KAZAKHSTAN

1. Definitions and stipulated rights of children with disabilities in Kazakhstan

a. Definition of disability as per the law of the Republic of Kazakhstan

The legislation of Kazakhstan (law ‘On Social Protection of Disabled Persons in the Republic of Kazakhstan’), provides the following definition of a person/child with disabilities: “disabled person is a person who has health problems with a persistent disorder of body functions, caused by diseases, injuries, and their consequences, defects, leading to a physical dysfunction and the need for his/her social protection”; “disabled child is a person under the age of eighteen years old, with health problems with a persistent disorder of body functions, caused by diseases, injuries, and their consequences, defects, leading to physical dysfunction and the need for his/her social protection; “children with limited abilities” are defined as “children under the age of 18 with physical and (or) mental defects who experience restrictions in vital functions caused by congenital, hereditary, acquired diseases or trauma consequences, confirmed in accordance with due procedures”.

b. Changes in the legislative and policy framework stipulating the rights of children with disabilities in the Republic of Kazakhstan

In the last five years there have been several changes made in the legislation of Kazakhstan pertaining to the rights of children with disabilities. These amendments affected laws such as the Code on 'Marriage and Family', 'On the Rights of the Child in the Republic of Kazakhstan', 'On Education', 'On social, medical and educational support for children with disabilities', 'On special social services', 'On national accumulative educational system', 'On amendments of the legislation concerning social security' and 'On military service and status of military servants'. The recent legislative changes address both definitions and also provide for changes in provision of additional support in the area of social welfare, education and health of children with disabilities. Finally,

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1 All data in this country profile is, unless otherwise specified, provided by the Government of the Republic of Kazakhstan based on a country profile template in preparation for the 4th Child Protection Forum for Central Asia. Data from this submission comes from the Ministry of Labor and Social Protection of Population, Ministry of Health, Ministry of Education and Science, the Agency of Statistics and Committee for the Protection of Children's Rights (2012). Based on this data, the analysis and conclusions were made by UNICEF Regional Office for CEE/CIS.
important changes were introduced to various Decrees of the Ministry of Health of the Republic of Kazakhstan concerning screening procedures for children with disabilities.

The law of the Republic of Kazakhstan 'On the Rights of the Child in the Republic of Kazakhstan' ensures that children with disabilities have equal rights with children without disability to live in conditions which ensure dignity and promote active inclusion in society. The same Law provides for the right to education, choice of occupation and profession and participation in creative and social activities. The right to social security, including rehabilitation and integration into society is stated under the Law on "Social Protection of Disabled Persons in the RK". According to this Law, children with disabilities are also entitled to the right of access to social infrastructure facilities.

In accordance with the law “On social, medical and educational support for children with disabilities”, children with disabilities have the right to receive a number of services. This includes free social, medical and educational support; free medical examination in public health organizations, medical and other support from psycho-educational counseling departments or medical-social examination departments and free medical care in accordance with the laws of the Republic of Kazakhstan. It also provides for free-of-charge orthopedic products and footwear, prints with a special font, sound-amplifying equipment and alarms, compensatory technical means in accordance with the laws of the Republic of Kazakhstan; to receive free pre-school and general secondary education in institutions of education or public secondary schools. Given that they qualify on a competitive basis, children with disabilities are also entitled to receive free of charge technical and vocational, post-secondary, higher education in state educational institutions within the public education programmes and curricula; employment after graduation. According to the same law, children with disabilities who are also orphans and/or left without parental care, who benefit from full state support, shall be provided with accommodation after graduating from an institution by the local executive authorities.

Consistent support from the state for children requiring special attention is envisaged in the National Long Term Action Plan (2012) for ensuring the rights and improving the quality of life for persons with disabilities for 2012-2018.

c. Remaining challenges in the law

There are still ambiguities between rights stipulated by law and the extent to which these rights and the entitlements lead to full inclusion into society. For example, the law ‘On social, medical and educational support for children with disabilities’ while introducing many changes, still stipulates the right for children with disabilities to receive health and social care in specialized children’s establishments. Language in the laws and regulations still has a medical approach and aims at 'correction' of disability.

