



On Social Protection of Disabled Persons in the Republic of Kazakhstan

Unofficial translation

The Law of the Republic of Kazakhstan dated 13 April, 2005 No.39.

Unofficial translation

This Law regulates the social relations in the field of social protection of disabled persons in the republic of Kazakhstan and determined the legal, economic, organization conditions of ensuring of social protection of disabled persons, creating them equal opportunities for life and integration into society.

Chapter 1. GENERAL PROVISIONS Article 1. The basic concepts, used in this Law

The following basic concepts shall be used in this Law:

1) special means of transport – type of technical assistance for active and passive transport of disabled persons;

2) is excluded by the Law of the Republic of Kazakhstan dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016);

3) orientation training - system of measures, oriented to rendering of assistance to the disabled persons in choosing the types of labour activity;

4) reconstructive surgery - aggressive approach, oriented to rehabilitation or compensation of impaired body functions;

5) medical and social assessment – determination of requirements in accordance with the established procedure of examined person in the measures of social protection on the basis of assessment of restriction of life activity, caused by permanent disturbance of body functions;

5-1) medical and social institution (organization) is an organization intended for permanent or temporary residence in conditions of an in-patient hospital, a semi in-patient hospital or daily stay of elderly people, persons with disabilities, including people with disabilities from among the psychoneurological patients, children with disabilities who need help and care and medical service;

6) medical rehabilitation – complex of medical services, oriented to preservation, partial or complete rehabilitation of impaired and (or) lost body functions;

7) a disabled person is a person who has a health disorder with persistent impairment of body functions, caused by diseases, injuries (wounds, traumas, concussions), their consequences, defects, which leads to limitation of life and need for his social protection;

8) a disabled child is a person under the age of eighteen, who has a health disorder with persistent impairment of body functions, caused by diseases, injuries (wounds, traumas, concussions), their consequences, defects, which leads to limitation of life and need for his social protection;

9) social rehabilitation of disabled persons – a set of measures, oriented to creating conditions for negotiation of restrictions of life activity by disabled persons, restoration of social status, their social and environmental adaptation;

10) social protection of disabled persons – a set of measures on social assistance, rehabilitation, as well as integration of the disabled persons in society;

11) special individual working places for resettlement - individual working places, equipped in recognition of individual possibilities of disabled person;

12) vocational rehabilitation of disabled persons – a set of measures, oriented to reception or rehabilitation of impaired or lost professional skills, knowledge and abilities of disabled persons, their adaptation and arrangement of labour;

13) *Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

14) social and environmental adaptation of disabled persons - a process of possible achievement of self-service, independent residence or return of disabled persons in usual conditions of family and social life;

14-1) specialized organization of disabled persons - public associations of disabled persons, as well as organizations, one hundred percent of share of participation which is belong to public associations of disabled persons, upon condition of conformance to the following conditions of such associations and organizations:

average annual number of disabled persons is not less than 51 percent of total number of employees;

expenses for payment for labour of disabled persons for the year is not less than 35 percent of total expenses for payment for labour;

15) disability- the degree of restriction of life activity of person due to health situation with permanent disturbance of body functions;

16) disabled person's individual rehabilitation programme - a document, determining specific amounts, types and terms of conducting rehabilitation of disabled persons;

17) compulsory hygienic means – means, intended for function of natural

physiological needs and necessities;

18) prosthetic and orthopedic aid – specialized type of medical and technical assistance on provision of prosthetic and orthopedic equipment and training in their use;

19) prosthetic and orthopedic equipment - equipment, replacing the missing limbs or other parts of the body, compensated impaired or lost body functions due to disease or injury to health;

19-1) sign language translation is translation using dactylic alphabet and (or) sign language from any language;

20) deaf technical devices - technical equipment for correction and compensation for hearing defects, as well as boosting agent of telecommunication and transmission of information;

21) technical auxiliary (compensatory) assets - prosthetic and orthopedic and equipment for deaf and blind and compulsory hygienic means;

22) blind means – means, oriented to correction and compensation of lost possibilities of disabled persons in the results of vision deficiency;

23) restriction of life activity - partial or complete loss of ability or possibility by person to realize self-service, move independently, be oriented, communicate, control their behavior, learn and engage in labor activity.

