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THE LEGAL STATUS OF SOCIALLY VULNERABLE SEGMENTS OF THE POPULATION ON THE EXAMPLE OF PERSONS WHO HAVE REACHED THE AGE OF MAJORITY (comparative analysis)

Abstract. The article examines the situation of orphans who have reached 18 years of age. In particular, the author examines the laws of the Republic of Kazakhstan and other countries in the context of comparing the provision of state assistance to alumni of orphanages, as well as scientific publications and newspaper articles. The total number of orphans in the Republic of Kazakhstan is twenty million children. On June 8, 1994, the Republic of Kazakhstan ratified the Convention on the Rights of the Child. In this Convention, the child has the right to life, the right to citizenship and a name, the right to express his opinion, protection from the government. In the Kazakhstan there are several organizations and legislations, which support orphans who over eighteen, in other words the graduate of the orphanage. They are the house of youth, housing and education legislations, and non-governmental organizations. The House of Youth, like the Children Village of Family Type, is the part of the international organization, which is called SOS Kinderdorf. This house accepts the students of children's villages and graduates of orphanages, residential boarding schools for orphans and children left without parental care. Furthermore, there are non-governmental organizations like, association of legal entities, "Association of Graduates of Orphanages in Kazakhstan", and "Jastar Uyi" (Home of Youth), which is center for adaptation and support of graduates of social institutions. These kinds of organizations help graduates. Although Kazakhstan provides some assistance to graduates of orphanages, or orphans over 18 years of age, it is nevertheless necessary, according to the author, to make some changes and increase assistance to reduce problems and challenges that alumni faces on the daily basis.

Key words: orphans, the Convention on the Rights of the Child, the Constitution of the Republic of Kazakhstan, citizenship, children's rights.

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Халықтың әлеуметтік қорғалмаған топ қатарына жататын кәмелеттік жасқа толған тұлғалардың құқықтық жағдайы (салыстырмалы талдау)

Аңдатпа. Мақалада 18 жасқа толған жетімдердің жағдайы қарастырылған. Атап айтқанда, автор балалар үйінің түлектеріне мемлекеттік көмек көрсетуді, сондай-ақ ғылыми басылымдар мен газет үзінділерін салыстыру тұрғысында Қазақстан Республикасының және басқа елдердің заңнамаларын зерттейді. Қазақстан Республикасындағы жетім балалардың жалпы саны жиырма миллион бала. 1994 жылы 8 маусымда Қазақстан Республикасы Бала құқықтары туралы конвенцияны ратификациялады. Осы Конвенцияда баланың өмір сүруге құқығы, азаматтығы және есімі, өз пікірін білдіру құқығы, үкімет тарапынан қорғалуы керек. Қазақстанда он сегіз жастан асқан жетімдерге, яғни балалар үйінің түлектеріне қолдау көрсететін бірнеше ұйымдар мен заңдар бар. Бұл жастар үйі, тұрғын үй және білім беру құқығы және үкіметтік емес ұйымдар. Отбасы типіндегі балалар ауылы сияқты Жастар үйі SOS Kinderdorf атты халықаралық ұйымның құрамына кіреді. Сонымен қатар, заңды тұлғалар қауымдастығы, Қазақстандағы балалар үйінің түлектерінің қауымдастығы және әлеуметтік мекемелер түлектерінің бейімделуі мен қолдау орталығы болып табылатын «Жастар үйі» (Жастар үйі) сияқты үкіметтік емес ұйымдар бар. Ұйымдардың түрлері түлектерге көмектеседі. Қазақстанда балалар үйінің түлектеріне немесе 18 жастан асқан жетім балаларға қандай-да бір көмек көрсетілсе де, автордың пікірінше, өзгерістер енгізу, көмекті көбейту және проблемаларды азайту қажет.

Түйін сөздер: жетім балалар, бала құқығы туралы Конвенция, Қазақстан Республикасының Конституциясы, азаматтығы, балалардың құқығы.

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**Правовое положение социально незащищенных слоев населения
на примере лиц достигших совершеннолетия
(сравнительный анализ)**