2. Assessment and identification of disability by different sectors

Lately, the Ministry of Health of Kazakhstan has adopted new regulations on antenatal, perinatal and neonatal screenings. Thus, the medical institutions of Kazakhstan introduced a method for the integrated management of childhood illnesses and early childhood development. Primary health care professionals carry out preventive health supervision of children at risk in accordance with an

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individual plan. The integrated management of childhood illnesses is carried out for the purposes of
diagnosis of disability for children under 5 years old as well as improving their physical and mental
development. Besides, in order to identify children at "risk" in the maternity homes, children's
clinics, primary health care institutions, a mass standardized examination, i.e. screening is
conducted. With the consent of the parents or other legal representatives, the children "at risk"
identified during the screening are sent to the psychological, medical and educational counselling
units.

One of the official tools introduced in 2003 is screening of psycho-
physical development of
young children. It is implemented by means of five screening examinations conducted in three
stages. Since 2006, a screening programme of prenatal diagnosis and prevention of congenital and
hereditary disorders in children has been adopted and is under implementation. Under this
screening program, a genetic screening is introduced for possible early (prenatal) identification of
children with genetic disorders, in-depth diagnosis of congenital and hereditary diseases and
prevention of birth of children with psycho-physical development disabilities.

There is an on-going process of integrating activities of social protection, health and education,
while also maintaining sectorial specialization. The education sector has a role to play in identifying
developmental delays through a pedagogical examination. The health sector holds mass
standardized screening of children in the early years with the aim of identifying risks. This sector
also does in-depth diagnosis of congenital, hereditary and acquired conditions. In the sector of
labour and social protection social surveys are conducted to determine the degree of disability as
well as how that affects prospects of inclusion into for example the labour market.
The reported number of children with disabilities who are registered in the country has been increasing every year since 2005, something which is probably a sign of better identification. According to the official sources of data, in Kazakhstan there are 65,800 children with disabilities being registered by 2012. However, different agencies use different estimates. This is due to the fact that the different agencies responsible for children with disabilities each use different assessment tools as they use the data for different purposes. For example, the Ministry of Labour and Social Protection records the number of beneficiaries with entitlements to benefits and equipment within the social protection field, while for example the Ministry of Education reports the number of children with disabilities in different education settings. The reported sources of data differ significantly. The following graph describes roughly the trend of reported numbers in the country, but gives a very unclear picture of what is the real number of children with disabilities in the country.
3. Services and supports to children with disabilities and their families in Kazakhstan

a. Social welfare and support to families of children with disabilities

The adoption of the Law on Specialized Social Services (2008) required several changes in regulations for social services. This included for example introduction of standards for the provision of special social services in the sphere of social protection, education and health. All standards describe provision of eight special social services: special routine services, special medical services, special pedagogical services, special psychological services, special legal services, special vocational services and special economic services for different categories of service users. All these services are cross-sectoral and link up with social work. According to the recent statistics from three ministries (Health, Education and Social Welfare), 13,430 social pedagogues, psychologists in education (MOES, January 2012,) 12,101 social workers for children with disabilities (MLSP, 2011) 1,157 social workers and psychologists at primary health care level (MOH, 2011) are introduced into the system to identify the needs of children and families and refer them to professional help. The network of psychological, medical and pedagogical consultation units (PMPC) was expanded, which allowed improving the identification of children with developmental disabilities. According to the Ministry of Labor and Social Protection of Population of the RK (2013), more than 2,000 children with disabilities currently receive services through NGOs. The day-care facilities provide services to 3,000 children with disabilities. Overall, 88 per cent of the total number of children with disabilities are provided with technical auxiliary aids out of the total number of children who need them. Overall 43 per cent of special education organizations are equipped with modern multi-media educational systems, 41 per cent with a speech pathology training stimulator, and 37 per cent with a speech/hearing training stimulator. Around 95 per cent of children with developmental disabilities have access to the internet.
In 2012, the overall number of children below 18 years of age who were placed in residential care was 10,887\(^3\). Out of this some 21 per cent were children with disabilities. While the overall number of children in residential care has been decreasing in the last 3 years, this has not been the case for children with disabilities in residential care to the same extent.

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\(^3\) This includes children with disabilities in residential care below 18 years, and children in special boarding schools.
Proportion of children with disabilities below 3 years of all children in residential care

For the age group of children below three years, children with disabilities represent approximately 4 per cent\(^4\).