24) standards for the provision of special social services in the field of social protection of the population are normative legal acts that establish the quality, scope and conditions for the provision of special social services to the disabled and disabled children;

Footnote. Article 1 as amended by the Laws of the Republic of Kazakhstan dated 7 July, 2006 No. 171 (the order of enforcement see Article 2); dated 12 January, 2007 No. 222 (shall be enforced upon expiry of six months after its first official publication); dated 03.07.2013 No . 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.12.2013 No. 152-V (shall be enforced from 01.01.2006); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

Article 2. The legislation of the Republic of Kazakhstan on social protection of disabled persons

1. The legislation of the Republic of Kazakhstan on social protection of disabled persons is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If the international treaty, ratified by the Republic of Kazakhstan establishes the other rules, than those provided by this Law, the rules of international treaty shall be applied, except for the cases, when it follows from international treaty that the issuance of the Law of the Republic of Kazakhstan is required for its application.

Article 3. The scope of effect of this Law

Effect of this Law shall be distributed to the citizens of the Republic of Kazakhstan, foreigners and persons without citizens, permanently residing in the territory of the Republic of Kazakhstan.

The subjects of relations in the field of social protection of disabled persons shall be individuals and legal entities, as well as the state bodies.

Chapter 2. STATE REGULATION OF SOCIAL PROTECTION OF DISABLED PERSONS Article 4. The state policy of the Republic of Kazakhstan in the scope of social protection of disabled persons

The state policy of the Republic of Kazakhstan in the scope of social protection of disabled persons of the Republic of Kazakhstan shall be directed to:

- 1) preventive measures of disablement;
- 2) social protection, as well as rehabilitation of disabled persons;
- 3) integration of the disabled persons into society.

Article 5. Principles of social protection of disabled persons

The state policy of the Republic of Kazakhstan in the field of social protection shall be conducted on the basis of principles:

- 1) legality, humanity, observance of human rights;
- 2) security of social protection, ensuring accessibility of medical, social and vocational rehabilitation;
- 3) accessibility and equal rights of disabled persons, along with other citizens, to health protection, education and free choice of form of activity, as well as labour;
- 4) interaction of the state bodies with public associations and other organizations, carrying out functions on protection of rights and legal interests of disabled persons;
- 5) non-discrimination on grounds of disablement.

Article 6. The competence of the Government of the Republic of Kazakhstan in the field of social protection of disabled persons

The Government of the Republic of Kazakhstan shall:

- 1) develop the basic directions of the state policy in the field of social protection of disabled persons;
- 2) *Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);*
- 3) *Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

4) approve procedure of assessment and payment of scholarships to the disabled persons, learning on the state order or grant, in accordance with the legislation of the Republic of Kazakhstan;

4-1) Is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);

5) create coordination council in the field of social protection of disabled persons;

6) exercise other functions, imposed on it by the Constitution, the Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 19.12.2007 No. 9 (the order of enforcement see Article 2 of the Law); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);

Article 7. The competence of the authorized body in the field of social protection of population and its territorial subdivisions

1. An authorized body in the field of social protection of population shall:

1) develop and approve the regulatory legal acts of the Republic of Kazakhstan in the field of social protection of disabled persons, as well as in the field of medical and social assessment;

1-1) Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015);

2) Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

2-1) develops and approves methodological recommendations in the field of social protection of disabled persons;

3) excluded by the Law of the Republic of Kazakhstan dated 02.07.2018 № 165-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication);

4) *Is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

5) establish the general principles of organization and carrying out of medical and social assessment and rehabilitation of disabled persons;

6) shall develop and approve the rules for conducting medical and social examination;

6-1) shall develop and approve the forms of documents formed during the medical and social examination;

7) form an institutional bank of these accounting systems of disabled persons, conduct the monitoring of causes, structure and state of disablement;

8) *Is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

9) carry out the state control in the field of social protection of disabled persons;

9-1) shall approve the procedure for the provision of social services in accordance with an individual rehabilitation program:

individual assistant for disabled people of the first group who have difficulty in moving;

The third block of Subparagraph 9 shall be enforced since 01.01.2017.

a sign language specialist for the disabled by hearing - sixty hours a year;

10) exercise other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. To the competence of territorial subdivisions of the authorized body in the field of social protection of population shall be referred:

1) carrying out of medical and social assessment;

2) establishment of a group of disability and (or) the degree of disability with definition of its cause, term, depending on the degree of disruption of the body's functions and limitations of life activity;

3) development of social and professional parts of an individual rehabilitation program for disabled people, determination of the needs of an employee who has received a personal injury or other health damage related to the performance of his work (service) duties, additional assistance and care provided by the civil legislation of the Republic of Kazakhstan;

4) award of benefits and other types of payments and compensation, provided by the legislation of the Republic of Kazakhstan;

5) control of realization of individual programs of rehabilitation of disabled persons;

6) study of decree and causes of population disablement;

