

## **On social protection of persons with disabilities in the Republic of Kazakhstan**

### *Invalidated Unofficial translation*

The Law of the Republic of Kazakhstan dated 13 April, 2005 № 39. It became invalid by the Code of the Republic of Kazakhstan № 224-VII dated 20.04.2023 (effective from 01.07.2023).

#### *Unofficial translation*

Footnote. It became invalid by the Code of the Republic of Kazakhstan No. 224-VII dated 20.04.2023 (effective from 01.07.2023).

Footnote. The heading - as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced ten calendar days after the date of its first official publication).

Footnote. throughout the text:

the words "disabled", are replaced accordingly by the words "persons with disabilities", "person with disabilities", "a person with a disability", "persons with a disability";

the words "disabled children", "disabled child", " are replaced respectively by the words "children with disabilities", "a child with disabilities", "a child with a disability";

the words "individual rehabilitation program" " are replaced by the words "individual habilitation and rehabilitation program"

by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced ten calendar days after the date of its first official publication).

This Law regulates public relations in the social protection of persons with disabilities in the Republic of Kazakhstan and establishes the legal, economic and organizational conditions for ensuring social protection of persons with disabilities, creating equal opportunities for them for living 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 vehicles - a type of technical assistance for active and passive movement of persons with disabilities;

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

2-1) an individual assistant - a person who provides social services of accompanying a person with the first disability group who has difficulty in moving, and providing assistance when visiting facilities;

3) occupational orientation - a system of measures aimed at assisting a person with a disability in choosing the types of labor activity;

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

5) medico-social examination - an assessment of the restrictions on the life of the person being examined, caused by a persistent disorder of body functions, with the establishment (non-determination) of disability and (or) the degree of disability, as well as the determination of his needs for social protection measures;

5-1) medical and social institution (organization) - an organization intended for permanent or temporary residence in a hospital, semi-hospital or day care facility for the elderly, persons with disabilities, children with disabilities in need of assistance and care, attendance;

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

7) a person with a disability - a person who has a health disorder with a persistent body dysfunction due to diseases, damages (wounds, injuries, contusions), their consequences, defects, which leads to a limitation of life activity and the need for his social protection;

7-1) habilitation of persons with a disability - a set of measures pursuant to the formation and development of the abilities that persons with a disability lack for daily, social and professional activities;

8) a child with a disability - a person under the age of eighteen who has a health disorder with a persistent body dysfunction due to diseases, damages (wounds, injuries, contusions), their consequences, defects, which leads to a physical dysfunction and the need for his social protection;

9) social rehabilitation of persons with disabilities - a set of measures aimed at creating conditions for persons with disabilities to overcome life restrictions, restore the social status, their social and environmental adaptation;

10) Excluded by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced ten calendar days after the date of its first official publication);

11) special workplaces for the employment of persons with disabilities - workplaces equipped with regard to the individual capabilities of a person with a disability;

12) professional rehabilitation of persons with disabilities - a set of measures aimed at obtaining or restoring impaired or lost professional competencies, knowledge and skills of persons with disabilities, their adaptation and employment;

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 persons with disabilities - the process of possible achievement of self-service, independent living or return of persons with disabilities to the usual conditions of family and social life;

14-1) specialized organizations of persons with disabilities - public associations of persons with disabilities, as well as organizations, whose one hundred percent of the shares are held by public associations of persons with disabilities, provided that such associations and organizations comply with the following conditions:

the average annual number of persons with disabilities is at least 51 percent of the total number of employees;

expenses of remuneration of persons with disabilities for the year is at least 35 percent of the total cost of remuneration;

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

16) individual program of habilitation and rehabilitation of a person with a disability - a document that establishes the specific volumes, types and terms of rehabilitation of a person with a disability;

17) compulsory hygienic means – means, intended for function of natural physiological needs and necessities;

17-1) rehabilitation - a set of measures aimed at full or partial restoration of the abilities of a person with a disability for household, social, professional and other activities;

18) prosthetic and orthopedic care - a specialized type of medical and technical assistance to provide persons with disabilities with prosthetic and orthopedic aids 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) audiological aids - technical means for correcting and compensating for hearing impairment, including means of communication and information transmission that amplify sound;

21) technical auxiliary (compensatory) means - prosthetic-orthopedic, deaf-technical, typhlotechnical means and obligatory hygiene means;

22) blind aids - means aimed at correcting and compensating for the opportunities of persons with disabilities that were lost as a result of visual impairment;

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 social protection of the population - regulatory legal acts that establish the quality, volume and conditions for the provision of special social services to persons with disabilities and children with disabilities;

25) sign language specialist - a specialist providing social services to a person with a disability related to the provision of mediation services between hearing and deaf people.

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); No. 67-VII LRK dated October 12 , 2021 (shall be enforced ten calendar days after the day of its first official publication); dated 27.06.2022 No. 129-VII (shall be enforced ten calendar days after the date of its first official publication);

## **Article 2. Legislation of the Republic of Kazakhstan on social protection of persons with disabilities**

1. The legislation of the Republic of Kazakhstan on social protection of persons with disabilities 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 social protection of persons with disabilities are individuals and legal entities, as well as government agencies.

