

Convention on the Rights of Persons with Disabilities

Distr.: General 19 April 2024

Original: English

Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Kazakhstan*

I. Introduction

1. The Committee considered the initial report of Kazakhstan¹ at its 690th and 691st meetings,² held on 4 and 5 March 2024. It adopted the present concluding observations at its 710th and 712th meetings, held on 18 and 19 March 2024.

2. The Committee welcomes the initial report of Kazakhstan, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies³ to the list of issues prepared by the Committee.⁴

3. The Committee expresses its appreciation for the constructive dialogue held with the State party's delegation, which included representatives of relevant government ministries and the Office of the Prosecutor General, Members of Parliament, members of the Judicial Administration and members of the Permanent Mission of Kazakhstan to the United Nations Office and other international organizations in Geneva.

II. Positive aspects

4. The Committee appreciates the measures taken by the State party to implement the Convention after its ratification in 2015. It welcomes, in particular, the adoption of legislative measures taken to promote the rights of persons with disabilities, notably:

(a) Act No. 224-VII (Social Code), recognizing equal rights and non-discrimination, including on the basis of disability, in July 2023;

(b) The national standards on requirements for the accessibility of financial organizations' branches in providing services to persons with disabilities and other less mobile population groups, in November 2023;

(c) Act No. 129-VII on Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on Improving the Quality of Life of Persons with Disabilities, which repealed discriminatory terminology in the legal framework, in June 2022;

(d) Act No. 56-VII on Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on Inclusive Education, which established the duty to develop educational programmes taking into account the requirements of children with disabilities, in June 2021;



^{*} Adopted by the Committee at its thirtieth session (4–22 March 2024).

¹ CRPD/C/KAZ/1.

² See CRPD/C/SR.690 and CRPD/C/SR.691.

³ CRPD/C/KAZ/RQ/1.

⁴ CRPD/C/KAZ/Q/1.

(e) Act No. 240-VI on Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Issues Related to the Activities of Organizations Performing Functions to Protect the Rights of the Child, which expanded the mandate of the national preventive mechanisms to monitor institutions for children with disabilities, in April 2019;

(f) The presidential decree on the Concept for the Development of Civil Society, upholding the participation of persons with disabilities in public decision-making, in 2020.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework for the implementation of the Convention, in particular the adoption and establishment of the following:

(a) The action plan in the field of human rights and the rule of law, in 2023;

(b) The Concept of Social Development until 2030, which emphasizes actions in the fields of education, health, work and social protection, including for persons with disabilities;

(c) The national plan to ensure the rights and improve the quality of life of persons with disabilities, which includes measures to render the physical environment and education accessible, and improve economic self-sufficiency, quality employment and social services, in 2019;

(d) The National Development Plan of the Republic of Kazakhstan until 2025, which provides guidelines for fair social policy, an accessible and effective health-care system and quality education, in 2018;

(e) The inclusion of monitoring the implementation of the rights of persons with disabilities in the mandate of the Commissioner for the Rights of Socially Vulnerable Categories of the Population, in March 2023;

(f) The Senate's Council on Inclusion and the Inclusive Parliament deputy group, which led the consideration and passing of legislation to promote the rights of persons with disabilities, in 2023.

6. The Committee notes with appreciation the State party's ratification of the Optional Protocol to the Convention, in July 2023, and of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in September 2020.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

7. The Committee notes with concern:

(a) The use of the medical model of disability in the Social Code (art. 1, paras. 105 and 106), and that the degree of impairment and functional capabilities of persons with disabilities continue to guide disability assessments, ⁵ leading to underrepresentation of children and adults with disabilities in government registries;

(b) Discriminatory provisions, including derogatory terminology and ableism, in the Civil Code (art. 26), the Code on Public Health and the Health-Care System (arts. 137, 170 and 175) and the Criminal Code (art. 16), affecting persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities;

(c) The incomplete mainstreaming of the rights of persons with disabilities in sectoral policies and programmes and limited information about policies to address the situation of persons with disabilities living in rural areas (44.8 per cent), ⁶ migrants,

⁵ CRPD/C/KAZ/RQ/1, paras. 7 and 8.

⁶ CRPD/C/KAZ/1, para. 108.

asylum-seekers and refugees with disabilities and persons with disabilities belonging to ethnic minorities, including Uzbeks, Uighurs, Koreans, Tatars and Azerbaijanis;

(d) The widespread attitudinal barriers faced by persons with disabilities in the public and private sectors.

8. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Review and amend provisions in the Social Code, the Rules for Conducting Medical and Social Expertise (Order No. 260) and the process of early identification of children with disabilities, with the aim of adopting a concept of disability in line with the human rights model of disability;

(b) Establish rules and processes for the identification and assessment of legal and environmental barriers to persons with disabilities, based on the requirements, will and preference of persons with disabilities, provide persons with disabilities with accessible information about such assessments, and ensure that organizations of persons with disabilities are involved in their monitoring;

(c) Conduct a comprehensive review of national laws, including the Criminal Code, the Civil Code, the Code on Public Health and the Health-Care System and secondary legislation, including by-laws, with a view to harmonize them with the Convention, and in particular repeal ableist legal provisions and derogatory terminology;

(d) Ensure that implementation of the national plan of action up to 2025 includes targeted programmes for persons with disabilities living in rural areas, migrant, asylum-seeking and refugee persons with disabilities and persons with disabilities belonging to ethnic minorities, including Uzbeks, Uighurs, Koreans, Tatars and Azerbaijanis, and include an independent monitoring mechanism fulfilling the requirements of article 33 (2) and (3) of the Convention;

(e) Develop a comprehensive strategy to shift from the medical model to the human rights model of disability, in legislation, public policies and at the institutional level.