\(^4\) Data collection on number of children with disabilities in residential care only started in 2012. The data provided in the country profile on this indicator is an estimation based on number of children who entered and left residential institutions for children below 3 years old without parental care in 2012.
Data suggest that the number of children below 18 placed in family based care has been decreasing from 33,096 in 2005 to 23,898 children below 18 years in family based care in 2012. This follows the overall trend towards a decrease in the number of children without parental care in the country. The figure from 2012 also includes 161 children with disabilities who were below the age of 3 in family based alternative care.

b. Social assistance to children with disabilities

In Kazakhstan, currently, social allowances in the form of cash transfers are provided to families raising children, including adopted children, children under guardianship, and children with disabilities. Child benefits can take different forms and are either categorical or targeted to the poor (income dependent). By law, children are directly or indirectly covered under the following types of social assistance benefits: child benefits (social allowances), targeted social assistance (TSA), special social benefits and benefits for children with disabilities.6 Children with disabilities are provided

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6Foster care/guardianship/trusteeship care
with other forms of state support, in addition to state benefits. For example, all regions fund provision of material support to children with disabilities who are being raised at home. Depending on the age and disability group, children are currently entitled to children’s disability benefits/allowances - from 15,103 KZT ($100) to 24,231 KZT ($161). Besides, there is also parental allowance/benefit to care for a child with disabilities - 18,660 KZT ($125). With the introduction of new forms of social service, an opportunity appeared for employment of mothers with children with psycho-neurological disabilities, with disorders of the musculoskeletal system. The government provides tax benefits to all members in a family with a child with disabilities. Thus, income within a threshold of the equivalent of the minimum salary 55-fold or less per year of one of the parents of a child with a disability, disabled since childhood, is not subject to individual income tax. Moreover, families with a child with disabilities are exempted from among other obligations such as land tax.

Since 2010, monthly benefits have been introduced for a person raising a child with disabilities in the amount of the minimum salary rate. These are meant to support parents who have to leave work and engage in caring for a child with disabilities. In 2010, 51,178 families (adoptive parents), guardians (trustees) raising children with disabilities, received allowances in the amount of 14,952.00 KZT ($98 USD), in 2011 - 54,800 people in the amount of 15,999.00 KZT ($105 USD), and in 2012 - 58,700 families received care allowances in the amount of 17,439 KZT ($114 USD). In view of social support for families having children with disabilities in all regions at the expense of local budgets, payment is made for material support to 11,659 children with disabilities, raised and educated at home. Average monthly payments during the period of the child’s education are nearly 4,000 KZT ($27). In 2012, 63,751 children with disabilities were covered.
As the number of registered children with disabilities has been increasing in the country, so has the number of children with disabilities receiving any kind of disability allowance. The number of families receiving a “carer allowance” has also been increasing since 2010.

c. Early childhood development and education for children with disabilities

Once identified, children with disabilities are assessed by a Psychological, Medical and Pedagogical Commission (PMPC). The assessment results in the delivery of a certificate specifying whether the child can participate in education, and if so the level of education to which s/he should be directed. There is some progress to further ensure the realization of children’s right to education. The process of developing inclusive education is comprehensive and requires the participation of government agencies, parents, community, families, educational institutions and organizations, non-governmental organizations. In order to develop inclusive education in Kazakhstan, the Law of the Republic of Kazakhstan “On education” was amended to ensure the state’s responsibility to provide children with disabilities with conditions for “education, correction of developmental disorders and social adaptation” starting from an early age at all levels of education.

In 2010-2011 there were reportedly 5,649 children who were not attending school due to some form of disability or health issues. 56.2 per cent of Kazakhstan’s 151,216 children registered as
living with disabilities have access to special education programmes, even though the 2005 Law on Social Protection of Disabled Persons guarantees children with disabilities access to free primary, basic secondary and general secondary education. Most of the children with disabilities are being taught under home programmes that heavily rely on the child’s family support. Thus, as per latest data there are: 2,061 children with disabilities below 18 years who attend special boarding schools; 8,758 children with disabilities receiving home schooling; 8,613 children with disabilities who attend special pre-school facilities.

Proportion of children with disabilities in special pre-school facilities compared with regular pre-school facilities

![Bar chart showing the number of children with disabilities in special and regular pre-school facilities from 2000 to 2012.](chart.png)
The graph above describes the proportion of children with disabilities by different educational arrangements in 2012. While the data indicate that 21,029 children with disabilities were in regular schools, it is not known what are the types of disabilities these children have and if these children regularly attend schools.