## **Chapter 2. STATE REGULATION OF SOCIAL PROTECTION OF PERSONS WITH DISABILITIES**

### **Article 4. State policy of the Republic of Kazakhstan in social protection of persons with disabilities**

The state policy of the Republic of Kazakhstan in social protection of persons with disabilities of the Republic of Kazakhstan is aimed at:

- 1) preventive measures of disablement;
- 2) social protection, including rehabilitation of persons with disabilities;
- 3) integration of persons with disabilities into society.

#### **Article 5. Principles of social protection of persons with disabilities**

The state policy of the Republic of Kazakhstan in the social protection of persons with disabilities is based on the following 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 persons with disabilities, along with other citizens, to health care, education and free choice of activity, including labor;
- 4) interaction of state bodies with public associations and other organizations performing the functions of protecting the rights and legitimate interests of persons with disabilities;
- 5) non-discrimination on grounds of disablement.

#### **Article 6. Competence of the Government of the Republic of Kazakhstan in the social protection of persons with disabilities**

The Government of the Republic of Kazakhstan shall:

- 1) develop the main directions of state policy in the social protection of persons with disabilities;
- 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 the procedure for the appointment and payment of scholarships to persons with disabilities studying under a state order or a 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 a coordinating council in the social protection of persons with disabilities;
  - 5-1) approve the national plan on ensuring the rights and improving the life quality of persons with disabilities in the Republic of Kazakhstan;

5-2) approves the procedure for assessing the needs of a disabled person according to the classifier of technical auxiliary (compensatory) means, special means of transportation and services provided to disabled people;

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); No. 67-VII LRK dated October 12, 2021 (for the procedure of entry into force, see Article 2).

#### **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 regulatory legal acts of the Republic of Kazakhstan in the social protection of persons with disabilities, also in the field of medical and social expertise;

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) develop and approve methodological recommendations in the social protection of persons with disabilities;

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 general principles for the organization and implementation of medical and social expertise and rehabilitation of persons with disabilities;

5-1) develop and approve the procedure for appointing non-staff advisers to ministers, akims of districts, cities, cities of regional significance, regions, cities of republican status, the capital on disability issues;

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 a centralized data bank of the system for registering persons with disabilities, monitor the causes, structure and state of disability;

7-1) approve the rules for reimbursement of the cost of goods and services from the state budget when they are sold to persons with disabilities through the social services portal;

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) exercise state control in the social protection of persons with disabilities;

9-1) develop and approve the rules for providing social services of individual assistant for persons of the first disability group who have difficulty in moving, in accordance with the individual program of habilitation and rehabilitation of a person with a disability;

9-2) develop and approve the classifier of technical auxiliary (compensatory) means, special vehicles and services provided to persons with disabilities;

9-3) develop and approve the methodology for determining the guaranteed sum provided as a reimbursement for the cost of goods and (or) services acquired by persons with disabilities through the social services portal;

9-5) develop and approve the rules for providing persons with disabilities with prosthetic and orthopedic care, technical auxiliary (compensatory) aids, special vehicles in accordance with the individual program of habilitation and rehabilitation of a person with a disability, including the timing of their replacement;

9-6) develop and approve the rules for the provision of social services by a sign language specialist for persons with hearing disabilities in accordance with an individual program for habilitation and rehabilitation of a person with a disability;

9-7) develop and approve the rules for providing sanatorium treatment to persons with disabilities and children with disabilities in accordance with the individual program of habilitation and rehabilitation of a person with a disability;

9-8) develop and approve the rules for using the portal of social services;

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 the social and professional parts of an individual program for habilitation and rehabilitation of persons with disabilities, determining the needs of an employee who has sustained an injury or other damage to health associated with the performance of his labor (service) duties, additional types of assistance and care provided for 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 over the execution of individual programs for habilitation and rehabilitation of persons with disabilities;

6) study of decree and causes of population disablement;

7) state control in the social protection of persons with disabilities within their 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); dated 26.12.2019 No. 287-VI (shall be enforced from 01.01.2020); No. 67-VII LRK dated October 12, 2021 (shall be enforced ten calendar days after the day of its first official publication); dated 27.06.2022 No. 129-VII (shall be enforced ten calendar days after the date 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 the medical part of an individual program for habilitation and rehabilitation of a persons with a disability and implements it;

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) ensure that persons with disabilities receive education in accordance with the legislation of the Republic of Kazakhstan;

2) develop the procedure for assigning and paying scholarships to persons with disabilities studying under a state order or a grant in accordance with the legislation of the Republic of Kazakhstan;

**3) Excluded by the Law of the Republic of Kazakhstan dated 26.06.2021 No. 56-VII (shall be enforced ten calendar days after the date of its first official publication);**

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); dated 26.06.2021 No. 56-VII (shall be enforced ten calendar days after the date of its first official publication);**

### **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 state institutions and enterprises that carry out the rehabilitation of persons with disabilities;

2-1) provide additional social support measures to persons with disabilities, as required by the legislation of the Republic of Kazakhstan;

