

On social protection of citizens who suffered from nuclear tests at the Semipalatinsk nuclear test site

Unofficial translation

Law of the Republic of Kazakhstan of December 18, 1992 N 1787-XII.

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Footnote. Decree N 1612 of the President of the Republic of Kazakhstan as of March 20, 1994 has suspended, until April 1, 1997, this Law with regard to the payment of one-time monetary compensations to citizens, who lived and are still living in areas of extraordinary, maximum, increased, minimum radiation risk and in areas with preferential socioeconomic status, as well as with regard to the 1.5 times increase of allocations from the republican budget for the maintenance of health facilities.

The effect of paragraphs one, two, three, four, five, six of part one of Article 12 has been renewed by Law of the Republic of Kazakhstan N 119 as of July 12, 1994.

Nuclear weapon tests carried out at the Semipalatinsk nuclear test site for 40 years have caused irreparable damage to human health and the environment, have increased overall morbidity and mortality of the population. The whole territory of Semipalatinsk region and Pavlodar, East-Kazakhstan and Karaganda regions adjacent to the test site are recognized as the zone of ecological disaster.

The long-term effects of nuclear tests, which are passed down from generation to generation, are becoming increasingly detrimental.

The elimination of these consequences requires the implementation of a set of measures for the treatment, health improvement, rehabilitation, social protection of the population and socioeconomic development of the territory.

Footnote. The preamble as amended by Law of the Republic of Kazakhstan № 124-V as of 03.07.2013 (to be enacted ten calendar days after its first official publication).

Chapter 1.

General provisions

Article 1. Goals and objectives of the Law

This Law is intended to provide social protection to citizens who suffered from lengthy nuclear tests at the Semipalatinsk nuclear test site.

The law establishes the status of citizens and the classification of territories affected by long-term nuclear explosions, determines the types of compensations, benefits and measures for socioeconomic development of the territory.

Article 2. The citizens' right to compensation for damage caused to their health and property

The categories of citizens listed in Article 10 of this Law are entitled to compensation for damage caused to their health and property in the amounts specified in Articles 12, 13, 14, 15 of this Law.

This Law applies to citizens residing in the districts and cities of Semipalatinsk region and relevant regions of Pavlodar, East-Kazakhstan and Karaganda regions contaminated by radioactive substances as a result of nuclear weapon testing.

Citizens, who have left for another place of residence from the specified districts and cities, falling within the scope of this Law and residing in the territory of the Republic of Kazakhstan, enjoy the privileges provided for by this Law.

Citizens, who have left for another place of residence from the specified districts and cities, falling within the scope of this Law and residing outside the territory of the Republic of Kazakhstan, enjoy the privileges provided for by this Law in accordance with interstate treaties.

Article 3. The state's obligations to ensure the rights of citizens affected by nuclear tests

Republican and local state bodies are obliged to ensure the right of citizens affected by nuclear tests to compensation for damage to their health and property.

The state assumes responsibility for the performance of a set of necessary measures and legal protection of citizens for the implementation of this Law.

Chapter 2.

Classification of areas exposed to nuclear testing

Article 4. Classification of areas affected by radioactive fallout during nuclear testing

Contaminated areas are those in which the effective equivalent radiation dose for the population exceeds 0.1 rem over the entire testing period.

Depending on the size of the effective equivalent dose, contaminated areas are divided into:

- extraordinary radiation risk zone;
- maximum radiation risk zone;
- increased radiation risk zone;
- minimum radiation risk zone;
- territory with preferential socioeconomic status.

The types of economic activity and the procedure for its organization, the volume of environmental management and environmental rehabilitation of the territory are established by the Government of the Republic of Kazakhstan.

The boundaries of ecological disaster zones and the list of areas included in them are modified by altering and (or) amending this Law in the manner prescribed by the legislation of the Republic of Kazakhstan.

Footnote. Article 4 as amended by Law of the Republic of Kazakhstan № 15-V as of 27.04.2012 (to be enacted ten calendar days after its first official publication).

Article 5. The extraordinary radiation risk zone

The extraordinary radiation risk zone is a part of the territory affected by radiation pollution, the dose of the population's exposure in which exceeded 100 rem over the entire testing period, which is part of the maximum seismic impact band.

