

EXECUTIVE SUMMARY

DESK REVIEW

2019 Needs assessment on social and gender-sensitive issues of people with disabilities in Kazakhstan with a focus on the special needs of women with disabilities who have experienced violence

Full report available in Russian at <https://bit.ly/31OAY2F> link

Context:

In 2019 UNFPA conducted a national desk review on people with disabilities, in-depth interviews with 86 people with different types of disabilities as well as several focus group discussions with service providers in the Turkestan region (the most populated and poorest region in the country with a high concentration of people with disabilities, or approximately 18% of the total number of registered cases).

The findings showed lack of awareness by people with disabilities of their rights, several episodes of gender-based violence as well as lack of understanding by service providers of the rights of people with disabilities to a life of dignity and respect.

Particular vulnerability was found among those with challenges in hearing. According to the information provided by gender activists, women with disabilities are often forced to end their pregnancies. Furthermore, there are no state programmes or policies for providing special healthcare services for women with disabilities. As such, women with disabilities in Kazakhstan are facing several challenges in the realization of their reproductive rights. This research showed that in 2018 there were 293,511 women registered with one or more disabilities and that only 0.5 percent or about 1,467 of these women had children. Unfortunately, such a low rate is very rarely associated with the health of the woman. Data is therefore showing that women with disabilities in Kazakhstan cannot fully realize their right for independence in their decision to become mothers.

Key findings:

- The current term "disabled" has a focus not on barriers that limit the ability of a person with a disability to participate fully and effectively in society on an equal basis with others, but on physical disorders of the human body. This interpretation contributes to a focus on the medical approach in public policies in general in relation to persons with disabilities.
- The use of medical terms with a negative connotation (injury, defects) degrades the dignity of persons with disabilities and contributes to a charitable approach towards People with disabilities rather than a human rights-based approach.
- Kazakhstan continues to have a system that classifies a disability according to the severity of impairments (1, 2 and 3 disability groups), and not according to the limitations of vital functions (principles of the "International Classification of Functioning, Disabilities and Health" (ICF) where functioning and disability are understood as a dynamic interaction between health conditions and contextual factors - both personal and environmental).

- Disability statistics in Kazakhstan are carried out in the context of the above groups, categories of disability, age (e.g. disabled children under 16 years old, disabled since childhood, disabled children from 16 to 18 years old and disabled adults from 18 years old), sex (men and women) and residence (urban and rural). The Central Database of Persons with Disabilities does not contain data in the context of nosologies, causes of disability, social status, social environment and individual needs, for example, in terms of reproductive health, prevention of domestic violence, etc.
- Despite the guarantee of equality between men and women, enshrined in the Constitution of the Republic of Kazakhstan, as well as the policy of gender equality pursued by the state, the system of legislation relating to the social protection of persons with disabilities, gender equality and the prevention of domestic violence do not include a gender-sensitive approach to disability issues and such concepts as a woman and a girl with disabilities.
- The 2030 Concept of Family and Gender Policy in the Republic of Kazakhstan and the Action Plan for its implementation do not indicate that women with disabilities and girls with disabilities are subjected to multiple discrimination, and both at home and outside are often at greater risk of violence, injury, abuse, or exploitation. Without this specific indication, measures to prevent discrimination and violence against women may not take into account the special needs of women and girls with disabilities.
- The Convention defines persons with disabilities as “persons with persistent physical, mental, intellectual or sensory impairments that, when interacting with various barriers, may interfere with their full and effective participation in society on an equal basis with others”. The difference between the definitions of “disabled” and “disability” in the Convention and the fundamental law of the Republic of Kazakhstan on the protection of the rights of persons with disabilities demonstrates the conceptual difference in approaches to the perception of persons with disabilities and attitudes towards disability.
- The system of social protection of people with disabilities in Kazakhstan is systemic in nature and differs in a variety of approaches and methods. At the same time, it is obvious that family resources, both financial and physical, go to a large extent to help their disabled family members. Thus, families with disabilities, families in which people with disabilities live, are in a more socially and economically vulnerable position than families without disabilities.
- The results of a sample study show that women are in greater need of social support, including help with taking care of themselves, the home and their children. Unfortunately, the system of social protection of persons with disabilities lacks separate measures to support women with disabilities, including social assistance and support for women with disabilities with dependent children.
- There is a lack of data and information on support for women with disabilities who are survivors of gender-based violence, as well as on measures to protect them and prevent such violence.
- It is necessary to note the low legal literacy and awareness of their rights and existing types of state social assistance and support, especially among women with disabilities.
- Despite measures to provide safe, effective and high-quality medical care, people with disabilities face problems in obtaining this care due to physical barriers, differences in access for urban and rural residents.
- Some types of diagnostic services and equipment (fluorography, mammography, gynecological chairs, etc.) are not available for people with musculoskeletal disorders.
- Getting medical services for people with visual, hearing and speech impairments is challenging due to the lack of a sufficiently developed sign language translation system and information in accessible formats.