3) contribute to the creation of organizations that carry out rehabilitation of persons with disabilities;

4) organize vocational training (retraining) of persons with disabilities in accordance with the legislation of the Republic of Kazakhstan on the population employment;

5) organize training, retraining and advanced training of specialists in the rehabilitation of persons with disabilities, including sign language specialists, specialists in reading and writing Braille point system;

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

7) provide sanatorium-resort treatment of persons with disabilities and children with disabilities in accordance with the individual program of habilitation and rehabilitation of a person with a disability, the stay in a sanatorium-resort organization of a legal representative accompanying a child with a disability for sanatorium-resort treatment;

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 the provision of persons with disabilities with technical auxiliary (compensatory) aids and (or) special vehicles in accordance with the individual program of habilitation and rehabilitation of a person with disabilities;

10) organize together with the authorized body in physical culture and sports and public associations of persons with disabilities recreational and sports events among persons with disabilities;

11) organize, together with public associations of persons with disabilities, cultural and educational events;

12) coordinate the provision of charitable and social assistance to persons with disabilities;

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); No. 67-VII LRK dated October 12 , 2021 (shall be enforced ten calendar days after the day of its first official publication); dated 27.06.2022 No. 129-VII (shall be enforced ten calendar days after the date of its first official publication);

#### **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 the social assistance rendering and coordinate provision of charitable assistance to persons with disabilities;

3-1) provide additional social support measures to persons with disabilities, stipulated 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 PERSONS WITH DISABILITIES**

#### **Article 13. Medical and social expertise, individual program of habilitation and rehabilitation of a person with a disability**

1. Disability, the degree of disablement of a person shall be established by in-presence (examination of the examined person) or absentee medical and social examination by the territorial units of the authorized body in the social protection of the population.

2. Medical and social examination is carried out at the direction of the medical advisory commission on the basis of medical documents submitted in the manner determined by the authorized body in the field of healthcare.

3. Medical and social expertise is carried out on the basis of a comprehensive assessment of the state of the body based on the analysis of clinical and functional, social, professional and psychological data of the person being examined in the manner determined by the authorized body in the field of social protection of the population.

3-1. During the state of emergency, to persons whose re-examination time came no more than a month before the state of emergency introduction or during the state of emergency, who did not pass re-examination during the specified period, the terms of disability, the degree of loss of general ability to work, the degree of loss of professional ability to work and the individual habilitation and rehabilitation program of a person with a disability shall be automatically extended for three months from the previously established re-examination date. The month of the end of the state of emergency shall be counted in full.

4. In conducting a medical and social examination is refused upon submission of expired documents and (or) an incomplete package of documents.

5. According to the results of the medical and social examination, disability and (or) the degree of disability are not established in cases where there are no persistent violations of body functions that lead to the restriction of one of the categories of life activity (the ability to self-service, movement, labor activity (work capacity), training, orientation, communication, control over one's behavior, play and cognitive activity, motor activity).

6. The disability group is established from the age of seven.

7. When recognizing a person as a person with a disability and (or) establishing the degree of disability, the reasons, terms, needs for social protection measures shall be determined, and the social and professional parts of an individual program for the habilitation and rehabilitation of a person with a disability shall be developed.

8. An individual rehabilitation program for a disabled person shall be developed for the period of establishing disability in accordance with assessment of the needs of a disabled person according to the classifier of technical auxiliary (compensatory) aids, special vehicles and services provided to disabled people.

9. An individual program of habilitation and rehabilitation of a person with a disability shall establish a set of rehabilitation measures, including medical, social, professional rehabilitation measures aimed at restoring and (or) compensating for impaired and (or) lost body functions.

The individual program of habilitation and rehabilitation of a person with a disability shall also include the names of technical auxiliary (compensatory) aids, special vehicles and services that a person with a disability needs.

10. The medical part of the individual program of habilitation and rehabilitation of a person with a disability shall be filled out by health professionals in medical records and information systems.

11. An individual program of habilitation and rehabilitation of a person with a disability shall contain both rehabilitation measures provided to a person with a disability free of charge in accordance with the legislation of the Republic of Kazakhstan, and rehabilitation measures that are paid by the person with a disability or the employer, through whose fault an industrial injury or occupational disease was sustained.

**Footnote. Article 13 - as amended by the Law of the Republic of Kazakhstan dated 12.10.2021 No. 67-VII LRK (shall be enforced ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 14. Rights of Persons with Disabilities**

Persons with disabilities in the Republic of Kazakhstan shall enjoy all the socio-economic and personal rights and freedoms enshrined in the Constitution of the Republic of Kazakhstan, other legislative acts of the Republic of Kazakhstan, including the right to:

- 1) social protection, including habilitation, 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 free medical care and medical care in the system of compulsory social health insurance in the manner 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 for creative abilities of persons with disabilities.

**Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan dated 12.10.2021 No. 67-VII LRK (shall be enforced ten calendar days after the day of its first official publication); dated 27.06.2022 No. 129-VII (shall be enforced ten calendar days after the date of its first official publication);**

### **Article 15. Social protection of persons with disabilities**

Social protection of persons with disabilities shall be ensured by providing social, charitable assistance, medical, social and professional rehabilitation, access to education and other measures aimed at creating equal public involvement opportunities for persons with disabilities..

