hundreds of thousands of citizens, who have been able to retrain in new professions.

33. Kazakhstan is now one of the world's foremost exporters of grain. The goal of achieving faster growth in the production of meat and other livestock products is being met.

34. In the past 10 years, the gross domestic product (GDP) and GDP per capita have been increasing, at average rates of 5.4 per cent and 3.9 per cent respectively. Labour productivity has grown by an average of 3.8 per cent annually.

35. A domestic entrepreneurial class has been established in the country. As at 1 January 2017, the country had 1,185,163 small and medium-sized enterprises. Of these, 68.7 per cent were sole traders, 16 per cent were small business corporations, 15.1 per cent were farms, and 0.2 per cent were medium business corporations.

36. New business initiatives and entrepreneurial initiatives by the general public receive government support through the provision of microcredit and skills training for business under the "Business Road Map 2020" programme.

## **Employment**

37. In December 2016, the economically active population comprised 8,938,800 persons, of whom 8,491,200 were employed and 447,600 were unemployed. The unemployment rate was 5 per cent.

38. During the last five-year period, labour market indicators in Kazakhstan have remained stable with relatively small variations in economic activity and employment rates. The unemployment and youth unemployment rates (5.0 per cent and 4.1 per cent) are lower than the Organization for Economic Cooperation and Development (OECD) rates (6.8 per cent and 15.1 per cent). The majority of the employed population in Kazakhstan are professionals with tertiary education (35.6 per cent) or upper secondary vocational education (33 per cent).

39. The Employment Road Map 2020 (until 2017) and the Productive Employment and Mass Entrepreneurship Programme 2017–2021 have been adopted and are being implemented.

## **Standard of living**

40. The proportion of the population with an income below subsistence level is 2.5 per cent.

41. The average nominal monthly wage of a single worker in the fourth quarter of 2016 was 154,632 tenge. The nominal wage index compared with the last quarter of 2015 was 113.7 per cent and the real wage index was 103.8 per cent. The highest salaries were paid for professional scientific and technical work (327,224 tenge) and the lowest for work in agriculture, forestry and fisheries (89,956 tenge).

42. Starting in 2003, the subsistence level has steadily risen and, despite periods of crisis, has increased by 1.1 times: from \$55 in 2003 to \$63 in 2016.

43. In the 2016 ranking, Kazakhstan came fifty-third in the World Economic Forum Global Competitiveness Index.

## **Social protection**

44. In Kazakhstan, citizens are guaranteed a minimum wage and pension and old age, illness, disability, survivor and other social security benefits. Voluntary social insurance, the establishment of additional forms of social welfare and charity are all encouraged.

45. A multilevel social safety net has been established in the country with a division of responsibilities between the State, employers and employees. The system consists of several components, with one of the parties responsible for each of them:

- The State is responsible for paying basic social benefits: the basic and contributory pensions, and other regular and one-off payments.
- The employer is responsible for making compulsory occupational pension contributions, compulsory employer pension contributions (to be introduced on 1 January 2020) and contributions to the social insurance system, which makes payments in the event of a loss of income in connection with a loss of capacity to work, the death of a breadwinner or job loss, or maternity and parental leave.
- The employee is responsible for making compulsory pension contributions to the pension savings fund in order to receive a pension.

46. In 2016, spending on social welfare and assistance accounted for 4.3 per cent of GDP.

47. A list of guaranteed special social services has been established and standards for special social services to be provided to vulnerable groups have been developed.

## **Health**

48. Public spending on development of the health system has increased by a factor of between 10 and 12 over the past 10 years.

49. The public health-care system includes 728 hospitals and 2,149 outpatient clinics (there are 135 private hospitals and 770 private clinics). The treatment facilities have approximately 100,000 beds. The competitive market for services has increased the share of the private health-care sector to 24 per cent. The sector employs 64,000 health-care workers.

50. Modern medical centres have been established, introducing new technologies and types of treatment for common illnesses. The central national clinics are successfully disseminating best practices in the provision of high-technology health-care services to the regions. A number of provincial and municipal hospitals offer heart and brain surgery and organ transplants.

51. Since 2008, a national screening programme has been implemented, aimed at prevention and the early diagnosis of serious diseases.

52. The government health development programme for 2011–2015, known as Salamattey Kazakhstan (Healthy Kazakhstan), has been implemented.

53. In 2018, mandatory health insurance was introduced.

54. Development of the health system has helped increase life expectancy in the country to 72 years.

## **Education**

55. Public spending on education in Kazakhstan from 2011 to 2015 was in the range of 3.5 to 4 per cent of GDP.

56. According to the data of the United Nations Educational, Scientific and Cultural Organization Global Education Monitoring Report, Kazakhstan has been in the top 4 of 129 countries according to the Education for All Development Index for three years in a row.

57. For the past four years, Kazakhstan has come top in the ranking of the Institute of Management Development (Lausanne, Switzerland) for literacy rates among persons aged 15 years and over.

58. In 2013–2014, Kazakhstan came twenty-ninth out of 139 countries for secondary education enrolment according to the Global Competitiveness Index.

59. In the past five years, Kazakhstan has moved up 13 places in the United Nations human development index to become one of the countries with high human development, ranking fifty-sixth.

60. According to UNDP data, Kazakhstan is a country with a high level of human capital. The literacy rate in Kazakhstan is 99.6 per cent. Adult literacy is as high as 99.7 per cent, while 99.3 per cent of the population has at least some secondary education. The figure for mean years of schooling is 11.4 years and the primary school dropout rate is 0.7 per cent. For this indicator, Kazakhstan comes fourteenth out of 177 countries in the world and first in Asia.

61. Over a 10-year period (2006–2016), Kazakhstan significantly improved its rank in the Global Competitiveness Index for various indicators, including secondary education enrolment (+21), quality of maths and science education (+2), Internet access in schools (+12), availability of research and training services (+4), quality of scientific research organizations (+18), university-industry collaboration in research and development (+22) and availability of scientists and engineers (+6).

62. Implementation of the State Programme for the Development of Education for 2011–2020 ran until 1 March 2016. Now the State Programme for the Development of Education and Science for 2016–2019 is in progress.

63. Between 25 and 27 September 2015 in New York at the United Nations General Assembly, 193 countries, including Kazakhstan, committed to achieving 17 new Sustainable Development Goals by 2030. During the next 15 years, the efforts of the education system in Kazakhstan will be focused on achieving Goal 4 on quality education. The goal is to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.

64. In Kazakhstan, a dual training system is being developed, in which students at vocational schools also complete on-the-job training.

## **General framework for the protection and promotion of human rights**

65. The Republic of Kazakhstan is a democratic, secular, and social State governed by the rule of law, which places the highest value on human beings and their lives, rights and freedoms (Constitution, art. 1).

66. The legal status of the individual enshrined in the Constitution is based on the concept of human and civil rights and freedoms and derives from the fundamental provisions of international legal instruments. The Constitution of Kazakhstan has incorporated the main ideas and provisions of international human rights instruments and given effect to them while taking account of national conditions.

67. Kazakhstan has ratified a number of the core international human rights treaties, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and its Optional Protocol, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

68. Kazakhstan has ratified a number of International Labour Organization (ILO) conventions, including the Freedom of Association and Protection of the Right to Organise

Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

69. Article 4 of the Constitution provides that international agreements ratified by Kazakhstan prevail over national law.

70. International law has been incorporated into a number of provisions of the Constitution. Thus, article 15 of the Constitution is an almost verbatim restatement of article 6 of the International Covenant on Civil and Political Rights of 16 December 1966 while article 24 restates article 7 of the International Covenant on Economic, Social and Cultural Rights of 16 December 1966.

71. In its 25 years of independence, Kazakhstan has demonstrated its commitment to observing human rights and fundamental freedoms.

72. The human rights institutions operating in Kazakhstan include the Human Rights Commission attached to the Office of the President; the Human Rights Commissioner (Ombudsman); the Commissioner for Children's Rights (established in February 2016), the Committee for the Protection of Children's Rights; the People's Assembly of Kazakhstan and the National Commission for Women's Affairs and Family and Demographic Policy.

## **II. Information on implementation of the Convention on the Rights of Persons with Disabilities**

### **Article 1 Purpose**

73. The purpose of government policy in the field of social protection of persons with disabilities is formulated in the preamble to the Social Protection of Persons with Disabilities Act and is focused on the prevention of disability and the rehabilitation of persons with disabilities but also the creation of the legal, economic and organizational conditions to provide persons with disabilities with equal opportunities to participate in all areas of life and the inclusion of persons with disabilities in society.

74. The purpose of government policy in the field of social protection of persons with disabilities in Kazakhstan is in line with the purpose of the Convention, as set out in article 1. In Kazakhstan, the State guarantees equal human and civil rights and freedoms in all circumstances and for all citizens, including persons with disabilities. No one may be subjected to any discrimination on grounds of origin, social, official or property status, sex, race, ethnicity, language, attitude to religion, beliefs or place of residence, or on any other grounds (Constitution, art. 14 (2)). Human dignity is sacrosanct (Constitution, art. 17 (1)).

75. The concept of "person with a disability" is established in the Social Protection of Persons with Disabilities Act. A person with a disability is defined as "a person with a health impairment and persistent impairment of body function caused by illness, by injuries (wounds, trauma, contusions) and their consequences or by defects resulting in the limitation of everyday activities and the need for social protection" (art. 1 (7)). This definition virtually coincides with the definition of "persons with disabilities" formulated in the Convention, since "long-term impairments" can be considered synonymous with "persistent impairment of body function". Similarly, "impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others" can be fully equated with impaired health "resulting in the limitation of everyday activities and the need for social protection", as specified in Kazakh legislation. The term "limitation of everyday activities" means "the full or partial loss of the capacity or possibility to care for oneself, move about freely, find one's way, communicate, control one's behaviour, study or work".

## **Article 2**

### **Definitions**

76. In the legislation of Kazakhstan, the enforcement of the provisions on matters related to disability is based on definitions and terms corresponding to article 2 of the Convention.

77. Every citizen of Kazakhstan has the right to free choice of language for communication, child-rearing, education and creative work (Constitution, art. 19 (2)). The term “communication” (Convention, art. 2 (1)) is incorporated in article 1 (23) of the Social Protection of Persons with Disabilities Act in the definition of “limitation of everyday activities”. The Government provides persons with disabilities with access to information in accordance with Kazakh legislation by issuing periodical, scientific, educational and reference works and fiction for persons with disabilities, including publication in formats such as audio tapes, compact discs, Braille and videotapes with sign language interpretation (Social Protection of Persons with Disabilities Act, art. 28 (1)).

78. Sign language is used as a means of interpersonal communication and this also applies to the curricula of educational organizations for deaf and hard-of-hearing children (Social Protection of Persons with Disabilities Act, art. 28 (2)).

79. Following ratification of the Convention, a new paragraph was added to article 28 of the Social Protection of Persons with Disabilities Act, providing that sign language interpretation or captioning must be available not only on national television channels, but also on all regional channels, regardless of the territory from which the signals are distributed.

80. The term “reasonable accommodation” as used in the Convention is included in code of practice SP RK 3.06-101-2012 on the design of buildings and structures taking account of access for population groups with reduced mobility, which came into effect on 1 July 2015. This code applies to the design of public and industrial buildings, building elements and areas or individual rooms, which are to be accessible to people with reduced mobility, including persons with disabilities. Criteria and conditions for ensuring accessibility were established in accordance with the concept of reasonable accommodation, broken down by type of impairment of body function and body structure and by industry-specific type of social infrastructure facilities for which access is required.

81. National law does not contain a definition of “disproportionate or undue burden”. At the same time, article 25 of the Social Protection of Persons with Disabilities Act provides that, in cases where a facility cannot be adapted to provide access for persons with disabilities, the private individuals or legal entities concerned must develop and implement the necessary measures to address the needs of persons with disabilities to the greatest extent possible.

82. The term “universal design”, as used in the Convention is included in building standards SN RK 3.06-01-2011 on access to buildings and structures for people with reduced mobility, which came into effect on 1 July 2015. These standards set out the requirements for space planning solutions, plots for buildings and structures, their information technology and engineering equipment, ensuring the conditions for access and use by people with reduced mobility, based on the principles of universal design. The requirements of this document apply to the design and construction of residential, public and industrial buildings and the reconstruction and renovation of existing buildings.

## **Article 3**

### **General principles**

83. Kazakhstan places the highest value on human beings and their lives, rights and freedoms. Human rights and freedoms are guaranteed by the Constitution. They belong to everyone from birth and are absolute and inalienable. Human dignity is sacrosanct. Torture, violence and other cruel or degrading treatment or punishment are prohibited. Every person has the right to recognition as a person before the law and is free to defend his or her rights

and freedoms by all lawful means, including the right of self-defence (Constitution, arts. 1, 12, 13 and 14).

84. The principles of Kazakhstan in the area of social protection for persons with disabilities are: legality, humanity and respect for human rights; guaranteed social protection and accessible medical, social and vocational rehabilitation; accessibility to and equality in the enjoyment of rights of persons with disabilities on an equal basis with others to health care, education and a free choice of occupation, including employment; cooperation between government agencies and civil society associations and other organizations involved in the protection of the rights and legitimate interests of persons with disabilities; and prohibition of discrimination on the basis of disability (Social Protection of Persons with Disabilities Act, art. 5).

85. In Kazakhstan, persons with disabilities fully enjoy the socioeconomic and individual rights and freedoms enshrined in the Constitution and other national laws, including the rights to: social protection, including rehabilitation and inclusion in society; access to social infrastructure facilities; access to information; education and a free choice of occupation, including employment; a guaranteed level of free health care in accordance with the law; vocational training and retraining, vocational rehabilitation and employment; housing in accordance with housing law; priority service in public and other organizations, including health-care, cultural, communication, transport and service organizations; support for the creativity of persons with disabilities (Social Protection of Persons with Disabilities Act, art. 14).

86. The principle of “non-discrimination” (Convention, art. 3 (b)) is one of the tenets underpinning Kazakh legislation on the protection of human rights. In accordance with article 14 (2) of the Constitution, no one may be subjected to any discrimination on grounds of origin, social, official or property status, sex, race, ethnicity, language, attitude to religion, beliefs or place of residence, or on any other grounds.

87. Discrimination on the basis of disability is prohibited under article 5 of the Social Protection of Persons with Disabilities Act.

88. The principle of “participation and inclusion in society” (art. 3 (c)) is applied in practice through a system of economic and legal measures guaranteed by the Government, aimed at ensuring that persons with disabilities have the same opportunities as other citizens to participate in society (Social Protection of Persons with Disabilities Act, preamble). The inclusion of persons with disabilities in society has been set as a priority for government policy in the area of social protection for persons with disabilities (Social Protection of Persons with Disabilities Act, art. 4 (3)). In order to achieve full and effective participation of persons with disabilities in society, concrete legal provisions (Social Protection of Persons with Disabilities Act, arts. 14 and 15) and a number of practical and regulatory measures have been introduced to eliminate any physical or communication barriers that might prevent their inclusion in society.

89. The principle of “respect for difference of persons with disabilities” (Convention, art. 3 (d)) is reflected in the law of Kazakhstan, under which persons with disabilities are recognized as part of human diversity and humanity, while the individual characteristics of each person with a disability are recognized when the State determines and provides the social protection measures that will be guaranteed for that person, including medical, social and vocational services, rehabilitation and social support.

90. The principle of “equality of opportunity” (Convention, art. 3 (e)) is enshrined in national law. The aim of government policy in the area of social protection for persons with disabilities is to provide equal opportunities for their participation and inclusion in society (Social Protection of Persons with Disabilities Act, Preamble). Persons with disabilities are guaranteed the opportunity to fulfil their potential on an equal basis with others in many different aspects of social life (health, education, employment, culture, fitness and sport, transport, communications, consumer market, justice and the legal system, etc.) through legislative acts governing those areas.

