

On minimum social standards and their guarantees

Unofficial translation

The Law of the Republic of Kazakhstan dated 19 May 2015 № 314-V.

Unofficial translation

Chapter 1. GENERAL PROVISIONS

Article 1. Basic concepts used in this Law

The following basic concepts shall be used in this Law:

- 1) social rights - rights guaranteed by the state in the social sphere, fixed in the Constitution of the Republic of Kazakhstan and laws of the Republic of Kazakhstan;
- 2) social guarantees - obligations of the state, envisaged by the Constitution of the Republic of Kazakhstan and the laws of the Republic of Kazakhstan aimed at realization of social rights;
- 3) minimum social standard - minimum amount of services, cash payments and other requirements, established by the laws of the Republic of Kazakhstan, ensuring the implementation of social guarantees and social rights;
- 4) system of minimum social standards - a set of minimum social standards in the areas of labor, social security, education, family and children, healthcare, culture, physical culture and sports, provision of state-guaranteed legal aid;
- 5) norms - quantitative and qualitative requirements to ensure minimum social standards;
- 6) standards - established parameters of values, used to determine the amount of financing of minimum social standards;
- 7) authorized bodies - central state bodies of the Republic of Kazakhstan, managing the system of minimum social standards within their competence.

Article 2. The scope of effect of this Law

1. This Law shall apply to relations arising in the system of minimum social standards, in accordance with this Law.

2. This Law shall not apply to standardization documents determined by the legislation of the Republic of Kazakhstan for standardization, as well as financial reporting standards.

Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 3. Legislation of the Republic of Kazakhstan on minimum social standards and their guarantees

1. The legislation of the Republic of Kazakhstan on minimum social standards and their guarantees shall be based on the Constitution of the Republic of Kazakhstan and consist of this Law and other normative legal acts of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the rules of the international treaty shall apply.

3. The provisions of this Law shall be basic for development and adoption of regulatory legal acts that establish legal norms in the system of minimum social standards.

Article 4. Goals and objectives of this Law

1. The goals of this Law shall be:

- 1) realization of social rights and social guarantees;
- 2) realization of state policy in the system of minimum social standards;
- 3) determination of principles in the system of minimum social standards.

2. The objectives of this Law shall be:

- 1) regulatory support for the formation and use of budgetary funds and other sources not prohibited by the legislation of the Republic of Kazakhstan for social needs;
- 2) provision of state support for the development of social sphere;
- 3) an estimation of a standard of living of the population.

Article 5. Principles in the system of minimum social standards

Minimum social standards shall be based on the following principles:

- 1) legality;
- 2) accessibility;
- 3) observance of social rights;
- 4) validity of minimum social standards based on economic opportunities, material and technical base, scientific and technical potential of the state;
- 5) publicity and informing the population about minimum social standards in order to provide feedback to the public;
- 6) transparency of budgetary financing of expenditures to ensure minimum social standards;
- 7) aimed and targeted financing of minimum social standards;
- 8) state control over observance of the legislation of the Republic of Kazakhstan on minimum social standards and their guarantees;
- 9) social partnership.

Article 6. Rights for ensuring minimum social standards

1. Citizens shall have the right to:

- 1) access to minimum social standards in accordance with the legislation of the Republic of Kazakhstan;
- 2) obtain complete and reliable information on minimum social standards;
- 3) requirement to comply with minimum social standards;

4) appeal against decisions of individuals and legal entities obliged to ensure compliance with minimum social standards;

5) apply to the court for the protection of violated rights, freedoms and legitimate interests in the spheres of minimum social standards.

2. Citizens of the Republic of Kazakhstan shall be provided with minimum social standards.

Foreigners and stateless persons shall be provided with minimum social standards established for citizens, unless otherwise provided by the Constitution of the Republic of Kazakhstan, laws of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan.

Article 7. Financial provision of minimum social standards

1. Central and local executive bodies, as well as other state organizations, within the powers assigned to them by the Constitution of the Republic of Kazakhstan and laws of the Republic of Kazakhstan, other normative legal acts of the Republic of Kazakhstan, shall be obliged to ensure compliance with minimum social standards at the expense of budgetary funds.

2. Individuals and legal entities in accordance with the legislation of the Republic of Kazakhstan shall be obliged to ensure compliance with minimum social standards at their own expense and other sources that do not contradict the legislation of the Republic of Kazakhstan.