Аннотация. В статье исследуется положение детей-сирот, достигших 18-летнего возраста. В частности, автором рассматриваются законодательства РК и других стран в контексте сравнения оказания государственной помощи выпускникам детских домов, а также научные публикации и вырезки из газет. Общее количество детей-сирот на территории Республики Казахстан составляет двадцать миллионов детей. 8 июня 1994 года Республика Казахстан ратифицировала Конвенцию о правах ребенка. В этой Конвенции ребенок имеет право на жизнь, право на получение гражданства и имя, право выражать свое мнение, защиту со стороны правительства. В Казахстане существует несколько организаций и законодательств, которые поддерживают детей-сирот, которым более восемнадцати лет, то есть выпускников детских домов. Это дом молодежи, жилищного и образовательного законодательства и неправительственных организаций. Дом молодежи, как и Детская деревня семейного типа, является частью международной организации, которая называется SOS Kinderdorf. Кроме того, существуют такие неправительственные организации, как ассоциация юридических лиц, «Ассоциация выпускников детских домов в Казахстане» и «Jastar Uyi» (Дом молодежи), который является центром адаптации и поддержки выпускников социальных учреждений. виды организаций помогают выпускникам. Хотя Казахстан оказывает определенную помощь выпускникам детских домов, или детям-сиротам старше 18 лет, все же необходимо, по мнению автора, внести некоторые изменения, увеличить помощь и уменьшить возникающие проблемы.

Ключевые слова: дети-сироты, Конвенция о правах ребенка, Конституция РК, гражданство, права ребенка.

Introduction

The total number of the orphans in the Territory of the Republic of Kazakhstan is twenty million kids. Among them 375 kids are in custody, guardianship, patronage and guest and foster families ('The Number of Orphans in Orphanages is Reduced in Kazakhstan' BNewsKz). Recently, the adaptation center for homeless kid received 1688 children. Among them 233 kids who are with out parents, twenty-one kids with deviant behavior, and twelve the underage in difficult life situations. The 1528 received kids are established to the families, orphanage, custody and etc. The 1271 transferred to the families, ninety-seven placed to the orphanage, twenty-one and kids were taken under custody. Also, nine kids were transferred to patronage, four kids placed to the guest families, and twenty-two kids transferred to the special schools ("The Main Results in the Field of Protecting the Rights of Children for the First Quarter of 2018 and the Priorities of Activities until the End of 2018", 2018).

The Law of Kazakhtan: Overview

Convention on the Rights of the Child

On the June 8, 1994 the Republic of Kazakhstan ratified the Convention on the Rights of the Child.

In this Convention the child has right to life, right to obtain citizenship, and name, right to express his own opinion, protection under government, etc. The convention is based on ten principles. The first principle states that the child has to have all the rights, which are on the convention. These rights should be recognized for all children without exception and without distinction or discrimination on the based on of race, color, sex, language, religion, political or other beliefs, national or social origin, property status, birth or other circumstance concerning the child himself or his family. According to the second principle the child should be provided with special protection by law and other means and provided with opportunities and favorable conditions that would allow him to develop physically, mentally, morally, spiritually and socially in a healthy and normal way and in conditions of freedom and dignity. The third principle declares that the child has to have a right to the name and citizenship. Based on the fourth principle the child must enjoy the benefits of social security. He must have the right to healthy growth and development. Based on that reason, special care and protection should be provided to both him and his mother. This includes proper prenatal and postnatal care. The child must have the right to adequate food, housing, entertainment and medical care. The fifth principle is talking about the provi-

sions of mental and physical wellbeing. A child who is physically, mentally or socially inferior must be provided with special treatment, education, and care necessary because of his special condition. For the full and harmonious development of his personality, a child needs love and understanding, according to the sixth principle. Whenever it possible, he or she should grow up in the care and under the responsibility of his parents and, in any case, in an atmosphere of love and moral and material security. Besides, a young child shall not be separated from his mother, except in cases where there are exceptional circumstances. And, society and public authorities should have a responsibility to take special care of children who do not have a family and children who do not have sufficient means of livelihood. It is advisable that families with large number of children should be provided with state or other child support allowances. According to the seventh principle, the child has the right to education, which should be free and mandatory, at least in the initial stages. He or she should be given education that would contribute to his overall cultural development and through which he could, on the basis of equality of opportunity, develop his abilities and personal judgment, as well as a sense of moral and social responsibility and become a useful member of society. Besides, best interests of the child should be the guiding principle for those who are responsible for their education and training. This responsibility lies primarily on his or her parents. Furthermore, the child should be provided with the full possibility of games and entertainment that would be aimed at the goals pursued by education. Society and public authorities should make efforts to facilitate and make possible to the kid exercise of this right. According to the eight principles, in all circumstances the child should be first among those, who receive protection and help. The ninth principle states that The child must be protected from all forms of neglect, cruelty and exploitation. He or she should not be traded in any form. The child should not be hired until he or she would reach appropriate minimum age for work. In no case and circumstances, he or she should be entrusted or allowed to work or occupation that would be harmful to his or her health or education or interfere with his or her physical, mental or moral development. According to the last principle, the child should be protected from practices that may encourage racial, religious or any other form of discrimination. He or she should be educated in the spirit of mutual understanding, tolerance, and friendship between nations, peace and universal brotherhood, as well as in the full knowledge that his energy and abilities should

be dedicated to serving others (Convention on the Rights of the Family).