91. The principle of “accessibility” (Convention, art. 3 (f)) is key in national legislation related to persons with disabilities. Accessibility is a fundamental principle of social

protection for persons with disabilities (Social Protection of Persons with Disabilities Act, art. 5 (2) and (3)).

92. Ensuring accessibility in Kazakhstan includes measures to identify and eliminate obstacles (barriers), which actually or potentially hinder (non-compliance with the provisions in force for the construction of new social facilities, housing, etc.) unimpeded access for persons with disabilities on an equal basis with others to the physical environment, transport, information and communications, including information and communication technologies and systems and other facilities and services.

93. The principle of “equality between men and women” (Convention, art. 3 (g)) is regarded as the equality of all citizens regardless of sex and is enshrined in the Constitution (art. 14).

94. In accordance with the principles and rules of international law and international treaties, in Kazakhstan, men and women have equal rights and freedoms and equal opportunities to exercise them.

95. In 1998, Kazakhstan acceded to the Convention on the Elimination of All Forms of Discrimination against Women. It has also ratified the Optional Protocol to that Convention.

96. The basic principles and rules concerning the creation of conditions for gender equality in all areas of political and public life are enshrined in the Act on State Guarantees of Equal Rights and Opportunities for Men and Women.

97. Therefore, the legislation of Kazakhstan fully meets the requirements of the Convention in terms of upholding the principle of equality between men and women.

98. The principle of “respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities” (Convention, art. 3 (h)) is reflected in national law.

99. Government policy in Kazakhstan is aimed at ensuring the proper physical, mental, spiritual, moral and social development of children in accordance with the provisions of the Constitution and international obligations.

100. The aims of government policy for children are: to ensure the rights and interests of children and prevent discrimination against them; to strengthen the fundamental safeguards of children’s rights and interests and restore their rights in the event of violations; to put in place the legal foundations for the safeguards to children’s rights and establish the corresponding agencies and organizations to protect children’s rights and interests; to facilitate the physical, mental, spiritual and moral development of children, the encouragement of patriotism, civic feeling and a culture of peace among children and the personal fulfilment of children in the interests of society, national traditions and the achievements of national and world culture; and to ensure concerted efforts to foster legal awareness and legal culture in minors (Children’s Rights Act of 8 August 2002, art. 6 (1)).

101. Children with disabilities have equal rights: to State assistance in rehabilitation (habilitation), the elaboration and fulfilment of an individual rehabilitation programme, socialization, social adaptation and social inclusion in everyday life, and social services (Social Protection of Persons with Disabilities Act, arts. 24 and 29); to care and education in mainstream and special schools (Education Act of 27 July 2007, arts. 26, 28 and 47); and to health care (Social, Medical and Educational Support for Children with Disabilities Act of 11 July 2002, art. 15).

## **Article 4**

### **General obligations**

102. The provisions of the Convention apply to all administrative divisions of the country without any limitation or exception.

103. In order to ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities, in 2012 the Government launched its work in three

priority areas: establishing accessible social and transport infrastructure; promoting employment; and encouraging positive social attitudes towards persons with disabilities.

104. Kazakhstan has the prerequisites and the capacity to implement the provisions of the Convention, but there are areas in which it still needs to carry out significant work before the aims and requirements of current legislation can be considered to have been met. This includes the obligations contained in articles 8 and 9 of the Convention related to improving accessibility, article 27 regarding work and employment and the part of article 24 that relates to ensuring inclusive education.

105. Currently, responsibility for the implementation of the rights of persons with disabilities lies with the Ministry of Labour and Social Protection, the Ministry of Health, the Ministry of Education and Science, the Ministry of Culture and Sport, the Ministry of Internal Affairs, the Ministry of Investment and Development, the Ministry of Information and Communication and the Ministry of Religious Affairs and Civil Society.

106. The central database of persons with disabilities is up and running. It contains information about all persons with disabilities and facilitates monitoring of respect for the rights of all persons with disabilities in the area of social protection through follow-up of their individual programmes of rehabilitation.

107. In the country, 651,900 persons, or 3.7 per cent of the population, have a disability.

108. Of the total number of persons with disabilities, 366,600 (56.2 per cent) are male and 285,300 (43.8 per cent) are female; by age group, 12.2 per cent are children, 62.8 per cent are of working age and 25.0 per cent are older persons; 55.2 per cent live in urban areas and 44.8 per cent live in rural areas (annex 1).

109. A phased national plan of action approved by the Government was put in place in preparation for ratification of the Convention and has since been under way for the full and effective implementation of its standards and provisions.

110. The actions in the plan are aimed at harmonizing national law and mechanisms for the integration of persons with disabilities into society with the principles and standards of the Convention, ensuring and promoting the full enjoyment of all human rights and fundamental freedoms by all persons with disabilities without any discrimination on the basis of disability, including the provision of an accessible environment for persons with disabilities and the protection of their rights, and fostering positive social attitudes towards disability issues.

111. In 2013, demonstrating consistency in the improvement of national legislation, 32 laws and regulations were reviewed for their compliance with the provisions of the Convention. As a result of this work, on 3 December 2015, the Act amending certain legislative acts related to the protection of the rights of persons with disabilities was adopted, which introduced amendments to 24 pieces of legislation, including 4 codes. This eliminated gaps in legislation regarding the development of a barrier-free living environment for persons with disabilities, accessibility of services in the health-care system, education, transport, provision of information and protection of civil rights and freedoms.

112. One of the main factors in achieving the objectives set is the fact that the Government of Kazakhstan is in constant dialogue with civil society, which is extremely important for policymaking and plays a significant role in the identification and resolution of issues.

113. Systematic efforts have been made to involve organizations of persons with disabilities in the drafting process for laws, regulations and policies containing provisions that affect the interests of persons with disabilities.

114. Joint work with non-governmental organizations (NGOs) is carried out within consultative and advisory bodies such as the Coordinating Council on Social Protection of Persons with Disabilities attached to the Government of Kazakhstan and the Councils for Persons with Disabilities reporting to the local authorities in Astana, Almaty and the provinces.

115. Advisers on disability were established at the initiative of NGOs and with the support of the Ministry of Labour and Social Protection. In 2015–2016, the heads of all 16 provincial authorities and the Minister of Labour and Social Protection, the Minister of Education and Science, the Minister of Investment and Development and the Minister of Finance all had a person with a disability as an adviser.

116. NGO social projects enjoy State support under the Act on State Social Procurement, Grants and Awards for Non-Governmental Organizations in Kazakhstan.

117. Beginning in 2012, State funding for the projects of voluntary associations and organizations of persons with disabilities was increased by 1.5 billion tenge to reach 2.5 billion tenge in 2016.

## **Article 5**

### **Equality and non-discrimination**

118. National law does not contain any provisions that are discriminatory towards persons with disabilities.

119. In accordance with article 14 (1) of the Constitution, everyone is equal before the law and the courts. That means that equal individual rights and responsibilities, equal protection by the Government of those rights and equal responsibility before the law are established in the country.

120. Equality before the law means that it is the law that defines the concrete conditions and circumstances that enable human and civil rights and freedoms to be enjoyed. This principle is derived from the general constitutional provision on equality for all, regardless of origin, race or ethnicity, sex, education, language, attitude to religion, type and nature of occupation, place of residence or any other circumstances (Constitution, art. 14 (2)).

121. In accordance with the Social Protection of Persons with Disabilities Act, one of the main principles of government policy is to ensure equal rights for persons with disabilities and other citizens, including the rights to health care, education and free choice of occupation, including employment.

122. The legal regulation of the prohibition on discrimination on the basis of disability and the provision of reasonable accommodation are covered separately in paragraphs 80, 81, 86 and 87 of this report.

123. The anti-discrimination provisions in the area of employment and education rights are an example of affirmative action measures taken to achieve the de facto equality of persons with disabilities, taking into account their diversity.

124. Pursuant to the Labour Code (adopted on 23 November 2015), discrimination in the exercise of labour rights on grounds of origin, social, official or property status, sex, race, ethnicity, language, attitude to religion, beliefs, place of residence, age, disability status or membership of voluntary organizations is prohibited. This provision is reinforced by article 25 of the Labour Code, under which disability cannot restrict the right to conclude an employment contract.

125. One of the main principles of State education policy is the equal right of all persons to receive a high-quality education. In the area of education, the learning process takes place on the basis of mutual respect for human dignity among the students and teaching staff and with a respectful attitude to the rights of persons with disabilities at all levels of the education system (Education Act, arts. 3 and 28).

126. In Kazakhstan, everyone has the right to defend his or her rights and freedoms by all lawful means. Everyone has the right to judicial protection of their rights and freedoms (Constitution, art. 13).

127. In accordance with legislation, persons responsible for violating the rights and freedoms of persons with disabilities face administrative or criminal penalties or both (Social Protection of Persons with Disabilities Act, art. 38, and Administrative Code, arts. 83 and 84).

## **Article 6**

### **Women with disabilities**

128. Measures to ensure the advancement and empowerment of women and girls with disabilities in the areas of education, employment and medical, social and legal assistance are encouraged in the country.

129. The Government also takes measures to eradicate violence and eliminate all forms of discrimination against women and girls with disabilities.

130. As at January 2017, there were 285,272 women and girls with disabilities in Kazakhstan, of whom 34,585 were minors (annex 1).

131. In Kazakhstan, there are no gender differences in the provision by the State of social, medical, rehabilitation, information and other support measures to women and girls with disabilities.

132. Gender equality is also covered separately in paragraphs 93 to 97 of this report.

133. In Kazakhstan, in line with article 27 of the Constitution, maternity and childhood are protected by the State, childcare and child-rearing are the natural right and responsibility of parents, and adult children with the capacity to work are obliged to care for their parents without such capacity. State support is also provided for maternity.

134. All women, including women with disabilities, have the right to motherhood. This right is supported by the provision of health care to women, including women with disabilities, during pregnancy and childbirth. In the past five years, there have been 776 births of children to women with disabilities.

135. Kazakhstan has a developed network of family planning and reproductive health centres, which specialize in maintaining and restoring the reproductive functions of men and women, and which operate within well-woman clinics, hospitals and perinatal centres and even independently.

136. The network includes more than 478 family planning units, 93 youth health centres that provide confidential sexual and reproductive health services to adolescents and young adults, 16 mobile mother and child clinics that ensure access to health care for women and children living in remote rural regions and 150 telemedicine centres that are linked to the leading national clinics.

137. In 2012, Kazakhstan ratified the ILO Maternity Protection Convention, 2000 (No. 183). Kazakhstan currently meets all ILO standards on maternity protection, including the length of the maternity leave period and the provision of cash maternity benefits calculated on the basis of earnings subject to social insurance contributions.

138. The policy in Kazakhstan generally meets ILO standards on social welfare for women and children. The following cash benefits are paid:

- From the State social insurance fund – in the event of loss of income due to maternity, adoption of a newborn child or children or care for a child (biological or adopted) under the age of 1 (Mandatory Social Insurance Act);
- From the State budget – a one-off payment when the child is born and a monthly child allowance for children under the age of 1 (Act on State Benefits for Families with Children).

139. Kazakhstan exceeds the period of maternity leave recommended by the ILO (14 weeks) and provides women with 18 weeks of paid leave. If the woman lives in the nuclear radiation exposure zone, she is entitled to 24 weeks of leave.

## **Article 7**

### **Children with disabilities**

140. Children represent 12.2 per cent (79,662) of the total number of persons with disabilities. Most children with disabilities are under 16 years of age (72,149 or 90.6 per cent) (annex 1).

141. In Kazakhstan, children with disabilities have all human rights and freedoms and the protection of their interests guaranteed from birth (Children's Rights Act, Marriage and Family Code and other laws).

142. In accordance with the Children's Rights Act, all children have equal rights regardless of their origin, race and ethnicity, social and property status, sex, language, education, attitude to religion, place of residence, state of health and other circumstances relating to the child and his or her parents or other legal representatives. Laws and regulations intended to restrict children's rights are considered null and void from the moment of their adoption and cannot be enforced (Children's Rights Act, arts. 4 and 5).

143. The Children's Rights Act also provides that every child has the right to life, personal liberty and inviolability of dignity and privacy. It is prohibited to restrict children's rights.

144. The Government ensures the child's security of person and protects him or her from physical or psychological violence, cruel, brutal or degrading treatment, sexual abuse, incitement to criminal activity and antisocial acts and other actions contravening the human and civil rights and freedoms enshrined in the Constitution (Children's Rights Act, art. 10).

145. Every child has the right to freedom of speech and expression, freedom of conscience, an evolving level of public participation and the right to receive and impart age-appropriate information and choose to join voluntary associations, other non-profit organizations and peaceful legal assemblies (Children's Rights Act, art. 7 (3)).

146. Chapter 6 of the Children's Rights Act is devoted to the rights of children with disabilities and stipulates additional guarantees for children with disabilities and their families in the areas of employment and State assistance.

147. Social protection and medical and pedagogical remedial support is provided to children with disabilities under the Education Act, the Social, Medical and Educational Support for Children with Disabilities Act, the Special Social Services Act and the Social Protection of Persons with Disabilities Act.

148. The institutions working to protect children's rights in Kazakhstan are indicated in paragraph 72 of this report.

## **Article 8**

### **Awareness-raising**

149. The Government applies a consistent policy of awareness-raising, aimed at improving public awareness regarding persons with disabilities and instilling positive perceptions of persons with disabilities.

150. As part of a joint project of the Ministry of Labour and Social Protection and the UNDP office in Kazakhstan, 6,600 copies of the Convention and 4,000 leaflets, booklets, fliers and posters were printed and distributed to the regions and to organizations of persons with disabilities. The text of the Convention has been published in various formats – standard, large print for persons with visual impairments and Easy Read format for persons with intellectual disabilities.

151. The text of the Convention is available in Kazakh and Russian on the website of the Ministry of Labour and Social Protection at [www.enbek.gov.kz](http://www.enbek.gov.kz) and the Ádilet legal information system for laws and regulations at <http://adilet.zan.kz>.

152. For full implementation of article 8 of the Convention, a media plan for public awareness-raising campaigns, publications and press releases to foster positive social attitudes to disability issues is approved at central level and implemented.

153. In all regions of the country, working groups have been established to carry out awareness-raising activities with representatives from government entities, NGOs and parents' associations.

154. Awareness-raising campaigns have the following key objectives: disseminating the ideas, principles and resources to create an accessible environment for persons with disabilities; raising awareness throughout society regarding persons with disabilities and overcoming prejudices relating to persons with disabilities; producing and publishing study guides, information, reference materials, resource kits and guidelines on creating a barrier-free environment; ensuring tolerance of persons with disabilities by resolving the issues of their employment and education; promoting recognition of the capacities and contributions of persons with disabilities in all areas of public life.

155. Briefings, seminars, meetings and round tables are organized on a regular basis to discuss the most pertinent topics such as the rights and obligations of persons with disabilities, provision of services, general secondary and vocational education, finding employment, etc.

156. In the past three years, more than 100 national and regional media outlets have been involved in awareness-raising and have published more than 24,000 pages of electronic and print material on the rights of persons with disabilities and the achievements of persons with disabilities.

157. The national television channel Khabar has produced a programme called *Strong in Spirit*, which features persons with disabilities who have won authority and the respect of those around them by supporting their families and loved ones. Episodes of the programme can be viewed at <http://khabar.kz/ru/o-proekte-silnye-duhom>.

158. Positive perceptions of persons with disabilities have been promoted through publicity for the victories of Paralympic athletes, the organization of creative contests and the granting of community awards.