7) the state control in the field of social protection of disabled persons within its powers.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); dated 19.03.2010 No. 258-IV; dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its

first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); dated 02.07.2018 № 165-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 8. The competence of the authorized body in the field of health care service

An authorized body in the field of health care service shall:

1) conduct the unified state policy in the field of formation of healthy lifestyle of population, preventive measures of disablement;

2) define the protocols for diagnosis, treatment of diseases and rehabilitation;

3) develop medical part of an individual rehabilitation program for the disabled person and performs its implementation;

4) provide professional training and retraining of specialists in the field of medical and social assessment;

5) exercise other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

Article 9. The competence of the authorized body in the field of education

An authorized body in the field of education shall:

1) provide getting an education by disabled persons in accordance with the legislation of the Republic of Kazakhstan;

2) develop procedure of assessment and payment of scholarships to the disabled persons, learning on the state order or grant, in accordance with the legislation of the Republic of Kazakhstan;

3) develop and approve the regulatory legal acts of the Republic of Kazakhstan, regulating the educational activity of special organizations of education, carry out education of disabled persons;

4) exercise other powers, provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011).

Article 10. Competence of local government bodies of the region, a city of republican significance and the capital

Footnote. The title of Article 10 in the new wording of the Law of the Republic of Kazakhstan dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

1. Local representative bodies of region, city of republican significance, the capital shall exercise powers on ensuring the rights and legal interests of citizens in accordance with the legislation of the Republic of Kazakhstan.

2. Local executive bodies of the region, cities of republican significance and the capital shall:

1) *Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

2) create the state institutions and enterprises, carrying out rehabilitation of disabled persons;

2-1) provide additional measures of social support for disabled people stipulated by the legislation of the Republic of Kazakhstan;

3) enable to establishing an organization, carrying out rehabilitation of disabled persons;

4) organize vocational training (retraining) for disabled people in accordance with the legislation of the Republic of Kazakhstan on employment;

5) organize the training, retraining and raising of qualification of specialists on rehabilitation of disabled persons, as well as the specialists of body language, specialists in reading and writing of Braille writing system;

6) organize implementation of medical, social, and professional rehabilitation in the relevant territory in accordance with this Law;

7) provide health resort treatment of disabled persons and disabled children in accordance with disabled person's individual rehabilitation programme;

8) *Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

9) organize provision of disabled persons with technical auxiliary (compensatory) assets and (or) special means of transport in accordance with disabled person's individual rehabilitation programme;

10) organize carrying out of health and sporting measures among the disabled persons jointly with the authorized body in the field of physical fitness and sports and public associations of disabled persons;

11) organize the cultural and mass, educational measures jointly with public associations of disabled persons;

12) coordinate rendering of beneficent and social assistance to the disabled persons;

13) exercise other powers, imposed on local executive bodies in the interests of local state management by the legislation of the Republic of Kazakhstan.

Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

Article 11. The competence of bodies of local state management of region (city of regional significance)

1. Local representative bodies of district, city of regional significance shall exercise powers on ensuring the rights and legal interests of citizens in accordance with the legislation of the Republic of Kazakhstan.

2. Local executive bodies of district (city of regional significance) shall:

1) *Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

2) *Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

3) organize provision of social assistance and coordinate provision of charitable assistance to disabled people;

3-1) provide additional measures of social support to disabled people provided for by the legislation of the Republic of Kazakhstan;

4) exercise other powers, imposed on local executive bodies in the interests of local state management by the legislation of the Republic of Kazakhstan.

Footnote. Article 11 as amended by the Laws of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.11.2015 № 403-V (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

Article 12. Preventive measures of disability

1. Preventive measures of disability – a set of measures, oriented to early detection, prevention of occurrence of physical, intellectual, mental, sensory and other defects and transfer of defects in the permanent functional limitation or disablement, as well as the measure on health protection, improvement of ecological environment of human inhabitation, formation of healthy lifestyle, ensuring the safe working conditions, prevention of injuries in industries, reduction of occupational diseases.

2. Preventive measures of disability shall be carried out by the relevant state bodies, bodies of local state management, organizations and an employer in accordance with the legislation of the Republic of Kazakhstan.

Chapter 3. RIGHTS AND SOCIAL PROTECTION OF DISABLED PERSONS

Article 13. Medical and social assessment

1. Establishment of disability and degree of loss of the capacity for work of person shall be carried out by execution of medical and social assessment by territorial subdivisions of the authorized body in the field of social protection of population.

