



On social protection of citizens affected by the environmental disaster in the Aral Sea region

Unofficial translation

The law of the Republic of Kazakhstan dated June 30, 1992 No. 1468-XII.

Unofficial translation

Footnote. See. Decree of the President, having the force of the Law dated March 20, 1994 N 1612 "On measures to streamline benefits and compensation payments", the Law of the RK dated July 12, 1994 N 119 "On operation of Articles of some legislative acts of the Republic of Kazakhstan ".

The Aral problem, as the largest environmental disaster on the planet, has become acute. On this basis, by the resolution of the Supreme Council of the Republic of Kazakhstan dated January 18, 1992 "On urgent measures to fundamentally transformation the living conditions of the population of the Aral Sea region," the Kazakh part of the Aral Sea region has been declared an ecological disaster zone.

Intense desertification and persistent irreversible processes of environmental degradation, deterioration of living conditions and increased morbidity have caused new socio-economic and environmental situations that require legislative solutions and legal regulation of social protection measures for people living in environmentally unfavorable areas.

Section 1. General provisions

Article 1. Goals and objectives of the Law

This Law shall be intended to ensure the social protection of citizens affected by the Aral environmental disaster and shall determine their status, classification of territories, shall establish compensation and benefits for persons in need of social rehabilitation measures, shall enshrine fundamental approaches to the formation of a system for the protection of life and health of the population, living in environmentally unfavorable areas, ensuring sustainable living conditions, prioritizing the supply of environmentally friendly food, medical supplies, drinking water, and improving the sanitary and epidemiological situation.

The Law shall define the main mechanism for implementing measures to solve the social problems of the Aral Sea region.

Article 2. Classification of ecologically disadvantaged territories of the Kazakh part of the Aral Sea region

Taking into account the severity of the environmental situation, the impact of desertification and pollution of the natural environment on human health, as well as on the basis of the concept of the Academy of Sciences of the Republic of Kazakhstan, the territory of the ecological disaster in the Aral Sea region shall be divided into the following zones:

environmental catastrophe;
environmental crisis;
ecological pre-crisis condition.

Article 3. Ecological disaster zone

1. The main criteria for determining the boundaries of the ecological disaster zone shall be :

a steady increase in population mortality;
forced migration for environmental reasons;
exceeding the standards of maximum permissible concentrations of pollutants in the natural environment in the amount threatening the life of the population;
complete destruction of ecosystems and loss of self-healing capacity;
catastrophic shallow water bodies, exceeding centuries-old fluctuations.

2. The ecological disaster zone includes the territories of the Aral and Kazalinsky districts of the Kyzylorda region, the Chelkar district of the Aktobe region.

Footnote. Article 3 as amended by the Law of the RK dated 27.04.2012 № 15-V (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 4. Ecological crisis zone

1. The main criteria for determining the boundaries of the ecological crisis zone shall be:
a steady increase in specific morbidity of the population;
exceeding the standards of maximum permissible concentrations of pollutants in the natural environment in amounts dangerous to public health;
reduction of species composition and violation of structural integrity of ecosystems, reduction of bio productivity of ecosystems by 75 percent;
crisis shallow water bodies exceeding average long-term fluctuations.

2. The ecological crisis zone includes the territories of the districts of the Kyzylorda region (except for those specified in Article 3), the city of Kyzylorda and the city of Baikonyr , including settlements, part of its administrative-territorial subordination.

Footnote. Article 4 as amended by the Law of the RK dated 27.04.2012 № 15-V (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 5. Zone of ecological pre-crisis condition

1. The main criteria for determining the boundaries of the ecological pre-crisis condition zone shall be:

a sustained increase in the incidence of the population, with a causal link to the environmental crisis;
steady excess of standards for maximum permissible concentrations of pollutants in the natural environment;
reducing the quantitative species composition of ecosystems and reducing their bio productivity by at least 50 percent;
shallow water bodies exceeding average long-term fluctuations.

2. The zone of ecological pre-crisis state includes the territories of Baiganinsky, Irgiz, Mugalzharsky (within the boundaries of the settlements of the former Mugodzharsky district), Temir districts of Aktobe region; Aryssky (including the city of Arys), Otrar, Suzak, Chardarinsky districts, the city of Turkestan and the rural districts of Shaga, Zhana-Ikan, Yeski Ikan, Ushkayyk, Iassa, Orangay, Karashyk, Zhuynek, Babaykorgan, Schornak, Zhornak, Zhibek zholy, Maidantal of the city of Kentau, Turkestan region, as well as the Ulytau region (within the boundaries of the settlements of the former Zhezdinsky district of the Zhezkazgan region) of the Karaganda region.

Footnote. Article 5 as amended by the Law of the RK dated 04.11.1997 № 186 (shall enter into force from 17.06.1997); dated 28.12.2018 № 210-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Section II. Status of citizens affected by environmental catastrophe and crisis situation in the Aral sea region

Article 6. Status of citizens affected by an environmental disaster

Environmental disaster affected shall include:

- 1) citizens living or living for at least 10 years from 1970 to the present in the territory that has received the status of an environmental disaster zone in accordance with the established procedure (including children under the age of ten);
- 2) citizens who have lost their health from a disease that has a causal connection with an environmental disaster, have lived or reside in this zone for at least 3 years.