In the domestic law, there are the legislation that describes the rights of children and orphans. First legislation is the Constitution, which is the primary law. It states that the marriage, family, motherhood, fatherhood and childhood are protected by government (The Constitution of the Republic of the RK art 27).

Besides, in legal system of Republic of Kazakhstan there are two main sets of laws that deal children rights describes the legal position of kids and defines who are the orphans. They are the Law on the Rights of a Child in the Republic of Kazakhstan from august 8, 2012, and the Code of the Republic of Kazakhstan on the Marriage and Family. The law of the of the rights of the the Child defines the child as the who did not reach the adulthood, in the Republic of Kazakhstan it is under eighteen years old. The legislation covers up the main key points, like the rights of kids and his responsibilities, the obligation of the state, the disabled kids and orphans. Under this law the kid also have the right to freedom of speech, rights to necessary level of living, right to education, foredoom of labor, rights to spare time and leisure, right to have property. There are articles about state protection of economic exploitation, prostitution, and protection from negative effects of social environment. The kids responsibilities are in the article twenty, which states, "Each child shall be obliged to comply with the Constitution and legislation of the Republic of Kazakhstan, respect for the rights, freedom, honor and dignity of other persons, state symbols of the Republic, take care of parents being incapable for work, of preservation of historical and cultural heritage, keep historical and cultural monuments in safe, save nature and treat with due care with natural resources

Besides, the orphans in the Republic of Kazakhstan is described at the Law of the of the Rights of the Child. The Law states that, child orphan is the child, whose parents died, or only parents died (The Law of the of the Rights of the Child art 1.8). The law, also says that children with out parents, orphans, are under the state security (The Law of the of the Rights of the Child art 17.2). There are a few options how the orphan is dealt by government. The first choice is to located to the special organizations that can be medical, adaptation centers for children, children village of family type, or educational. In the medical, there is a child, from age of three to eighteen who has either deviant behavior, or physical or mental development delays or defects. The type of medical organizations where child is located

is depends on his or her age, and whether the child temporary or not, and is the risk of abandonment of the child.

Moreover, the adaptation center accepts homeless kid, from age of three to eighteen in order to establish their parents, or legal guardians (The Law of the of the Rights of the Child art 30.1). This organizations accept and provide the temporarily care for the underage. The main objectives for the organizations are delivering social and psychological assistance for the underage, establishing preventative work for avoidance of homelessness among underage, and providing the protection rights and legitimate interests who are attending the organization (Standard Rules for Activities of Adaptation Centers art 5). In the Republic of Kazakhstan the villages of family type are known as international organization, SOS Kinderdorph.

In addition, the Children Village of Family Type and educational centers accept kid, who is from three to eighteen years old (The Law of the of the Rights of the Child art 30.1). The village is the legal entity and non-governmental organization, which has apartment like living accommodation. Office buildings, special buildings, that intended for the families, outdoors, and utility facilities also located in the villages (Law about Children Village of Family Type and House of Youth art 12). The main goal of these organizations is to create of favorable conditions for the education, rehabilitation and preparation for independent life of orphans and children left without parental care in a environment that is very close to the family (Standard Rules for Activities of The Children Village of Family Type art 2). The village consists of several families. The family contains of children and people called mothers, who are taking care of kids (Law about Children Village of Family Type and House of Youth art 11). The total number of kids who lives in the family should not exceed ten people (Standard Rules for Activities of The Children Village of Family Type art 2). In this organization child has right which can be divided into right of right to live and be raised the village, express own opinion, and to have living space. He or she right of protection legitimate interests, and rights to property, and right to welfare payments. Each child has right to live and be raised in the village, and has a right be taken care of (Law about Children Village of Family Type and House of Youth art 5). Besides, the child has right to express his or her opinion in the family, which affects his or her interests. When the child's opinion, who reaches ten years old, has to be taken into account, especially if the court considers to return him or her the

parents, or to deprive or revoke parental rights (Law about Children Village of Family Type and House of Youth art 6). In addition, the child has a right to protection of his interest, which has to be secured by the administration of the village, child care and protection authorities court, prosecutor and etc. if the child's interest were violated, he or her has a right to apply for the protection of the interests by himself. The example of violation of the interests can be the poor living conditions or restricted access to elementary, middle of high school, or to vocational or higher education. The child under fourteen years old can apply to child protection authority. If the child fourteen years old and over he or she can clam violation of the rights to the court (Law about Children Village of Family Type and House of Youth art 7). In addition, the child keeps the right of the common property during the stay of the village (Law about Children Village of Family Type and House of Youth art 8). In addition, the child preserve the right to the property, like properties received by gift or inheritance and profits, which are obtained in the form of interest from a bank deposit, from the lease of his or her house or apartment, and earnings from professional, creative, labor or other activities (Law about Children Village of Family Type and House of Youth art 9). Lastly, the child has the right to the welfare or other social payments. All payments that he or she receives, as well as revenue received from the parents to the maintenance for hos or her existence are transferred (Law about Children Village of Family Type and House of Youth art 10) to the personal account of the child.