2. Medical and social assessment shall be carried out in terms of full assessment of body state on the basis of analysis of clinico-functional, social, professional and psychological data of examined person according to the procedure, established by the Government of the Republic of Kazakhstan.

2-1. In the conduct of medical and social examination refuses when providing documents with expired validity and (or) incomplete package of documents.

2-2. As a result of medical and social examination, disability and (or) the degree of disability are not established in cases of absence of persistent violations of the body's functions that lead to the restriction of one of the categories of life activity (ability to self-service, movement, work (work capacity), training, communication, control over their behavior, play and cognitive activity, motor activity).

3. When recognizing a person as disabled and (or) determining the degree of disability, the reasons, terms, requirements for social protection measures are determined, and the social and professional parts of an individual rehabilitation program for the disabled person are developed.

4. Disability group shall be established from the age of sixteen.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

Article 14. Rights of disabled persons

Disabled persons in the Republic of Kazakhstan shall have all of social, economic and individual rights and freedoms, vested by the Constitution of the Republic of Kazakhstan, other legislative acts of the republic of Kazakhstan. Including the rights to:

1) the social protection, as well as rehabilitation, integration into society;

- 2) provision of access to facilities of the social infrastructure;
- 3) provision of access to information;
- 4) education, free choice of form of activity, as well as labour;
- 5) guaranteed volume of free medical care according to the procedure, determined by the legislation of the Republic of Kazakhstan;
- 6) professional training and retraining, vocational rehabilitation and arrangement of labour ;
- 7) dwelling in accordance with housing legislation of the Republic of Kazakhstan;
- 8) priority service in the state and other organizations, as well as in the organizations of health care service, culture, communication, transport, scope of services;
- 9) support creative abilities of disabled persons.

Article 15. Social protection of disabled people

Social protection of disabled people is ensured through the provision of social, charitable assistance, medical, social and professional rehabilitation, access to education and other measures aimed at creating opportunities for disabled people to participate in the life of society with equal opportunities with other citizens.

Footnote. Article 15 in the new wording of the Law of the Republic of Kazakhstan dated 16.11.2015 № 403-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 16. Social assistance for disabled people

Social assistance for disabled people includes payments in the form of state benefits, compensation and other payments, including through charity, stipulated by the legislation of the Republic of Kazakhstan.

Additional types of social assistance are entitled to provide local executive bodies, the employer and other organizations.

Footnote. Article 16 in the new wording of the Law of the Republic of Kazakhstan dated 16.11.2015 № 403-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the Law of the Republic of Kazakhstan dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

Article 16-1. Social assistance to the disabled persons and disabled children from the list of psychoneurology afflicted persons, residing in the state medical and social institutions

1. Pension payments and state social benefits for disabled people living in public medical and social institutions recognized as incompetent and in need of guardianship (hereinafter referred to as guardianship) shall be credited by a court decision in the manner prescribed by the laws of the Republic of Kazakhstan "On State Social Allowances for Disability, on the occasion of breadwinner's loss and by age in the Republic of Kazakhstan "and" On pension provision in the Republic of Kazakhstan ".

2. Administration of medical and social institution shall quarterly present reports on use of pension payments, received from the State center on pension payment and state social benefits of wards, to the local executive bodies of region (city of republican significance, the capital).

3. The local executive bodies of oblasts (cities of national importance and the capital) monitor the accuracy of pension payments from the State Centre for the Payment of Pensions and State Social Allowances to Guardians by the administration of the medical and social institution.

Footnote. Chapter is supplemented by Article 16-1 – by the Law of the Republic of Kazakhstan dated 19 December, 2007 No. 9 (the order of enforcement see Article 2 of the Law); as amended by the Law of the Republic of Kazakhstan dated 03.12.2015 № 433-V (

shall be enforced from 01.01.2016); № 210-VI of 28 December 2018 (shall be enforced upon the expiration of ten calendar days after the date of its first official publication).

Article 17. Rehabilitation of disabled persons

1. Rehabilitation of disabled persons shall include a set of medical, social and professional measures, oriented to elimination or possible full compensation of restrictions of life activity, caused by health situation with permanent disturbance of body functions.

2. Rehabilitation of disabled persons shall be carried out in accordance with individual program of rehabilitation of disabled persons, determined on the basis of conclusion of medical and social assessment.

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 18. Comprehensive programme of rehabilitation of the disabled persons

Footnote. Article 18 is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 19. Individual program of rehabilitation of the disabled persons

1. Individual program of rehabilitation shall determine a set of rehabilitation actions, including medical, social, professional rehabilitative measures, oriented to rehabilitation and (or) compensation of impaired body functions.