9. The Committee notes with concern:

(a) The limited information about legally entrenched mechanisms to closely consult with and actively involve persons with disabilities through their representative organizations, notably organizations of women and girls with disabilities, persons with intellectual and/or psychosocial disabilities and organizations of children with disabilities, in public decision-making processes;

(b) The limited information about close consultation and active involvement of persons with disabilities in public decision-making in communities, including in villages (*auls*) and rural settlements;⁷

(c) The lack of information in accessible formats for persons with disabilities in national consultations and government forums with civil society.

10. Recalling its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, the Committee recommends that the State party:

(a) Develop legally entrenched, accessible and transparent mechanisms to closely consult and actively involve persons with disabilities through their representative organizations, including organizations of women and girls with disabilities, persons with intellectual and/or psychosocial disabilities and organizations of children with disabilities, in public decision-making processes, policy development

⁷ HRI/CORE/KAZ/2019, paras. 4 and 138.

and monitoring, and strengthen the capacity of organizations of persons with disabilities;

(b) Establish legally entrenched mechanisms to guarantee close consultation and active involvement of persons with disabilities in communities, including settlements and villages;

(c) Ensure systematic participation of persons with disabilities in the Citizens' Forum, in mechanisms designed by the Coordinating Council on Social Protection of Persons with Disabilities and by councils for persons with disabilities at the provincial level, including by providing persons with disabilities with accessible information and methods of engagement, including information in Easy Read, establishing adequate time frames for consultation and mechanisms monitoring the results of decision-making.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

11. The Committee notes with concern:

(a) That national legislation lacks provisions defining discrimination on the basis of disability, and its intersection with other grounds, such as age, sex, gender, place of living, residence status and socioeconomic situation;

(b) That the provision of reasonable accommodation⁸ is limited to physical accessibility and that denial of reasonable accommodation is not recognized as a form of discrimination;

(c) The limited mandate of the Human Rights Commissioner and the Commissioner for the Rights of Socially Vulnerable Categories of the Population to protect persons with disabilities from all forms of discrimination and prevent such discrimination.

12. Recalling its general comment No. 6 (2018) on equality and non-discrimination, the Committee recommends that the State party:

(a) Adopt comprehensive anti-discrimination legislation that protects persons with disabilities from direct, indirect, multiple and intersectional discrimination and recognize the denial of reasonable accommodation as a form of discrimination in all areas of life;

(b) Include a definition of reasonable accommodation consistent with article 2 of the Convention;

(c) Provide for effective remedies, including judicial and administrative complaint mechanisms, for persons with disabilities in cases of discrimination, and ensure just satisfaction for the injured parties;

(d) **Provide the Human Rights Commissioner with a broad mandate and** independence to consider and address discrimination and other human rights violations against persons with disabilities, and the human, technical and financial resources necessary to perform the functions of the mandate across the State party;

(e) Ensure that the mandate of the Commissioner for the Rights of Socially Vulnerable Categories of the Population includes prevention and combating discrimination on the basis of disability in all areas of life and at the national and local levels.

Women with disabilities (art. 6)

13. The Committee notes with concern:

(a) The lack of measures relating to women and girls with disabilities in legislation and public policies for the promotion of gender equality and women's rights, including in the

⁸ CRPD/C/KAZ/1, para. 80.

legislation to combat domestic violence and the Concept of Family and Gender Policies until 2030;

(b) The absence of information about the situation of women and girls with disabilities facing multiple and intersecting forms of discrimination and the lack of legal provisions expressly protecting them from discrimination on the basis of gender and its intersection with other grounds for discrimination.

14. Recalling its general comment No. 3 (2016) on women and girls with disabilities and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Conduct a comprehensive review of legislation and public policies to mainstream the rights of women and girls with disabilities in all gender equality legislation and to incorporate a gender perspective and intersectionality into public policies, including gender equality and disability policies and programmes;

(b) Collect information about the situation of women and girls with disabilities facing multiple and intersectional discrimination, recognize in its legislation multiple and intersectional forms of discrimination, including against women and girls with disabilities, and take measures to prevent and protect women and girls with disabilities from multiple and intersectional forms of discrimination.

Children with disabilities (art. 7)

15. The Committee notes with concern:

(a) The lack of measures to safeguard the rights of children with disabilities in the State party's legislation and the absence of a comprehensive policy framework for the implementation of the rights of children with disabilities in all areas of life;

(b) That children with disabilities are subject to special social services and rehabilitation in segregated settings, namely: sanatoriums, rest homes, ⁹ stationary social service centres, day-care organizations, rehabilitation centres and small-capacity homes;

(c) The absence of information about practical measures to facilitate participation of children with disabilities in administrative procedures and decision-making.

16. Recalling its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities,¹⁰ the Committee recommends that the State party:

(a) Review legislation, including the Children's Rights Act, the Education Act, the Social, Medical and Educational Support for Children with Disabilities Act, the Special Social Services Act and the Social Protection of Persons with Disabilities Act, with the aim of mainstreaming the rights of children with disabilities in line with the Convention and the human rights model of disability therein;

(b) Adopt a national comprehensive policy to guarantee inclusion of children with disabilities in society and the full enjoyment of their rights and freedoms on an equal basis with others, and proceed to end special and/or segregated services and settings, in close consultation with and the active involvement of persons with disabilities, including children with disabilities, through their representative organizations;

(c) Establish mechanisms ensuring that children with disabilities can form and express their views freely on all matters affecting them and that those views are given due weight, in accordance with their age and maturity, in all matters affecting them, including in education and in administrative and judicial processes.

⁹ CRPD/C/KAZ/RQ/1, para. 45.

¹⁰ See www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations.