Besides, there are orphanages. The "Standard Rules for Activities of Types of Educational Organizations for Orphans, or Children who Left without Parental Care", from June 18, 2003, defines orphanage as the legal entity, which has the separate property, stamps with its own name, bank account, and standard forms. The orphanage independently develops an educational program in accordance with psychophysiological features of the child, health requirements, and the requirements of protection rights and interests for the orphans, or the kids, who are left without parental care, as well (Order on the Approval of the Standard Rules for Activities of Types of Educational Organizations for Orphans, or Children who Left without Parental Care art 2). Besides, the orphanage accepts all kids from the birth till the eighteen years old all years around, including orphans, or the kids who is left with out parents, because of death, incapacitation, or deprivation of parental rights (Order on the Approval of the Standard Rules for Activities of Types of Educational Organi-

zations for Orphans, or Children who Left without Parental Care art 18.1). Some of objectives of the orphanage include creation conditions of educational development by providing necessary conditions for living, education, and placement to live. Others objectives are assisting in establishing of creative, spiritual, and physical developments and personal capacities, building strong foundations of morality and a healthy lifestyle, and improving intelligence by creating conditions for the development of personality (Order on the Approval of the Standard Rules for Activities of Types of Educational Organizations for Orphans, or Children who Left without Parental Care art 6). Groups of different ages or the same ages are at the orphanage. Each group has to have no more than fifteen people. There are, also two categories of groups, which are preschool category and category of school age. The preschool is divided into three groups. The first is "junior group", which consist of kids from three to four years old. The second group is middle group, which include kids from four years old till five years old. The last group is preschool group, which prepare to school the kids from five till six or seven years old (Order on the Approval of the Standard Rules for Activities of Types of Educational Organizations for Orphans, or Children who Left without Parental Care art 16). The older kids, who at the school age, attend comprehensive corresponding local school. Another option for kids at the school age is to attend residential boarding school. The definition of the residential boarding school, is the same as orphanage, which is legal entity with own property, stamps, bank account and develops educational programs in accordance with psychophysiological features of the child, health requirements, and the requirements of protection rights and interests for the orphans, or the kids, who are left without parental care (Standard Rules for Activities of Types of Residential Boarding Schools for Orphans, or Children who Left without Parental Care art 2). Additionally, the other definition is that the residential boarding school is organization for residence for orphans or children, who are left with out parental care, and which teaches the kids from first to the eleventh grade. The kids from six or seven till eighteen years are attending these educational organizations (Standard Rules for Activities of Types of Residential Boarding Schools for Orphans, or Children who Left without Parental Care art7). The school has to have up to twenty students. The main objectives are providing to students with the conditions for education, social adaptation, rehabilitation and integration into society, introducing new modern educational methods, and

establishing social protection, medical, psychological, educational rehabilitation and social adaptation (Standard Rules for Activities of Types of Residential Boarding Schools for Orphans, or Children who Left without Parental Care art 3).

The other type of taking care kid, who is left with out custody of, is when other people make the decision to take care him or her. It has the different forms, which include trusteeship, guardianship, patronage, foster care, guest family, and adoption. The difference between trusteeship and guardianship is that guardianship takes kids up to fourteen years old, whereas trusteeship takes care of kids from fourteen to sixteen years old (Law of the of the Rights of the Child art 27.2). The guardianship or trusteeship can be person who in an adult. There are several exceptions of becoming trusteeship or guardianship. Some of them include that people who are deprived from parental rights. Who has no permanent place of living, or without citizenship are restricted to become trusteeship or guardianship. In addition, the main duty is to take care of his health, physical, mental, moral and spiritual development. He or she can chose the type of school and methods of raising child. They, also receive monetary pension for taking care of the child. Besides, patronage is when the children transferred to the family based on agreement between the agencies and the family, which is willing to take care of the family. The main goal is to create socialization of the child, gaining experience in family life. The patronage, also receive the monetary pension for providing for the child (Code of the Republic of Kazakhstan on the Marriage and Family art 133).

Furthermore, a foster family is one of the most common forms of raising orphans in the world. And, it is a great alternative to orphanages and the coming decades is the way for Kazakhstan to solve the problem of integrating orphans into society. If in foster care, wages are paid to one parent, in foster care the wages are paid to both parents. The foster family can accept from four till ten kids, also it can accept siblings. The division of the siblings is prohibited, except when it is it meets the interests of children, in other words, the children do not know about their relationship, they did not live and were not raised together. The foster care also has the agreement. The livings conditions, raising methods, education, and obligations and rights of the specials organs, and parents have to be included to the agreement. The foster parents gave the same obligations as parents in trusteeship, or guardianship. The child placed in the foster care family according to his or her opin-

ion. If the child is ten years or more, he or she is placed to the family only with his or her agreement (Code of the Republic of Kazakhstan on the Family art 132).