Chapter 2. STATE REGULATION IN THE SYSTEM OF MINIMUM SOCIAL STANDARDS

Article 8. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall:

1) develop the main directions of state policy in the system of minimum social standards and organize its implementation;

2) ensure functioning and development of a system of minimum social standards;

3) is excluded by the Law of the Republic of Kazakhstan dated 24.11.2021 No. 75-VII (shall be enforced upon expiry of ten calendar days after its first official publication).

4) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Footnote Article 8 as amended by the Law of the Republic of Kazakhstan dated 24.11.2021 No. 75-VII (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 9. Competence of authorized bodies

Authorized bodies within their competence shall:

1) form and ensure the implementation of state policy in the system of minimum social standards;

2) implement state control over compliance with the legislation of the Republic of Kazakhstan on minimum social standards and their guarantees;

3) develop and approve minimum social standards on the basis of a standard form approved by the central authorized body for state planning;

4) develop and approve regulatory legal acts;

5) monitor the legislation of the Republic of Kazakhstan on minimum social standards and their guarantees and compliance with the scope and quality of minimum social standards;

6) provide information to the population about minimum social standards;

7) ensure publication at least once every six months in periodicals, distributed throughout the territory of the Republic of Kazakhstan and posting information about the system of minimum social standards on their Internet resources;

8) exercise other powers stipulated by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote Article 9 as amended by the Law of the Republic of Kazakhstan dated 24.11.2021 No. 75-VII (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 3. SYSTEM OF MINIMUM SOCIAL STANDARDS

Article 10. Scope of establishment and application of minimum social standards

Minimum social standards shall be established and applied in the following areas:

1) labor;

2) social security;

3) education;

4) families and children;

5) health care;

6) culture;

7) physical culture and sports;

8) provision of state-guaranteed legal aid.

Article 11. Minimum social standards in the area of labor

1. Minimum social standards in area of labor shall ensure realization of social guarantees and social rights in:

1) payment of labor;

2) length of working and rest time.

2. Minimum social standards in the area of labor shall be:

1) minimum social standard "Minimum monthly wage";

2) is excluded by the Law of the Republic of Kazakhstan dated 11.22.2015, No. 415-V (shall be enforced from 01.01.2016);

3) minimum social standard "Duration of daily work (shift work)";

4) minimum social standard "Main paid annual work leave".

3. Minimum social standards in the area of labor shall be established and applied in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 23.11.2015 No. 415-V (shall be enforced from 01.01.2016).

Article 12. Minimum social standard "Minimum monthly wage"

1. Minimum social standard "Minimum monthly salary" shall contain:

1) standard of working time per month;

2) labor standards (labor duties) of a first-class employee under normal conditions.

2. Minimum monthly wage, established annually by the law of the Republic of Kazakhstan on the republican budget for the relevant fiscal year, should not be lower than the subsistence level.

Article 13. Minimum social standard "Minimum wage standard"

Footnote. Article 13 is excluded by the Law of the Republic of Kazakhstan dated 23.11.2015, No. 415-V (shall be enforced from 01.01.2016).

Article 14. Minimum social standard "Duration of daily work (working shift)"

Minimum social standard "Duration of daily work (working shift)" shall contain the norms of working hours in a day (shift) in hours.

Article 15. Minimum social standard "Main paid annual work leave"

Minimum social standard "Main paid annual work leave" shall contain the norms of duration of main paid annual work leave.

Article 16. Minimum social standards in the field of social security

1. Minimum social standards in the field of social security shall ensure realization of social guarantees and social rights to social security.

2. Minimum social standards in the field of social security shall be:

1) minimum social standard "The amount of subsistence minimum";

2) the minimum social standard "Minimum pension";

3) minimum social standard "Guaranteed volume of special social services".

3. Minimum social standards in the field of social security shall be established and applied in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

Article 17. Minimum social standard "The amount of subsistence minimum"

1. Minimum social standard "The amount of subsistence minimum" shall contain the standard of subsistence minimum, determined and established annually, taking into account the forecasted level of inflation by the law on Republican budget for the corresponding fiscal year, and shall be the basis for establishing:

1) is excluded by the Law of the Republic of Kazakhstan No. 203-VI dated 26.12.2018 (shall be enforced from 01.01.2019);

2) state basic pension benefit;

3) state social disability allowances, for the loss of breadwinner.

2. The procedure for calculating the amount of subsistence minimum shall be approved jointly by the authorized bodies in the field of social protection of the population and in the field of state statistics.