- Measures to support sexual and reproductive health in Kazakhstan do not sufficiently address the special needs of persons with disabilities. Information in the area of sexual and reproductive health poorly covers people with hearing, vision and speech impairments, and is also not adapted for people with intellectual disabilities.
- State programs for the development of healthcare do not take into account the interests and special needs of women with disabilities related to reproductive rights and health. The regulatory legal acts contain discriminatory norms that restrict the rights and opportunities of women with disabilities to make their own decisions regarding their reproductive rights.
- The rights of persons with mental and intellectual disabilities who have been declared incapacitated are vulnerable to direct discrimination and human rights violations due to the full transfer of decision-making to their legal representatives.
- Despite the protection of a person from violence that degrades their dignity guaranteed by the Constitution of the Republic of Kazakhstan, people with disabilities, including women, are subjected to various types of violence, including both from society and at home, from relatives. Like any domestic violence, violence against people with disabilities is the same, and maybe even more latent, due to the existing negative social attitudes towards the opportunities of persons with disabilities, their isolation, lack of physical access to infrastructure, low legal literacy and low activity
- Violence prevention measures in Kazakhstan focus more on physical and sexual violence than on the verbal and psychological violence that people with disabilities face regularly due to low public awareness of their rights. The issues of sexual violence against persons with disabilities are either practically not considered, or are considered as not relevant and not inherent in persons with disabilities due to the widespread asexual approach to disability in principle.
- Existing violence prevention and support measures for victims of violence, such as the 150 hotline, are often inaccessible to such categories of persons with disabilities as the ones having hearing and speech impairments.

Recommendations:

Approaches and principles in the legislation of the Republic of Kazakhstan regarding the rights of women and men with disabilities

- Bring the concept of "disabled" in the legislation of the Republic of Kazakhstan in line with the UN Convention on the Rights of Persons with Disabilities, based on a social approach, and not solely on a medical one.
- Introduce the concepts of "women and men with disabilities", "girls and boys with disabilities" into legislative acts.
- Collect disaggregated data, including by gender, marital status, special needs of persons with disabilities in the provision of sexual and reproductive health services and in the prevention and response to gender-based violence.
- Introduce amendments to regulations restricting the rights of women with disabilities to maternity.
- In the Law "On Social Protection of Persons with Disabilities" to define the concept of "discrimination on the basis of disability" with the inclusion of signs of direct and indirect discrimination.

Social support measures for women with disabilities

- Introduce into measures governing social protection of persons with disabilities measures of support to a family where there are people with disabilities.
- Introduce into measures governing social support for persons with disabilities measures of social support / special social services for women with disabilities with dependent children.

- Provide an individual approach to the provision of technical means of rehabilitation in order to ensure the maximum possible independence and environmental adaptation of women with disabilities.

Raising the capacity and status of women and girls with disabilities

- Conduct information work to raise awareness and legal literacy of women with disabilities in accessible formats.
- Place government social orders among NGOs on law training for women and girls with disabilities, leadership and self-esteem, skills to prevent and respond to gender-based violence.
- Develop and implement measures to increase the potential and economic autonomy of women with disabilities, including through the development of entrepreneurial skills.
- Place state social orders among NGOs to overcome negative stereotypes in relation to women with disabilities and improve their status in the family and in society.

Providing assistance to survivors of violence from among persons with disabilities

- Conduct training of social (including personal assistants, sign language interpreters), medical workers and law enforcement officials on the characteristics and features of working with persons with disabilities in order to prevent violence, as well as in cases of response to episodes of gender-based violence.
- Include measures to assist survivors of violence with disabilities in the Standard Operating Procedures, guidelines and protocols of different service providers.
- Provide access to services of crisis centers for survivors of gender-based violence with various types of disabilities.
- Provide accessible methods of urgent information delivery about the risk of violence and calling for help in the event of violence for survivors of violence from among persons with disabilities, including via SMS messages, various emergency messengers.
- Place state social orders among NGOs to overcome negative stereotypes in relation to women with disabilities and improve their status in the family and in society.