159. In 2013, the Ministry of Labour and Social Protection organized a nationwide contest called "Different and Equal" (information available at <http://convention.enbek.gov.kz/ru/node/21296>).

160. NGOs play a significant role in awareness-raising. For example, the charity Baurzhan organizes and presents the annual Samǵaý community award, while the Kazakhstan Confederation of Persons with Disabilities presents the Jan Shýaq award. Both prizes are awarded to persons with disabilities for their outstanding achievements in the fields of culture, sport, education and community work in Kazakhstan.

161. National organizations of persons with disabilities publish the magazines Jan and Jan Meyiri, which are primarily aimed at persons with disabilities.

162. Across the country, efforts are made to promote the contributions of employers and charitable organizations to fulfilling the rights of persons with disabilities. For example, in 2014, as part of the Government's annual corporate social responsibility contest Paryz (Presidential Decree No. 523 of 23 January 2008), an additional judging criterion was added to the "Best socially responsible enterprise" category, namely the implementation by the enterprise of social programmes aimed at the social adaptation of persons with disabilities (including the employment of the largest number of persons with disabilities). The annual nationwide prize Altyn Júrek, organized by the charity Baurzhan and supported by the Office of the President and the Ministry of Information and Communication, is awarded to private individuals and businesses that have carried out charitable and social work in Kazakhstan, including in the category "Caring for persons with disabilities".

163. According to a survey carried out in 2014, 46.3 per cent of persons with disabilities thought that the public had a positive attitude to disability issues.

## **Article 9**

### **Accessibility**

#### **Policy**

164. In view of the critical importance of ensuring that the physical environment, facilities and services open to and provided for the public are accessible to persons with disabilities, the Government is constantly striving to create the conditions in which persons with disabilities can live independently and participate fully in all aspects of life.

165. A number of State programmes, strategic plans of key ministries and territorial development programmes provide for measures and contain indicators relating to the creation of a barrier-free environment, accessible services and improved quality of life for persons with disabilities in all areas of public life, including education, health care, the workplace and physical culture and sports (annex 2).

166. An indicator of the accessibility of facilities for persons with disabilities, namely the proportion of social and transport infrastructure facilities that are accessible to persons with disabilities out of the total number of certified facilities, has been included in the basic indicators used to assess activities at the regional level. In 2016, the indicator stood at 77.4 per cent.

167. In order to streamline the activities and strengthen the accountability of local executive bodies, each province approves regional plans for the creation of a barrier-free environment for persons with special needs. These plans contain a list of the specific buildings and facilities that must be adapted to the needs of persons with disabilities. The regional plans are uploaded to a section of the website of the Ministry of Labour and Social Protection dedicated to the social protection of persons with disabilities ([http://convention.enbek.gov.kz/ru/adaptation\\_maps](http://convention.enbek.gov.kz/ru/adaptation_maps)).

#### **Existing legislation**

168. Article 25 of the Social Protection of Persons with Disabilities Act requires local executive bodies, individuals engaged in entrepreneurial activities and legal entities to ensure that persons with disabilities have unimpeded access to public transport and residential, public and industrial buildings, structures and areas and that they are able to find their way and freely move about in airports, railway stations, bus and coach stations, and sea and river ports.

169. The Act on Architectural, Urban Planning and Construction Activities sets out in full the essential requirements of a favourable environment for the everyday activities of persons with reduced mobility. It stipulates that localities should ensure optimal conditions and means of access for all groups, including persons with disabilities or reduced mobility, to workplaces and social, recreational, engineering and transport facilities (structures and links) in accordance with the nature and conditions of the locality. It further stipulates that State standards governing architectural, urban planning and construction activities should regulate all stages of the design and construction process and must be complied with by all entities carrying out architectural, urban planning or construction activities. The Act also stipulates that such entities are liable under Kazakh law for threats to the life or health of citizens, and for damage (harm) caused to State, public or private interests as a result of breaches of or derogations from mandatory regulatory requirements (conditions or restrictions).

170. The basic requirements for the accessibility of buildings, structures, means of transport and communication and information technology for persons with disabilities and other people with reduced mobility are set out in standardization documents (annex 3).

171. Following the signature of the Convention, efforts to ensure accessibility were stepped up in the following areas: improving existing legislation; standardization; strengthening accountability and monitoring of compliance with existing legislation; assessing the accessibility of transport and social infrastructure for persons with disabilities; legislative and financial resources for the provision of accessible transport and social infrastructure; and the accessibility of public services for persons with disabilities.

172. The Act of 3 December 2015 amending certain legislative acts concerning the protection of the rights of persons with disabilities introduced amendments with regard to the accessibility of social and transport infrastructure for persons with disabilities. These include creating a barrier-free environment at railway stations and airports; fitting passenger trains with carriages accessible to persons with disabilities; training transport workers to communicate with and provide services to persons with disabilities, including by sign language; and allocating dedicated parking spaces for special vehicles used by persons with disabilities, which other vehicles are not permitted to use, on squares, avenues, streets and residential estates.

173. Work is being done to bring existing standards and regulatory and technical documents into line with international requirements and standards for the creation of an accessible living environment for persons with disabilities. In 2012–2013, a list was compiled of 33 national standards containing the technical accessibility and safety requirements for devices and products for persons with disabilities, and 13 of the standards have been harmonized with international requirements.

174. On 1 July 2015, the following new accessibility standards were introduced: SN RK 3.06-11-2011 on the accessibility of buildings and structures for people with reduced mobility and SP RK 3.06-02-2012 on designing buildings and structures with due regard to accessibility for persons with disabilities (general provisions). These standards are based on the principles of universal design and reasonable accommodation.

175. Amendments were introduced to the provisions of SN RK 1.02.-03-211 on the procedure for developing, negotiating, approving and compiling construction plans in order to ensure that architectural plans include measures to guarantee accessibility for persons with disabilities and other people with reduced mobility and create equal living conditions for them at the facility being designed and to establish the requirement that construction projects must be approved by the social protection bodies (Order No. 107-NK of 18 November 2014 of the Committee for Construction, Housing, Communal Services and Land Management under the Ministry of Economic Affairs).

### **State monitoring**

176. State monitoring of compliance with construction standards and rules is defined in the Act on Architectural, Urban Planning and Construction Activities. Such activities are managed by the State Architectural and Construction Monitoring directorates.

177. From the very beginning of a construction project, and before a facility can open, compliance with State standards concerning accessibility for people with reduced mobility is subject to special monitoring.

178. Following their inspections in 2016, directorates of the State Architecture and Construction Inspectorate identified 110 breaches of regulatory requirements regarding accessibility for persons with special needs, and 91 directives to remedy the breaches were issued.

179. In Kazakhstan, the failure by an official, individual engaged in entrepreneurial activities or a legal entity to provide unimpeded access to social and transport infrastructure is an administrative offence.

180. The Code of Administrative Offences stipulates that, where it constitutes a failure to ensure the accessibility of social and transport infrastructure, a breach of the legislation on the social protection of persons with disabilities carries a fine of 50 times the monthly calculation index for officials, 120 times for small businesses, 200 for medium-sized businesses and 400 times for large business entities.

181. Since 2015, the departments of the Labour, Social Protection and Migration Committee carried out 123 random and 287 unscheduled inspections of the accessibility of social and transport infrastructure to persons with disabilities. As a result of these inspections, 375 entities were issued with orders to eliminate breaches, 203 of which received administrative fines amounting to 26.9 million tenge.

## **Certification**

182. Since 2012, the accessibility of social and transport infrastructure to persons with disabilities has been assessed in all regions through a stocktaking and certification process, and the infrastructure in question has subsequently been adapted to the needs of persons with disabilities.

183. Members of public councils, who include representatives from the media, civil society associations and other representatives of civil society, are involved in conducting and monitoring the stocktaking and certification process.

184. In the period 2012–2016, 27,828 facilities underwent this process. Of these, 17,506 (62.9 per cent) were found not to be accessible and to be in need of adaptation (annex 4).

185. Some 11,212 facilities (77.4 per cent) have been adapted with funding from local budgets and the “Employment Road Map 2020” programme.

186. The Ministry of Labour and Social Protection and UNDP have developed and launched an interactive accessibility map as part of a joint project. It can be found at friendlybuilding.kz. Information on the country’s certified and adapted facilities may be uploaded to the portal, and users can see how extensively facilities have been adapted and verify the accuracy of the information provided. All registered users are able to assess how well each facility has been adapted and add comments with attached photographs.

## **Transport infrastructure**

### **Railway transport**

187. On 1 January 2014, national standards were adopted to monitor the quality of the services provided on trains and at railway stations. They establish requirements for accessibility to persons with special physical needs. At the end of 2015, compliance with the requirements established by these national standards stood at 33 per cent.

188. Railway stations of all kinds are subject to accessibility requirements: there must be parking spaces reserved for persons with disabilities; the entrances to buildings and internal staircases and passages must be adapted; information display devices and means of communication accessible to persons with visual or hearing impairments must be installed; a spare wheelchair must be available; specialized payphones must be installed; and railway carriages must be equipped with lifting devices and special seating.

189. Currently, 31 carriages operating across 18 routes are equipped with devices to lift wheelchairs, and the corridors and spaces between carriages have been refurbished for ease of movement. The compartments accommodate two passengers: a specially equipped space for a person with disabilities and one for his or her companion.

190. Railway station staff and railway conductors help passengers with special needs to board and disembark from trains. These duties are set out in their job descriptions.

## **Transport infrastructure**

### **Road transport**

191. National standards (Services at central bus stations, bus stations and passenger service points and Regular and occasional road transport services for bus and coach stations, passenger pick-up points and buses) establish requirements for safe and convenient services for persons with disabilities. In addition, the standards set out in the Road Transport Act require economic entities to comply with national standards and offer incentives for the provision of transport services for passengers with disabilities.

192. The rules governing the provision of road transport services for persons with disabilities establish a general procedure and conditions for the accessibility of the transport environment to persons with disabilities (equipping motor vehicles with special devices, signage and equipment): on inter-city buses (class II), long-distance buses (class III), taxis and the taxi service for persons with disabilities known as “Invataksi”. The rules apply throughout Kazakhstan and are binding on all individuals and legal entities, whatever their form of incorporation.

193. These amendments to road transport legislation will require carriers to acquire new buses adapted for use by passengers with special needs or to adapt existing buses.

194. In 2014–2016, 452.4 million tenge were set aside from the national budget to put up 16,722 special road signs and traffic symbols in the regions and to fit 465 pedestrian crossings with audible signals in areas in which organizations serving persons with disabilities are located.

### **Transport infrastructure**

#### **Air transport**

195. Since 2016, the rules for the provision of passenger services at airports have established requirements for the enforcement of international service quality standards for persons with reduced mobility. The rules establish requirements for parking spaces, car parks, public transport stops and meeting points outside railway stations; customer and after-sales services; the speed and comfort of air passenger transport services; and information services and staff training.

196. With regard to airports and airlines, persons with disabilities are assisted in clearing customs and border checks and other formalities and are given special seating on board the aircraft. Six airports (Aktau, Aktobe, Almaty, Astana, Karaganda and Kokshetau) have special elevators, escalators and areas, information displays in Kazakh and Russian, illuminated signs and displays, and lavatories fitted with buttons for requesting medical assistance; nine airports (Aktau, Aktobe, Almaty, Astana, Jezkazgan, Karaganda, Kokshetau, Oskemen and Shymkent) have ramps at their entrances and exits, wheelchairs for persons with disabilities and special handrails in the lavatories.

#### **Public services**

197. The Government recognizes that the State must lead by example in ensuring accessibility and thus achieving effective results and is doing everything possible to make public services accessible to persons with disabilities.

198. The Public Services Act, adopted on 15 April 2013, requires service providers to create the necessary conditions in which persons with special needs can access public services and to train staff to communicate with persons with disabilities.

199. In accordance with specific public service standards, specialists travel to meet persons with disabilities who are not able to present themselves in person so as to receive and issue completed documentation at their place of residence. Provisions of this kind are contained in the public service standards of the local bodies of the Ministry of Internal Affairs, the Civil Service and Anti-Corruption Agency (Testing of civil servants, applicants for vacant administrative posts in the public sector and citizens entering law enforcement service for the first time), the Ministry of Finance (Registration of sole traders) and the Ministry of Justice (State registration of rights to and encumbrances on real property).

200. State bodies have versions of their websites for persons with visual impairments.

201. In accordance with the approved Social Development Framework for the period up to 2030, the Government is planning to make Kazakhstan barrier-free for persons with special needs and older persons by 2030.

## **Article 10**

### **Right to life**

202. The right of all persons to life is enshrined in article 15 (1) of the Constitution. No one has the right to deprive a person of life arbitrarily.

203. The Criminal Code establishes the offences of murder, the murder of the mother of a newborn, murder as a crime of passion and offences that result in loss of life.

204. Restricting the application of the death penalty is an important element of the right to life. The Constitution stipulates that the death penalty is the ultimate sanction of the law

for acts of terrorism that entail loss of life and for especially serious offences committed in wartime and that those sentenced have the right to petition for clemency (Constitution, art. 15 (2)).

205. Death sentences are in practice not imposed. Sentences of life imprisonment were introduced as an alternative to the death penalty on 1 January 2004. The death penalty is not imposed on persons who have committed the offence when aged under 18 years, or women or men over 63 years.

206. The State offers free medical care to all persons, including persons with disabilities, in order to preserve human life and health. In fulfilment of the country's international obligations, the Code on Public Health and the Health-Care System prohibits euthanasia, as the right to life is inalienable.

## **Article 11**

### **Situations of risk and humanitarian emergencies**

207. Kazakhstan has a State civil protection system.

208. Kazakhstan ensures the protection and safety of persons with disabilities and other persons in situations of risk caused by humanitarian emergencies or natural disasters in accordance with the Counter-Terrorism Act of 13 July 1999, the Act on States of Emergency of 8 February 2003 and the Civil Protection Act of 11 April 2014.

209. Article 18 of the Civil Protection Act guarantees all citizens, including persons with disabilities, the right to obtain advance warning about emergency situations to which they may be exposed and essential safety measures; to protection of life, health and personal property in the event of an emergency; to compensation for harm to their health and damage to their property resulting from natural and human-caused emergencies, in the manner prescribed by law; and to submit court claims for compensation for harm to their health, and damage to their property, resulting from natural and human-caused emergencies.

210. Kazakhstan has a unified 112 emergency response service, which receives and processes communications from individuals and legal entities regarding the risk or occurrence of emergency situations, fires, threats to life or of harm to health and other events requiring emergency measures to be taken in coordination with the emergency services, within the limits of their powers.

211. In accordance with existing legislation, telephone companies must offer free assistance to the 112 service in identifying the location of callers and sending short text messages to their mobile phones in the event of a threat or emergency. This provision ensures that persons with hearing impairments receive information on their mobile phones on an equal basis with others. In Kazakhstan, persons with hearing and visual impairments receive mobile telephones paid for from the State budget.

212. State regulations governing architecture, city planning and construction establish safety requirements for buildings and structures accessible to people with reduced mobility in the event of fires, emergency situations and natural hazards (Building standard SN RK 3.06.2011 on the accessibility of buildings and structures to people with reduced mobility and Code of practice SP RK 3.06-02-2012 on designing buildings and structures with due regard to accessibility for persons with disabilities (general provisions).

## **Article 12**

### **Equal recognition before the law**

213. In Kazakhstan, all persons with disabilities have the right to legal protection on the same basis as others. All citizens are equal before the law and the courts, which fully includes persons with disabilities.

214. Civil legislation includes the concepts of "legal capacity" (the capacity to possess civil-law rights and bear responsibilities) and "dispositive capacity" (the capacity of a

citizen, by his or her actions, to acquire and exercise civil-law rights, to create civil-law responsibilities for himself or herself and to perform them).