Awareness-raising (art. 8)

17. The Committee is concerned about:

(a) Stigmatization and negative stereotypes about persons with disabilities encouraging isolation, segregation and neglect of children and older persons with disabilities, in particular children with intellectual and/or psychosocial disabilities and autistic children;

(b) The negative labelling and portrayal of persons with disabilities in schools and among public officers and that some awareness-raising activities reinforce the charity approach to persons with disabilities.

18. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, including organizations of children with disabilities and women and girls with disabilities:

(a) Develop a national strategy led by persons with disabilities addressing negative stereotypes about persons with disabilities, raising awareness about their intrinsic dignity as human beings and impairment as an equally valued aspect of human diversity, and about their human rights;

(b) Strengthen its awareness-raising programmes, including public campaigns on the rights of persons with disabilities, directing them to public employees, school and university staff, workers in the private sector, staff of the judiciary, health workers and service providers.

Accessibility (art. 9)

19. The Committee appreciates the State party's information about requirements for universal design, accessibility standards in public transport and the development of accessible housing. The Committee notes, however, with concern:

(a) The narrow scope of accessibility requirements, emphasizing physical measures such as ramps, and the limited information about accessibility of schools, housing, medical facilities, shops, cultural and religious places, and other facilities open to the public, particularly at the community level and in rural areas;

(b) The lack of a legally binding mechanisms to implement accessibility standards in buildings and on premises in the public and private sectors;

(c) The lack of unified standards on access to information for persons with disabilities, including information and communications technologies, and of standards rendering media and websites accessible.

20. Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Develop and implement legally binding standards on accessibility of the built environment, including commercial buildings and housing, of public transportation, and of information and communication, including digital technologies, and establish processes grounded in law to implement them expeditiously and reliably, including at the communication digital technologies, live assistance and intermediaries, guides, readers and professional sign language interpreters, Easy Read, Braille, captioning, augmentative means and modes of communication, and tactile communication;

(b) **Provide training on accessibility requirements to all organizations and** personnel tasked with implementing them, in the public and private sectors;

(c) Provide effective remedies in case of non-compliance with accessibility requirements, including with regard to public and private actors, and ensure effective monitoring of the implementation of accessibility requirements.

Right to life (art. 10)

21. The Committee is concerned about:

(a) Reports about deaths of persons with disabilities who were still living in residential institutions, including in psychiatric settings and detention facilities, and in special social service centres for children, particularly in the eastern and southern regions, and about the limited number and scope of investigations into and insufficient accountability for actions leading to death or threats to life;

(b) Reports of suicides among persons with disabilities between 2018 and 2020, and scarce information about measures to prevent them;

(c) Reports of interruptions of health treatment and medication for persons with disabilities with chronic diseases due to insufficient income and the high cost of the required treatment.

22. The Committee recommends that the State party:

(a) Adopt measures to safeguard the life of persons with disabilities, particularly persons with disabilities still living in residential institutions and psychiatric settings, and conduct expeditious and independent investigations of any deaths in such institutions;

(b) Conduct independent investigations of suicides among persons with disabilities and adopt measures to provide psychosocial support to prevent suicides among persons with disabilities;

(c) Protect the right to life of persons with disabilities in critical health situations by, inter alia, ensuring affordable access to the required medical treatment and medication.

Situations of risk and humanitarian emergencies (art. 11)

23. The Committee notes with appreciation the measures taken by the State party during the coronavirus disease (COVID-19) pandemic, including financial support and online mechanisms to recognize disability status for persons with disabilities during lockdown. The Committee notes, however, with concern:

(a) The risks for persons with disabilities in earthquakes, in particular in southern regions of the State party, and the limited scope of provisions for the protection and safety of persons with disabilities in legislation and risk reduction plans;

(b) The impact of nuclear testing from 1949 to 1989 on persons with disabilities, including on their sexual and reproductive health and rights;

(c) The absence of information on participation of persons with disabilities in the planning and implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030 and in climate change adaptation and in the recovery plans from the COVID-19 pandemic.

24. Recalling the Sendai Framework for Disaster Risk Reduction 2015–2030, the Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action and its own guidelines on deinstitutionalization, including in emergencies (2022),¹¹ the Committee recommends that the State party:

(a) Review its national legislation related to situations of risk and humanitarian emergencies, particularly Act No. 188-V of 11 April 2014 on Civil Protection and the guidelines (Order No. 48 of 26 November 2020) approved by the Ministry for Emergency Response, in order to establish early warning systems for persons with disabilities and to address the requirements of persons with disabilities in situations of risk and emergencies;

¹¹ CRPD/C/5.

(b) Adopt a comprehensive strategy and plans, with time frames, targets and budget allocations, to ensure the safety and protection of all persons with disabilities in situations of risks and emergencies, regardless of the type of impairment, including measures to prevent risks and address vulnerability, early warning, accessible information and evacuation plans responsive to persons with disabilities;

(c) Adopt measures to monitor and address the consequences of nuclear testing and the impact on persons with disabilities, including measures to mitigate the impact on sexual and reproductive health and rights;

(d) Strengthen mechanisms for close consultation and active involvement of persons with disabilities through their representative organizations in the design and implementation of disaster risk reduction and climate change adaptation plans at the national and local levels, at all stages of the process, and in its COVID-19 recovery plans.

25. The Committee is concerned about substantial gaps in the protection of refugees with disabilities and persons with disabilities in refugee-like situations, from infringement of their rights in situations of risk, due to their exclusion from generally available social protection provided by the Social Code and other laws, and their restricted access to education, the health-care system and other social services.

26. The Committee recommends that the State party review and amend its laws, including the Social Code, to guarantee access to social protection, education and health care for refugees with disabilities and persons with disabilities in refugee-like situations, on an equal basis with others, and provide accessible information about these services.