Besides, guest family is the type when the kid, who is in orphanage and as the guest, visits the family on the weekend or holidays in order to be in a family atmosphere. The family can take several kids into the family. The division of the siblings is prohibited, except when it is not contradicted to his or her interests. For example, when siblings do not know about each other existence, do not grow up or live together. There is no payment for taking the child into a guest family. Additionally, the guest family is based on the agreement. The agreement lasts for one year. For the preschool child the terms for staying in the guest family has to be up to one month. Usually the terms of staying is determined by executive bodies of child care and protection authorities which deal trusteeship and guardianship, and based on agreement of parties. The separate agreement is made for each kid. The kid, who is ten years or older or older, can be send to the guest family only with his agreement, The agreement can be terminated before the expiration if the person who is adoptive parent decides to cancel it based on valid reasons, such as disease, feud between kids, miscommunication and misunderstanding between child and parent or change in marital or financial status. Other reasons are based on executive body decisions. The excusive body can terminate contract early if there are unfourable conditions for raising the child. The last reasons is when child is transferred to trusteeship or guardianship, patronage or adoption (Code of the Republic of Kazakhstan on the Marriage and Family art 137). Besides, the person who took the child into the guest family is obliged to be responsible of the life and health of the child during his or her temporary stay in the family, create the necessary conditions for leisure activities and teach new skills. The other obligations include returning the child to the agency on time, to inform executive body about any emergencies with in twenty-four hours, and keep in touch with the executive body. Additionally, the guest parent is prohibited take the child abroad, and leave the child under the supervision of third parties, except when child is placed to the medical center in order to receive medical care. The adult can be a guest expect, person who is deprived from parental rights, has no permanent place of living, former adoptive parents, if the adoption is canceled due to their fault, person who is convicted for intentional crime and who is registered the drug rehabilitation center or mental institution (Order of the Minister of Educa-

tion and Science of the Republic of Kazakhstan on the Approval of the Guest family Regulations).

Last, the adoption is the form, which is based on the court decision. In the adoption child should feel like the full member of the family and becomes the daughter or the son to new parents. The adoptive parent should be older than his or her adoptive child no less than sixteen years old. The maximum age difference should be forty-five years (Code of the Republic of Kazakhstan on the Marriage and Family art 92). The adoptive parents, also can adopt siblings, or several kids, that are not related The siblings have to be adopted together with the exceptions, if it is not contradict the interests of the kids (Code of the Republic of Kazakhstan on the Marriage and Family art 90). Moreover an adult can become adoptive parents, except person who is deprived from parental rights, legally incompetent, or who at the time of the adoption does not have enough income to provide child. Enough income should be equal to minimum living wage of the Republic of Kazakhstan, which is 29 698 tenge (Law of the of Republic of Kazakhstan about the Republican Budget for 2019-2021art 8). Other prohibitions include the person who is suspended from the duties of a guardian or trustee because of the improper performance of the duties former adoptive parents, if the court through their fault cancels the adoption, and due to health conditions where parents cannot exercise parental rights (Code of the Republic of Kazakhstan on the Marriage and Family art 91). AIDS, alcoholism, or drug addiction is included to these health conditions (Order of the Minister of Health and Social Development of the Republic of Kazakhstan on Approval of the List of Diseases of which a Person Can not Adopt a Child, Take Him or Her under Guardianship Trusteeship, or Patronage). Besides, the duty of the adoptive parents includes taking care of children's emotional, physical, and moral well-being. The parents have a right to choose the type of education and the methods of raising child according to the his or her opinion, recommendation of the agencies and the laws of the Republic of Kazakhstan. They, also, receive one time payment that related to adoption (Code of the Republic of Kazakhstan on the Marriage and Family art 86). The adoptive parents, who are the resident of and permanently lives in Kazakhstan, can choose to take child under guardianship, trusteeship or patronage. The child has be to under one year old (Code of the Republic of Kazakhstan on the Marriage and Family art 85). The consent of parents is necessary for the adoption of a child, the consent of legal representatives is also necessary, when the adoption of the child, who is under of sixteen years old. If the

child is under the patronage agreement, the consent of patronage parent is needed (Code of the Republic of Kazakhstan on the Marriage and Family art 93). The child can be adopted with out consent if his or her parents are deprived from parental rights, unknown, or declared by court dead or legally incompetent (Code of the Republic of Kazakhstan on the Marriage and Family art 94). The adopted child loses personal non-property and property rights. And he or she is relieved of duties in connection to his or her blood related parents, as well. In a relationship of the adoptive parents to the child, and vice versa has the same personal, property or non-property right as it was given by birth (Code of the Republic of Kazakhstan on the Marriage and Family art 100). For the parents adoption is the highest degree of responsibility for the life and development of the child.