215. No one may have their legal or dispositive capacity limited in any circumstance or manner other than those established by law.

216. In Kazakhstan, persons with disabilities have the right to participate fully in civic life, to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit.

217. Citizens who are incapable of understanding the significance of their actions or controlling them on account of a mental illness or an intellectual disability may be declared by a court to lack dispositive capacity and consequently placed under guardianship. The guardian of a person declared to lack dispositive capacity carries out transactions on his or her behalf. If such a citizen makes a recovery or his or her health significantly improves, he or she is to be declared by a court to have dispositive capacity and subsequently released from guardianship.

## **Article 13**

### **Access to justice**

218. All persons in Kazakhstan have the right to the legal protection of their rights and freedoms.

219. The Code of Civil Procedure of Kazakhstan contains the following provisions to protect the rights and interests of persons with disabilities in civil proceedings:

- A witness may be examined by the court at his or her place of residence if a disability prevents him or her from appearing in court following a summons;
- Judges preparing cases for trial and courts hearing cases involving persons with category I or II disabilities must fully exempt them from paying for legal assistance and reimburse, from budget funds, any expenses related to representation;
- If one of the parties to the proceedings has a hearing impairment, the court is to hire a sign language interpreter.

220. The Code of Civil Procedure provides for the creation of audiovisual recordings of court hearings, which helps to ensure that persons with visual impairments are able to exercise their right of access to information. The parties to the proceedings or their legal representatives have the right to consult the audiovisual recording of a hearing and submit comments on its content.

221. Under the legislation currently in force, court hearings in both criminal and civil cases may be held by videoconference. Citizens with special needs may use this technology to defend their rights, as it allows those who live in remote areas to participate in the court hearing online, from their nearest court.

222. According to Supreme Court data, between 2012 and 2016, the courts considered 10,221 civil suits or cases involving persons with disabilities, of which 1,192 concerned family matters, 1,710 labour matters, 552 housing matters, 106 land matters and 6,661 other matters. Audiovisual recordings of the proceedings were made in 1,765 of the cases.

223. Work is under way to ensure the accessibility of 324 court buildings to persons with disabilities, including wheelchair users. There are 28 court buildings that offer unhindered access, and ramps have been installed for persons with reduced mobility in 255 buildings. Handrails are gradually being installed in court lavatories (90 court buildings have been fitted so far), and 86 courts have tactile communication. Special signs are being installed to designate parking spaces for persons with disabilities.

224. In 2014, the website of the judicial system was modernized for greater accessibility to citizens. The website provides access to information from 370 of the country's courts through a single interface and the judicial portal. The judicial portal allows users to prepare and submit communications, applications, complaints and petitions electronically, pay the State fee online, confirm the payment of the State fee, monitor the progress of a case and

review it online, obtain court documents and notifications promptly and consult distillations of judicial practice. Persons with special needs can access all judicial services remotely without having to travel to court. A version is being prepared for persons with visual impairments. Work is under way to provide audio descriptions on the website of the judicial system for persons with special needs.

225. The Supreme Court and the training centres of provincial and related courts regularly carry out activities to raise awareness of the rights of persons with disabilities among judges and judicial officials. In 2016, in order to ensure effective access to justice for persons with disabilities, the country's courts conducted 11 workshops, round tables and training events in which more than 150 judges and 50 judicial officials took part. Lectures on the ratification of the Convention were delivered as part of further training courses conducted jointly with the Justice Academy under the Supreme Court.

226. In accordance with the Advocacy Act, lawyers provide legal assistance free of charge (covered by the State budget) to persons with category I or II disabilities if the dispute being considered by the court does not concern business activities. In the period 2012–2016, 5,623 persons with disabilities received legal assistance.

227. Pursuant to article 541 of the Code on Taxes and Other Obligatory Payments to the Budget, the following are exempt from paying the State courts fee:

- Plaintiffs with disabilities or the parents of persons who have had disabilities since childhood (all cases and for all documents);
- Civil society associations of persons with disabilities or organizations established by them in which at least 35 per cent of workers have a hearing, speech or visual impairment (when they submit claims on their behalf).

## **Article 14**

### **Liberty and security of the person**

228. The Constitution guarantees everyone, including persons with disabilities, human rights and freedoms (art. 12) and the right to liberty and security of the person (arts. 16 to 18). Unlawful and arbitrary deprivation of liberty, including on the ground of disability, is not tolerated.

229. In accordance with the Criminal Code and Code of Criminal Procedure, court-ordered coercive measures of a medical nature may be applied in respect of persons declared to be of unsound mind. This is understood to be a state in which a person who, at the time a criminal or socially dangerous act was committed, could not have been aware of the actual nature and social harm of his or her actions or omissions or have been able to control them, owing to chronic mental illness, a temporary mental disorder, an intellectual disability or any other cognitive impairment.

230. Only a court may order a person to be detained, remanded or held in custody. Prior to the issuance of such an order, no one may be detained for more than 72 hours (Constitution, art. 16).

231. In order to prevent unlawful or arbitrary detention, including that of persons with disabilities, and ensure that any deprivation of liberty complies with the law, the Criminal Code establishes the following offences: abduction (art. 125); unlawful deprivation of liberty (art. 126); and unlawful admission to a psychiatric institution (art. 127).

232. There is a specific procedure for the enforcement of penalties against persons with disabilities. This is due to the need to take account of their health status and physical capabilities. Penalties enforcement legislation affords them certain special conditions and benefits: improved living conditions and enhanced nutritional standards; facilities equipped with assistive technology; the right to receive parcels and consignments of medicines and medical products in the quantity and range determined by a medical opinion; and the right to leave the institution accompanied by a spouse, relative or other accompanying person.

233. Following the ratification of the Convention, the rules governing the provision of assistive technology and mobility aids to persons with disabilities serving prison sentences or held in custody were approved pursuant to Ministry of Internal Affairs Order No. 1088 of 28 December 2015.

234. In 2016, the number of persons with disabilities in the penal system stood at 740, and 254 (with suspended sentence) were registered with the probation services. Over the previous five years, the number of persons with disabilities deprived of their liberty for committing offences has fallen and the number who have received suspended sentences has increased.

235. Persons with category I or II disabilities may not be detained for administrative offences (Code of Administrative Offences of 5 July 2014, art. 50 (2)).

## **Article 15**

### **Freedom from torture or cruel, inhuman or degrading treatment or punishment**

236. In accordance with article 17 of the Constitution, no one may be subjected to torture, violence or other cruel or degrading treatment or punishment. Persons with disabilities in Kazakhstan are protected from torture and cruel, inhuman or degrading treatment or punishment. The dignity of the person is inviolable and protected by the State.

237. Kazakhstan is a party to all the main international legal instruments for the prevention of torture.

238. In Kazakhstan, the national preventive mechanism is a system for the prevention of torture and other cruel, inhuman or degrading treatment or punishment and operates through the work of members of the national preventive mechanism, with the Office of the Human Rights Commissioner playing a coordinating role.

239. The penalties enforcement legislation of Kazakhstan is based on strict observance of guarantees of protection against the torture, violence and other cruel or degrading treatment of convicted persons (Penalties Enforcement Code, arts. 10 and 39).

## **Article 16**

### **Freedom from exploitation, violence and abuse**

240. The Criminal Code of Kazakhstan protects persons with disabilities from cruel treatment, violence and exploitation on an equal basis with others. In addition, the Criminal Code specifically provides for more stringent penalties for acts committed to exploit individuals who have mental disorders or are in a helpless state.

241. Forced labour is prohibited in Kazakhstan.

242. In the exercise of their parental rights, parents must not cause harm to a child's physical or psychological health or moral development. During their upbringing, children must not be subjected to neglectful, cruel, brutal or degrading treatment, humiliation or exploitation (Marriage and Family Code, art. 72).

243. If parents treat their children cruelly, including by subjecting them to physical violence or psychological abuse, or infringe their sexual inviolability, one or both parents may be deprived of their parental rights (Marriage and Family Code, art. 75) or a court may decide, taking into account the best interests of the children, to remove them from one or both parents without depriving them of their parental rights (Marriage and Family Code, art. 79).

244. According to a sample survey, 2.3 per cent of respondents with disabilities aged over 18 years have been subjected to psychological abuse, 1 per cent to physical violence and 0.9 per cent to economic and sexual violence. The respondents noted that the violence tended to be perpetrated in public places (34.2 per cent), by neighbours on the street (30.5 per cent) and by relatives in the home (14.3 per cent).

245. In Kazakhstan, comprehensive measures are being taken to ensure that persons with disabilities who are victims of violence have access to effective recovery, rehabilitation and social reintegration services and programmes.

246. In accordance with the Act on Special Social Services, persons who have been subjected to ill-treatment resulting in social exclusion and deprivation may be recognized as being in difficult circumstances and as having the right to receive services and assistance.

247. In 2014, the Ministers of Internal Affairs, Education and Science and Health and Social Development issued a joint order approving the criteria for assessing whether a person has been subjected to ill-treatment resulting in social exclusion and deprivation.

248. Kazakhstan has adopted the Domestic Violence Prevention Act and a standard for the provision of special social services to victims of domestic violence, which was approved by Order No. 1079 of 21 December 2016 of the Minister of Health and Social Development.

249. The rights of victims of crime and abuses of power are protected by law. The State guarantees victims access to justice (Constitution, art. 13). Criminal proceedings serve to protect individuals, society and the State from criminal offences, false charges or wrongful convictions and the unlawful restriction of human rights and freedoms and the rights and freedoms of citizens. Innocent persons who have been falsely charged or wrongfully convicted are immediately and fully rehabilitated. Criminal proceedings also help to strengthen the rule of law and law and order, prevent criminal offences and inspire respect for the law (Code of Criminal Procedure, art. 8).

## **Article 17**

### **Protecting the integrity of the person**

250. Kazakh law establishes the right of persons with disabilities to respect for their physical and mental integrity.

251. Compulsory treatment may be administered solely on the basis of a court decision. Medical assistance may be provided without the consent of citizens only if they are in a state of shock or a coma and are thus incapable of expressing their will, if they are suffering from an illness that presents a danger to others, if they are suffering from a severe mental disorder or illness or if they are suffering from a mental disorder or illness and have committed a socially dangerous act.

252. In 2016, 190,945 persons with mental disorders were registered with the health-care authorities. They include 55,364 who underwent treatment and rehabilitation voluntarily and 280 who did so by force.

253. The requirement to give consent for an organ transplant is another measure aimed at protecting persons with disabilities from medical or other procedures performed without their free and informed consent (Code on Public Health and the Health-Care System, art. 88 (1), subpara. 12). This provision was introduced as part of an effort to modernize national legislation, including as part of the implementation of the Convention.

254. In Kazakhstan, every woman may decide for herself whether she wishes to have a child. Abortion is permitted at a woman's request and with her free and informed consent.

255. Between 2012 and 2016, 213 cases of termination of pregnancy were recorded for women with disabilities, including 201 on medical grounds and 12 on social grounds.

256. Surgical sterilization as a medical intervention aimed specifically at preventing a person from being able to produce offspring or as a method of contraception may be performed only at the written request of a person at least 35 years of age or having at least two children, or on medical grounds with the consent of an adult, regardless of age or number of children (Code on Public Health and the Health-Care System, art. 103).

## **Article 18**

### **Liberty of movement and nationality**

257. All persons who are legally present in the territory of Kazakhstan have the right to move freely within its territory and to select their place of residence; all persons have the right to leave the Republic. Citizens have the right to return to the Republic without hindrance (Constitution, art. 21).

258. The Citizenship Act does not establish any restrictions on the acquisition of citizenship by a person with disabilities. Pursuant to its provisions, a Kazakh citizen may under no circumstances be stripped of citizenship or the right to change his or her citizenship and may not be exiled from the territory of Kazakhstan.

259. The principles governing Kazakh citizenship and the relevant regulations prohibit any restriction of citizens' rights on social, racial, ethnic, linguistic or religious grounds (Citizenship Act, art. 5). Citizenship is acquired and rescinded in accordance with the law and is identical and equal regardless of the basis on which it was acquired.

260. The basis on which Kazakh citizenship may be acquired "by birth" is set out in national legislation. A child may acquire citizenship if, at birth, one or both of his or her parents had Kazakh citizenship (regardless of the child's place of birth). A child acquires Kazakh citizenship if he or she was born in the territory of Kazakhstan, even if his or her parents are stateless persons (Citizenship Act, as amended on 22 December 2016).

261. In accordance with article 46 of the Marriage and Family Code, all children are registered immediately after their birth. From birth, all children have the right to a name, to acquire citizenship and, to the extent possible, to know and to be cared for by their parents. The Code does not contain any provisions that place restrictions on a child on the basis of physical criteria. All children, including children with disabilities, must therefore be registered at birth with a registration authority.

## **Article 19**

### **Living independently and being included in the community**

262. In Kazakhstan, persons with disabilities may choose their place of residence on an equal basis with others. No one may be arbitrarily deprived of housing.

263. According to a sample survey, 96.1 per cent of the persons with disabilities surveyed lived in private houses and apartments, nearly 2 per cent in residential medical and social care facilities and 0.9 per cent in hostel rooms. A further 0.9 per cent declared a dacha or other type of property as their place of residence.

264. In order to guarantee the right of persons with disabilities to a place of residence, article 26 of the Social Protection of Persons with Disabilities Act provides that local executive bodies must maintain a list of persons with disabilities in need of housing and provide them with homes. They must also ensure that the housing provided to persons with disabilities or families in which a member has a disability has been specially fitted out and equipped.

265. Persons with category I and II disabilities and families who have or are bringing up children with disabilities have the right to housing in municipal residential properties or housing in privately owned residential properties leased by the local executive body (Housing Act, art. 67 (2)).

266. Persons in need of housing in a particular area are placed on a register maintained by the local executive body.

267. In accordance with housing legislation, persons with disabilities have the right to select their housing, taking into account the floor on which it is located, the type of building, the availability of amenities and other necessary factors.

268. Following the ratification of the Convention, the Housing Relations Act was amended to ensure that persons with locomotor impairments are not housed above the first

floor, that persons with category III disabilities are included in the list of persons who cannot be evicted from service lodging unless suitable alternative housing has been provided and that persons with disabilities retain their right to housing if they spend a period in a social or medical institution.

269. According to the local executive bodies, at the end of 2016, 26,293 families in which a member had a disability were on the waiting list for public housing. Over the period 2012–2016, 2,021 persons with disabilities received housing.

270. The Act on Special Social Services, which grants children with disabilities, older persons and persons with disabilities aged over 18 years the right to receive services at home and at day-care facilities near their place of residence on the basis of an individual rehabilitation programme, seeks to ensure that persons with disabilities can live independently and be included in the community in keeping with the Convention.

271. Persons with disabilities who require regular assistance receive various social services, namely welfare, medical, psychological, pedagogical, vocational, cultural, economic and legal services, free of charge (covered by the State budget) at their place of residence or at a location near their place of residence.

272. Kazakhstan has:

- 53 State day-care centres for 5,285 older persons, persons with disabilities and children with neuropsychiatric disorders or locomotor impairments;
- 508 State home help departments, including 141 departments for persons with disabilities and persons with disabilities aged over 18 years who have neuropsychiatric disorders, 301 for older persons and persons with disabilities and 66 mixed departments. Social workers provide services at home to 13,974 persons in need of constant comprehensive care.

273. NGOs have a special role to play in ensuring the inclusion and participation of persons with disabilities into the community. As at late 2016, 106 NGOs were providing special social services to 6,291 persons at their place of residence through State social procurement contracts.

274. The implementation of the policy of providing special social services at the recipient's place of residence and the simultaneous adoption of family assistance measures have made it possible to return 626 children with neuropsychiatric disorders to their families from residential medical and social care facilities.