The extraordinary radiation risk zone includes the territories of Sarzhaly rural county of Abay district, Dolon rural county of Beskaragai district, the populated localities of Sarapan and Isa of abolished Zhanasemey district of East-Kazakhstan region.

Footnote. Article 5 as amended by Law of the Republic of Kazakhstan № 15-V as of 27.04.2012 (to be enacted ten calendar days after its first official publication); Constitutional Law of the Republic of Kazakhstan № 121-V as of 03.07.2013 (to be enacted ten calendar days after its first official publication).

Article 6. The maximum radiation risk zone

The maximum radiation risk zone is a part of the territory affected by radiation pollution, the dose of the population's exposure in which is from 35 to 100 rem over the entire testing period.

The maximum radiation risk zone includes the populated localities of Abai, Beskaragai and abolished Zhanasemey districts, Akbulak, Abraly, Algabas, Ainabulak, Karaolen and Tanat rural counties, the city of Semey of East-Kazakhstan region, Akzhar and Maldar rural counties of May district of Pavlodar region.

Footnote. Article 6 as amended by Law of the Republic of Kazakhstan № 15-V as of 27.04.2012 (to be enacted ten calendar days after its first official publication); Constitutional Law of the Republic of Kazakhstan № 121-V as of 03.07.2013 (to be enacted ten calendar days after its first official publication).

Article 7. The increased radiation risk zone

The increased radiation risk zone is a part of the territory affected by radiation pollution, the dose of the population's exposure in which is from 7 to 35 rem over the entire testing period.

This zone includes the populated localities of Borodulikha, Zharma, Ayaguz, Glubokovo, Shemonaikha, Ulan districts, the cities of Semey, Kurchatov, Ust-Kamenogorsk and Ridder of East-Kazakhstan region; Karkaraly district of Karaganda region within the territory of abolished Kazybekbi district, May district of Pavlodar region.

Footnote. Article 7 is in the wording of Law of the Republic of Kazakhstan № 15-V as of 27.04.2012 (to be enacted ten calendar days after its first official publication).

Article 8. The minimum radiation risk zone

The minimum radiation risk zone is a part of the territory affected by radiation pollution, the dose of the population's exposure in which is from 0.1 to 7 rem over the entire testing period.

The minimum radiation risk zone includes the populated localities of Urjar, abolished Taskesken, Kokpekty, Aksuat, Zyryanovsk, Zaysan and Tarbagatai districts of

East-Kazakhstan region; Karkaraly district of Karaganda region, not including the territory of abolished Kazybekbi district; Lebyazhinsk district of Pavlodar region.

Footnote. Article 8 as amended by Law of the Republic of Kazakhstan № 15-V as of 27.04.2012 (to be enacted ten calendar days after its first official publication).

Article 9. The territory with preferential socioeconomic status

The territory with preferential socioeconomic status is a territory (within the boundaries of administrative districts) adjacent to the minimum radiation risk zone, where, for various reasons, the effective equivalent exposure dose is below 0.1 rem over the entire testing period, but with a significant negative impact from psycho-emotional stress associated with living near radiation and seismically hazardous areas.

This zone includes Bayanaul district of Pavlodar region.

Chapter 3. The status of citizens affected by nuclear tests at the Semipalatinsk nuclear test site

Article 10. Categories of citizens, affected by nuclear tests, to which the Law applies

The victims of nuclear tests include:

citizens who lived, worked, or served in the army (including compulsory military service) in territories contaminated by radioactive substances during the period of aerial and ground-based nuclear explosions (in 1949-1965);

citizens who lived, worked or served in the army (including compulsory military service) in these territories during the period of underground nuclear explosions from 1966 to 1990;

citizens who lived, worked or served in the army (including compulsory military service) in the territory with preferential socioeconomic status from 1949 to 1990;

children of individuals referred to in the second and third paragraphs of this Article having disabilities or diseases approved by the list of diseases related to exposure to ionizing radiation, when establishing a causal relationship between their state of health and the fact of stay of one of the parents in the zones specified in the Law.

Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan dated 24.11.2021 No. 75-VII (effective ten calendar days after the date of its first official publication); dated 27.06.2022 No. 129-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 11. Certificates of citizens affected by nuclear tests

The persons specified in Article 10 shall be given certificates, which are documents confirming their right to benefits and compensation provided for by this Law.

The registration of citizens affected by nuclear tests, and the issuance of certificates to them are carried out in the manner established by the Government of the Republic of Kazakhstan.

Footnote. Article 11 as amended by Law of the Republic of Kazakhstan № 15-V as of 27.04.2012 (to be enacted ten calendar days after its first official publication).

Chapter 4.

Social protection of citizens affected by nuclear tests at the Semipalatinsk nuclear test site

Article 12. Benefits and compensations for citizens affected by nuclear tests

Citizens, who lived and are still living in the zones specified in Articles 5, 6, 7, 8 and 9 of this Law, are guaranteed a one-time monetary compensation for the damage caused by nuclear tests, according to the zones of:

1) extraordinary radiation risk - in the amount of 5.23 monthly calculation indices for each year of residence within the period from 1949 to 1965 and 1.05 monthly calculation index for each year of residence within the period from 1966 to 1990;

2) maximum radiation risk - in the amount of 2.62 monthly calculation indices for each year of residence within the period from 1949 to 1965 and 1.05 monthly calculation index for each year of residence within the period from 1966 to 1990;

3) increased radiation risk - in the amount of 1.57 monthly calculation index for each year of residence within the period from 1949 to 1965 and 0.79 monthly calculation index for each year of residence within the period from 1966 to 1990;

4) minimum radiation risk - in the amount of 1.05 monthly calculation index for each year of residence within the period from 1949 to 1965 and 0.52 monthly calculation index for each year of residence within the period from 1966 to 1990;

5) in the territory with preferential socioeconomic status - in the amount of 0.26 monthly calculation index for each year of residence from 1949 to 1990.

The priority right to receive a one-time monetary compensation for the damage caused by nuclear tests is enjoyed by citizens of the retirement age.

The monthly calculation index is the monthly calculation index effective as of the day of paying a one-time monetary compensation for the damage caused by nuclear tests.

Footnote. Article 12 is in the wording of Law of the Republic of Kazakhstan № 180-V as of 31.03.2014 (to be enacted from 01.04.2014).

Article 13. Social support of the population

Citizens living in the territories specified in Articles 5 and 6 of this Law and who retired before January 1, 1998, are entitled to a pension supplement according to the zone in the amount of:

extraordinary radiation risk - 2.09 monthly calculation index;

maximum radiation risk - 1.83 monthly calculation index.

The population living in the territories specified in Articles 5, 6, 7, 8, 9 has the right to:

1) additional wage according to the zones in the amount of:

extraordinary radiation risk - two monthly calculation indices;

maximum radiation risk - 1.75 monthly calculation index;

increased radiation risk - 1.5 monthly calculation index;

minimum radiation risk - 1.25 monthly calculation index;

in the territory with preferential socioeconomic status - one monthly calculation index.

2) (excluded)

3) annual additional paid leave according to the zones:

extraordinary radiation risk - 14 calendar days;

maximum radiation risk - 12 calendar days;

increased radiation risk - 10 calendar days;

minimum radiation risk - 7 calendar days;

in the territory with preferential socioeconomic status - 5 calendar days.

Footnote. Article 13 as amended by Law of the Republic of Kazakhstan N 134 as of 19.06.1997 (effective from 01.01.1998); N 480 as of 16.11.1999 (to be enacted from 01.01.2000); № 180-V as of 31.03.2014 (to be enacted from 01.04.2014).

Article 14. Additional benefits and compensations for women, children and adolescents and their parents

Women living in areas exposed to nuclear testing are eligible for a maternity leave for the duration of:

ninety-one calendar days before childbirth and seventy-nine calendar days after it in case of normal delivery (in case of complicated childbirth or the birth of two or more children - ninety-three calendar days);

ninety-three calendar days after childbirth - in case of childbirth with a period of twenty-two to twenty-nine weeks of pregnancy and the birth of a child weighing five hundred grams or more, who lived more than seven days;

seventy-nine calendar days after birth - in case of childbirth with a period of twenty-two to twenty-nine weeks of pregnancy and the birth of a dead fetus or a child weighing five hundred grams or more, who died before seven days of life.