Problem and

The law is mostly concentrated on an orphan who is under eighteen

In the Kazakhstan there are several organizations and legislations, which support orphans who over eighteen, in other words the graduate of the orphanage. They are the house of youth, housing and education legislations, and non-governmental organizations. The House of Youth, like the Children Village of Family Type, is the part of the international organization, which is called SOS Kinderdorf. This house accepts the students of children's villages and graduates of orphanages, residential boarding schools for orphans and children left without parental care. This organization accepts the young people, who are from eighteen to twenty-three years old, except of he or her did not suffer from neuropsychiatric diseases (The Law of the of the Rights of the Child art 30.1). There are five houses in the Kazakhstan, which are located in Nursultan, Almaty, and Temirtay. Each house has about sixteen students. And, overall there are about 102 people, including students and teachers during their stay in House of Youth, adolescents acquire the skills of independent living, receive professional education and accumulate funds to purchase housing after leaving custodianship. The main goal is to educate adolescents in social and life skills, to help them orient themselves and obtain a profession. The other goals include create conditions for social adaptation to public life, provide professional training, assist in finding employment. The rights of adolescents who lives in the village include demanding protection of their legal rights and interests, using the property

and equipment, which are provided to him or her, getting a professional and vocational education, and enjoying the benefits provided by the legislation of the Republic of Kazakhstan. Besides, utilize the provided living space, or room, for its intended purpose, and keep it clean and tidy, ensure the safety of the living space, and equipment, and comply with safety regulations are obligations of the adolescents who lives in the village. The adolescents in these types of villages live under full government support. Also, there is a guarantee of full state support during the time they receive higher, post-secondary or vocational education. The adolescent has to be the full time student (Law about Children Village of Family Type and House of Youth). The criticism of the organization, that there is not enough House of Youth in Kazakhstan. The other regions need these organizations too. Especially in a huge need is in the North Kazakhstan and Kostanay Regions, because the resolving the housing issue is very crucial there (Anel Urazbayev, 'Housing Policy Analysis of Implementation of Housing Rights for Orphans in Republic of Kazakhstan' (Corporate Foundation SOS Children's Village Kazakhstan 2011)).

Besides, each child has the right to obtain property according to the laws of the Republic of Kazakhstan. The law which is allowed orphan the obtain property is also described at the Law of the Republic of Kazakhstan about Housing Relationship from April 16, 1997. The law states that the housing, which is rent by local authorities, is provided to the social vulnerable population (Law of the Republic of Kazakhstan about Housing Relationship art 67). The social vulnerable population consists of disabled person, the veteran of Great Patriotic War, WWII, mother of many children, and orphan (Law of the Republic of Kazakhstan about Housing Relationship art 68). The citizen, who has no permanent place of living is acknowledged of being need of the place of living from the state housing fund, if he or she they do not have or own any housing at the moment of the registration, does not have rented place which is with out foreclosure right, or the place of living is in dangerous zone (Law of the Republic of Kazakhstan about Housing Relationship art 69). The registration of the citizen, to whom the housing is can be provided, carries out at the place of the residence. The orphans has is on the list of candidates who has the prerogative right to receive the place of living. And has the high priority to be one of the first to obtain it (Law of the Republic of Kazakhstan about Housing Relationship art 74). In order to the orphan receive the permanent place of living, the legal representative has to register him o her to the

local authorities (Law of the Republic of Kazakhstan about Housing Relationship 71). The size of the housing from the fund should be no less more than fifteen and no more than eighteen square kilometers. It should not be bigger than one bedroom apartment or room from municipal apartments (Law of the Republic of Kazakhstan about Housing Relationship). The child orphan, or the child who is left with out parental care saves the right to property, even if he or she under the guardianship or trusteeship, or patronage. Beside, the child saves the rights to the provided housing until reaching eighteen years old, even he or she is temporary located at medical or other organizations, or temporary isolation from society. The orphan cannot be evicted from occupied housing, with out providing another one. Alienation transaction, including exchange of giving housing is not allowed for the orphans who have not reached fourteen years old. Also, conclusion of guarantee agreement on his or her behalf, mortgage transactions, transaction of division of the home or apartments, abandonment of his or her right by inheritance or will are strictly prohibited (The Law of the of the Rights of the Child art 14). In addition, the local executive authorities keep records, practices and provide control for safety for housing for orphans, and establish custody of the home. Legal representative of the orphan can lease his or her house or apartment, which is based on the agreement. The profit of the leasing is going to the personal bank account of the orphan. Besides, there is special order of rules of preservation of housing of the orphans. First, there is the order of the housing. Second, there is establishment of the custody of the hosing. Then, there is the leasing of the housing, which belong to the orphans. The last step is the fulfillment of control of performance of the of legal representative's duties. Improper fulfillment of duties is illegal, and prosecuted by legal authorities (The Law of the of the Rights of the Child art 15). The orphan or the child who is left with out parental care cannot be removed from the registration for the provision of hosing (Law of the Republic of Kazakhstan about Housing Relationship art 70). Even though the orphan has the preemptive right to obtain the apartment, the execution of this law has a huge criticism. Unlike other citizens from the list of socially vulnerable parts of the population, orphans are most vulnerable, due to they have nowhere to go and nowhere to turn to. And most often this category most often faces this problem. The main reasons are vary long lines to get the housing, slow pace of construction, lack of guarantee from the government, and high level of corruption from government officials. There is, also,