Equal recognition before the law (art. 12)

27. The Committee notes with concern:

(a) Legislation in the State party, including article 26 of the Civil Code, restricting the legal capacity of persons with disabilities on the basis of impairment, in particular of persons with intellectual and/or psychosocial disabilities, and that persons with disabilities are subjected to guardianship and thereby deprived of political and civil rights, including their rights to vote, marry, found a family, and manage assets and property;

(b) The absence of mechanisms for supported decision-making for persons with disabilities;

(c) Legal restrictions for persons with disabilities under guardianship to request reviews of judicial decisions concerning their guardianship and to regain legal capacity.

28. Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party:

(a) Initiate a comprehensive legislative reform aimed at recognizing the legal capacity of all persons with disabilities and abolishing guardianship enshrined in the Civil Code, and replace them with supported decision-making measures that guarantee the autonomy, will and preference of persons with disabilities;

(b) Raise awareness in all quarters of society and the State, including among persons with disabilities, their families and community members, the legislature, government and administration, and the judiciary, on supported decision-making and the legal capacity of persons with disabilities, in close consultation with and with the active involvement of persons with disabilities through their representative organizations;

(c) Until the formal establishment of supported decision-making, systematically review guardianship appointments, provide legal support and advice for persons with disabilities on how to regain their legal capacity, and ensure that persons with disabilities have the right to choose a support person in decision-making processes.

Access to justice (art. 13)

29. The Committee notes with concern:

(a) Legislation, including articles 323–328 of the Code of Civil Procedure, and practice restricting access to justice for persons with disabilities under substitute decision-making regimes, in centres for the provision of special social services, for persons with intellectual and/or psychosocial disabilities, and for children with disabilities due to age limit requirements;

(b) The limited provision of procedural, gender- and age-appropriate accommodation in civil, criminal and administrative proceedings due to a lack of awareness about available procedural accommodation among members of the judiciary, the bar, and persons with disabilities and their representative organizations;

(c) The physical inaccessibility of some courts and of other judicial and administrative facilities, and the lack of information about court proceedings in accessible formats;

(d) The exclusion of children with disabilities, notably children with psycho-neurological conditions, from free legal aid services.

30. Recalling the International Principles and Guidelines on Access to Justice for Persons with Disabilities and target 16.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Repeal legislation that restricts the right of persons with disabilities to participate in judicial and administrative proceedings, and recognize their capacity to participate in judicial and administrative proceedings in all roles, on an equal basis with others, and ensure the availability of legal aid in all areas of the State party;

(b) Guarantee procedural, gender- and age-appropriate accommodation in all judicial and administrative proceedings for persons with disabilities, for all types of impairment and based on individual requirements, and ensure access to official information and communication about such proceedings in accessible formats, including Braille, Easy Read and sign language;

(c) Render all court buildings and judicial and administrative facilities accessible, particularly by means of universal design, to guarantee access to judicial proceedings for persons with disabilities on an equal basis with others;

(d) Ensure access to affordable legal aid for children with disabilities of any type and establish procedures for them to express their views in the determination of the best interests of the child, by providing procedural accommodation appropriate to their age, maturity and specific disability-related requirements.

Liberty and security of person (art. 14)

31. The Committee is concerned about:

(a) Legislation, including articles 169 and 170 of the Code on Public Health and the Health-Care System, allowing for involuntary committal and psychiatric treatment of persons with intellectual and/or psychosocial disabilities in psychiatric facilities, including psychiatric hospitals, based on their perceived or actual impairment or dangerousness;¹²

(b) The prohibition for persons with disabilities to leave special social service centres;

(c) The lack of reasonable accommodation for persons with disabilities in detention.

32. **Recalling its guidelines on the right to liberty and security of persons with disabilities**,¹³ the Committee recommends that the State party:

¹² CRPD/C/KAZ/RQ/1, para. 109.

¹³ A/72/55, annex.

(a) Recognize involuntary hospitalization of persons with disabilities as a prohibited form of discrimination on the grounds of impairment, amounting to arbitrary deprivation of liberty, and review and repeal legislation, including provisions of the Code on Public Health and the Health-Care System, that permit institutionalization on the basis of impairment;

(b) Review cases of deprivation of liberty of persons with disabilities currently in hospitals and special social service centres with a view to releasing them and enable their transfer to a community-based place of residence freely chosen with access to a range of community-based support services;

(c) Amend or repeal legislation that denies to persons with disabilities the full protection guaranteed to all persons who are deprived of their liberty by arrest or detention, including by involuntary hospitalization, to take proceedings before a court and to be afforded the specific procedural guarantees required in such proceedings;

(d) Ensure the provision of reasonable accommodation to all persons with disabilities in detention, including pretrial detention, in all types of detention facilities.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

33. The Committee is concerned about:

(a) Reports of ill-treatment of persons with disabilities in places of detention, partly due to a lack of accessible sanitary facilities, including toilet and shower facilities, poor quality food and a lack of access to health care, including rehabilitation;

(b) Medical treatment of persons with disabilities in special social service centres without their free and informed consent, and coercive mental health treatment through court orders issued to persons with intellectual and/or psychosocial disabilities who were declared to be unfit to stand trial;¹⁴

(c) The lack of access to information and communications technologies of persons with disabilities still living in special social service centres, the prohibition of contact with relatives, including parents, deteriorating sanitary standards, surveillance and the lack of measures to protect privacy;

(d) The risks of gender-based violence for women and girls with disabilities still living in residential institutions, including physical, psychological and sexual violence and abuse, forced abortion and forced sterilization;

(e) Reports of children with disabilities, in day-care centres and in special social service centres for children, being subjected to psychological, physical and sexual abuse and labour exploitation, physical restraints, including straitjackets, psychotropic drugs to sedate, and being sent to psychiatric hospitals to control behaviour and seclusion;

(f) The absence of mechanisms to report abuse and violence and submit complaints in cases of ill-treatment and limited information about available reparation and redress for persons subjected to torture and ill-treatment.