2. Individual program of rehabilitation shall contain both the rehabilitation actions, providing to the disabled person as free in accordance with the legislation of the Republic of Kazakhstan and the rehabilitation actions, in the payment of which the disabled person or an employer participates himself (herself), due to the fault of labour injury or professional disease.

Article 20. Medical rehabilitation of disabled persons

1. Medical rehabilitation of disabled persons shall include:

1) rehabilitation therapy (medicamental, physical, sanatorium-resort and other methods of treatment, oriented to rehabilitation of impaired or lost body functions);

2) reconstructive surgery;

3) prosthetic and orthopedic aid.

2. Health care organization and other specialized organization irrespective of their form of ownership shall conduct measures on medical rehabilitation.

3. Health resort treatment shall be provided to the disabled persons and disabled children according to individual program of rehabilitation according to the procedure, determined by the Government of the Republic of Kazakhstan.

4. Booking documents for health resort treatment shall be provided by employer to the disabled person, received a labour injure or professional disease due to the fault of employer in accordance with the legislation of the Republic of Kazakhstan.

5. In case of termination of activity of employer – an individual entrepreneur or liquidation of legal entity of health resort treatment shall be provided to the disabled person, received a labour injure or professional disease due to the fault of employer, in accordance with paragraph 3 of this Article.

Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 21. Social rehabilitation of disabled persons

1. Social rehabilitation of disabled persons shall include:

1) teaching disabled persons with basic social skills of personal hygiene, self-service, movement, communication;

2) provision of disabled persons with technical auxiliary (compensatory) assets and special means of transport;

3) provision of special social services for people with disabilities at home, including children with disabilities in need of outside care and assistance;

4) provision of social services of the individual assistant for the disabled of the first group who have difficulties in movement, in accordance with the individual rehabilitation program.

Social service of the individual assistant for the disabled of the first group from the childhood having difficulty in movement, is not given at appointment and payment to the person who is carrying out care of him, a monthly state benefit in an order provided by article 9-2 of the Law of the Republic of Kazakhstan "About the state allowances to the families having children";

4-1) Provision of social services of a specialist of sign language for hearing impaired persons in accordance with the individual rehabilitation program - sixty hours per year;5) provision of special social services in medical and social institutions (organizations);

6) rendering legal assistance in accordance with the legislation of the Republic of Kazakhstan;

7) other types of social rehabilitation in accordance with individual program of rehabilitation.

2. Social rehabilitation of disabled people is carried out by medical and social institutions (organizations), social assistance at home, special education organizations (psychological and medical pedagogical consultations, rehabilitation centers, psychological and educational correction rooms), organizations of health care and other specialized organizations.

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); dated 02.07.2018 № 165-VI (shall be enforced dated 01.07.2018).

Article 22. Provision of disabled persons with technical auxiliary (compensatory) assets and special means of transport

1. Disabled persons shall be provided by prosthetic and orthopedic aid, technical auxiliary (compensatory) assets and special means of transport in accordance with individual program of rehabilitation on the list and in the manner determined by the Government of the Republic of Kazakhstan.

2. Disabled persons from labour injury or professional disease, received due to the fault of employer, shall be provided with technical auxiliary (compensatory) assets and special means of transport according to individual program of rehabilitation at the expense of means of employer in accordance with the legislation of the Republic of Kazakhstan.

3. In case of termination of activity of employer – individual entrepreneur or liquidation of legal entity, the prosthetic and orthopedic aid, technical auxiliary (compensatory) assets and special means of transport shall be provided to the disabled person, received a labour injure or professional disease due to the fault of employer, in accordance with paragraph 1 of this Article.

4. Technical auxiliary (compensatory) assets shall subject to the compulsory certification to compliance with the requirements of the state system of certification of the Republic of Kazakhstan.

Footnote. Article 22 as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 23. Provision of special social services at home and in territorial centers of social service

1. Provision of special social services to single invalids of the first and second groups who need outside care and assistance in connection with a partial or complete loss of the

opportunity to satisfy their basic life needs, self-service and (or) mobility independently, is provided by the social assistance offices at home and in the territorial centers of social services for the elderly and disabled people in accordance with the standards of providing special social services in the field of social protection of the population.

2. Provision of special social services for children with disabilities in need of external care and assistance in connection with a partial or complete loss of the opportunity to satisfy their basic life needs, self-care and (or) mobility is carried out by the social assistance departments at home and in territorial centers of social services for the elderly and disabled people in accordance with the standards of special social services in the field of social protection of the population.

3. Provision of special social services at home and in the territorial centers of social services for the elderly and disabled people is carried out at the expense of budgetary funds.

