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Kazakhstan: Neglects and Abuses Against Children with Disabilities

by Courtney Veneri

Kazakhstan has nineteen state-controlled institutions for children with mental illnesses or developmental disabilities.[1] The children in these institutions are marginalized and live apart from society in poor conditions, where they are subjected to neglect and abuse. [2] Kazakhstan must improve conditions for children living with disabilities in state-controlled institutions in order to properly implement its own legislation and to comply with its international obligations.

People living with disabilities in Kazakhstan are generally not considered to be valuable members of society, and they face discrimination and isolation.[3] There-

fore, parents are sometimes reluctant to register their children as having a disability — around three percent of children in Kazakhstan are registered as having a disability, as opposed to the global average of ten to fifteen percent.[4] Children who are registered as having a disability are excluded from society and kept locked away in institutions.[5] The State does not provide these children with a proper education, and they often remain in institutions for the rest of their lives, as the state moves them to an adult institution when they turn eighteen.[6] Children living with disabilities who are not in institutions are often homeschooled or put in inadequate, segregated schools.[7] These schools do not facilitate any socializing with other children, increasing the marginalization of children living with disabilities. Further, the teachers working to teach the children rarely show up, stunting their progress and preventing them from progressing in their education and knowledge.

Furthermore, the conditions of the state facilities are prison-like.[8] Children are sedated — sometimes for up to twenty-four hours.[9] They are beaten, forced to work, and made responsible for the younger children. [10] Children are crammed into rooms — up to twenty children may share a room, and those who are unable to walk are kept in beds or cribs.[11] The children living in these institutions are unable to participate in society or go to school, and are rarely given an education within the institution.[12] They are subject to physical restraints and forced sedation.[13]

In 2019, Human Rights Watch conducted in-depth interviews with children living in state-controlled institutions and published a report detailing the issues the children were facing.[14] They recommended that children should be integrated into society and that institutionalization should be ended in Kazakhstan to the furthest extent possible — by encouraging children with disabilities to be taken care of by their families and communities.[15] Children should be supported by their communities rather than forced to live in neglect.[16]

Kazakhstan is a party to both the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD), and it has federal law focused on disabilities — Law No. 39/2005. [17] The general international standard for a state's responsibilities for people living with disabilities is



BEDS FOR CHILDREN WITH DISABILITIES LIVING IN A STATE-RUN INSTITUTION IN KAZAKHSTAN VIA HUMAN RIGHTS WATCH, LICENSED UNDER CC BY-NC-ND 3.0 US.

set forth in the CRPD. Article 7 requires that all the provisions set forth in the CRPD be applied to children as well.[18] States are required to ensure that people living with disabilities are able to participate in their communities and are protected from inhumane or degrading treatment.[19] Article 23 of the CRC provides the international basis for the rights of children with disabilities.[20] Article 23 requires states to provide the means for children with disabilities to live a full life, such as education, social services, and adequate medical care.[21] Further, Article 23 specifically states that these practices are all intended to allow children “active participation in the community.”[22] Kazakhstan has its own law to implement the rights of people living with disabilities.[23] Article 4 requires people living with disabilities to be integrated into society, and Article 5 prevents discrimination or violation of their human rights.[24]

Kazakhstan’s treatment of children who have disabilities falls short of both international law and their own legislation. Keeping children isolated from their communities directly violates the CRPD and the CRC.[25] Article 20 of the CRC requires that any child sep-

arated from the family environment be given special protection — keeping the children isolated in beds and preventing them from getting an education is directly contrary to that provision.[26] Children living with disabilities should be able to interact and participate in their communities and access education as laid out in these international covenants.

Further, the way children are treated in the state-run institutions is also not consistent with both the CRPD and the CRC.[27] Children who live in institutions must be treated with respect — abusing children or sedating them for days on end is illegal under both Conventions. This sort of abuse, such as being beaten and restrained for hours at a time, conflicts with Article 15 of the Convention for Persons with Disabilities and Article 19 of the CRC.[28] The state must treat these children with respect and provide opportunities within these institutions, such as access to education.[29] The children are entitled to the same opportunities as children living outside of institutions.[30]

Finally, Kazakhstan needs to comply with its own internal law. Kazakhstan provides its own legal framework for ensuring compliance with its international obligations, but it has failed to enforce the law on a consistent basis.[31] There needs to be an overhaul of the state-run institutions for children living with disabilities and social education to reduce the levels of societal discrimination those children are exposed to. For example, Kazakhstan could more strictly enforce rules against the abuse of children by institutional staff and begin public information campaigns to push for a better public understanding of people living with disabilities, along with creating opportunities both in institutions and outside of them to provide an education to children with disabilities. By showing that abuse will not be tolerated while also creating more community awareness and education, children living with disabilities will have more opportunities to live full lives. Kazakhstan is not compliant with its international legal obligations, nor its internal national law. It must provide better facilities for children living with disabilities in institutions, and it must start providing opportunities for these children to be included in their communities so they may benefit from education and proper care.

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2 Id.

3 “Children with Disabilities,” UNICEF Kazakhstan, <https://www.unicef.org/kazakhstan/en/children-disabilities>.

4 Id.

5 Id.; Human Rights Watch, *supra* note 1.

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7 Joanna Lillis, *supra* note 6.

8 Human Rights Watch, *supra* note 1.

9 Id.

10 Id.

11 Id.

12 Joanna Lillis, *supra* note 6.

13 Human Rights Watch, *supra* note 1.

14 Id.; Human Rights Watch, “On the Margins”: Education for Children with Disabilities in Kazakhstan (Mar. 14, 2019), <https://www.hrw.org/report/2019/03/14/margins/education-children-disabilities-kazakhstan#page>.

15 “On the Margins,” *supra* note 14.

16 Id.

17 Convention on the Rights of the Child [hereinafter “CRC”], Nov. 20, 1989, 1577 U.N.T.S. 3; Convention on the Rights of Persons with Disabilities [hereinafter “CRPD”], Mar. 30, 2007, 2515 U.N.T.S. 3; On Social Protection of Disabled Persons in the Republic of Kazakhstan, The Law of the Republic of Kazakhstan No. 39 (Apr. 13, 2005), http://adilet.zan.kz/eng/docs/Z050000039_.

18 CRPD, *supra* note 17, art. 7.

19 Id., arts. 15, 19.

20 CRC, *supra* note 17, art. 23.

21 Id.

22 Id.

23 On Social Protection of Disabled Persons, *supra* note 17.

24 Id., arts. 4, 5.

25 Human Rights Watch, *supra* note 1; CRC, *supra* note 17; CRPD, *supra* note 17.

26 CRC, *supra* note 17.

27 Human Rights Watch, *supra* note 1; CRC, *supra* note 17; CRPD, *supra* note 17.

28 CRPD, *supra* note 17, art. 15; CRC, *supra* note 17, art. 19.

29 “Children with Disabilities,” *supra* note 2.

30 Joanna Lillis, *supra* note 6.

31 On Social Protection of Disabled Persons, *supra* note 17; “Children with Disabilities,” *supra* note 2.