34. Recalling its guidelines on deinstitutionalization, including in emergency situations (2022), the Committee recommends that the State party:

(a) Ensure that persons with disabilities deprived of their liberty are held in conditions that comply with international standards, in particular the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), ensure accessibility, including to sanitary facilities, and provide sufficient access to health services and quality food in places of detention;

(b) Recognize in law the right to not be subjected to medical treatment without free and informed consent and the right to refuse treatment, and introduce protocols and accessible information on the right not to be subjected to medical or

¹⁴ CRPD/C/KAZ/1, para. 229.

scientific experimentation without giving free and informed consent, and apply these rules also to persons with intellectual and/or psychosocial disabilities who were declared to be unfit to stand trial;

(c) **Prohibit and end the use of physical and chemical restraints, seclusion and other restrictive practices, particularly in special social service centres;**

(d) Accelerate measures to protect women with disabilities still living in institutions from all forms of gender-based violence, including forced abortion and forced sterilization, in line with the recommendations of the Committee on the Elimination of Discrimination against Women (2019);¹⁵

(e) Strengthen monitoring of all facilities, including institutions in which persons with disabilities still live, and programmes to prevent all forms of exploitation, violence and abuse. Ensure the effective involvement of organizations of persons with disabilities in those monitoring processes;

(f) Take immediate measures to end all forms of violence against children with disabilities still living in residential and day-care institutions, and ensure that perpetrators are prosecuted; reinforce systematic and independent monitoring of institutions in which children with disabilities still live; and adopt a comprehensive plan for the prevention of human rights violations against children, the provision of redress, including compensation and rehabilitation, and age- and gender-appropriate support and counselling for the victims;

(g) Introduce accessible, confidential complaint mechanisms for persons with disabilities who are victims of ill-treatment and violence, and strengthen the capacity of the national preventive mechanism at the Office of the Human Rights Commissioner by providing human, technical and financial resources;

(h) Vigorously investigate suspected perpetrators of practices that may amount to torture or cruel, inhuman or degrading treatment or punishment against persons with disabilities, and impose appropriate sanctions.

Freedom from exploitation, violence and abuse (art. 16)

35. The Committee observes with concern:

(a) That legislation and policies to protect against violence, abuse and exploitation lack measures to specifically protect persons with disabilities;

(b) The absence of measures to prevent violence and exploitation against persons with disabilities in all settings, including in the family and in institutions and accessible support services for victims of violence;

(c) Information about corporal punishment of children with disabilities;

(d) The overall lack of information about violence faced by young persons with disabilities, women and girls with disabilities and persons with psychosocial and/or intellectual disabilities, and the low number of complaints about violence and abuse against persons with disabilities.

36. Recalling its statement of 25 November 2021 on the elimination of gender-based violence against women and girls with disabilities¹⁶ and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Mainstream the rights of persons with disabilities in legislation, including in the Domestic Violence Prevention Act, the Code on Public Health and the Health-Care System and the Criminal Code, policies and strategies to combat violence, abuse and exploitation, and provide effective protection from violence, abuse and exploitation to all persons with disabilities in the private and public spheres;

¹⁵ CEDAW/C/KAZ/CO/5, para. 26 (i) and (j).

¹⁶ See www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2021/12/CRPD-Statement-25_11_2021-End-violence-against-Women-1.pdf.

(b) Design and implement a comprehensive strategy, with a clear time frame, indicators and adequate funding, to protect persons with disabilities, particularly persons with disabilities still in institutions and children with disabilities, from exploitation, violence and abuse, addressing prevention, early recovery, legal remedies, including compensation and reparation, and access to psychosocial support and accessible shelters for victims in emergencies;

(c) Prohibit all forms of corporal punishment in all settings, including in schools, day-care facilities and other institutional settings;

(d) Provide persons with disabilities with information about their legal protection against violence, establish accessible reporting mechanisms and referral systems for cases of violence, in close consultation with and with the active involvement of organizations of persons with disabilities, and strengthen the capacity of families of persons with disabilities, support personnel, crisis centre staff and law enforcement officers to recognize and report all forms of exploitation, violence and abuse.

Protecting the integrity of the person (art. 17)

37. The Committee is concerned by reports about the infliction of forced contraception, forced sterilization and forced abortion on persons with disabilities, in particular on persons with intellectual and/or psychosocial disabilities.

38. Recalling the recommendations of the Committee on the Elimination of Discrimination against Women,¹⁷ the Committee recommends that the State party abolish legislation and administrative orders allowing or prescribing forced sterilization, forced abortion and forced contraception in cases involving persons with disabilities, and that it enact legislation guaranteeing accountability and appropriate reparation, and implement it.

Liberty of movement and nationality (art. 18)

39. The Committee is concerned about:

(a) Limited access of migrant persons with disabilities, including refugees and asylum-seekers with disabilities and persons with disabilities in refugee-like situations, to social security, disability-related allowances, inclusive education, specialized health care, health insurance, social housing and employment;

(b) The lack of residency and naturalization processes for refugees with disabilities;

(c) The risk of statelessness of migrant persons with disabilities due to legislation requiring foreign persons applying for citizenship of the State party to renounce their existing citizenship before they receive a binding decision on whether their application is granted;

(d) The vulnerability of stateless persons with disabilities due to the long duration of the processes for the determination of statelessness;

(e) Reports of lacunae in migration legislation and practice leading to insufficient protection of the principle of non-refoulement, and about barriers, including attitudinal and physical barriers in asylum procedures, restricting persons with disabilities, including persons with intellectual and/or psychosocial disabilities and persons with disabilities living with HIV/AIDS, tuberculosis or other diseases, from applying for asylum.