Footnote. Article 23 in the new wording of the Law of the Republic of Kazakhstan dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

Article 24. Provision of special social services in medical and social institutions (organizations)

1. Provision of special social services for single invalids of the first and second groups, for the disabled of the first and second groups from the number of psychoneurological patients, children with disabilities who are in need of constant external care and medical care for health reasons, is provided in boarding homes for the elderly and disabled, children - disabled persons profiled according to their age, the state of health of disabled people, and includes the creation of living conditions, provision of care, medical service, rehabilitation, social-labor adaptation, recreation and leisure.

2. The volume of special social services for people living in public medical and social institutions and non-governmental medical and social organizations is provided in accordance with the standards for the provision of special social services in the field of social protection of the population.

3. Provision of special social services in public medical and social institutions is carried out at the expense of budgetary funds and (or) other material and financial receipts in accordance with the legislation of the Republic of Kazakhstan.

4. Provision of special social services in non-government medical and social organizations is carried out on a fee basis, including the funds of the founders, in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 24 in the new wording of the Law of the Republic of Kazakhstan dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

Article 25. Provision of access of disabled persons to the facilities of the social infrastructure

1. Local executive bodies shall provide:

1) during the design, construction and reconstruction of residential areas, the formation of residential areas, the improvement of newly developed and reconstructed areas and other residential areas in accordance with national standards, access to residential, public and industrial buildings, facilities and premises for persons with disabilities;

2) the places for personal motor vehicles of disabled persons upon planning and construction of public parking for temporary storage of cars, as well as upon service institutions and application objects of labour;

3) extraordinary provision of places to the disabled persons under construction of garages or parking for special means of transport, including cars in recognition of the state standards in the field of architecture, urban construction and construction;

4) establishment of special traffic lights with synchronous audio and video alarms, road signs, pedestrian crossing, equipped by audio and video devices in the places of location of institutions, oriented to service of disabled persons, as well as in most populous places.

2. Commissioning of objects of housing and civil, communal designation shall not be allowed without participation of public association of disabled persons in the composition of state acceptance commission on acceptance of representatives of local executive bodies of region, city of republican significance, the capital in the field of employment and social programs.

3. Individuals engaged in entrepreneurial activity, as well as legal entities, in accordance with State standards are required to create conditions for disabled persons to have unimpeded access to public transport facilities, residential, public and industrial buildings, facilities and premises, free orientation and movement at airports, railway stations, bus stations, bus stations, sea and river ports..

In the cases, when the specified objects is not possible to adapt for access of disabled person, the necessary measures, to the fullest extent considering the needs of disabled persons shall be developed and carried out by the relevant individuals and legal entities.

Upon holding of the competitive tenders for the right to route maintenance on passenger transportation by the state bodies, the privileges shall have the persons, transport facilities of which are adapted for the access of disabled persons.

4. The failure of officials, as well as individuals engaged in entrepreneurial activities and legal entities to provide conditions for persons with disabilities for unhindered access to social and transport infrastructure objects, entails bringing to administrative responsibility in accordance with the Code of the Republic of Kazakhstan on Administrative Offenses.

Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016); № 184-VI dated 05.10.2018 (shall be enforced upon the expiration of six months after the day of its first official publication).

Article 26. Provision of housing for the disabled

1. Local executive bodies in the manner established by the legislation of the Republic of Kazakhstan shall:

1) register and provide housing for people with disabilities who need housing for the use;

2) provide the equipment of living quarters provided to disabled people or families with disabled people with special means and devices.

2. Invalids are given the right to choose a dwelling premise, taking into account the number of storeys, the type of building, the degree of improvement and other necessary conditions for living.

Footnote. Article 26 in the new wording of the Law of the Republic of Kazakhstan dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

Article 27. Provision of access to the disabled person to the cultural and entertaining organizations and sports facilities

Local executive bodies shall provide conditions to the disabled persons for the access to the cultural and entertainment events, as well as sports facilities for engagement in physical fitness and sports, provision of special sports equipment.

Disabled persons of first and second groups and disabled children up to the age of eighteen shall use listed services at the expense of budget means, and disabled persons of third group – with payment of fifty percent from the amount of specified services.

Article 28. Provision of access to information of disabled persons

1. The state shall provide the access to information to the disabled persons in accordance with the legislation of the Republic of Kazakhstan by:

1) issuance of periodical, scientific, courseware, communication and imaginative literature for the disabled persons, as well as published on audio cassettes, disks, Braille writing system and sign-interpretation video cassettes;

2) is excluded by the Law of the Republic of Kazakhstan dated dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

1-1. At least one TV news program is provided by sign language translation or a translation in the form of subtitles in accordance with the legislation of the Republic of Kazakhstan on broadcasting.