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan No. 342-V dated 02.08.2015 (shall be enforced from 01.07.2018); No. 203-VI dated 26.12.2018 (shall be enforced from 01.01.2019).

Article 18. Subsistence minimum

1. Subsistence minimum - minimum cash income per person, equal to the value of the minimum consumer basket.

The minimum consumer basket is a minimum set of food products, goods and services needed to support human life, in physical and financial terms, and shall consist of:

1) a food basket;

2) a fixed share of expenditures on non-food products and services.

2. The food basket shall be calculated by the authorized body in the field of state statistics on scientifically based physiological norms for the consumption of food products approved by the authorized body in the field of sanitary and epidemiological welfare in agreement with the authorized body in the field of public health.

3. Fixed share of expenditures for non-food goods and services shall be established jointly by the authorized bodies in the field of social protection of population and in the field of state statistics in relation to the cost of the minimum consumer basket.

4. The subsistence minimum shall be calculated quarterly for the republic and for regions in average:

1) per capita;

2) by sex and age groups of the population.

5. Information on the subsistence minimum in general for the Republic of Kazakhstan, in average per capita for the main sex and age groups of the population, the cost of the food basket and the share of the population having incomes below these criteria shall be subject to official publication in mass media by the authorized body in the field of state statistics.

Article 19. Application of the subsistence minimum

The subsistence minimum shall be applied for the annual:

1) assessing the living standards of the population;

2) determining the directions of social policy and implementing measures for social support of the population.

Article 20. Minimum social standard "Minimum pension"

The minimum social standard "Minimum pension" contains the standard of the minimum amount of the state basic pension payment established for the corresponding financial year by the law on the republican budget.

Footnote. Article 20 - as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

Article 21. Minimum social standard "Guaranteed volume of special social services"

The minimum social standard "Guaranteed volume of special social services" contains standards of special social services provided for persons (families) in need of special social services.

Footnote. Article 21 - as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

Article 22. Minimum social standards in the field of education

1. Minimum social standards in the field of education shall ensure the implementation of social guarantees and social rights to education.

2. Minimum social standards in the field of education shall be:

- 1) minimum social standard of preschool education and training;
- 2) minimum social standard of primary, basic secondary and general secondary education;
- 3) minimum social standard of technical and vocational, post-secondary education;
- 4) minimum social standard of higher education, obtained on a competitive basis.

3. Minimum social standards in the field of education shall be established and applied in accordance with the legislation of the Republic of Kazakhstan.

Article 23. The minimum social standard of preschool education and training

Minimum social standard of preschool education and training shall contain:

1) per capita standard for financing preschool education and training of children in pre-school education organizations;

2) standards for provision with equipment and furniture of pre-school education organizations;

3) norms of social and medico-pedagogical correctional support for children with disabilities;

4) standards of sanitary and epidemiological requirements.

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 05. 07. 2017 No. 88-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).

Article 24. Minimum social standard of primary, basic secondary and general secondary education

Minimum social standard of primary, basic secondary and general secondary education shall contain:

- 1) standard of the network of state educational organizations;

2) standards for provision with equipment and furniture of medium-sized organizations, as well as special educational organizations;

3) the norms for providing with free meals in secondary education for children from families eligible for state targeted social assistance, as well as from families not receiving state targeted social assistance, in which the per capita income is lower than the subsistence minimum, orphans, children, left without parental care, children from families, needed emergency care as a result of emergency situations;

4) norms of transportation of pupils of rural schools;

5) norms for providing secondary schools with textbooks, teaching and methodological complexes;

6) norms of social and medico-pedagogical correctional support for children with disabilities;

7) norms for providing with health-related rest to children from families eligible for state targeted social assistance, as well as from families not receiving state targeted social assistance, in which per capita income is lower than the subsistence minimum, and orphans, children left without parental care, children from families, needed emergency assistance as a result of emergency situations;

8) norms of individual free education at home or in organizations providing in-patient care, rehabilitation treatment and medical rehabilitation of students who, for health reasons, cannot attend general secondary education for a long time;

8-1) per capita standard for financing education in educational organizations implementing general educational curricula of primary, basic secondary and general secondary education;

9) norms of sanitary and epidemiological requirements.

Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 05. 07. 2017 No. 88-VI (shall be enforced upon expiry of 10 days after its first official publication).