40. The Committee recommends that the State party:

(a) Adopt legislation to ensure that migrant children and adults with disabilities – including refugees and asylum-seekers with disabilities and persons with disabilities in refugee-like situations who lack permanent resident status – obtain legal recognition of their disabilities and access to social protection, including disability

¹⁷ CEDAW/C/KAZ/CO/5, para. 26.

allowances, health insurance, equipment and mobility devices, housing and inclusive education;

(b) Ensure that refugees with disabilities have effective access to residency and naturalization processes;

(c) Amend citizenship legislation to ensure that persons with disabilities applying for citizenship are not obliged to renounce their existing citizenship before they receive a binding decision on their application to the State party;

(d) Ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness and ensure that procedures for the determination of statelessness are conducted with all deliberate speed, and guarantee access to identification documents and registration;

(e) Ensure that migration legislation and practice protect the principle of non-refoulement without exception, and that persons with disabilities, including persons with intellectual and/or psychosocial disabilities, have full access to immigration and asylum procedures, including by providing procedural accommodation.

Living independently and being included in the community (art. 19)

41. The Committee notes with concern:

(a) Institutionalization of children and adults with disabilities in residential and half-residential care facilities, including homes for those under 3 years of age, where they lack interaction with the community, including with members of their families, and pilot programmes;

(b) Plans to transfer persons with disabilities from former medico-social institutions to specialized social service centres and small-capacity homes, thereby perpetuating discriminatory congregated living arrangements for persons with disabilities on the basis of impairment;

(c) Insufficient in-home and community-based support services for persons with disabilities, insufficient availability of personal assistance, including for persons with intellectual and/or psychosocial disabilities and persons with high support needs, and insufficient availability of accessible housing, education facilities, commercial premises, leisure and sports infrastructure, and cultural institutions.

42. Recalling its general comment No. 5 (2017) on living independently and being included in the community, and its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) End all forms of institutionalization of persons with disabilities, ensure, in law and in practice, that all persons with disabilities, including persons with intellectual and/or psychosocial disabilities and persons with disabilities with high support needs, can in fact exercise their right to choose their place of residence and decide where and with whom they live; to that end, devise and implement a deinstitutionalization strategy for all persons with disabilities, including a range of different forms of individualized support services for living in the community, such as personal assistance and community-based support and peer support, support and information in accessible formats for persons with disabilities in institutions to participate in deinstitutionalization processes, and mechanisms of accountability and monitoring;

(b) Cease investment in the construction and renovation of institutions for persons with disabilities, including in small-sized institutions, and divert the funds to the implementation of the deinstitutionalization strategy;

(c) Develop safe, accessible and affordable housing in the community, include requirements of persons with disabilities in the eligibility criteria for public housing and for rental subsidies, and ensure that persons with disabilities, including persons with

intellectual and/or psychosocial disabilities and persons with disabilities with high support needs, can in law and practice enter into legally binding rental or ownership contracts.

Personal mobility (art. 20)

43. The Committee is concerned about:

(a) The lack of a national strategy or action plan to promote personal mobility for persons with disabilities and differentiate it from medical rehabilitation and medical aids provision;

(b) The lack of specialized training for persons with disabilities, in particular persons with visual impairments, on orientation skills;

(c) The lack of training on using the technical assistive devices provided to persons with disabilities to promote their personal mobility, and the lack of maintenance services.

44. The Committee recommends that the State party:

(a) Develop in close consultation with and with the active involvement of persons with disabilities and their representative organizations, a national strategy and action plan on personal mobility, including the provision of training and assistive devices;

(b) **Develop affordable and accessible services to repair and improve the** function of the mobility assistive devices for persons with disabilities.

Freedom of expression and opinion, and access to information (art. 21)

45. The Committee observes with concern:

(a) Reports about administrative detention and the excessive use of force against persons with disabilities participating in public demonstrations, including mass meetings, processions and pickets;

(b) Barriers faced by persons with intellectual and/or psychosocial disabilities in accessing information;

(c) The low number of sign language interpreters, the unavailability of the Surdo-Online service in rural areas, and the insufficient number of screen readers for persons with visual impairments;

(d) Limited accessibility of helplines, SMS messages and emergency messages for persons with disabilities who are victims of violence.

46. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Ensure that persons with disabilities can exercise their right to freedom of expression and opinion on an equal basis with others, provide redress to persons with disabilities arbitrarily detained, and prevent arbitrary detention and excessive use of force in the context of public demonstrations,¹⁸ including by prohibiting detention for participating in peaceful assemblies;

(b) Introduce requirements and standards for accessible printed and electronic information by State authorities, and strengthen efforts to ensure that all persons with disabilities have access to all public information, including through augmentative and alternative communication, Easy Read, plain language, tactile communication, sign language interpretation and accessible digital services;

¹⁸ Human Rights Committee, general comment No. 37 (2020).

(c) Strengthen its efforts to expand the Surdo-Online portal, train sign language interpreters across the country, including in rural areas, and increase the availability and affordability of screen readers for persons with disabilities;

(d) Ensure full coverage and accessibility of helplines, SMS messages and other means of reporting and referral mechanisms for women and girls with disabilities facing violence.

Respect for privacy (art. 22)

47. The Committee is concerned about cross-border processing of personal data of persons with disabilities accessing medical, health and rehabilitation services and of information on their health to third countries, and its impact on the right to privacy of persons with disabilities.

48. The Committee recommends that the State party strengthen legal provisions for the protection of personal data and privacy of persons with disabilities, including by establishing safeguards in the Online Platforms and Online Advertising Act and other relevant legislation, setting up data protection protocols and secure systems to guarantee the privacy of personal, health and rehabilitation information of persons with disabilities and providing effective remedies for breaches of privacy.