Article 7. Status of citizens affected by the environmental crisis

Citizens affected by the environmental crisis shall include:

- 1) citizens living or living for at least 15 years from 1975 to the present in the territory that has received the status of an environmental crisis zone in accordance with the established procedure (including children under the age of 15);
- 2) citizens who have lost their health from a disease that has a causal connection with an environmental disaster, have lived or reside in this zone for at least 5 years.

Article 8. Status of citizens affected by the environmental pre-crisis state

Citizens affected by the environmental pre-crisis conditions shall include:

- 1) citizens living or living for at least 20 years from 1975 to the present in the territory that has received in the prescribed manner the status of the environmental pre-crisis conditions zone (including children and adolescents under the age of 18);
- 2) citizens who have lost their health from a disease that has a causal connection with an environmental disaster, have lived or reside in this zone for at least 7 years.

Article 9. On the procedure for registration of citizens affected by the environmental disaster

Registration of citizens affected by the environmental disaster shall be carried out in accordance with the procedure established by the Government of the Republic of Kazakhstan, at the place of residence and place of former residence in the environmental disaster zone.

Footnote. Article 9 in the wording of the Law of the RK dated 27.04.2012 № 15-V (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 10. Changes in the boundaries of ecological disaster zones affected by the environmental disaster

Footnote. Article 10 excluded by the Law of the RK dated 13.02.2012 № 553-IV (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 10-1. Amendments in the boundaries of ecological disaster zones affected by the environmental disaster

The boundaries of environmental disaster zones within the zone of environmental disaster, environmental crisis and environmental pre-crisis state, as well as the status of citizens affected by environmental disaster, shall be introduced by amendments and/or additions this Law in the procedure provided for by the legislation of the Republic of Kazakhstan.

Footnote. Section II as added by the Article 10-1 in accordance with the Law of the RK dated 27.04.2012 № 15-V (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Section III. Social protection of citizens living in in the environmental disaster zone

Article 11. Priorities in the provision of food, quality drinking water

The Government of the Republic of Kazakhstan and local executive bodies shall give priority to providing the population of environmental disaster zones with environmentally friendly food products and high-quality drinking water.

Footnote. Article 11 in the wording of the Law of the RK dated 27.04.2012 № 15-V (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 12. Health care organization, financing and supplies of the health care

The Government of the Republic of Kazakhstan shall guarantee the population of the ecological disaster zone:

1) increase of norms of appropriations for maintenance of medical institutions per one resident in the zone of ecological disaster by 1.5 times, in the zone of ecological crisis by 1.3 times and in the zone of environmental pre-crisis by 1.15 times;

2) ensuring the targeted allocation of medical equipment and medicines;

3) periodic comprehensive medical examination of the entire population of the region, provision of medical, medical and social assistance in all clinics, medical centers of the republic and other medical institutions in the directions of the relevant health authorities.

Footnote. Article 12 as amended with the Law of the RK dated 27.04.2012 № 15-V (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 13. Social support for the population

1. The population living in the environmental disaster zone shall be provided with:

1) Citizens living in zones of environmental disaster and environmental crisis and retiring before January 1, 1998 shall have the right to a pension with the application of the coefficient for living in environmentally disadvantaged conditions in zones:

environmental disaster - 1.5;

environmental crisis -1.3;

2) remuneration, scholarships with the application of the coefficient for living in environmentally disadvantaged conditions in the zones:

Environmental disaster - 1,5

Environmental crisis - 1,3

Environmental pre-crisis condition - 1,2

3) annual additional paid leave, (in addition to the leave submitted for work with harmful working conditions) in the zones:

environmental disaster - 12 calendar days

Environmental crisis - 9 calendar days

Environmental pre-crisis condition - 7 calendar days

4) simultaneously with the provision of labor leave, financial assistance is provided annually for rehabilitation in the amount of a monthly tariff rate or official salary in excess of existing payments.

2. Retired persons and persons with disabilities residing in an environmental disaster zone shall be entitled to priority provision of places in health and social institutions (organisations) for the elderly and persons with disabilities.

Footnote. Article 13 as amended with the Law of the RK dated June 19, 1997, N 134. Article 13, paragraph 2 as suspended until January 1, 2000 – by the Law of the RK dated April 7, 1999, N 374; until January 1, 2003 - by the Law of the RK dated November 16, 1999 N 481 (shall enter into force from January 1, 2000). As amended – with the Law of the RK dated December 23, 2004. N 21. See. Resolution Constitutional Council of the RK dated April 29, 2005 N 3; No. 129-VII of 27.06.2022 (shall be brought into force ten calendar days after the date of its first official publication).

Article 14. (Article 14 excluded – by the Law of the RK dated April 7, 1997. N 374).