275. The priority areas for further refining social policy in order to ensure persons with disabilities an independent life in the community include developing innovative forms of social services (developing small-capacity homes, independent living, foster placements, etc.) and promoting competition in the provision of social services for such persons.

## **Article 20**

### **Personal mobility**

276. The Government is taking measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- Taking measures to remove barriers and create an accessible environment;
- Providing persons with disabilities with assistive technology and mobility aids;
- Providing accessible transport services;
- Offering the services of personal assistants and sign language specialists;
- Training specialist staff to work with persons with disabilities.

277. The measures taken to ensure the accessibility of social and transport infrastructure are described in the section of this report on article 9 of the Convention.

278. In order to facilitate personal mobility for persons with disabilities, the State works to provide them with assistive rehabilitation devices, one purpose of which is to ensure their

personal mobility. Each year, persons with disabilities receive over 100,000 products free of charge to replace missing body parts or compensate for body functions that have been impaired or lost through illness or injury.

279. In line with their individual rehabilitation programmes, persons with disabilities are provided with assistive devices and mobility aids from those included in the list approved by Government Decision No. 754 of 20 July 2005 (annex 5).

280. Following the ratification of the Convention, the list of assistive rehabilitation devices was updated, and in 2017 it will be expanded significantly (from 32 to 55 models).

281. Prosthetics and orthopaedics companies manufacture around 90 models of prosthetic and orthopaedic products: orthoses, prosthetic upper and lower limbs and breasts, accessories for them, devices, orthopaedic shoes, supports, back braces, canes, crutches, walking frames and technologically advanced prostheses. They also carry out repairs.

282. The following have been developed and put into production: below-knee prosthetics using a new process for the manufacture of interim sealing sleeves; above-knee prosthetics using a new process for the manufacture of sealing sleeves made of *ThermoLyn* by vacuum forming; above-knee prosthetics with silicone liners; and new models of orthopaedic footwear in new styles and with a greater assortment of accessories (insoles, supports and braces).

283. Protecting the right of persons with disabilities to high-quality and safe technical aids is a priority. The production of prosthetic and orthopaedic items is governed by 17 State technical standards for the rehabilitation of persons with disabilities.

284. In 2016, 24,700 persons with disabilities received prosthetic and orthopaedic products and related rehabilitation services, including training in prosthetic mobility skills.

285. Transport services for persons with disabilities are paid for both from the State budget and at the personal expense of such persons.

286. The regulations on the provision of motor vehicle transport services for passengers with disabilities, approved by Ministry of Transport and Communication Order No. 859 of 1 November 2013, stipulate that sole traders and corporations that organize the carriage of passengers and luggage must have at least 1 taxi adapted for passengers with disabilities who use mobility aids for every 30 taxis in their fleets. Persons with disabilities who use these taxis pay the standard fare.

287. Throughout the country, local executive bodies organize taxi services for persons with disabilities through a social-sector procurement process among NGOs.

288. Persons with disabilities are taken, free of charge, to and from: their places of work; educational institutions; local representative and executive bodies; courts, the procurator's office and notaries' offices; medical institutions (unless it is an emergency in which immediate medical assistance is required); airports, railway stations, bus stations and river and sea ports; and organizations that provide special social services and other social facilities.

289. Kazakhstan has 89 taxi services for persons with disabilities, and their fleets comprise 211 motor vehicles, 140 of which have been fitted with special lifting devices. Each year, around 25,000 persons with disabilities use these services, 31.7 per cent of whom are wheelchair users and 21.3 per cent of whom have visual impairments. In the period 2014–2016, 534.2 million tenge was spent from local budgets on such services.

290. Following the ratification of the Convention, the Government took measures to support and further develop local taxi services for persons with disabilities. Since 2014, 306.1 million tenge has been set aside for this purpose from the national budget.

291. Reduced public transport fares for persons with disabilities are also helping to increase their personal mobility. In the majority of regions, reduced fares for persons with disabilities for travel by all forms of urban and suburban public transport have been introduced pursuant to decisions of the local authorities.

292. In addition to the measures undertaken to ensure unimpeded access for persons with disabilities to public transport services, the State is taking steps to facilitate travel in private vehicles for such persons.

293. In accordance with the Social Protection for Persons with Disabilities Act, every parking area, including those near retail and service facilities and medical, sports, cultural and entertainment venues, must allocate parking spaces for special vehicles belonging to persons with disabilities. These spaces must not be occupied by other vehicles. Persons with disabilities can park their special vehicles free of charge.

294. Persons with disabilities of all categories, along with one of the parents of a person who has had a disability since childhood, are exempt from paying the official fee when obtaining a registration plate for a motor vehicle, trailer or motorbike (Code on Taxes and Other Obligatory Payments to the Budget (Tax Code), art. 546 (7)).

295. The Civil Code (art. 937) provides for the right of persons who acquired a disability from a workplace injury or occupational illness to compensation for the costs incurred as a result of the health impairment, including the right to special transport (motor vehicles) in accordance with the established procedure. These costs are borne by the employer who caused harm to the employee's health.

296. In Kazakhstan, 17,756 persons with category I disabilities who have mobility impairments are provided with services by personal assistants. Personal assistants also accompany persons with disabilities from their places of residence and back again when they travel for the purposes of training, finding employment, protecting and realizing their rights and interests, obtaining information, completing essential paperwork, engaging in leisure activities, and accessing goods and services.

## **Article 21**

### **Freedom of expression and opinion, and access to information**

297. In Kazakhstan, persons with disabilities are, like all persons, guaranteed freedom of expression and creativity. Censorship is prohibited. Everyone has the right to freedom of conscience (Constitution, arts. 20 and 22).

298. The Constitution enshrines the right of all citizens to associate freely. Article 32 of the Constitution establishes the right of all citizens to assemble peacefully and unarmed and to conduct meetings, rallies, demonstrations, processions and pickets. They have the same right as others to exercise their electoral rights and participate in media activities.

299. Pursuant to article 33 of the Constitution, citizens have the right to participate in affairs of State directly and through their representatives, the right to submit petitions in person and the right to send individual and collective petitions to State bodies and local self-government bodies. These rights are fully extended to include persons with disabilities. In addition, persons with disabilities are able to express their opinions through the more than 30 civil society associations that they have established in the country, and persons with disabilities who are in work are able to do so through trade unions.

300. In accordance with article 9 (2) (7) of the Access to Information Act of 16 November 2015, bodies that hold information must ensure that it is accessible to persons with disabilities. Pursuant to article 12 (1) of the Act, when displaying information on noticeboards or using similar methods, such bodies must ensure that it is freely accessible to persons with disabilities.

301. The provisions of existing legislation that concern access to information for persons with disabilities are described in paragraphs 78 and 79 of this report.

302. In accordance with article 30 (1) of the Radio and Television Broadcasting Act, there must be at least one current affairs programme on television with sign language interpretation or subtitles. Each year, funding is made available to broadcast a current affairs programme with sign language interpretation on 14 regional television channels twice a day. Over the period 2014–2016, 957.8 million tenge was set aside from the national budget for this purpose.

303. Some 3,618 persons with hearing impairments receive 60 hours of services from sign language specialists a year (30 hours a year before 2017). These services enable deaf persons to communicate with others, receive information, make decisions relating to training, work and the protection and realization of their rights and interests, receive information from State bodies and advisory organizations and complete essential paperwork.

304. With due regard to the importance of information technologies and the Internet as a global source of information, the Government has included specially equipped laptops with special accessories and software and modern mobile telephones for persons with hearing and visual impairments in the list of assistive rehabilitation devices (see paras. 279 and 280).

305. Information on the official websites of all central State and local executive bodies is available in accessible and adapted formats for persons with disabilities at no additional cost.

306. In 2014, as part of a joint project with UNDP, a new information portal on the social protection of persons with disabilities was launched. It is a special section on the website of the Ministry of Labour and Social Protection. The portal contains the texts of legislation on the social protection of persons with disabilities, regional news, photo and video stories, updates and monitoring the implementation of employment and facility adaptation mapping, infographics and surveys (<http://convention.mzsru.gov.kz>).

307. In order to guarantee the access of civil society associations of persons with disabilities to statistics, the Ministry of Labour and Social Protection website contains a map of social risks (<http://ekarta.eisz.kz>), which displays data from the health-care, education, social protection and internal affairs systems, including data on the number of persons with special needs (persons with disabilities), persons with a degree of incapacity for work, the number of older persons in residential medical and social care facilities, the number of child orphans and children without parental care, the crime rate and the number of persons with tuberculosis. This map is used to monitor social well-being at the regional level.

## **Article 22**

### **Respect for privacy**

308. The Constitution guarantees the right to privacy of all persons, including persons with disabilities. All persons have the right to secrecy regarding their investments and savings, correspondence, telephone conversations, and postal, telegraphic and other communications. The home is inviolable. No one may enter a home against the will of those who live there except in the circumstances prescribed by law or pursuant to a court decision. Entry into homes and searches or inspections of them are permitted only in the circumstances and the manner prescribed by law. No one may be deprived of housing by any means other than a court decision.

309. The right of persons with disabilities to the privacy of personal and health information on an equal basis with others is established in civil (Civil Code, art. 115 (3)), administrative (Code of Administrative Offences, art. 16) and criminal legislation (Criminal Code, art. 147).

310. The Data Protection Act of 21 May 2013 remains in force. Its provisions apply to persons with disabilities.

## **Article 23**

### **Respect for home and the family**

311. In accordance with article 27 of the Constitution, the State protects marriage, family, parenthood and childhood. Under Kazakh law, marriage is not subject to any restrictions on the basis of disability.

312. The Marriage and Family Act defines marriage as an equitable union between a man and a woman based on equal rights with the free and full consent of the parties, in accordance with the procedure prescribed by law, for the purpose of founding a family, giving rise to property and personal non-property relations between the spouses. The age of marriage is 18 years for men and women. The age of marriage may be lowered by a maximum of two years if there are valid reasons. Kazakh legislation contains a list of persons who may not marry, and persons with disabilities are not included in the list. Thus, all Kazakh citizens of marriageable age have the right to choose their spouse and marry of their own volition and without restriction.

313. Under Kazakh law, persons with disabilities are not subject to any exclusions in matters relating to paternity, maternity and personal relationships. This also applies to their right to decide on the number of their children, have access to information on family planning and retain their fertility on an equal basis with others.

314. Child adoption matters are decided by the courts. The Marriage and Family Code lists the categories of person who may not adopt a child. They include persons recognized by a court as lacking or partially lacking dispositive capacity and persons who cannot exercise parental rights for health reasons. The list of illnesses that make a person ineligible to adopt a child or enter into a guardianship or foster care arrangement is compiled by the competent health-care authority.

315. In 2016, 2,200 children were adopted in Kazakhstan, 29 of them by foreign nationals. Recent years have seen an increase in the number of children with mental or physical impairments adopted by Kazakh families.

316. There are 1,056 children with disabilities under tutorship or guardianship or in foster care with Kazakh families.

317. The adoption of a child is a confidential matter protected by law. Separate statistics are not maintained on the adoption of children with disabilities, and claims filed by persons with disabilities relating to adoption are not monitored.

318. In Kazakhstan, persons with disabilities have access to fertility treatment on an equal basis with others. The Code on Public Health and the Health-Care System stipulates that a woman and a man, whether married or unmarried, have the right to use fertility treatment and methods if they both give their free and informed consent, in writing, to medical intervention. A single woman also has the right to fertility treatment and techniques if she gives her free and informed consent, in writing, to medical intervention. Various fertility retention methods and breakthroughs are actively being introduced.

319. In accordance with the Marriage and Family Code, a parent living apart from the child has the right to have contact with the child, to be involved in the child's upbringing and to participate in decisions on the child's education and other matters of importance to the child. The parent with whom the child is living must not prevent his or her contact with the other parent, provided that such contact does not cause physical and mental harm to the health of the child and to his or her moral development (Marriage and Family Code, art. 73 (1)).

320. The measures taken by Kazakhstan to ensure that not a single child is separated from his or her parents on grounds of the disability of either the child or one or both parents include strengthening the legal basis for the child's right to live and be brought up in a family, to have contact with his or her parents and other relatives and to express opinions (Marriage and Family Code, chap. 10).

321. Unless otherwise provided by law, a child is entitled to learn about his or her origins and biological parents and to maintain links with his or her family – if the family has agreed to this – even if parental rights have ceased to apply in respect of the child. The child has the right to maintain contact with both parents, even if the parents live abroad.

322. Legal provisions cover the ways in which children left without parental care may be cared for. Such children are placed in a family (for adoption, under tutorship or guardianship, for long-term fostering or under a short-term fostering arrangement) or, if no such possibility exists, they may be temporarily placed in a general facility for orphans and

children left without parental care until they can be placed with a family (Marriage and Family Code, art. 116).

323. With the aim of further promoting the role of the family in the social integration process for persons with disabilities, the State is developing ways to offer support to such families and help them to work with social services, improving the system for training long-term foster carers and guardians, and encouraging the introduction of short-term fostering and substitute families.

## **Article 24 Education**

324. Kazakhstan recognizes the right of persons with disabilities to education on an equal basis with others and on the basis of equal opportunity, without discrimination, at all levels and throughout life.

325. In accordance with the Constitution, citizens are guaranteed free secondary education in State schools. Citizens are entitled to receive free higher education, on a competitive basis, in a State higher educational establishment (art. 30). State support is available for different forms of education and independent study, and federal educational standards have been set by the State governing, inter alia, the conditions and procedures for the education of persons with disabilities.

326. The State compensates in whole or in part for expenditure on the maintenance of children with special developmental needs, persons with disabilities and persons with disabilities since childhood during the period in which they receive education (Education Act, art. 8 (4)).

327. Persons with visual and hearing impairments are entitled to receive higher State grants, the amount of which is determined by the Government (Education Act, art. 47 (7)).

328. Persons with category I or II disabilities, persons with disabilities since childhood and children with disabilities must account for 1 per cent of admissions to technical and vocational secondary and higher educational establishments (Education Act, art. 26 (8), subpara. 1).

329. After ratification of the Convention, the Education Act was supplemented with provisions concerning: a respectful attitude to the rights of persons with disabilities at all levels of the education system (art. 28 (4)); the rights of boarders and day pupils to the free use of information resources in educational establishments, including in a form accessible to persons with disabilities and children with special needs, the provision of textbooks, teaching materials and teaching aids, including those prepared for persons with disabilities and children with special needs (art. 47 (3), subpara. 7), and the right to priority employment in State educational and health establishments of persons one or both of whose parents are persons with disabilities (art. 47 (17-1)).

330. Legislation contains the notions of “child with disabilities” and “child with special needs”.

331. The total number of children with special developmental needs is 144,783, of whom 96,555 are of school age and 42,228 are of preschool age. Disability has been diagnosed in 79,662 children.

332. The Education Act provides for the right to choose an educational establishment and the form of education received, depending on requirements for admission. The parents of children with disabilities are entitled to select the place where the child studies – in a mainstream or specialized school – in light of specialists’ recommendations.

333. A network of specialized educational establishments operates in Kazakhstan, as follows:

- 42 specialized kindergartens, which care for and educate 5,160 children with speech, mental, locomotor, psychological, hearing and visual impairments and 193

specialized sections in general preschool establishments with a contingent of 8,754 children;

- 97 schools where 14,275 children with special needs, including disability, receive secondary education;
- 58 psychological, medical and educational counselling centres and 149 psychological and special education centres where more than 144,000 children with special needs receive psychological and special education services.

334. Inclusive education is being gradually introduced in the country. Kazakhstan was one of the first States of the Commonwealth of States to make legislative provision for setting up such education by amending the Education Act (art. 1 (21-4), art. 8 (6) and art. 56 (3)).