2. Body language, which is also applied in the educational programs of organization of education for deaf and hearing – impaired children shall be used as mode of interpersonal communication.

Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

Article 29. Provision of conditions to the disabled persons for getting education and nursery education

1. Disabled persons shall be guaranteed to get free primary, basic secondary and general secondary education.

2. Upon entering into study in organization of education, realizing professional education programs of technical and professional, secondary and higher education, the quota of admission in the number, determined by the Government of the Republic of Kazakhstan shall be provided for the disabled persons of first and second groups and disabled persons.

3. With participation in the competition for free public education through budgetary financing of state educational grants, in the case of equal indicators, the first and second group invalids, invalids from childhood, disabled children are entitled to a priority, according to which medical education is not contra-indicated in the relevant educational organizations.

4. Benefits on bursarial provision shall be provided to the disabled persons, learning in the educational organizations, realizing professional education programs of technical and professional, secondary and higher education, on the state order or grant, in accordance with the legislation of the Republic of Kazakhstan.

5. Kindergartens and other special correctional organizations shall be created for the disabled children, state of health of which excludes the possibility of their residence in

pre-school organizations according to the procedure, established by the legislation of the Republic of Kazakhstan.

6. Upon absence of possibility to carry out nurturing and education of disabled children in general and special preschool organizations and other educational institutions, nurturing and education shall be conducted at home according to the procedure, established by the legislation of the Republic of Kazakhstan in recognition of wish of parents or legal representatives.

7. The state shall bear the maintenance expenses of disabled persons, disabled persons from childhood and disabled children in whole or in part in the period of getting by them education according to the procedure, established by the legislation of the Republic of Kazakhstan.

Footnote. Article 29 as amended by the Law of the Republic of Kazakhstan date 27 July, 2007 No. 320 (the order of enforcement see Article 2); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

Article 30. Vocational rehabilitation of disabled persons

1. Vocational rehabilitation of disabled persons shall include:

- 1) orientation training;
- 2) professional education (reeducation);
- 3) arrangement of labour.

2. Professional orientation is carried out by educational organizations, social protection of the population.

2-1. Employers who create special jobs for the employment of disabled people participate in the professional orientation of disabled people.

3. Professional education (reeducation) of disabled persons shall be carried out by the organizations, conducting an educational activity on the basis of license, received according to the procedure, established by the legislation of the Republic of Kazakhstan.

Footnote. Article 30 as amended by the Laws of the Republic of Kazakhstan dated 24.11.2015 № 421-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

Article 31. Provision of employment of disabled persons

Local executive bodies shall provide employment of disabled persons by:

1) establishment of a quota of workplaces for disabled persons in the amount of two to four percent of the number of workplaces without taking into account workplaces for heavy work, work with harmful, dangerous working conditions in accordance with the legislation of the Republic of Kazakhstan on employment;

2) creation of additional working places for the disabled persons through development of individual enterprises, small and medium business;

3) creation of special, as well as social working places for resettlement in accordance with the legislation of the Republic of Kazakhstan;

4) organization of professional education of disabled persons.

Footnote. Article 31 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015); dated 24.11.2015 № 421-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 32. The right of disabled persons in the field of labor relations

1. Reduced duration of working time of no more than thirty-six hours per week shall be established for persons with disabilities of the first and second groups and shall be provided with an additional paid annual leave of absence of at least six calendar day.

2. Night work shall be allowed with consent of disabled person and upon condition, if such work is not prohibited for him (her) on state of health.

3. Refusal to conclude an employment contract or promotion, dismissal at the initiative of the employer, transfer of a disabled person to another job without his consent on grounds of disability are not allowed, except for cases when, according to the medical conclusion, his state of health impedes the performance of professional duties or threatens health and safety of others.

Footnote. Article 32 as amended by the Laws of the Republic of Kazakhstan dated 23.11.2015 № 415-V (shall be enforced from 01.01.2016); dated 03.12.2015 № 433-V (shall be enforced from 01.01.2016).

Chapter 4. PARTICIPATION OF EMPLOYER IN SOCIAL PROTECTION OF DISABLED PERSONS Article 33. Obligation of an employer on provision of access to the facilities of the social infrastructure

An employer shall create conditions to the disabled persons, received a labour injure or professional disease due to the fault of employer, for the access to the industrial buildings, constructions, premises by planning and adaptation of workplaces and work premises, equip the housing units with special means and devices in accordance with disabled person's individual rehabilitation programme.