**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 to persons with disabilities**

Social assistance to persons with disabilities includes payments in the form of state benefits, compensations and other payments, including through charity, prescribed 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 persons with disabilities and children with disabilities from among neuropsychiatric patients residing in state medical and social institutions**

1. Pension payments by age, pension payments for long service and state social benefits of persons with disabilities residing in state medical and social institutions, recognized by a court ruling as incapacitated and in need of care (hereinafter referred

to as wards), shall be credited as prescribed by the laws of the Republic of Kazakhstan "On State Social Benefits for Disability and Loss of Breadwinner in the Republic of Kazakhstan" and "On Pension Provision in the Republic of Kazakhstan".

2. The administration of a medical and social institution is obliged to quarterly submit to the local executive body of the region (city of republican significance, the capital) reports on the use of pension payments received by age, pension payments for long service and state social benefits of wards.

3. Local executive bodies of regions (cities of republican significance, the capital) exercise control over the correctness of spending by the administration of a medical and social institution of pension payments by age, pension payments for long service and state social benefits of wards.

**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); No. 67-VII LRK dated October 12, 2021 (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 17. Rehabilitation of persons with disabilities**

1. Rehabilitation of persons with disabilities shall comprise a set of medical, social and professional measures aimed at eliminating or possibly fully compensating for life activity limitations caused by a health disorder with a persistent body dysfunction.

2. Rehabilitation of persons with disabilities shall be based on an individual program for the habilitation and rehabilitation of a person with disabilities.

**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); No. 67-VII LRK dated October 12, 2021 (shall be enforced ten calendar days after the day of 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**

**Footnote.** Article 19 is excluded by the Law of the Republic of Kazakhstan dated 12.10.2021 No. 67-VII LRK (shall be enforced ten calendar days after the day of its first official publication).

## **Article 20. Medical rehabilitation of persons with disabilities**

1. Medical rehabilitation of persons with disabilities shall comprise:

- 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. Medical rehabilitation activities are carried out by healthcare organizations and other specialized organizations, regardless of ownership in accordance with the Law of the Republic of Kazakhstan “On Permits and Notifications .

2-1. Medical rehabilitation of persons with disabilities shall include a plan of rehabilitation measures indicating the volume of medical services, types and terms of rehabilitation and shall be provided in the medical organizations conditions in the manner established by the authorized healthcare body.

3. Provision of persons with disabilities and children with disabilities with sanatorium--resort treatment shall be carried out in accordance with individual programs for the habilitation and rehabilitation of persons with disabilities in keeping with the rules approved by the authorized body in the social protection of the population, through the social services portal, except for the cases referred to in paragraph 3 Article 32-1 of this Law.

One of the legal representatives accompanying a child with a disability to sanatorium-resort treatment shall be entitled to reimbursement by local executive bodies of the cost of staying in a sanatorium-resort organization in the size of seventy percent of the guaranteed amount provided as a reimbursement for the cost of sanatorium-resort treatment, established by the authorized body in the social protection of the population.

4. A person with a disability who has sustained an industrial injury or an occupational disease through the fault of the employer shall be provided with a voucher for sanatorium treatment at the employer’s expense in accordance with the legislation of the Republic of Kazakhstan, except for the cases referred to in paragraphs 4-1 and 5 of this article.

4-1. In the event of an enforced court ruling on declaring the employer bankrupt, sanatorium--resort treatment for the person with a disability who has sustained an industrial injury or occupational disease through the fault of the employer shall be provided in accordance with paragraph 3 of this article.

5. In the event of termination of the employer’s - an individual entrepreneur’s activities or liquidation of a legal entity, sanatorium--resort treatment for a person with a disability who has sustained an industrial injury or occupational disease through the fault of the employer shall be provided 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); dated 26.12.2019 No. 287-VI (shall be enforced from 01.01.2020); No. 287-VI dated December 26, 2019 (see Article 2 for the procedure for enactment); No. 67-VII LRK dated October 12, 2021 (shall be enforced ten calendar days after the day of its first official publication); dated 27.06.2022 No. 129-VII (shall be enforced ten calendar days after the date of its first official publication);

## **Article 21. Social rehabilitation of persons with disabilities**

1. Social rehabilitation of persons with disabilities shall include:

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

2) providing persons with disabilities with technical auxiliary (compensatory) aids and special vehicles;

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

4) provision of social services of an individual assistant for persons with first disability group who have difficulty in moving, according to an individual program of habilitation and rehabilitation of a person with disabilities in accordance with the rules approved by the authorized body in the social protection of the population, through the social services portal, except for cases referred to in paragraph 3 of Article 32-1 of this Law.

The social service of an individual assistant for a person with a disability of the first group who has difficulty in moving is not provided when assigning and paying a special state benefit to the person caring for him in the manner prescribed by Articles 5 and 6 of the Law of the Republic of Kazakhstan "On special state benefits in the Republic Kazakhstan";

4-1) provision of social services by a sign language specialist for persons with hearing disabilities in accordance with an individual program of habilitation and rehabilitation of a person with a disability in accordance with the rules approved by the authorized body in the social protection of the population, through the social services portal, with the exception of cases referred to in paragraph 3 of Article 32-1 of this Law;

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 the individual program of habilitation and rehabilitation of a person with a disability.