Respect for home and the family (art. 23)

49. The Committee notes with concern:

(a) Severe restrictions on marriage for persons with intellectual and/or psychosocial disabilities in the Code on Marriage and Family;

(b) Barriers for persons with disabilities, including women with disabilities, to exercise their autonomy on the number and spacing of children, including the low prevalence of the use of contraception among women and men with disabilities, in particular in rural areas, insufficient information and education about reproductive health and family planning, affecting in particular persons with intellectual and/or psychosocial disabilities, persons with disabilities still in institutions and persons with hearing, vision and/or speech impairments, and the fact that women and men with disabilities are not considered for inclusion in fertility programmes;

(c) The denial of parental rights, including the right to adopt children, to persons with intellectual and/or psychosocial disabilities;

(d) Insufficient measures to support parents of children with disabilities to prevent abandonment, and to provide pregnant women whose fetus has been diagnosed with an impairment with human rights-based information on the impairment and on health and support service options, including peer support;

(e) A widely held perception in society that children with disabilities should be separated from their parents and the insufficient support for parents and families of children with disabilities in the community.

50. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Repeal provisions in the Code on Marriage and Family restricting the right to marry of persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, and establish mechanisms for supported decision-making on marriage and family relations, including by providing information on the right to marriage and parental rights, in accessible formats;

(b) Develop and provide age-appropriate reproductive and family planning information and education for persons with disabilities, including women and girls with disabilities, across the State party, including in rural areas, and ensure that contraception and assisted reproductive technologies and fertility programmes are available, accessible and affordable for women and men with disabilities; (c) Guarantee the right of persons with disabilities to adopt children on an equal basis with others, in law and in practice;

(d) **Provide continuous support and information to parents of children with disabilities and to pregnant women whose fetus has been diagnosed with an impairment;**

(e) Prevent the removal of children with disabilities from their parents, recognize the right of parents to decide on the upbringing of their children with disabilities, take measures to return children with disabilities taken from their parents and foster public-private partnerships to improve the availability and accessibility of support for families with children with disabilities to live in the community, including family-based and community-based support.

Education (art. 24)

51. The Committee notes with concern:

(a) That children with disabilities, including children still in institutions, continue to be enrolled in special education schools, in special classrooms in schools or in home schooling;¹⁹

(b) The lack of information about children with disabilities dropping out of mainstream educational settings and measures to prevent such occurrences in the State Education and Science Development Programme for 2020–2025;

(c) Decisions based on psychological-medical-pedagogical consultations depriving children with disabilities from their right to inclusive education;

(d) The insufficiencies of reasonable accommodation in educational settings at all levels.

52. Recalling its general comment No. 4 (2016) on the right to inclusive education and targets 4.4, 4.5 and 4.8 of the Sustainable Development Goals, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Thoroughly review its approach to inclusive education and ensure that it recognizes quality inclusive education for all children regardless of impairment, take effective measures to end segregated educational settings, remove existing integration practices in education and home schooling on the basis of disability, ensure accessibility of the learning environment and remove barriers, including attitudinal barriers against inclusion at all levels of education, render teaching and learning strategies fully inclusive, including through assistive technologies, and provide individualized support, reasonable accommodation and early intervention;

(b) Take urgent measures to end educational institutions and replace them with fully inclusive educational settings in mainstream schools;

(c) Effectively prevent children with disabilities from dropping out of inclusive education at all levels;

(d) Replace the psychological-medical-pedagogical consultation mechanism with an individualized assessment based on the human rights model of disability, identifying the requirements and reasonable accommodation required, to ensure full inclusion of students with disabilities in education;

(e) Adopt legislative, policy and administrative measures for the provision of reasonable accommodation in mainstream education across public and private schools, including in tertiary education.

¹⁹ CRPD/C/KAZ/RQ/1, paras. 209, 210 and 216.

Health (art. 25)

53. The Committee is concerned about:

(a) The physical obstacles and attitudinal barriers depriving women and men with disabilities of their sexual and reproductive rights and hindering their access to available services, on an equal basis with others;

(b) Barriers for persons with disabilities, particularly persons with disabilities in rural areas, to access health services, including specialized health care, the lack of interpreters for deafblind persons with disabilities in these settings, and a lack of information in accessible formats.

54. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Provide persons with disabilities with accessible sexual and reproductive health services, including for women and girls with disabilities and persons with intellectual and/or psychosocial disabilities;

(b) **Provide affordable, accessible, quality health services, including assistive and adaptive technology, information in Braille, sign language interpretation and Easy Read, for persons with disabilities, including women and girls with disabilities in rural areas.**

Habilitation and rehabilitation (art. 26)

55. The Committee is concerned about the use of a medical approach to disability by the Medical Social Expert Assessment Board in its disability assessments.

56. The Committee recommends the Medical Social Expert Assessment Board follow the human rights model of disability in its assessments of disabilities with the aim of defining individually tailored rehabilitation programmes.

Work and employment (art. 27)

57. The Committee notes with concern:

(a) Unemployment among persons with disabilities, which is particularly pronounced for persons with disabilities facing multiple and/or intersectional discrimination, limited access of persons with disabilities to jobs in the private sector and barriers to accessibility in the workplace;

(b) The failure to recognize reasonable accommodation as a right of persons with disabilities in the private sector;

(c) Insufficient vocational training and retraining for persons with disabilities in employment.