Article 34. Obligation of employer in the scope of employment and vocational rehabilitation of disabled persons

An employer shall provide the disabled persons from labour injure and (or) professional disease, received due to the fault of employer, with professional education or reeducation, creation of special work places for their arrangement of labour.

Article 35. Obligation of employer on compensation for damage caused to the disabled persons

Compensation for damage caused to the disabled persons, received the labour injure or professional disease due to the fault of employer, shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

Chapter 5. PUBLIC ASSOCIATION OF DISABLED PERSONS Article 36. Rights of public associations of disabled persons and their powers

1. Public associations of disabled persons shall participate in the work of coordination council and in solution of problems, linked with social protection of disabled persons.

2. Central and local executive bodies shall interact with public associations of disabled persons and their authorized representatives upon preparation and adoption of decisions, affected the interests of disabled persons.

3. Transfer of ownership to the land plots, developed by buildings (constructions, installations), being in their ownership to the public associations of disabled persons, as well as their organizations, shall be carried out without charge from the state ownership to the private in the cases, provided by the Laws of the republic of Kazakhstan.

In case of termination of activity of public associations of disabled persons or alienation of property from ownership of public associations of disabled persons, their organizations, the land plots, being in their ownership, shall subject to return in the state property.

4. Public associations of disabled persons shall have a right to participate in formation of state policy on social protection of disabled persons by:

1) making suggestions in the central and local executive bodies on ensure the protection of the rights and legal interests of disabled persons;

2) participation in assessment of efficiency of provision of relevant types of social services;

3) making suggestions in the developed regulatory legal acts of the Republic of Kazakhstan on issues of social protection of disable persons;

4) the organization together with the authorized body in the field of physical culture and sports or local executive bodies of regions (cities of national importance, the capital) of the republican sports events;

5) organization of educational, cultural events jointly with the authorized territorial bodies of culture.

Footnote. Article 36 as amended by the Laws of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Article 2); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2018 № 210-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Chapter 6. CONTROL OF OBSERVANCE OF THIS LAW Article 37. State control in the field of social protection of disabled persons

The state control in the field of social protection of invalids is carried out by the authorized body in the field of social protection of the population and its territorial divisions in the form of check and preventive control with visiting of the subject (object) of control according to the Entrepreneurial code of the Republic of Kazakhstan.

Footnote. Article 37 of the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 38. Rights of the authorized body in the field of social protection of population and its territorial subdivisions on carrying out control of observance of the legislation of the Republic of Kazakhstan on social protection of disabled persons

A footnote. Article 38 is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Chapter 7. FINAL PROVISIONS Article 39. Responsibility for violation of the legislation of the Republic of Kazakhstan on social protection of disabled persons

Persons, guilty in violation of the legislation of the Republic of Kazakhstan on social protection of disabled persons, shall bear responsibility, established by the Laws of the Republic of Kazakhstan.

Article 40. Procedure of introduction into effect of this Law

1. This Law enters into force from the date of its official publication, except for:

1) subparagraph 17) of Article 1; paragraph 5 of Article 20; subparagraph 4) of paragraph 1 of Article 21; paragraph 3 of Article 22; subparagraph 2) of paragraph 1 of Article 26; Article 28, enters into force from 1 January, 2006;

2) subparagraph 8) of paragraph 1 of Article 7; paragraph 3 of Article 25, enters into force from 1 January, 2007.

2. Shall be considered to have lost force:

1) the Law of the Republic of Kazakhstan dated 21 June, 1991 “On social security system of disabled persons in the Republic of Kazakhstan” (Bulletin of Supreme Soviet of Kazakh SSR, 1991, No. 26, Article 345; Bulletin of Supreme Soviet of the Republic of Kazakhstan, 1994, No. 9-10, Article 158; No. 15, Article 208; 1995, No. 20, 120; Bulletin of the Parliament of the Republic of Kazakhstan, 1997, No. 7, Article 79; No. 12, Article 184; No. 17-18, Article 219; 1998, No. 24, Article 432; 1999, No. 8, Article 247; 2001, No. 1, Article 4 ; No. 13-14, Article 173; 2002, No. 6, Article 71);

2) Regulation of Supreme Soviet of Kazakh SSR dated 21 June, 1991 “On introduction into effect of the Law of Kazakh SSR” On social security system of disabled persons in the Kazakh SSR” (Bulletin of Supreme Soviet of Kazakh SSR, 1991, No. 26, Article 346).

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