2. Social rehabilitation of persons with disabilities shall be carried out by medical and social institutions (organizations), departments of social assistance at home, special educational organizations (psychological, medical and pedagogical consultations, rehabilitation centers, psychological and pedagogical correction rooms), healthcare organizations 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); dated 26.12.2019 No. 287-VI (shall be enforced from 01.01.2020); No. 287-VI dated December 26, 2019 (see Article 2 for the procedure for enactment ); No. 67-VII LRK dated October 12 , 2021 (shall be enforced ten calendar days after the day of its first official publication); dated 31.12.2021 No. 100 (shall be enforced ten calendar days after the date of its first official publication).

**Article 22. Provision of persons with disabilities with technical auxiliary (compensatory) aids and special vehicles**

1. Persons with disabilities in accordance with the individual program of habilitation and rehabilitation of persons with disabilities shall be provided with prosthetic and orthopedic care, technical auxiliary (compensatory) aids, special vehicles and services according to the classifier of technical auxiliary (compensatory) aids, special vehicles and services rendered to persons with disabilities.

2. Persons with disabilities from a work injury or an occupational disease sustained through the fault of the employer shall be provided with technical auxiliary (compensatory) and special aids and vehicles in accordance with an individual program of habilitation and rehabilitation of a person with a disability at the expense of the employer in accordance with the legislation of the Republic of Kazakhstan.

3. In cases of termination of the employer's - an individual entrepreneur's activities or liquidation of a legal entity, as well as an enforced court ruling on declaring him bankrupt, prosthetic and orthopedic assistance, technical auxiliary (compensatory) aids, special vehicles for a person with a disability who has sustained an industrial injury or occupational disease due to the fault of the employer, shall be provided 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); dated 26.12.2019 No. 287-VI (shall be enforced from 01.01.2020) ; No. 287-VI dated December 26 , 2019 (see Article 2 for the procedure for enactment ); No. 67-VII LRK dated October 12 , 2021 (shall be enforced ten calendar days after the day of its first official publication).

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

1. Special social services to lonely persons with disabilities of the first and second groups who need outside care and assistance due to partial or complete loss of the ability to independently satisfy their basic life needs, the ability to self-care and (or) movement, shall be provided by social assistance departments at home and in territorial centers of social services for the elderly and persons with disabilities in accordance with the standards for the provision of special social services in the social protection of the population.

2. Special social services to children with disabilities in need of outside care and assistance due to partial or complete loss of the ability to independently satisfy their basic life needs, the ability to self-care and (or) movement, shall be provided by social assistance departments at home and in territorial centers of social services for the elderly and persons with disabilities in accordance with the standards for the provision of special social services in the social protection of the population.

3. Special social services at home and in territorial centers for social services for the elderly and persons with disabilities shall be provided at the budgetary funds expense.

**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. Special social services to single persons with disabilities of the first and second groups, persons with disabilities of the first and second groups from among psychoneurological patients, children with disabilities in need of constant outside care and medical care for health reasons, shall be provided in medical and social institutions ( organizations) for the elderly and persons with disabilities, children with disabilities, profiled in accordance with the age, health condition of persons with disabilities, and include creation of living conditions, care, medical care, rehabilitation, social and labor adaptation, organization of 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); as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced ten calendar days after the date of its first official publication).**

**Article 25. Provision of persons with disabilities with access to social infrastructure facilities**

1. Local executive bodies shall provide:

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

2) in the design and construction of open parking lots for temporary keeping of cars located within residential areas, as well as at service establishments and labor application objects, places for personal vehicles of persons with disabilities;

3) with regard to state standards in architecture, urban planning and construction, extraordinary provision of places for persons with disabilities for the construction of garages or parking lots for special vehicles, including autos;

4) in the locations of institutions focused on serving persons with disabilities, as well as in the most crowded places, the installation of special traffic lights with synchronous sound and light signals, road signs and indicators, pedestrian crossings, equipped with sound and light devices.

2. Local executive bodies for architecture, urban planning, construction and state architectural and construction supervision shall involve representatives of public associations of persons with disabilities in the monitoring of facilities and complexes under construction (to be constructed).

3. Individuals engaged in entrepreneurial activities, as well as legal entities, in accordance with national standards, are obliged to create conditions for persons with disabilities for unhindered access to public vehicles, residential, public and industrial buildings, structures and premises, free orientation and movement at airports, railway stations, bus terminals, bus stations, sea and river ports.

If these facilities cannot be adapted for access by persons with disabilities, the relevant individuals and legal entities shall develop, coordinate with one of the public associations of persons with disabilities and implement the necessary measures that are best suited to the needs of persons with disabilities.

When state bodies hold tenders for the right to service the routes for the carriage of passengers, the persons whose vehicles are adapted for access by persons with disabilities shall have an advantage.