Article 15. Additional compensation and benefits for the affected by the environmental disaster

Persons referred to in Article 6 of this Law shall have the right to:

1) (excluded)

2) (excluded)

3) free ownership of occupied housing;

4) (excluded)

5) (excluded)

Footnote. Subparagraph 4) - in the wording of the Law of the RK dated April 2, 1997 N 88. As suspended by the Article 15 until January 1, 2000 - the Law of the RK dated April 7, 1999, N 374; until January 1, 2003- the Law of the RK dated November 16, 1999. N 481 (shall enter into force from January 1, 2000). As amended – by the Law of the RK dated December 23, 2004 N 21.

Article 16. Additional compensation and benefits for those affected by the environmental crisis

Persons referred to in Article 7 of this Law shall have the right to:

- 1) (excluded)
- 2) (excluded)
- 3) free ownership of occupied housing;
- 4) (excluded)
- 5) (excluded)

Footnote. Subparagraph 4) - in the wording of the Law of the RK dated April 2, 1997 N 88. As suspended by the Article 16 until January 1, 2000 - the Law of the RK dated April 7, 1999, N 374; until January 1, 2003- the Law of the RK dated November 16, 1999. N 481 (shall enter into force from January 1, 2000). As amended – by the Law of the RK dated December 23, 2004 N 21.

Article 17. Compensation and benefits to persons leaving the environmental disaster zone

1. Persons referred to in Article 6 of this Law shall have the right to:

1) priority employment at a new place of residence in accordance with their occupation and qualifications, or in the absence of such, the provision of other work, taking into account their desire or the possibility of studying new professions (specialties), while maintaining salaries in accordance with the established procedure for the period of training;

- 2) (excluded)
- 3) (excluded)

2. Persons with group I and group II disabilities as a result of an environmental disaster shall be entitled to priority access to housing in their new place of residence, excluding oblast centres, cities of republican significance and the capital of the Republic of Kazakhstan.

Footnote. Article 17 as amended with the Law of the RK dated 23.12.2004 N 21; dated 27.04.2012 № 15-V (shall enter into force upon expiry of ten calendar days after the day of its first official publication); No. 129-VII of 27.06.2022 (shall enter into force ten calendar days after the date of its first official publication).

Article 18. Compensation and benefits to persons sent or moved for free employment in an environmental disaster zone

Persons who have been sent or moved for free employment in an environmental disaster zone have the right to:

- 1) (excluded)
- 2) (excluded)

3) priority allocation of apartments at the place of permanent residence to specialists in need of housing who have worked in the ecological disaster zone for at least five years.

Footnote. Article 18 as amended with the Law of the RK dated 23.12.2004 N 21; dated 22.07.2011 № 479-IV (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 19. Social guarantees and compensation for the unemployed in the environmental disaster zone

The Government of the Republic of Kazakhstan, local executive bodies of regions, cities of republican significance, capitals shall provide:

1) priority direction of financial and material resources for creation of new jobs, organization of paid public works;

2) conditions for employment of migrants from the environmental disaster zone to environmentally prosperous regions of the republic;

3) (Subparagraph 3 excluded – with the Law of the RK dated April 7, 1999 N 374).

4) preferential (by establishing quotas) admission to educational organizations that implement professional educational programs of technical and professional, post-secondary and higher education, to acquire acute deficient professions necessary to solve the problems of the Aral Sea region, as well as to vocational training courses with mandatory representation of the hostel for the duration of study.

Footnote. Article 19 as amended with the Law of the RK dated 27.07.2007 N 320 (procedure of introduction into force see Article.2); dated 22.07.2011 № 479-IV (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 20. Grounds for introduction of amendments and termination of compensation and benefits

The payment of compensation and the granting of benefits shall be amended and terminated in cases of changes of the status of the territory and the status of citizens in the manner established by this Law.

Article 21. Extension of this Law to citizens of other states affected by environmental disaster in the Kazakh part of the Aral Sea region

Citizens living outside the Republic of Kazakhstan and affected by an environmental disaster or crisis in the Kazakh part of the Aral Sea region shall enjoy all the benefits provided for in this Law in accordance with inter-state agreements adopted.

Section IV. Organizational and economic mechanism implementation of this Law

Article 22. Financial support and mechanisms for the implementation of this Law

The implementation of the provisions provided for in this Law on social protection of citizens shall be financed by the republican and local budgets, as well as the funds of organizations and enterprises, voluntary contributions, and charitable assistance.

Environmental recovery and socio-economic development of the Kazakh part of the Aral Sea region shall be carried out on the basis of specific projects and documents of the State planning system of the Republic of Kazakhstan, taking into account the requirements of this Law.

Footnote. Article 22 as amended with the Law of the RK dated 03.07.2013 № 124-V (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 23. Monitoring the implementation of this Law

The implementation of this Law shall be monitored by the Government of the Republic of Kazakhstan and local executive bodies.

Footnote. Article 23 in the wording of the Law of the RK dated 27.04.2012 № 15-V (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 24. Liability for violation of this Law

. Officials and citizens shall be responsible for non-compliance with the requirements of this Law in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 24 as amended with the Law of the RK dated 22.07.2011 № 479-IV (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

*President
of the Republic of Kazakhstan*