Children and adolescents under the age of 18 years old living in areas affected by nuclear tests are entitled to free health care (for medical reasons) in sanatorium and health facilities.

The leave to take care of a sick child is paid for in accordance with the legislation of the Republic of Kazakhstan to one of the parents or to persons replacing them, regardless of the length of service, for the entire period of the illness. <*>

Footnote. Article 14 is in the wording of Law of the Republic of Kazakhstan № 323 as of 17.12.1998 (to be enacted from 01.01.1999); as amended by laws of the Republic of Kazakhstan № 374 as of 07.04.1999; № 165-VI as of 02.07.2018 (to be enacted ten calendar days after its first official publication).

Article 15. On benefits for servicemen and employees of special state bodies

During military service and service in special state bodies in contaminated areas, military personnel and employees of these bodies enjoy rights and privileges in accordance with this Law and other legislative acts of the Republic of Kazakhstan.

Footnote. Article 15 is in the wording of Law of the Republic of Kazakhstan № 553-IV as of 13.02.2012 (to be enacted ten calendar days after its first official publication).

Chapter 5.

Ecological improvement of territories and medical care to the population

Article 16. Ecological improvement of territories exposed to nuclear testing

In the areas exposed to nuclear tests at the Semipalatinsk nuclear test site, a set of such measures are being taken to improve the environment: scientific research of the environment, continuous monitoring of environmental objects and local food products, state and public environmental expertise of economic and other activities, measures for re-commercialization of areas polluted by radiation.

Article 17. Organization of public medical care

Persons specified in this Law are subject to comprehensive medical examination.

The State Register shall be drawn up for their personal record.

The provision of medical care to the victims of nuclear tests at the Semipalatinsk test site, and their comprehensive medical check-ups are carried out by health facilities at the place of their residence or work. Extraordinary specialized medical care of these persons is provided by all public health facilities in the Republic of Kazakhstan.

Annually, the republican budget provides for allocations to increase the funds for the maintenance of health facilities per resident compared with the national average by 1.5 times. The Government of the Republic of Kazakhstan annually provides targeted allocation of medical equipment and medicines for health facilities located in areas affected by nuclear tests.

Footnote. Article 17 as amended by Law of the Republic of Kazakhstan № 15-V as of 27.04.2012 (to be enacted ten calendar days after its first official publication).

Article 18. Establishment of a causal connection of diseases associated with exposure to ionizing radiation resulting from nuclear tests at the Semipalatinsk nuclear test site

The establishment of a causal connection of diseases associated with exposure to ionizing radiation resulting from nuclear tests at the Semipalatinsk nuclear test site shall be carried out in accordance with the healthcare legislation of the Republic of Kazakhstan.

Footnote. Article 18 - as amended by the Law of the Republic of Kazakhstan dated 24.11.2021 No. 75-VII (effective ten calendar days after the date of its first official publication).

Chapter 6.

Economic bases for ensuring social protection of citizens and responsibility of officials

Article 19. Financing and material and technical support of measures for the social protection of citizens

Measures for the social protection of citizens provided for by this Law are financed by:
republican and local budgets;
funds of organizations;

donations, charitable assistance, and international funds.

Health improvement of the population and the socioeconomic development of areas are carried out on the basis of documents of the State Planning System of the Republic of Kazakhstan with account of the requirements of this Law.

Footnote. Article 19 is in the wording of Law of the Republic of Kazakhstan N 374 as of 07.04.1999; as amended by Law of the Republic of Kazakhstan № 124-V as of 03.07.2013 (to be enacted ten calendar days after its first official publication).

Article 20. Responsibility for the violation of this Law

Officials guilty of violating this Law shall be subject to disciplinary, material, administrative, criminal responsibility in accordance with the legislation of the Republic of Kazakhstan.

Chapter 7.

International treaties

Article 21. International treaties

This Law applies to foreign citizens in accordance with international treaties.

If international treaties of the Republic of Kazakhstan establish rules other than those contained in this Law, then the rules of an international treaty shall apply.

*President of
the Republic of Kazakhstan*