4. Failure by officials, as well as individuals engaged in entrepreneurial activities, and legal entities to provide conditions for persons with disabilities for unimpeded access to social and transport infrastructure facilities, shall entail administrative liability in accordance with the Code of the Republic of Kazakhstan on Administrative Infractions.

**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); dated 29/06/2020 No. 352-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication); No. 67-VII LRK dated October 12 , 2021 (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 26. Provision of persons with disabilities with accommodation**

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

- 1) register and provide accommodation for use to persons with disabilities who need housing;
- 2) provide equipment of residential premises given to persons with disabilities or families that include persons with disabilities with special aids and devices.

2. Persons with disabilities shall have the right to choose a dwelling, with regard to the floor height, the type of the building, the degree of developed amenities 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 persons with disabilities with access to cultural and entertainment organizations and sports facilities**

Local executive bodies shall provide persons with disabilities with conditions for access to cultural and entertainment events, as well as sports facilities for physical culture and sports, special sports equipment.

Persons with disabilities of the first and second groups and children with disabilities under the age of eighteen shall use the listed services at the expense of budgetary funds, and persons with disabilities of the third group - pay fifty percent of the cost of these services.

#### **Article 28. Provision of access to information for persons with disabilities**

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

1) release of periodical, scientific, educational and methodical, reference and informational and fiction literature for persons with disabilities, including on audio cassettes, disks, Braille and video cassettes with sign language translation;

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 persons with disabilities with conditions for education and preschool education**

1. Persons with disabilities shall be guaranteed free primary, basic secondary, general secondary education.

2. For persons with disabilities of the first and second groups and children with disabilities upon admission to educational organizations that implement professional training programs for technical and vocational, post-secondary and higher education, an admission quota shall be provided in the amount established by the Government of the Republic of Kazakhstan.

3. When participating in competitions for educational grants, also for enrollment under the state educational order for training personnel with higher education, in case of equality of points, persons with disabilities of the first and second groups, persons with disabilities since childhood, children with disabilities who are medically permitted to study in the relevant educational organizations, shall enjoy priority right in accordance with paragraph 5 of Article 26 of the Law of the Republic of Kazakhstan " On Education".

4. Privileges in scholarships for persons with disabilities at educational organizations that implement professional training programs of technical and vocational, post-secondary and higher education under the state order or grant shall be granted in accordance with the legislation of the Republic of Kazakhstan.

5. Excluded by the Law of the Republic of Kazakhstan dated 26.06.2021 No. 56-VII (shall be enforced ten calendar days after the date of its first official publication).

6. In the absence of the opportunity of training and educating children with disabilities in general or special preschool organizations and other educational

institutions, taking into account the wishes of parents or legal representatives, the training and education shall be carried out at home in the manner established by the legislation of the Republic of Kazakhstan.

7. The state fully or partially bears the costs of supporting persons with disabilities, persons with disabilities from childhood and children with disabilities during their education time as prescribed 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); dated 26.06.2021 No. 56-VII (shall be enforced ten calendar days after the date of its first official publication); No. 67-VII LRK dated October 12 , 2021 (shall be enforced ten calendar days after the day of its first official publication).**

### **Article 30. Vocational rehabilitation of persons with disabilities**

1. Vocational rehabilitation of persons with disabilities 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 persons with disabilities shall participate in the vocational guidance of persons with disabilities.

3. Vocational training (retraining) of persons with disabilities shall be carried out by organizations conducting educational activities on the basis of a license obtained in the manner prescribed 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 to persons with disabilities**

Local executive bodies shall ensure employment of persons with disabilities through:

1) establishing a quota of jobs for persons with disabilities in the size of two to four percent of the number of jobs, excluding jobs in hard work, work with harmful, dangerous working conditions in accordance with the legislation of the Republic of Kazakhstan on the population employment;

2) creation of additional jobs for persons with disabilities through the development of individual entrepreneurship, small and medium businesses;

3) creation of special, as well as social jobs for the employment of persons with disabilities in accordance with the legislation of the Republic of Kazakhstan;

4) organization of vocational training for persons with disabilities.

**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. Rights of persons with disabilities in labor relations**

1. For persons with disabilities of the first and second groups, a reduced working time of no more than thirty-six hours per week shall be established, with additional paid annual leave of at least six calendar days provided.

2. Work at night may be allowed with the consent of a person with a disability and provided that such work is not prohibited for him for health reasons.

3. Refusal to conclude an employment contract or to promote, dismissal at the employer's initiative, transfer of a person with a disability to another job without his consent on the grounds of disability shall not be allowed, except in cases where, on a medical report, his health condition interferes with the performance of professional duties or threatens the 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).**

### **Article 32-1. Social Services Portal**

1. The portal of social services is an information system of the social and labor sphere and is an object of informatization that provides certain categories of the population with the opportunity to purchase goods and (or) services on the terms of reimbursement by local executive bodies of their cost in accordance with this Law and the Law of the Republic of Kazakhstan "On State targeted social assistance.

The choice of a provider on the social services portal by persons with disabilities is made within two months from the date of notifying them about submission of the individual program of habilitation and rehabilitation of a person with a disability to the social services portal.