335. The Ministry of Education and Science approved a policy outline for the development of inclusive education and a nexus of measures on the further development of the inclusive education system in the 2015–2020 period. Indicators of the development of inclusive education are contained in the 2011–2020 State education development programme (annex 2).

336. Currently 3,289 mainstream schools have paved the way for children's inclusive education.

337. The number and proportion of children with special educational needs enrolled in the inclusive educational system is shown in annex 6.

338. More than 6,000 teachers work in specialized educational establishments, of whom 32 per cent are trained in special education, 58 per cent of whom have advanced teacher training and 25 per cent of whom have attended preparatory courses in special education.

339. However, one difficulty in implementing inclusive education is still the question of the psychological and educational support for children with special needs in schools. Training of special education teachers is provided in 17 higher educational establishments. Up to 250 State grants are given out every year for this specialist training. Since the 2015/16 academic year, all higher educational establishments have had to include the subject of inclusive education in their teacher training curricula.

340. In order to ensure the introduction of inclusive education, teaching assistants must be included in the permanent staff complement of State educational establishments.

341. All 97 specialized educational establishments for children with special needs are connected to the Internet. On average, 85 per cent of Kazakh schools are provided with multimedia teaching aids (100 per cent in 12 provinces, 85 per cent in Aktobe province, 35 per cent in East Kazakhstan province, 80 per cent in Karagandy province and 17 per cent in South Kazakhstan province). Some 95 per cent of educational establishments are equipped with interactive whiteboards and assistive technology.

342. Under the 2016–2019 State educational and scientific development programme, resources were allocated for the first time for the preparation of textbooks in Braille (for blind persons) and in large print (for visually impaired persons).

343. A portal for video tutorials with sign language interpretation has been created for use in the e-learning system (<http://mediakurs.kz>), where 112 video tutorials are posted, 80 of which are educational, 20 involve learning and cognitive activity and 18 are animation films.

344. The technical and vocational education system has set in place the necessary conditions for more than 2,000 children with disabilities to study at 163 of the country's 817 technical and vocational colleges.

345. Currently, 374 students in higher educational establishments have disabilities, 46 per cent of whom are women.

346. Distance learning technology has been introduced in 42 higher educational establishments to enable persons with special needs, including children with disability and persons with category I or II disabilities, to have access to education.

347. A wide range of club, sport and creative activities for children with special needs has been introduced in the supplementary educational system. Creative rehabilitation for more than 2,000 children with special needs has been organized in supplementary educational establishments (in Akmola, Almaty, East Kazakhstan, Zhambyl, West Kazakhstan and North Kazakhstan provinces and in the city of Astana).

## **Article 25**

### **Health**

348. The principal areas of work on the medical rehabilitation and health care of persons with disabilities are set out in the Code of Public Health and the Health-Care System which, after ratification of the Convention, was supplemented with article 136-1 (Provision of medical care for persons with disabilities).

349. State health policy is based on the principles of the equal rights of citizens to receive safe, effective and high-quality medical care, the provision of a guaranteed level of free medical care, accessibility of medical assistance, and socially oriented health care designed to satisfy the population's needs and requirements and to enhance the quality of life (Code, sect. 4).

350. Any medical procedure is performed on the basis of the citizen's informed voluntary consent. In the case of an individual who has been declared to lack dispositive capacity under the procedure established by law, the right to give voluntary and informed consent on his or her behalf is vested in his or her legal representative only if the individual is incapable, owing to his or her condition, of consenting to medical intervention.

351. In the area of health care, early testing is performed for congenital conditions, neonatal surgery and medical care for patients with cancer are evolving, tuberculosis is addressed through early detection and treatment, screening is performed to identify persons infected with HIV and hepatitis C, children and adults are vaccinated and substitute forms of inpatient medical care (day-care centres) are being introduced.

352. In accordance with article 34 of the Code, persons with disabilities are entitled, on an equal basis with others, to a guaranteed level of medical care financed by budgetary means, which includes preventive, diagnostic and therapeutic services, and also to receive medical and other services for a fee, including under a voluntary medical insurance policy.

353. As part of the guaranteed level of free medical care, when indicated, a person with disabilities is entitled to expensive diagnostic examinations (polymerase chain reaction, immunophenotyping, medical and genetic antenatal examinations (ultrasonic screening for fetal anomalies, invasive prenatal procedures, biochemical screening and cytogenetic testing) to the extent and at the intervals established by the competent health authority), computer tomography, magnetic resonance tomography, positron emission tomography, single-photon emission computed tomography and angiography).

354. Outpatient hospital treatment is provided with an approved list of medicines and medical supplies for a guaranteed level of free outpatient medical care for specific diseases with special medical products. The current list contains more than 400 proprietary drugs for 49 specific diseases.

355. Within the guaranteed level of free medical care, drugs are dispensed free of charge, on a doctor's prescription, to all persons, including persons with disabilities, who are registered as outpatients at their place of residence.

356. Access to medical care is being ensured inter alia by providing medical organizations with equipment and assistive devices taking into account the particular requirements of persons with special needs. The implementation of this provision will address the pressing problem (particularly for persons with impaired locomotor function) of comfort during diagnostic and treatment procedures that are currently difficult for persons with disabilities to physically access.

357. To ensure that health-care services needed by persons with disabilities specifically because of their disabilities are properly targeted, relevant measures are included by law in their individual rehabilitation programmes.

358. The medical rehabilitation of persons with disabilities includes: restorative treatment (medicinal, physical, sanatorium, spa and other therapeutic methods designed to restore impaired or lost body function or health); reconstructive surgery; and prosthetic and orthopaedic care.

359. Restorative treatment and medical rehabilitation is provided in hospitals and sanatoriums. The rehabilitation departments of hospitals treat some 70,000 patients every year.

360. The health-care system for persons with tuberculosis, respiratory diseases, diseases of the digestive or nervous system and cerebral palsy comprises 26 sanatoriums serving 22,000 patients every year. In addition, every year, local social services refer more than 26,000 persons with disabilities to private sanatoriums on the basis of their individual rehabilitation programmes.

361. The Government is taking steps to expand preventive medicine. A national screening programme has been introduced. Every year it covers approximately 2 million persons.

362. The road map for improving the treatment of occupational diseases 2014–2016 was adopted in 2014 in order to upgrade the mechanisms for conducting health checks in workplaces with harmful or particularly dangerous working conditions. It included the approval of:

- Rules on the conduct of compulsory medical examinations, laying down the procedure and frequency of such examinations (order of the Acting Minister of Economic Affairs, No. 128 of 24 February 2015);
- List of harmful industrial factors and of occupations in respect of which health checks are obligatory (order of the Minister of Economic Affairs, No. 175 of 28 February 2020);
- Rules on the investigation of incidences of infectious and parasitic occupational diseases and poisoning, requiring the investigation and recording of serious and chronic occupational diseases (intoxication) brought about by the effects on workers of harmful occupational factors connected with the performance by workers of their job (official duties) (Order of the Minister of Economic Affairs No. 440 of 23 June 2015);
- Rules on the registration and recording of incidences of infectious and parasitic occupational diseases and intoxication and rules on reporting them (Order of the Minister of Economic Affairs No. 451 of 24 June 2015);
- List of medical contraindications for the conclusion of employment contracts for heavy work, work in harmful (especially harmful) or hazardous working conditions, underground work and admission to work of persons from groups which have been excluded from the workplace on health grounds (Order of the Minister for Health and Social Development No. 379 of 22 May 2015);
- Standard for the organization of the medical care of occupational diseases in the Republic of Kazakhstan (Order of the Minister for Health and Social Development No. 1032 of 28 December 2015).

363. The fundamental aims of the laws and regulations that have been adopted are: to monitor the health of the working population; to prevent and reduce the incidence of occupational and other diseases; to detect the early symptoms of occupational diseases; to provide outpatient care of persons suffering from occupational diseases; to reduce disability caused by occupational diseases and mortality; to increase life expectancy; and to lengthen the period of fitness for work.

364. Compulsory social and medical insurance was introduced in 2018. While persons with disability are exempt from paying contributions to the Social and Medical Insurance

Fund, they are fully entitled to use medical services (Act on Compulsory Social and Medical Insurance of 16 November 2015, arts. 15 and 28).

365. In order to improve the quality of medical services for persons with disability, the register of outpatients with disabilities is being integrated in the unified health-care information system and the central database of persons with disabilities.

366. Lectures on the classification and criteria of the International Classification of Functioning, Disability and Health are included in the curricula of medical schools, of undergraduate and postgraduate university courses (bachelor's and master's degrees and doctorate) and of supplementary education. The lectures cover general questions regarding classification and the criteria used in ICF.

### **Children with disability**

367. On the recommendation of the World Health Organization (WHO) and the United Nations International Children's Fund (UNICEF), the Integrated Management of Childhood Illness (IMCI) initiative has been successfully introduced in order to reduce child mortality, prevent disease and promote the full attainment of mental and physical development in the under 5 age group.

368. The IMCI Coordination Centre set up at the Paediatric and Child Surgery Centre in Almaty continuously trains medical workers and puts into practice standards for the care of healthy and sick children under the age of 5, including for the early detection of hearing impairment, recommended by WHO.

369. The post-surgery survival rate of newborn and very young children with surgical disorders is 82 per cent.

370. Children with diabetes are provided with insulin pumps and medical consumables paid for out of the State budget. More than 2,500 insulin pumps were supplied in the period 2013–2015.

371. Rehabilitative care for children with disabilities is provided in two national centres: the Balbulak children's rehabilitation centre in Almaty and the children's rehabilitation centre in Astana and in 55 regional centres belonging to various authorities (Ministry of Health, Ministry of Labour and Social Protection, Ministry of Education and Science) and NGOs and privately-run organizations.

372. Children receive treatment for hearing impairments. More than 1,000 deaf children have undergone cochlear implant operations. Since 2015, the social security services have replaced and individually programmed cochlear implant speech processors for 492 children at a total cost of 1.3 billion tenge.

## **Article 26**

### **Habilitation and rehabilitation**

373. The rights of persons with disabilities to rehabilitation and integration into society are enshrined in the Social Protection of Persons with Disabilities Act.

374. Kazakhstan has established a unified system for the legal regulation of the rehabilitation of persons with disabilities. Under this system, it is compulsory to develop and implement individual rehabilitation programmes, provide State funding for the measures set out in rehabilitation programmes, supply persons with disabilities with the required technology and assistive devices, and establish other conditions to facilitate maximum independence for persons with disabilities and their inclusion in the local community.

375. The rehabilitation of persons with disabilities includes a range of medical, social and professional activities aimed at the elimination of or possible full compensation for a limitation of their everyday activities resulting from a health impairment and persistent impairment of body function.

376. In order to assess the needs of persons with disabilities and maximize their rehabilitation potential, medical and social assessment offices are developing individual rehabilitation programmes, a document that sets out the specific scope, type and period of rehabilitation.

377. The offices monitor the implementation of individual rehabilitation programmes and assess the effectiveness of those programmes during the regular medical examinations of persons with disabilities.

378. Interdisciplinary teams of medical organizations assess the effectiveness of the comprehensive rehabilitation measures carried out under the medical part of individual rehabilitation programmes.

379. As a result of rehabilitation and treatment measures in the period 2012–2016, 47,576 people were no longer classified as persons with disabilities, and 44,100 people, owing to the partial restoration of impaired functions, were transferred to a different disability category (from category I to II or III, or from category II to III).

380. The section of the report on articles 20, 24, 25, 27, 28 and 30 of the Convention sets out the organization and performance indicators for rehabilitation and habilitation in the areas of health, work, employment, education, cultural activities and social services.

381. In order to ensure the comprehensive rehabilitation of persons with disabilities in the social welfare system, a publicly funded network of institutions was created to provide expert habilitation and rehabilitation services, as follows:

- 126 medical and social assessment offices;
- National Prosthetic and Orthopaedic Centre, with three branches;
- Applied research centre for the development of social rehabilitation;
- 50 medical and social institutions for older persons and persons with disabilities;
- 2 medical and social institutions for children with impaired locomotor function;
- 18 medical and social institutions for children with neuropsychiatric disorders;
- 40 medical and social institutions for persons with disabilities over 18 years of age with neuropsychiatric disorders;
- 53 day-care units for children with disabilities, persons with disabilities and older persons;
- 21 rehabilitation centres;
- 508 home care units for children with disabilities, persons over 18 years of age with neuropsychiatric disorders, older persons and persons with disabilities.

382. Special social services are guaranteed to citizens free of charge, while supplementary services are available for a fee. Furthermore, it is possible to choose the form of social service, including inpatient care (at standard medical and social institutions), outpatient care (at day-care units) or home care.

383. In order to uphold one of the main principles of social service – keeping the person in the family setting – efforts were being made to expand day-care units for children with disabilities by outsourcing the units to NGOs or private entities and to transform inpatient social and medical institutions into social service centres.

384. A pilot online support service for parents raising children with disabilities is a recent development that has received positive feedback from the population. This service was launched at the Kazakh-Russian Medical University in Almaty, whose specialists provided psychological support and advice to 842 parents of children with disabilities living in other regions of Kazakhstan in 2015–2016.

385. An integrated and comprehensive pilot project for the provision of social services and rehabilitation is being implemented in Kazakhstan and is used as the basis for inter-institutional coordination and the monitoring of disadvantaged families. The project is being piloted in East Kazakhstan province.

386. The Ministry of Labour and Social Protection revised the rules for assessing and determining the need for special social services and the scoring sheets that contain criteria for being considered a child with disabilities from a deprived background, a disadvantaged person with disabilities over 18 years of age or a disadvantaged older person and put forward recommendations for the provision of a range of services and assistance.

387. Plans to implement this initiative include: the introduction of amendments to certain legislative acts on inter-agency cooperation in the provision of special social services to disadvantaged families (or persons); the development of a standard for the provision of special social services, taking into account the integrated service delivery model; the introduction in 2019 of an integrated model for special social services in several pilot regions; and the development of a network of organizations that provide support for families using alternative forms of work with the involvement of the non-governmental sector.

388. In total, there are more than 23,000 social workers providing special social services in the country, of whom more than 6,000 have undergone refresher and further training.

389. After ratification of the Convention, a number of measures were taken to improve the system of medical and social assessment.

390. The list of diseases that includes permanent category I disability has been expanded (with the inclusion of persons who have had disabilities since childhood with severe impairment of body function).

391. Since 2016, as part of the streamlining and automation of public services in the social and labour sphere, applicants to a medical and social assessment office, in addition to receiving services for the initial determination of disability and capacity for work, have the right to apply for State social benefits for disability, special State benefits and social benefit payments in the event of the loss of their ability to work using the “one-stop-shop” approach. In 2016, such services were used by 28,000 people.

392. Work has begun to develop criteria for a scoring system for disability, which is to be based on the International Classification of Functioning, Disability and Health. The introduction of such a system would allow human health to be measured objectively and disability to be determined.

393. Specialists in medical and social assessment improve their qualifications and receive training under the auspices of a State institution that offers the advanced training courses of the Ministry of Labour and Social Protection for staff working in the social and labour sphere.

394. The State guarantees that persons with disabilities, in both urban and rural areas, have access to rehabilitation measures, equipment and services, personal assistants for persons with category I disabilities who have mobility impairments and sign language professionals for deaf persons for 60 hours per year.