Article 25. Minimum social standard of technical and vocational, post-secondary education

Minimum social standard of technical and vocational, post-secondary education shall contain:

1) norms of the state educational order for admission to the organization of technical and professional, post-secondary education;

2) norms for providing with equipment and furniture of technical and vocational organizations, post-secondary education;

3) norms of uniform for orphans and children left without parental care, trained in technical and vocational education organizations;

4) standard (amount) of scholarship for the students on the basis of state educational order ;

5) standards for preferential travel of students on the state educational order;

6) norms of providing of technical and vocational, post-secondary education with textbooks, teaching and methodological complexes;

7) norms of sanitary and epidemiological requirements;

8) norms for providing with places in the hostel for students, studying on the basis of the state educational order from families eligible for state targeted social assistance, as well as from families not receiving state targeted social assistance, in which the average per capita income is lower than the subsistence minimum, orphans, children left without parental care, children from families, needed emergency care as a result of emergency situations;

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Subparagraph 9) shall be enforced from 01.01.2019.

9) normative standards for guaranteeing technical and professional, post-secondary education with award graduates of working qualification or working qualifications within one specialty if the trainee receives it (them) for the first time.

Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan No. 172-VI dated 04.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 26. Minimum social standard of higher education, obtained on a competitive basis

Minimum social standard of higher education, obtained on a competitive basis, shall contain:

1) standard (amount) of state educational grant for admission to higher educational institutions;

2) standard (amount) of scholarships for students on the basis of the state educational order;

3) the standard of preferential travel for students on the basis of the state educational order ;

4) standard (quota) of admission upon entering to study in a higher education organization ;

5) norms of sanitary and epidemiological requirements;

6) norms for providing with places in the hostel for students, studying on the basis of the state educational order.

Article 27. Minimum social standard in the sphere of family and children

1. Minimum social standard in the sphere of family and children shall ensure the implementation of social guarantees and social rights to protect interests of the family and children.

2. Minimum social standard in the sphere of family and children shall be minimum social standard "Ensuring the protection of rights and interests of orphans, children left without parental care, transferred for upbringing to the family (adoption, custody or guardianship, patronage, foster family)."

3. Minimum social standard in the sphere of family and children shall be established and applied in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 09. 04. 2016 No. 501-V (shall be enforced upon expiry of 10 calendar days after its first official publication).

Article 28. Minimum social standard "Ensuring the protection of rights and interests of orphans, children left without parental care, transferred for upbringing to the family (adoption , custody or guardianship, patronage)"

Minimum social standard "Ensuring the protection of rights and interests of orphans, children left without parental care, transferred for upbringing to the family (adoption, custody or guardianship, patronage)" shall contain:

1) standard (amount) of money payment for the maintenance of the child (children) transferred to foster parents;

2) standard (amount) of allowances payment to guardians or trustees for the maintenance of an orphan (orphans) and a child (children) left without parental care;

3) standard (amount) of a one-time cash payment in connection with adoption of an orphan and (or) a child left without parental care;

4) standard (amount) of payment for the maintenance of an orphan or a child left without parental care, transferred to foster parents.

Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 09. 04. 2016 No. 501-V (shall be enforced upon expiry of 10 calendar days after its first official publication).

Article 29. Minimum social standards in the field of healthcare

1. Minimum social standards in the field of healthcare shall ensure the implementation of social guarantees and social rights for a guaranteed amount of free medical care.

2. Minimum social standards in the field of healthcare shall be:

1) minimum social standard "Guaranteed volume of free medical care";

2) minimum social standard "Ensuring the accessibility of public health services".

3. Minimum social standards in the field of healthcare shall be established and applied in accordance with the legislation of the Republic of Kazakhstan.

Article 30. Minimum social standard "Guaranteed volume of free medical care"

Minimum social standard "Guaranteed volume of free medical care" contains the amount of medical care provided in accordance with the Code of the Republic of Kazakhstan "On Public Health and Healthcare System".

Footnote. Article 30 is in the wording of the Law of the Republic of Kazakhstan dated 07.07.2020 No. 361-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 31. Minimum social standard "Ensuring the availability of public health services"

Minimum social standard "Ensuring the availability of public health services" shall contain the state normative of the network of health organizations of the Republic of Kazakhstan, providing a guaranteed volume of free medical care.

Article 32. Minimum social standards in the sphere of culture

1. Minimal social standards in the sphere of culture shall ensure the implementation of social guarantees and social rights for access to cultural values.

2. Minimum social standards in the sphere of culture shall be:

1) minimum social standard "Ensuring accessibility of services of state cultural organizations";

2) the minimum social standard "Ensuring access of persons with disabilities to cultural, mass cultural, spectacular cultural events held by state cultural organizations.