**2. Was valid until 01.01.23, in accordance with the Law of the Republic of Kazakhstan dated 12.10.2021 No. 67-VII.**

3. The acquisition of goods and (or) services is carried out in accordance with the legislation of the Republic of Kazakhstan on public procurement in the following cases :

- 1) absence of wired Internet in the locality where the person with a disability lives;
- 2) the absence of a supplier of the purchased goods and (or) services registered on the social services portal;
- 3) a statement of a person with a disability on refusing to acquire goods and (or) services through the social services portal;



4) provision of prosthetic and orthopedic care, technical auxiliary (compensatory) aids, special vehicles, manufactured on individual orders of persons with disabilities and (or) requiring individual selection and adjustment;

5) provision of hearing aid with provision of hearing aids;

6) provision of services for the replacement and adjustment of the speech processor to the cochlear implant.

4. Relations between persons with disabilities and suppliers related to the purchase of goods and (or) services through the social services portal shall be regulated by the civil legislation of the Republic of Kazakhstan, also by the agreement concluded on the social services portal.

**Footnote. Chapter 3 is supplemented by Article 32-1 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2019 No. 287-VI (shall be enforced from 01.01.2020); as amended by the Law of the Republic of Kazakhstan dated 12.10.2021 No. 67-VII LRK (shall be enforced ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 32-2. Suppliers of goods and (or) services on the portal of social services**

1. Suppliers of goods and (or) services on the portal of social services are individuals engaged in entrepreneurial activities, legal entities.

The requirement of the first part of this paragraph does not apply to the social services of an individual assistant.

A personal assistant cannot be a person who is registered with organizations providing medical care in the field of mental health.

2. Admission of suppliers of goods and (or) services to the portal of social services, their registration or removal from registration on the portal of social services are carried out in accordance with the rules approved by the authorized body in the field of social protection of the population.

3. Providers who:

1) have a certificate of conformity or a declaration of conformity when supplying goods subject to mandatory confirmation of conformity;

2) have a registration certificate for the supply of technical auxiliary (compensatory) means and special vehicles related to medical devices subject to state registration and re-registration;

3) do not have tax debts and debts on social payments;

4) are not subject to bankruptcy or liquidation;

5) are not included in the register of unscrupulous participants in public procurement in accordance with the legislation of the Republic of Kazakhstan on public procurement;

6) are not included in the register of unscrupulous procurement participants, provided for by the legislation of the Republic of Kazakhstan on state property, and (or ) the list of unreliable potential suppliers (suppliers) of the National Wealth Fund and legal entities, fifty or more percent of voting shares (stakes in the authorized capital) of which directly or indirectly owns the National Welfare Fund;

7) submitted documents confirming the origin, characteristics and price for the sale of goods and (or) the provision of services;

8) have a license to carry out medical activities in the provision of sanatorium treatment and medical rehabilitation;

9) have a document confirming the qualification of a sign language specialist in the provision of social services.

The requirements of the first part of this paragraph do not apply to the social services of an individual assistant.

4. The provider is removed from registration on the portal of social services in the following cases:

1) submitting an application for deregistration on the portal of social services;

2) death or termination of activities of an individual engaged in entrepreneurial activities, termination of activities of a legal entity;

3) inclusion in the register of unscrupulous participants in public procurement in accordance with the legislation of the Republic of Kazakhstan on public procurement;

4) inclusion in the register of unscrupulous procurement participants, provided for by the legislation of the Republic of Kazakhstan on state property, and (or) the list of unreliable potential suppliers (suppliers) of the National Welfare Fund and legal entities, fifty or more percent of voting shares (stakes in the authorized capital) of which directly or indirectly owns the National Welfare Fund;

5) non-fulfillment and (or) improper fulfillment of obligations assumed by him through the portal of social services.

Deregistration on the portal of social services in accordance with subparagraphs 1), 3) and 4) of the first part of this paragraph does not release the provider from the obligations assumed by him through the portal of social services on the date of deregistration.

In the cases specified in subparagraph 5) of part one of this paragraph, a person with a disability, no later than fourteen calendar days from the day when he became aware of non-fulfillment and (or) improper fulfillment by the supplier of his obligations, shall place the relevant information on the social services portal. This information shall be examined within ten working days from the date of placement by the commission created by the local executive body, which establishes the presence or absence of violations on the part of the supplier.

If the supplier is removed from registration on the social services portal on the grounds provided for in subparagraphs 3) and 4) of part one of this paragraph, subsequent registration on the social services portal is possible after deleting information about him from the relevant register and (or) list.

In the event that a provider is removed from registration on the social services portal on the grounds provided for in subparagraph 5) of part one of this paragraph, its subsequent registration on the social services portal is possible no earlier than one year from the date of deregistration.

5. The supplier shall sell goods and (or) services via the social services portal that correspond to the classifier of technical auxiliary (compensatory) aids, special vehicles and services provided to persons with disabilities.

If it is revealed that suppliers sell goods and (or) services through the social services portal that do not meet the requirements of the contract concluded on the social services portal, their cost is reimbursed at the expense of the suppliers.