58. Recalling its general comment No. 8 (2022) on the right of persons with disabilities to work and employment, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Promote access to employment in the open labour market for persons with disabilities and in all sectors of the economy, including for migrant persons with disabilities, by, inter alia, taking effective measures against stigmatization of persons with disabilities in employment and developing the work-related skills of persons with disabilities, including in the information technology sector, and strengthen support for self-employment and entrepreneurship;

(b) Recognize reasonable accommodation and establish a duty to provide it, with accessible processes to assess the required reasonable accommodations on the basis of a dialogue with the person who requests them;

(c) Provide continuous training to persons with disabilities on work competencies and entrepreneurship, including to women with disabilities and persons with disabilities in rural areas.

Adequate standard of living and social protection (art. 28)

59. The Committee observes with concern:

(a) Information about the depreciation of the real value of the State social disability benefits;

(b) Scarce information about access of women and young and older persons with disabilities to social protection, including pensions;

(c) Insufficient availability of personal assistants, low-quality services and insufficient in-home support due to tight restrictions on the hours of support available, and the denial of personal assistance for single persons with disabilities who have relatives;

(d) The exclusion of persons with disabilities and parents of children with disabilities from the regular pension system and the savings pension scheme.

60. The Committee recommends that the State party:

(a) Adapt the State social disability benefits to the inflation rate of consumer prices, including disability-specific expenditures, and prevent persons with disabilities from falling into poverty;

(b) Ensure that women and young and older persons with disabilities have access to social protection, including pensions, on an equal basis with others;

(c) Guarantee the availability of in-home support for persons with disabilities, including for persons with high support needs, ensure its quality through the improvement of human, technical and financial resources, and recognize the right of single persons with disabilities who have relatives to have access to personal assistance;

(d) Recognize the right of persons with disabilities and of parents of children with disabilities to have access to the regular pension system and the savings pension scheme.

Participation in political and public life (art. 29)

61. The Committee notes with concern:

(a) Provisions in the Civil Code preventing persons with intellectual and/or psychosocial disabilities under guardianship to vote, stand for public office, serve as members of election commissions, take up employment in the civil service or participate in public councils;

(b) A lack of information on measures to ensure the participation of women with disabilities in officially registered political parties, in elective office and in politically appointed government positions;

(c) A lack of information about the accessibility of election facilities and about the privacy of voting.

62. The Committee recommends that the State party:

(a) Revise the Civil Code and guarantee to all persons with intellectual and/or psychosocial disabilities, including persons with disabilities under guardianship, the right to vote, stand for public office, serve as members of election commission, take up employment in the civil service and participate in public councils;

(b) Support persons with disabilities, including women with disabilities, to stand for election and to hold office, on an equal basis with others;

(c) Ensure full accessibility of voting procedures, the voting environment, facilities and materials, and the right of all persons with disabilities to vote through

secret ballot, on their own or with the assistance of a person of their choice, and with full respect for the expression of their free will.

Participation in cultural life, recreation, leisure and sport (art. 30)

63. The Committee is concerned that the State party has not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

64. The Committee encourages the State party to expedite the ratification and implementation of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

65. The Committee is concerned about:

(a) The underrepresentation of persons with disabilities in national statistics due to the use of the medical model of disability;

(b) Limited information on persons with disabilities facing multiple and intersectional discrimination, including women and girls with disabilities, older persons with disabilities, children with disabilities, migrants with disabilities, including stateless persons, refugees and asylum-seekers with disabilities, and lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities.

66. The Committee recommends that the State party use the short set of questions on disability of the Washington Group on Disability Statistics and the policy marker on the inclusion and empowerment of persons with disabilities of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, and:

(a) Adopt the human rights model of disability in public censuses and in thematic assessments of the situation of persons with disabilities;

(b) Collect disaggregated data and conduct research on the situation of persons with disabilities facing multiple and intersectional discrimination in order to inform policy development.

International cooperation (art. 32)

67. The Committee is concerned about:

(a) The lack of information on measures to employ disability plans and programmes in the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals;

(b) The limited engagement of persons with disabilities, including women and girls with disabilities, through their representative organizations during all phases of the international cooperation programmes, in particular in the identification of the national priorities related to their rights.

68. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Develop a national strategy with clear indicators to track the use of disability programmes in the implementation of the Sustainable Development Goals;

(b) Adopt international cooperation programmes to promote the rights of persons with disabilities, including women and girls with disabilities, and implement and monitor them.

National implementation and monitoring (art. 33)

69. The Committee welcomes the establishment of the Coordinating Council on Social Protection of Persons with Disabilities at the Ministry of Labour and Social Protection, which includes representatives from all the relevant State bodies and civil society organizations. The Committee is, however, concerned that:

(a) The lack of inclusive budgeting indicators to determine the significance of disability rights in the national agenda;

(b) The Human Rights Commissioner lacks independence to monitor the implementation of the Convention;

(c) The lack of effective participation of persons with disabilities and their representative organizations in the implementation and monitoring processes of the Convention.

70. The Committee recommends that the State party:

(a) Allocate national and local budgets with indicators to promote the implementation of the Convention;

(b) Ensure the functional, budgetary and operational independency of the Human Rights Commissioner, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), strengthen its capacity to carry out transparent and independent monitoring of the implementation of the Convention, and apply for review by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions with the aim of being accredited A status. The Committee also recommends to take into account its guidelines on independent monitoring frameworks and their participation in the work of the Committee on the Rights of Persons with Disabilities;²⁰

(c) Ensure the full participation of persons with disabilities, including all types of impairments, and their representative organizations in monitoring the Convention.

IV. Follow-up

Dissemination of information

71. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 42, on living independently and being included in the community, 50, on respect for home and the family, and 60, on an adequate standard of living and social protection.

72. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries and local authorities, and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

73. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

74. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in

²⁰ CRPD/C/1/Rev.1, annex.

accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

75. The Committee requests the State party to submit its combined second to fourth periodic reports by 21 May 2029 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.