problems in legislation, which include the deadlines for obtaining housing are not regulated, the age at which the orphan must receive housing is not specified, and the safety order for providing housing is not considered. Besides, inspections by prosecutors reveal numerous violations of the law related to improper work of the authorized body, violation of the constitutional rights of citizens to affordable housing and the principles of proportionality of housing. The prosecutor's office revealed that in several regions the administration of orphanages does not file documents on the allocation of living space to graduates of residential boarding schools. For example, the administration of one of the residential boarding school of Kyzylorda did not prepare documents and did not register some students, although several of them already needed housing. On the other hand, the prosecution authorities, and other bodies, may not be fully realize rights of orphan due to the lack of control over the registration of them, who are under the care of individuals. Executive bodies of childcare and protection authorities should be monitor this situation. However, there is no enough personnel. It is most likely that staff is physically unable independently ensure that child under the guardianship of individuals are registered on time. Executive bodies of childcare and protection authorities do not control activities of guardians. It is established that they violate the rights of orphans to real estate remaining from their parents. It is established that they violate the rights of real estate of orphans, which remained from their parents. There are some facts of the alienation of orphans. For example, guardian sells a child's apartment or registers it under himself. Another problem is condition of the housing. Most of these apartments require reconstructions or became inaptitude. There are no laws in the legislation securing the safety of housing belonging to orphan, or monitoring the safety of such housing. As a result living place may become unsuitable for living. Besides, there is some critique of the governmental authorities. For example, the local authorities are criticized because they of insufficient amount of free housing, Failure to comply with priority when providing housing to certain categories, and lack of control. The executive bodies of child care and protection authorities are judged because they do not take official measures to preserve the housing of a foster child in practice. There are not enough specialized juvenile justice prosecutors, as well. And international organizations are often criticized, because they act within their mandate (A Urazbayev, 'Housing Policy Analysis of Implementation of Housing Rights for Orphans in Republic of

Kazakhstan' (Corporate Foundation SOS Children's Village Kazakhstan 2011)).

Also, there is a law about education. It states that students, who want to receive educational grant in order to receive free higher education is eligible, if he or she is awarded "Altyn Belgi" (award for achieving high grades), has the documents on the formation of autonomous educational organizations, or win first, second, or third places international, national, regional intellectual competitions and scientific projects. The student is eligible for grant if he or she gain first, second, or third place in sport competition for the last three years. In the case of the same indicators when conducting a competition for educational grants, the orphan has the preemptive right to receive it (Law of Republic of Kazakhstan on Education art 25.5). Besides, the orphan has the quota for the admission for higher education. This quota is one percent (Law on On the Approval of the Size of the Admission Quota for Admission to Study at Educational Institutions Implementing Educational Programs for Technical and Vocational, Post-secondary and Higher Education). Also, student of high education are eligible for state scholarship. State scholarship is paid to the most gifted full-time student. The orphan, who is according to the results of intermediate assessments has the highest grades, has the right to receive enhanced state scholarship (Law of Republic of Kazakhstan on Education art 47.7). For the orphan the enhanced state scholarship is increased on thirty percent of state scholarship. It is about 27,000 tenge ('Sizes and types of government scholarships for students of the RK' (eGov.kz, 28 June 2019)).