395. In order to improve the quality of life of persons with disabilities in Kazakhstan through the provision of equipment and services, the following were adopted:

- List of assistive devices and mobility aids available to persons with disabilities, approved by Government Decision No. 754 of 20 July 2005;
- Rules for the provision of social services by personal assistants for persons with category I disabilities who have mobility impairments and of sign language professionals for deaf persons for 60 hours per year, in accordance with individual rehabilitation programmes;
- Rules relating to sanatorium treatment for persons with disabilities and children with disabilities;
- Rules on the provision of prosthetic and orthopaedic care and assistive devices for persons with disabilities;
- Rules on the provision of mobility aids for persons with disabilities;

- All of the above-mentioned rules were approved by Order No. 26 of the Minister of Health and Social Development of 22 January 2015 on certain matters relating to the rehabilitation of persons with disabilities.

396. In 2014, the Applied Research Centre for the Development of Social Rehabilitation was established under the Ministry of Labour and Social Protection. Its aims include organizing and carrying out work to provide prosthetic and orthopaedic care and treatment for hearing impairments, including the introduction of new forms of social rehabilitation and the development of research and methodological work with innovative technologies and projects in the field of social protection.

## **Article 27**

### **Work and employment**

397. The rights and guarantees in the field of work and employment are enshrined in the Constitution and reflected in the basic legislation of Kazakhstan and in the Labour Code. The relevant provisions apply in full to persons with disabilities, are consistent with article 27 (1) of the Convention on recognition of the right of persons with disabilities to work, on an equal basis with others, and establish the legal basis for implementing that right.

398. The Constitution (art. 24 (1)) and the Labour Code (art. 5) set out the principles for the legal regulation of employment relations, which apply without exception to persons with disabilities: freedom of labour, the right freely to dispose of one's own capacity for work and the right to choose an occupation and type of employment, the right to protection from unemployment and support to find employment, and the prohibition of employment discrimination. Furthermore, everyone has the right to working conditions consistent with the requirements of safety and hygiene, remuneration without discrimination of any kind, and the protection of labour rights and freedoms, including judicial protection.

399. The necessary legal conditions have been created in Kazakhstan for persons with disabilities to exercise their right to work. To date, more than 129,700 persons with disabilities (including 45,000 women) are employed, representing 39 per cent of the total number of persons with disabilities of working age (annex 7).

400. In Kazakhstan, citizens have an equal right of access to public service. The requirements for candidates for State service positions depend on the duties of the position only and are established in law (art. 33 of the Constitution). The Civil Service Act provides that a public servant may not be a person who has been found by a court to have limited or no legal capacity, or who has a disease that hinders the fulfilment of their official duties in the opinion of a medical institution, in cases where specific health requirements for holding public positions are stipulated in the job specification.

401. In 2016, 545 persons with disabilities were employed in junior administrative civil service posts known as the "B" corps, 48 per cent of whom were women.

402. The prohibition of employment discrimination established in article 6 of the Labour Code applies in full to persons with disabilities. No one may be subjected to any form of discrimination in the exercise of their labour rights on grounds of origin, social, official or property status, gender, race, ethnicity, language, attitude to religion, beliefs, place of residence, age or disability status, or membership of voluntary associations.

403. In order to prevent discrimination against persons with disabilities seeking work on the open labour market, articles 31 and 32 of the Social Protection of Persons with Disabilities Act introduce a system of additional measures intended to establish equal opportunities for persons with disabilities in the areas of work and employment, as follows:

- Establishment of a job quota for persons with disabilities amounting to 2 to 4 per cent of jobs, excluding arduous work or work in harmful or hazardous conditions;
- Creation of additional jobs for persons with disabilities through the development of private entrepreneurship and small and medium-sized businesses;
- Creation of specialized and social jobs for persons with disabilities;

- Organization of professional training for persons with disabilities.

404. The Labour Code prohibits employers from terminating employment contracts with single mothers raising a child with disabilities under the age of 18 years when reducing staff numbers, or during a decline in production, work carried out or services performed that results in the deterioration of the employer's economic situation (art. 54).

405. An employer may not refuse to recruit a person with disabilities for reasons unconnected to the particular qualifications required or the worker's professional qualities. An unfounded refusal to conclude an employment contract with a person with disabilities may be challenged in court.

406. To protect the right of persons with disabilities to just and favourable conditions of work, on an equal basis with others, the law provides additional guarantees to ensure that persons with disabilities enjoy appropriate working conditions, in accordance with their individual rehabilitation programmes.

407. Article 32 of the Social Protection of Persons with Disabilities Act and articles 25, 28, 69, 75 and 76 of the Labour Code, in particular, establish entitlements in labour relations aimed at ensuring that persons with disabilities are able to exercise their labour rights on an equal basis with others.

408. For persons with category I or II disabilities, a reduction in working hours has been established: no more than 36 hours a week while retaining a full salary. The length of the working day (shift) for employees with category I or II disabilities may not exceed 7 hours. Employers may not use a record of cumulative hours worked for employees with category I disabilities.

409. Persons with disabilities may only be employed to do overtime, weekend work or night work with their agreement and on condition that their state of health does not prohibit such work in accordance with a medical report. Persons with category I and II disabilities are granted additional paid annual leave of not less than six calendar days.

410. Collective agreements and individual employment contracts may not establish conditions of work (salary, work schedule, breaks, annual leave, etc.) for a person with disabilities that render his or her position less favourable than that of other workers.

411. Workers with disabilities may be sent on business trips as long as they are not prohibited from carrying out such work on medical grounds, in which case the workers in question have the right to refuse to go on such trips. Employees raising children with disabilities also have the right to refuse to go on business trips if, on the basis of medical reports, the children with disabilities require constant care. Persons with category I disabilities are not permitted to perform shift work from the date a medical report is submitted.

412. The Committee of Labour, Social Protection and Migration of the Ministry of Labour and Social Protection is responsible for protecting the labour rights of persons with disabilities, alongside local labour inspection bodies (State labour inspectorates) (Labour Code, art. 16).

413. In order to ensure safe and healthy working conditions for persons with disabilities in employment, the State labour inspectorates oversee the observance of labour law in relation to persons with disabilities and take the required response measures within their respective areas of jurisdiction. In order to address violations that have been identified, the State labour inspectorates issue guidance on preventing violations; violators of legislation are subject to administrative liability.

414. In order to ensure the labour rights of citizens with disabilities, responsibility for the failure to comply with the job quota for persons with disabilities was introduced to article 98 of the Code of Administrative Offences as of 1 January 2015, with a fine equal to 10 monthly notional units, rising to 20 units for a repeat violation.

415. Since ratifying the Convention, the Government has taken a number of steps relating to the employment of persons with disabilities by strengthening the legislative and regulatory framework.

416. On 24 November 2015, the Act amending certain legislative acts on migration and employment was adopted, which provides a rule to establish a job quota for persons with disabilities, accounting for 2–4 per cent of the workforce (excluding arduous work and work in harmful or hazardous conditions). As part of implementing the Act, job quota regulations for persons with disabilities were adopted.

417. During implementation of the Employment Act in 2015, standards were approved on jobs for persons with total loss of vision or hearing, or locomotor impairments (Order No. 519 of the Minister of Health and Social Development of 14 June 2016).

418. Since 2018, there has been a subsidy for the costs incurred by employers creating specific jobs for persons with disabilities. The sum of 206,900,000 tenge was provided in the national budget for this purpose. This rule has been instituted pursuant to obligations under the Convention to promote the employment of persons with disabilities in the private sector.

419. The Employment Act stipulates that the State is obliged to ensure that employment centres provide to unemployed citizens free of charge: services to find suitable employment and assistance to that end, including active measures to promote employment; advisory and information services and career guidance for the purpose of choosing or changing jobs (professions); social benefits in cases of unemployment, if the citizen was a contributor to the compulsory social insurance system; and targeted state social assistance in accordance with the Targeted State Social Assistance Act

420. Over the past five years, the number of persons with disabilities seeking work through employment agencies has almost tripled: in 2012, there were 4,000 people and in 2016 this had risen to almost 12,000. In the period 2012–2016, 41,500 persons with disabilities were employed, with 17,800 people employed under the State “Employment Road Map 2020” programme, and 23,700 people under regional development programmes.

421. In 2016, 311 persons with disabilities undertook vocational training under the Road Map; of the 280 people who completed the training, 83 per cent (232 people) are employed. In order to work as entrepreneurs, 180 people received training on entrepreneurship and 491 persons with disabilities obtained microloans, 156 of whom have opened their own businesses. Furthermore, the recipients of the microloans have also created 86 new jobs.

422. State support plays an important role in policies on the creation and protection of jobs for persons with disabilities. The Government of Kazakhstan supports civil society associations of persons with disabilities and organizations established by them under legislation on public procurement.

423. The following are made available to persons with disabilities under article 39 (3), subparagraph 54, of the Public Procurement Act: assistive devices (apart from prosthetic and orthopaedic devices); mobility aids; personal assistant and sign language interpretation services; taxi services for persons with disabilities; and passes for sanatorium treatment for persons with disabilities, which may be purchased from organizations established by civil society associations of persons with disabilities, in which employees with disabilities constitute not less than 50 per cent of the workforce. Moreover, public services are contracted out by means of single source procurement (without competitive bidding), with the government contracts negotiated directly with the organization.

424. In addition to the measures listed in paragraph 423, the following is in effect in Kazakhstan:

- A list of individual types of goods, work and services procured from civil society associations of persons with disabilities in Kazakhstan, approved by Government Decision No. 1181 of 31 December 2015 (list No. 1);
- A list of enterprises established by civil society associations of persons with disabilities in Kazakhstan that produce or supply goods, carry out work or provide services, approved by Order No. 1065 of the Minister of Health and Social Development of 29 December 2015 (list No. 2);
- Rules for inclusion in the list of civil society associations of persons with disabilities of Kazakhstan and enterprises established by civil society associations of persons

with disabilities in Kazakhstan that produce or supply goods, carry out work or provide services;

- Requirements for all bodies that carry out public procurement activities to purchase the goods, works and services in list No. 1 from civil society associations of persons with disabilities and their enterprises included in list No. 2 (goods amounting to not less than 50 per cent of the total allocated funds, and 100 per cent of work and services).

425. The core requirements for inclusion in list No. 2 are as follows:

- Persons with disabilities are to constitute at least 51 per cent of the total number of employees of the business enterprises;
- The salaries of persons with disabilities are to constitute at least 51 per cent (in specialized organizations employing persons with disabilities with hearing, speech or visual impairments, the figure must be not less than 35 per cent) of the total labour costs.

426. At present, 129 civil society associations and enterprises established by those associations are given preference in the public procurement of 21 goods, works and services (bed linen, uniforms, folders, shipping boxes, storage boxes, joinery products, cleaning services, printing services, landscape gardening, etc.).

427. In order to inform persons with disabilities about employment opportunities in the open labour market, the Ministry of Labour and Social Protection has provided a feature on vacancies accessible to persons with disabilities under the job search function on its “Work in Kazakhstan” information portal (<http://www.enbek.kz>). A similar criterion is available through a private online resource for job searches and recruitment run by the company HeadHunter (<https://hh.kz>).

428. The State provides support for private initiatives for the employment of persons with disabilities, including persons with mental impairments.

429. In 2016, for example, through a joint project of the Ministry of Labour and Social Protection and the UNDP office in Kazakhstan, 10 civil society associations in Kazakhstan were awarded grants in a call for proposals to carry out projects aimed at promoting the employment of persons with disabilities.

430. In 2016, under a new joint project to enhance the entrepreneurial skills of women with disabilities, 230 women with disabilities received training on how to overcome internal barriers and develop leadership skills, of whom 90 took courses to retrain for careers in high demand. The project was carried out by the Damu Foundation, in association with the Shyrak Association for Women with Disabilities.

431. The steps taken under the “Employment Road Map 2020” programme and the implementation of regional territorial development programmes have had a positive impact on the situation of persons with disabilities in the labour market in Kazakhstan. The inclusion of persons with disabilities in productive employment through the use of public support measures will continue under the third phase (2016–2018) of the plan of action for the programme.

## **Article 28**

### **Adequate standard of living and social protection**

432. Kazakhstan defines itself as a social State in its Constitution (art. 1). It guarantees Kazakh citizens a minimum wage, a minimum pension and social protection in old age and in the event of illness, disability, loss of a breadwinner and in the other circumstances stipulated by law.

433. The right of persons with disabilities to an adequate standard of living and social protection is enshrined in article 14 of the Social Protection of Persons with Disabilities Act, which defines measures to ensure their social protection in all areas covered by the Convention.

434. Social assistance for persons with disabilities includes payments in the form of State benefits, compensation and other payments, including from charitable sources, as provided for in national legislation.

435. Every month, all persons with disabilities in Kazakhstan receive the State social disability benefit or a pension if they have reached retirement age. The value of the disability benefit depends on the category and cause of disability and is adjusted annually on the basis of any change to the minimum subsistence level. The size of benefits or pension is therefore not to be lower than the minimum subsistence level (annex 8).

436. The minimum subsistence level is the minimum income per person equal to the highest value of the minimum consumer basket. The minimum consumer basket is the minimum amount of food items, goods and services required to support a person, in physical and monetary terms, and consists of a food basket and a fixed proportion of the cost of non-food goods and services.

437. In addition to disability benefit or pension payments, a special State benefit is available to replace previous benefits in kind.

438. The State guarantees the right of families with children with disabilities to receive all social support measures established by law in order to protect mothers and children. The Act on State Benefits for Families with Children of 28 June 2005 provides for a one-off benefit payment on the birth of a child, a monthly benefit for care for a child under the age of 1 year, a monthly benefit for children under 18 years of age and a monthly State benefit paid to the mother or father, adoptive parent or tutor (or guardian) raising a child or children with disabilities. Payments of the latter benefit correspond to the minimum wage.

439. Low-income families are paid targeted State social assistance and housing assistance from the local budget. Since 2012, the number of persons with disabilities who receive targeted State social assistance has halved (1,088 people in 2012, 446 people in 2016). Some 9,084 families with persons with disabilities receive housing assistance. As a result, poverty among persons with disabilities, including women, girls and older persons, has been virtually eradicated in Kazakhstan.

440. Local authorities, employers and other organizations may provide additional forms of social assistance.

441. In accordance with the provisions of the Social Protection of Persons with Disabilities Act, persons with disabilities are provided with: social services in accordance with an individual rehabilitation programme; special social services in medical and social institutions (or organizations); and legal assistance in accordance with Kazakh law.

442. The principles underlying national water legislation are the provision of the population with drinking water in the necessary quantities and of a guaranteed quality, as a priority, and fair and equitable access to water by the population (Water Code, art. 9). Such standards apply to the entire population, including persons with disabilities. In 2008, the country adopted technical requirements for the safety of drinking water for the population.

## **Article 29**

### **Participation in political and public life**

443. The Constitutional Act on Elections in the Republic of Kazakhstan of 28 September 1995 guarantees the right of citizens of Kazakhstan to participate in elections from the age of 18 years, irrespective of origin, social, official capacity, property status, sex, race, nationality, language, attitude to religion, convictions, place of residence or any other circumstances (art. 3 (1)).

444. Restrictions on the exercise of political rights may be established solely by law. They include, in particular, the prohibition on voting and being elected for citizens who have been deemed by the courts to have no dispositive capacity.

445. Voters participate in the election of the President and members of the Majilis, who are elected from party lists, and the local councils (*maslikhats*) on an equal basis, and each

has one vote on one ballot paper. Voters participate in the election of members of the other local authorities on an equal basis, and each of them has an equal number of votes. Candidates are guaranteed equal rights and conditions for participation in elections (Constitutional Act, art. 5).

446. According to article 41 of the Act, each voter (or elector) must vote in person. In the event that individual voters are unable to show up to vote owing to health reasons or because they are caring for a family member, and those in remote and inaccessible areas where polling stations have not been established, the district Electoral Commission must organize voting at the place of residence of those voters, at their written request, which may be filed not later than noon local time on the day of voting (Act, art. 41 (6)).