3. Minimum social standards in the sphere of culture shall be established and applied in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

Article 33. Minimum social standard "Ensuring accessibility of services of state cultural organizations"

Minimum social standard "Ensuring accessibility of services of state cultural organizations" shall contain a minimum standard of the network of state cultural organizations.

Article 34 Minimum social standard "Ensuring access of persons with disabilities to cultural and entertainment events held by state cultural organizations"

Minimum social standard "Ensuring access of persons with disabilities to cultural and entertainment events held by state cultural organizations" shall contain the norms for access of persons with disabilities to cultural and entertainment events held by state cultural organizations at the expense of budgetary funds.

Footnote. Article 34 is in the wording of the Law of the Republic of Kazakhstan dated 27.07.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 35. Minimum social standard in the field of physical culture and sports

1. Minimum social standard in the field of physical culture and sports shall ensure the implementation of social guarantees and social rights of individuals in the field of physical culture and sports.

2. The minimum social standard in the field of physical culture and sports is the minimum social standard "Ensuring the accessibility of sports and recreation and sports facilities owned by the state".

3. Minimum social standard in the field of physical culture and sports shall be established and applied in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 35 as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

Article 36. Minimum social standard "Ensuring the availability of sports facilities, being in state ownership"

Minimum social standard "Ensuring the availability of sports facilities, being in state ownership" shall contain standards of:

1) the use of sports facilities, being in state ownership by the citizens in accordance with the list of categories of citizens, established in accordance with the Law of the Republic of Kazakhstan "On Physical Culture and Sport";

2) use of sports facilities owned by the state by persons with disabilities in accordance with the legislation of the Republic of Kazakhstan on social protection.

Footnote. Article 36 as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 20.04.2023 No. 226-VII (shall be enforced from 01.07.2023).

Article 37. Minimum social standards in the field of provision of state-guaranteed legal aid

1. Minimum social standards in the field of provision of state-guaranteed legal assistance shall ensure the implementation of social guarantees and social rights for legal information, legal advice, protection, and representation of individuals' interests by lawyers, and legal consultants.

2. Minimum social standards in the field of provision of state-guaranteed legal aid shall be :

1) minimum social standard "Legal informing";

2) minimum social standard "Legal counseling";

3) minimum social standard "Protection and representation of individuals' interests by lawyers, and legal consultants".

3. Minimum social standard "Legal informing" shall contain the norms, establishing the procedure of legal informing by state authorities within their competence in the cases provided by the Law of the Republic of Kazakhstan "On advocacy and legal assistance" and other Laws of the Republic of Kazakhstan.

4. Minimum social standard "Legal consultancy" shall contain the norms establishing the procedure for legal consultancy by lawyers, and legal consultants in cases provided for by the Law of the Republic of Kazakhstan "On advocacy and legal assistance" and other laws of the Republic of Kazakhstan.

5. Minimum social standard "Protection and representation of individuals' interests by lawyers, and legal consultants" shall contain the rules establishing the procedure for

protection and representation of individuals' interests in the courts, criminal investigation bodies, other state bodies, and non-governmental organizations by lawyers, legal consultants, in cases provided for by the laws of the Republic of Kazakhstan.

Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan No. 177-VI dated 05.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 20.06.2022 No. 128-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Chapter 4. FINAL PROVISIONS

Article 38. Responsibility for violation of the legislation of the Republic of Kazakhstan on minimum social standards and their guarantees

Violation of the legislation of the Republic of Kazakhstan on minimum social standards and their guarantees shall entail responsibility in accordance with the laws of the Republic of Kazakhstan.

Article 38-1. Transitory Provisions

Footnote. Excluded by the Law of the Republic of Kazakhstan dated 28.12.2018 № 208-VI (shall be enforced from 01.01.2020).

Article 39. Procedure for enactment of this Law

1. This Law shall be enforced upon expiry of ten calendar days after its first official publication, with the exception of subparagraph 9) of Article 25, which shall be enforced from 01.01.2019.

2. To recognize as invalid the Law of the Republic of Kazakhstan dated 16.11.1999 "On the Subsistence Minimum" (Statements of the Parliament of the Republic of Kazakhstan, 1999, No. 23, Article 918, 2005, No. 23, Article 98, 2010, No. 5, Article 23, 2014, No. 19-I, 19-II, Article 96).

*The President
of the Republic of Kazakhstan*

N.NAZARBAYEV