**Footnote. Chapter 3 is supplemented by Article 32-2 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2019 No. 287-VI (shall be enforced from 01.01.2020); as amended by the Law of the Republic of Kazakhstan dated 12.10.2021 No. 67-VII LRK (shall be enforced ten calendar days after the day of its first official publication).**

### **Article 32-3. Provision of persons with disabilities with goods and (or) services purchased through the social services portal**

1. Persons with disabilities, on the basis of an individual program of habilitation and rehabilitation of a person with disabilities, place an order for the purchase of goods and (or) services through the social services portal.

Goods and (or) services sold through the social services portal must comply with the classifier of technical auxiliary (compensatory) aids, special vehicles and services provided to persons with disabilities.

2. A person with a disability, when purchasing goods and (or) services through the social services portal in accordance with an individual program of habilitation and rehabilitation of a person with a disability, has the right to reimbursement by local executive bodies of their cost, but in no more than the guaranteed amount referred to in paragraph 3 of this article. The difference between the guaranteed amount and the actual cost of purchased goods and (or) services is paid by a person with a disability at his own expense.

3. The guaranteed amount provided as a reimbursement for the cost of goods and (or) services purchased through the social services portal shall be paid in the manner and in the size established by the authorized body in the social protection of the population.

The guaranteed amount provided as reimbursement for the cost of services purchased through the social services portal shall be determined at the rate of no more than:

eight hours a day for social services of a personal assistant;

sixty hours a year for social services of a sign language specialist.

**Footnote.** Chapter 3 is supplemented by Article 32-3 in accordance with the Law of the Republic of Kazakhstan dated 12.10.2021 No. 67-VII LRK (shall be enforced ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 31.12.2021 No. 100 (shall be enforced ten calendar days after the date of its first official publication).

#### **Chapter 4. PARTICIPATION OF THE EMPLOYER IN THE SOCIAL PROTECTION OF PERSONS WITH DISABILITIES**

##### **Article 33. Obligation of an employer on provision of access to the facilities of the social infrastructure**

The employer shall create conditions for persons with disabilities, who have sustained an industrial injury or occupational disease through the fault of the employer, for access to industrial buildings, structures, premises by designing and adapting workplaces and work premises, equip living quarters with special aids and devices in accordance with the individual habilitation program and rehabilitation of a person with a disability.

##### **Article 34. Obligation of the employer in the employment and vocational rehabilitation of persons with disabilities**

The employer, at his own expense, in accordance with this Law, shall provide persons with a disability caused by an industrial injury and (or) an occupational disease sustained through the fault of the employer, with vocational training or retraining, and create special jobs for their employment.

##### **Article 35. Obligation of the employer to compensate for the harm caused to a person with a disability**

Harm caused to persons with disabilities who have sustained an industrial injury or occupational disease through the fault of the employer shall be compensated in accordance with the legislation of the Republic of Kazakhstan.

#### **Chapter 5. PUBLIC ASSOCIATIONS OF PERSONS WITH DISABILITIES**

##### **Article 36. Rights of public associations of persons with disabilities and their powers**

1. Public associations of persons with disabilities shall take part in the work of the coordinating council and in addressing problems related to the social protection of persons with disabilities.

2. Central and local executive bodies shall interact with public associations of persons with disabilities and their authorized representatives in the preparation and adoption of decisions affecting the interests of persons with disabilities.

3. To public associations of persons with disabilities and also their organizations, the ownership right of land plots developed by buildings (structures, installations) owned by them, shall be transferred from state ownership to private ownership free of charge in cases stipulated by the laws of the Republic of Kazakhstan.

In case of termination of activities of public associations of persons with disabilities or alienation of real estate from the property of public associations of persons with disabilities, their organizations, the land plots owned by them shall be returned to state ownership.

4. Public associations of persons with disabilities shall have the right to participate in the formation of state policy for the social protection of persons with disabilities through:

1) making suggestions to central and local executive bodies to ensure protection of the rights and legitimate interests of persons with disabilities;;

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

3) making suggestions on the regulatory legal acts of the Republic of Kazakhstan being developed on the issues of social protection of persons with disabilities;

4) organizations of sports events together with the authorized body in the field of physical culture and sports or local executive bodies of regions, cities of republican significance, the capital city, districts, cities of regional significance;

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); dated 13.12.2019 No. 280-VI (shall be enforced upon expiry of ten calendar days after its first official publication ).**

## **Chapter 6. CONTROL OF OBSERVANCE OF THIS LAW**

### **Article 37. State control in the social protection of persons with disabilities**

State control in the social protection of persons with disabilities shall be performed by the authorized body in the social protection of the population and its territorial

divisions in the form of inspection and preventive control with a visit to the subject (object) of control in accordance with the Entrepreneur 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 social protection of the population and its territorial units to monitor compliance with the legislation of the Republic of Kazakhstan on social protection of persons with disabilities**

**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 violating the legislation of the Republic of Kazakhstan on social protection of persons with disabilities**

Persons guilty of violating the legislation of the Republic of Kazakhstan on the social protection of persons with disabilities 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).

*The President of the Republic of Kazakhstan*

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