447. During the early election for the presidency of Kazakhstan in April 2015, polling stations were located on the ground floor of buildings so that they would be accessible to older persons and persons with disabilities with a view to ensuring their exercise of the right to vote.

448. The district electoral commissions set up information stands in adjacent areas and in the foyers of polling stations on the rules, timetable for elections and signage, including signposts to indicate the locations of electoral management bodies. This information was produced in large print to facilitate accessibility for persons with visual impairments. Information about elections, voting procedures and polling locations was made available on national and regional television channels, thereby ensuring accessibility for persons with visual and hearing impairments. In accordance with requests made in advance, electoral commissioners visited the homes of persons who were unable to go to polling stations for health reasons.

449. Representatives of the local electoral commissions were visited by organizations of persons with disabilities to receive information on election procedures and the locations of polling stations.

450. In some regions of the country, the electoral commissions included representatives of non-governmental organizations of persons with disabilities.

451. In order to guarantee accessibility in the exercise of electoral rights, during the elections for deputies of the Majilis and local councils, held on 20 March 2016, the necessary conditions were set in place to ensure that persons with disabilities were able to have access to information about candidates, polling locations and candidates' platforms (using large print, sign language, etc.).

452. According to the Central Election Commission, the biographical information provided by prospective Members of Parliament of Kazakhstan and the local council members does not indicate whether candidates have a disability. However, according to information provided by local authorities, in 2016, the provincial, municipal and district councils had 35 deputies with disabilities, including 12 women.

453. Persons with disabilities have the same rights as other Kazakh citizens to participate in affairs of State directly and through their representatives, the right to submit petitions in person and the right to send individual and collective petitions to State bodies and local self-government bodies (Constitution, art. 33).

454. In accordance with the provisions of the Constitution (art. 23), everyone has the right to freedom of association, which is governed by the Voluntary Associations Act of 31 May 1996.

455. In 2016, 808 NGOs were registered and active in Kazakhstan, and were working to protect human rights and provide assistance to persons with disabilities.

456. Central and local executive authorities cooperate with civil society associations of persons with disabilities and their authorized representatives in preparing and adopting decisions that affect the interests of persons with disabilities.

457. Civil society associations of persons with disabilities participate in the development of State policy for the social protection of persons with disabilities by:

- Making proposals to the central and local authorities to protect the rights and legitimate interests of persons with disabilities;
- Participating in evaluations of the effectiveness of the provision of social services;
- Making proposals for the development of national laws and regulations governing the social protection of persons with disabilities.

458. Civil society associations of persons with disabilities participate in the work of the Coordinating Council on Social Protection of Persons with Disabilities under the Government of Kazakhstan. The Council's objectives are: to improve public policy and legislative acts and other laws and regulations in the area of social protection of persons with disabilities; to coordinate activities between central and local executive authorities; and to cooperate with international and other organizations and civil society associations of persons with disabilities on issues relating to observance of the rights of persons with disabilities.

459. The Council includes 16 representatives of NGOs, who make up 62 per cent of the total number of its members.

460. In all regions, provincial councils for persons with disabilities have been established to consider all matters relating to the rights of persons with disabilities at the local level and take decisions in that regard.

461. A significant achievement in the observance of the rights of persons with disabilities to participate in public and political life was the introduction of independent advisers from among the representatives of civil society associations established by persons with disabilities. This step was recognized at the international level (in a competition launched by UNDP in 2012, the Kazakh initiative to appoint the president of the Union of Organizations of Persons with Disabilities of Kazakhstan, A.A. Amanbaev, as an independent adviser to the Ministry of Labour and Social Protection was highlighted).

462. Under a decision of the Coordinating Council of 30 June 2016, the model code of practice on advisers to ministers and heads of local authorities (*akim*) on disability-related issues was adopted, having been developed by Namys, a civil society association of persons with disabilities who have higher education.

463. The legislature has worked in close cooperation with NGOs to draft proposals for the amendment of certain legislative acts in the field of social protection for persons with disabilities and the Employment Act, the first and second stages of the Plan of Action to Ensure the Rights and Improve the Quality of Life of Persons with Disabilities for the period 2012–2018, the rules for the provision of taxi services for persons with disabilities and guidelines on the certification of social and transport infrastructure.

464. During the organization of work to ensure access to statistical information for civil society associations of persons with visual and hearing impairments, a series of meetings were held with the Kazakh Society of Blind Persons, the Kazakh Society of Deaf Persons, the Astana Youth Society for Persons with Disabilities, the Astana Association of Persons with Disabilities and the Kazakh Confederation of Persons with Disabilities. The meetings also included discussions of sample surveys on the quality of life of persons with disabilities from a gender perspective.

465. The State provides support for civil society associations of persons with disabilities and organizations established by them, which is reflected in the financing of socially significant projects of NGOs and the granting of benefits and preferences.

466. The transfer of title to land and buildings (structures and facilities) from the State to civil society associations of persons with disabilities and their organizations is carried out free of charge in cases provided for in Kazakh legislation. Title to land owned by those associations or organizations is to be returned to the State in the event of the discontinuation of operations or the alienation of the property of the associations or their organizations.

467. Civil society associations of persons with disabilities have tax benefits and preferences when participating in tenders for public procurement of goods, works and services.

468. Public funding of projects of NGOs is implemented within the framework of the Act on State Social Procurement, Grants and Awards for Non-Governmental Organizations in Kazakhstan of 12 April 2005.

469. Since 2013, the Ministry of Labour and Social Protection has conducted an annual national call for proposals for the “Best Social Project”. In 2016, the competition received 178 applications. A national commission determined the nominees for the top three places. The winners were: in first place, an online interpreting service (Almaty); and in second place, a project on the organization of a palliative home care centre for persons with category I disabilities and persons under 18 with mobility impairments living in the city of Kokshetau and the village of Krasny Yar (Kokshetau, Aqmola province). The winners of the competition received cash prizes and support from the Ministry of Labour and Social Protection to further advance their projects.

## **Article 30**

### **Participation in cultural life, recreation, leisure and sport**

470. The Constitution proclaims the right of all persons, including persons with disabilities, to enjoy their own culture (art. 19).

471. The State guarantees citizens, including persons with disabilities, the right to cultural activities by ensuring the right to participate in cultural life, have access to cultural assets and receive education in culture and the arts (Culture Act of 15 December 2006, art. 12).

472. Citizens, including persons with disabilities, have the right to engage in creative activity in accordance with their abilities through the independent choice of areas of application, forms of implementation and vocational education. All citizens have the right to have access to cultural assets (Culture Act, art. 10).

473. In accordance with the Social Protection of Persons with Disabilities Act, persons with disabilities have the right to priority service in cultural organizations (art. 14); local authorities provide persons with disabilities with the conditions for access to cultural events and to sports facilities for physical education and sport, with the provision of special sports equipment. The enjoyment of the above-mentioned activities by persons with category I and II disabilities and children aged under 18 years with disabilities is paid for using State funds, and persons with category III disabilities receive a discount of 50 per cent.

474. State authorities, with the participation of organizations of persons with disabilities, take measures to involve persons with disabilities in the cultural life of society and to aid their rehabilitation in the social and cultural spheres

475. Library users who cannot visit libraries because of disability or old age have the right to have access to library collections through external or off-site services (Culture Act, art. 24 (6)).

476. In Kazakhstan, more than 15 libraries for blind and visually impaired persons are leading work to provide persons with visual disabilities with access to the wealth of Kazakh and world literature.

477. To broaden the access to new literary works, the output (procurement and supply to cultural institutions) of modern adaptive technologies is being increased each year and new reading devices that convert printed text into sound, Braille display devices and printers that convert flat text into raised dots are being acquired, and also screen reading programs with voice synthesizers.

478. To attract persons with disabilities to take part in physical education and sport, steps are being taken to address in a comprehensive manner issues related to the accessibility of health and fitness activities and sports facilities, enhance the legal and regulatory

framework and provide training to specialist coaches and teachers who have expertise in techniques for rehabilitating persons with disabilities.

479. The Physical Education and Sport Act of 3 July 2014 (arts. 1 and 19) introduced concepts such as “adapted physical education” and “physical rehabilitation and social adaptation for persons with disabilities”, and identified mechanisms for including persons with disabilities in physical education and sport.

480. Physical rehabilitation and social adaptation for persons with disabilities using adapted physical education and sport is carried out in sports clubs, schools and groups for persons with disabilities, and in physical education and sports organizations.

481. The relevant education, health, social protection, physical education and sports bodies are responsible for organizing physical education and sport for persons with disabilities, staff training, methodological and medical support and the monitoring of physical education and sport classes for persons with disabilities by doctors.

482. The Physical Education and Sport Act regulates the competence of local authorities and the Ministry of Culture and Sport in developing physical education and amateur and professional sports in Kazakhstan. The Ministry of Culture and Sport implements State policy in the field of physical education and sport, and is responsible for holding national competitions, and for training the country’s national sports teams of persons with disabilities and organizing their participation in international sports competitions, including the Paralympic Games, the Deaflympics and the Special Olympics. After signing the Convention, the Ministry created an office for national sport and persons with disabilities in sports. Local authorities provide persons with disabilities with the conditions for access to sports facilities for physical education and sport, provide special sports equipment and open sports clubs, schools and groups. They also organize sports activities at the local level and provide for the training and participation of persons with disabilities in national sports competitions.

483. In Kazakhstan, there are three civil society organizations working on the participation of persons with disabilities in sports: the National Paralympic Committee of Kazakhstan (<http://www.paralympic.kz>) and the Special Olympics and the Deaflympics voluntary associations. There is also a sports training centre, 12 sports clubs and 2 sports schools for persons with special needs.

484. Every year, more than 40 international and national championships and tournaments take place for various categories of persons with disabilities, with the participation of more than 5,000 athletes with disabilities. In 2016, 36 national and 37 international competitions for persons with disabilities were held.

485. At the Paralympic Games in Rio de Janeiro in 2016, the Kazakh team won two medals for the first time (a gold for Zulfiya Gabidullina in swimming and a silver for Raushan Koishibayeva in powerlifting), taking fifty-eighth place.

486. As a result of the measures taken in recent years, there has been an increase in the proportion of persons with disabilities regularly engaging in physical education and sports (8.3 per cent of the number of persons with disabilities who have no contraindications to their playing sports in 2012, rising to 10.2 per cent in 2016). In 2016, 27,421 persons with disabilities were involved in amateur and professional sports.

## **Article 31**

### **Statistics and data collection**

487. In accordance with the Social Protection of Persons with Disabilities Act, a centralized database system is being established to keep a record of persons with disabilities, and monitoring body structure impairments and the causes and status of disability is the responsibility of the relevant social protection authority.

488. The Statistics Committee of the Ministry of National Economy collects data on disability using forms of statistical observation, including indicators such as the number of registered persons with disabilities across regions, the number of children with disabilities,

the number of persons living in residential homes for children with disabilities, the number of persons living in residential care homes for older persons and adults with disabilities, the number of residential homes for children with disabilities and the number of residential care homes for older persons and adults with disabilities.

489. In 2014, the Statistics Committee carried out sample surveys on the quality of life of persons with disabilities in a gender-sensitive manner. The survey was launched in preparation for the ratification of the Convention on the Rights of Persons with Disabilities.

490. Departmental statistical information regarding the realization of the rights of persons with disabilities is gathered by other central government authorities within their competence (Ministry of Education and Science, Ministry of Health, Ministry of Culture and Information, Ministry of Economic Affairs, etc.) and by local authorities.

491. Data collection and publication is carried out in accordance with legislation on personal data protection.

492. Data is disseminated by distributing information in official statistical (print) publications of the Statistics Committee and on the official websites of State bodies.

## **Article 32**

### **International cooperation**

493. In accordance with the Constitution, Kazakhstan respects the principles and rules of international law. Kazakhstan is party to 3,748 international treaties.

494. There are 73 international and regional organizations and agencies actively cooperating with the Government in the area of human rights protection and social protection, including such as UNDP, UNICEF, ILO, WHO, the Organization for Security and Cooperation in Europe, the International Social Security Association, the World Bank, the African Development Bank and others.

495. Joint projects between the Government and UNDP continue to be implemented in Kazakhstan aimed at the ratification of the Convention and the optimization of Kazakh efforts to secure the rights of persons with disabilities. They have also supported the participation and representation of non-governmental organizations of persons with disabilities in advisory commissions at all levels of government in Kazakhstan and in international platforms for dialogue on issues related to persons with disabilities.

496. In 2012, L.M. Kaltaeva, head of Shyrak, an association for women with disabilities, won the Asia-Pacific Champion of Disability Rights award (Economic and Social Commission for Asia and the Pacific).

497. Civil society associations of persons with disabilities in Kazakhstan participate actively in international cooperation and international development programmes, including through participation in grant projects of international organizations, such as through the Eurasia Foundation for Central Asia, the Soros Kazakhstan Foundation and others.

498. The following days are celebrated with a view to integrating persons with disabilities into society and promoting tolerance towards persons with disabilities:

- On 3 December every year, the International Day of Persons with Disabilities, which was proclaimed in 1992 by the United Nations General Assembly at its forty-seventh session in a special resolution;
- On every second Sunday in October, the Day of Persons with Disabilities in Kazakhstan (by Presidential Decree of 15 June 1993 on the Establishment of the Day of Persons with Disabilities in Kazakhstan).

## **Article 33**

### **National implementation and monitoring**

499. The Ministry of Labour and Social Protection is responsible for coordinating the social protection of persons with disabilities with the executive branch of government, and develops and implements State policy on labour, living standards and income, pensions, employment and unemployment, social protection and social services (including for persons with disabilities), the rehabilitation of persons with disabilities, and the provision of medical and social services.

500. The Ministry carries out its work through organizations under its jurisdiction, in conjunction with central and local authorities, civil society associations and other organizations. The Ministry's Department of Social Services is responsible for issues related to carrying out and monitoring implementation of the Convention.

501. In Kazakhstan, the Ministry of Health, the Ministry of Education and Science, the Ministry of Culture and Sport, the Ministry of Economic Affairs, the Ministry of Finance, the Ministry of Internal Affairs and the Ministry of Justice are vested with considerable powers to develop and implement specific issues of social policy related to persons with disabilities.

502. The Coordinating Council for the Social Protection of Persons with Disabilities attached to the Government of Kazakhstan has been in operation since 2005.

503. Monitoring of the implementation of the provisions of the Convention is carried out by advisers to ministers and provincial (municipal and district) authorities on disability issues.

504. The Human Rights Commissioner (Ombudsman) and Commissioner for the Rights of the Child are independent mechanisms that promote and protect the rights of persons with disabilities.

505. The protection and promotion of the rights of persons with disabilities is a priority area of action for the Ombudsman, whose Office previously prepared a special report entitled "The rights and opportunities of persons with disabilities in the Republic of Kazakhstan".

506. Over the past five years, the Human Rights Commissioner has received 201 communications from persons with disabilities concerning housing, labour rights, the right to social security, health care, education and issues related to non-enforcement of court judgments and the provision of qualified legal assistance. For each of the communications accepted for consideration, an appropriate review is carried out in accordance with established procedures and a decision is taken.

507. A general analysis of complaints received by the Ombudsman is included in the annual report on the work of the Human Rights Commissioner. Moreover, concerns regarding persons with disabilities are updated in the recommendations made by the Ombudsman to State bodies.

508. Over the past five years, the Office of the Ombudsman visited 44 organizations for older persons and persons with disabilities, organizations for persons with neuropsychiatric disorders, including for children, and business enterprises of the Kazakh Society of Blind Persons and the Kazakh Society of Deaf Persons offering on-the-job training. Recommendations were issued to State bodies on the basis of the findings of these visits.

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