Furthermore, there are non-governmental organizations like, association of legal entities, "Association of Graduates of Orphanages in Kazakhstan", and "Jastar Uyi" (Home of Youth), which is center for adaptation and support of graduates of social institutions. These kinds of organizations help graduates. The goal of these organizations is creation of community of young, ambitious, aspiring people based on the principles of democracy, humanity, tolerance, humanity and mutual assistance. Other goals include contribution to the acceleration and improvement of the quality of social adaptation processes and the protection of graduates of orphanages, promotion the formation and regulation of a legislative platform that protects the rights and interests of graduates of orphanages, and strengthening connection and improving the quality of interaction between the public and the state. Moreover, the objectives consist of creation and development of an information database, study and control of adapta-

tion of the graduates, and assistance of creating jobs. Other objectives are design, creation and development of a system of training programs and social products aimed at strengthening self-confidence, improvement and implementation of skills and abilities of graduates of orphanages, as well as creation of a structure for legal protection of the rights and interests. The mission is multifaceted assistance in the successful social adaptation of graduates of orphanages in Kazakhstan, help in entering an independent adult life, and cooperation in becoming citizens with an active lifestyle. And values are the community of active builders of society, aware of their role, rights, opportunities, as well as responsibility, effective equal partnership of public institutions and state bodies, and a solid legal framework protecting rights and interests of graduates of orphanages. Besides, non-governmental organizations actively work in Kazakhstan to protect citizens' housing rights. The example of these organizations include "Оставим народу жилье" (Leave Housing to People), "Гражданское право на жилье" (Civil Housing Law), "Обеспечьте народу жилье" (Provide Housing to People), and etc. However, these public organizations are created to protect the rights of their members from illegal eviction during housing demolitions or non-repayment of loans. In addition, they are mainly engaged in protecting the rights of interest holders or the rights of individuals in mortgage lending (A Urazbayev, 'Housing Policy Analysis of Implementation of Housing Rights for Orphans in Republic of Kazakhstan' (Corporate Foundation SOS Children's Village Kazakhstan 2011)).

Other Countries

Russian Federation

The law of the Russian Federation is similar to the legislation of Republic of Kazakhstan. The definition is very similar which is the child who lost their parents before they turn eighteen. There are, also, the same forms, which are guardianship and trusteeship. The same like in Kazakhstan, the in Russia, and the guardianships is up to fourteen years old, and trusteeship from fourteen to eighteen years old. There are, also, adoption, patronage and foster care. The adoption of siblings is strictly prohibited (Family Code of the Russian Federation art). The law, also says that orphans who are between eighteen and twenty-three years old and whose parents or only parent died before eighteen years old have a rights for additional warranties for social protection (Federal Law of Additional Warranties for Social Protection of Orphans and Children Remaining

without Parental Care art 1). The legislation includes the housing law and education law. The law states that orphans, who have fixed housing, save the property right to it, while they are in the educational facilities, institutions of all types of vocational education or military. It is, also, claims that graduates from the orphanages, who are not having fixed housing, have a right to obtain it out of turn. In the absence of the necessary housing, they can receive a target non-repayable grant to further obtain a housing (Federal Law of Additional Warranties for Social Protection of Orphans and Children Remaining without Parental Care art 8). Besides, the orphans, who are complete general secondary education, are enrolled in courses for preparing for admission to institutions of secondary and higher professional education without charging tuition. They have a right to obtain free second primary vocational education, and under full state support until they graduate from the higher educational or vocational facility as well. In addition, the orphans are are paid the full scholarship during the study, and salaries during the internship. The scholarship has be bigger no less than five hungered percent in comparison with the size of the scholarship established for students in educational facility, and salary has to be one hungered percent. Furthermore, they receive annual allowance till the end of graduation, which is equal to three scholarships. The scholarship is supplied for acquisition of textbooks and writing materials. When employed by enterprises, institutions and organizations of all forms of ownership, the orphans are provided with one-time cash benefit, which no less than five minimum wages, as well as clothing, shoes, soft inventory and equipment (Federal Law of Additional Warranties for Social Protection of

Orphans and Children Remaining without Parental Care art 6). Last, there is a SOS Kinderdorph. It located in seven regions, which are located in Moscow region, Saint Petersburg, Murmansk, Orel, Pskov, Vologda, and Kazan. Similar to Kazakhstan, the organization has the Children Village, which is consist of ten to five families. Each family includes about seven children. The SOS Kinderdorph Russia has the three youth programs, as well. The first youth program is for the kids, who are between twelve and fourteen years old. It has psychological counseling and initial career guidance. It, also, help to develop household and communication skills. The second program includes the orphans who are between fourteen and eighteen years old. In this program the youth learn how to get used to independent life with in three or four years. The last program is for the orphans who are eighteen years old. This program is the program of accompaniment and lasts from three to five years. In this program orphans receive social philological, and financial support (Sos Kinderdorph Russia: What We are Do. (n.d.). Retrieved from sos-dd.ru.).

Conclusion

All three countries show that orphans who are over eighteen need governmental or third party assistance, where they alumni in foster care or in orphanages. Although, Kazakhstan provides some assistance for alumni of orphanages, or orphans who are over eighteen, is still need some alterations. In the future I believe that Republic of Kazakhstan, as well as the whole world will enhance it's help and reduce the challenges of those, who have lack of voice.

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